
N.E. Elwood and A.L. Wilson

More than 25,000 nonindustrial forest landowners control nearly 15 percent of Oregon’s total commercial forest land. This represents nearly 25 percent of Oregon’s private timber area and volume. These owners are affected in a number of ways by public and private forest policies. It is reasonable to expect landowners to play an active role in formulating these policies.

Unfortunately, most landowners have not been consistently active in policy development. In effect, they have been on the receiving end of policies conceived, developed, lobbied, and carried out by others. It does not have to be this way.

The challenge for many small woodland owners is to become active in forest policy development and enforcement rather than simply to wait for things to happen. Doing so requires learning how to influence the formation and modification of policy.

This publication provides basic information about the policy-making process and presents guidelines for constructive personal and group involvement.

Norman E. Elwood, Extension forest management specialist, Oregon State University; A.L. Wilson, owner, Wilson Public Affairs, Salem, Oregon.
What policy is

Before discussing how a policy is made, it may be helpful to agree on what a policy is. Simply put, a policy is an agreed-on course of action that is taken to achieve an objective. A retail store or a manufacturing firm could set policies; so could a college or a private association.

We're concerned with public policies—those set by legislatures, State and Federal agencies, and State and Federal courts. Public forest policies are those that guide the management and use of forests.

How policy is made

There are three key sources of public policies. Arising from the three branches of our government, they are:

1. Legislative: Legislatures write laws that prescribe public policy.
2. Executive: Governors implement laws, usually through agencies that publish guidelines and rules defining specific procedures for carrying out the laws.

Policies can be either written or unwritten. Unwritten policies are simply recognized by people and enforced through their attitudes and behaviors. Some examples can be found in the codes of ethics (often unwritten) customary in professional business, or political conduct.

We commonly define laws as policies prescribed by elected officials. Rules made by various government branches and agencies—some of them not very familiar to landowners—can also be policies. Courts also make policy by issuing decisions that establish legal guidelines for social and business conduct. Less familiar, but still serving as policy statements, are executive orders issued by State Governors and the President.

The policy-making process seems complex when you include every activity and group potentially involved. Let's try to simplify it:

Policies most often originate from issues or problems that individuals or groups want solved. Individuals join like-minded groups to build support for their desired solution to the problem. The group may have to work, first, to get recognition of the problem's importance and the need for its solution by the policymaker.

Once they achieve this recognition, they present their case to the policymaker, who works to develop a policy statement on the issue. The process is one of give-and-take, debate and persuasion, discussion, and (finally) policy development.

Let's now examine more closely three processes that result in policies: legislation, agency rule-making, and court action.

Legislation

In our governmental system, legislation is probably our most familiar source of forest policy. We are accustomed to seeing issues debated in the public forum, summarized in “bill” form, and voted on. To become more involved in this part of the policy process, however, you'll need a thorough understanding of the legislative process. It is important to know how issues become bills, how bills become laws, and how the laws are enforced.

Issues become bills through actions taken by individuals and groups (see figure 1). After identifying the special interest, complaint, or conflict, the interested parties may convince a legislator that a problem exists and that a new law is a reasonable solution. The legislator writes an outline, either alone or with legal assistance, and presents a bill for the legislature's consideration.

Legislators are key people in this process because they are a main source for introducing bills into the legislature. Bills can also originate from a legislative committee or government agency.
I Special interest

Clarification of issue

Identification of desired solution

Identification of person or group that can help solve problem (policymaker)

Lobby to get consideration by policymaker (gain formal "agenda" status)

Assist, cooperate with, lobby policymaker to influence policy statements governing solution to problem

Government agency analysis (for routine problems and issues)

Agency selects plan and issues policy

Political process (legislative solution to nonroutine problems and issues)

Legislative solution satisfies groups involved

Groups not satisfied

Figure 1.—General policy-making process
Once presented and accepted for consideration by the legislature, the proposed bill runs a gauntlet of committees and hearings (see figure 2) before being defeated or passed and sent to the Governor.

Legislative committees and their hearings are important in the policy process. The real legislative work is done in committee, where lobbyists and interested citizens may testify during public hearings to support or to oppose a bill.

Although both house and senate rules limit a committee’s power, committees and their leaders exert tremendous influence on the legislative process. Every bill is assigned to a specific committee, which may:

- hold a bill without taking any action on it,
- recommend that the bill be referred to another committee,
- amend the bill and send it back to the house or senate, or
- return the bill to the house or senate floor with recommendation for action.

Both houses of Oregon’s legislative Assembly have several committees, with from five to nine members each. Each session, legislative leaders appoint specific panels. The session committees needed in 1987, the senate used 18 standing committees; the house, 17. Legislators usually serve on two or four committees.

The committees most important to forestry, natural resource, and small woodlands interests include:

- Agriculture and Natural Resources
- Business and Consumer Affairs
- Environment and Energy
- Labor
- Revenue and School Finance
- Trade and Economic Development
- Transportation
- Ways and Means

In addition to the legislature, Oregon cities and counties enact ordinances that establish policies affecting management of forested land. Thus, city councils and boards of county commissioners can be important policy-making bodies for woodland owners to understand and deal with.

Agency rule-making

Once passed, new laws must be enforced by the executive branch through the Governor’s office and state agencies. To this, agencies frequently issue administrative rules to clarify the legislation and to promote its purpose. Rules are policy statements that give more information and detail about how to comply with the law(s).

Rule-making is required whenever a State agency’s activities result in directives, standards, regulations, and statements that apply to the general public and that implement or interpret the law or policy. Rule-making may also be required when a court says that rules are necessary to enforce a law. Rule-making authority is given to agencies by the legislature.

We might think of laws as expressing policy intent, and rules as the procedures for accomplishing the policy. Rules supplement rather than replace laws. But rules establish procedures to implement existing laws (not just new ones), so they can sometimes give the appearance of being used instead of legislation.

Court action may be needed when someone feels that new rules are in fact (not appearance) being used without adequate enabling legislation.

Although laws have no constraints except the State and Federal Constitutions, rules must stay within the framework of the enabling legislation. Laws are often not specific enough to guide implementation. Rules, however, must be sufficiently specific to guide implementation.

Rule-making presents another important chance for individuals and groups to influence policy. Rule-making hearings give opportunities to influence the wording of the final rule or to urge that no rule be adopted.

Before adopting, amending, or repealing any rule, Oregon agencies must give public notice of their intended action. Notice must also be given to people who have requested that an agency mail announcements of its intended action.

Agencies must give people “reasonable opportunity” to submit data or views. Opportunity for an oral hearing must be granted when requested by 10 people or “from an association having not fewer than 10 members” and “when the request is made within 15 days after agency notice.”

The Oregon State Board of Forestry is a familiar example of a forestry policy-making body in Oregon. The board establishes policy for most Oregon Department of Forestry activities, including appointing the State forester. The seven board members are private citizens appointed by the Governor and approved by the senate.
Figure 2.—Enacting a bill in the Oregon Legislative Assembly
Court action

Although the processes involved in judicial policy-making differ from legislative or administrative action, courts are important policy-making institutions. Court decisions influence social and political opinion; they frequently affect distribution of large sums of money; and they can even determine political relationships among government officials and political parties.

Courts differ from legislatures in their constitutional mandates. Some characteristics of courts and the issues they consider may help clarify their role:

- Courts cannot address policy questions or make new policies until cases are brought before them. This fundamental characteristic is in contrast to legislatures, which establish policy by initiating and enacting bills of their own.
- Although court decisions often concern money, courts cannot appropriate money or levy taxes to carry out programs.
- Court decisions are generally rather limited and do not compare with the comprehensive programs initiated and managed by State agencies.
- Because of the language used in court decisions, the resulting policies are often stated very broadly. While the decisions are completed, they sometimes focus on stating and clarifying legal principles rather than on clarifying policy with the greatest precision.
- Decisions also address only the specific questions brought before the court and not the overall program, issue, or law. Narrow views often result.

There are both State and Federal courts in Oregon. State courts are of two basic types, trial and appellate courts (see figure 3). In trial courts, the parties argue their cases. Witnesses give testimony, evidence is presented, and the case is decided by a judge or jury.

Appellate courts review trial court decisions when one party claims that an error was made in the trial court proceedings. A panel of judges hears and decides the appeal. Appellate courts can hear certain kinds of cases, directly rather than requiring the usual appeal.

State courts

Justice courts are trial courts in some Oregon counties. Justice courts can hear cases where the amount of money involved is $2,500 or less.

Circuit courts are trial courts located in every Oregon county. They handle major criminal cases, civil cases, or hard by district courts, divorces, and various other cases.

District courts, also trial courts, are found in most counties. They hear cases involving traffic violations, minor criminal cases, and civil cases involving $3,000 or less.

The Oregon Court of Appeals hears appeals from district and circuit courts and some cases directly. Normally, only the lawyers (not the disputing parties) appear before this court.

The Oregon Supreme Court hears cases appealed from State appeals and tax courts. Its decisions can be appealed to the U.S. Supreme Court. Generally, the Oregon Supreme Court is not required to hear an appeal, accepting only the cases it chooses. Most cases selected are expected to have a significant effect on Oregonians or on State or local governments.

Other courts in Oregon include the Oregon Tax Court and municipal and county courts that handle specialized and minor legal matters.

Federal courts

A similar set of Federal courts is also located in Oregon (see figure 3). The U.S. District Court for the Oregon District is the Federal trial court.

Appellate courts include the U.S. Court of Appeals for the Ninth Circuit and the U.S. Supreme Court (not located in Oregon, but it still has jurisdiction in Oregon). The Appeals Court, an intermediate appellate court, hears appeals from the U.S. District Court, the U.S. Claims Court, and the U.S. Court of International Trade.

The Supreme Court is the highest Federal appellate court. It has both original and appellate jurisdiction and rule-making power given by Congress to prescribe some procedures for lower courts.

This brief introduction to the courts is not at all comprehensive; our purpose is to describe the primary activities of the courts that operate in Oregon. While courts do in some cases establish policy through their decisions, they are not primary policymakers like legislatures, State agencies and commissions, and elected officials.
Important policy-making agencies

Since people make policy, becoming involved in the process requires a working knowledge of who the important people are. Figure 4 identifies the key Federal agencies involved in Oregon's public forest-policy process; figure 5 identifies the key State agencies.

Addresses and phone numbers are included only if they are not expected to change. If they are not included, you can easily obtain them from your phone book, directory assistance, or your library.

There are numerous other groups, associations, and their affiliates involved in the process of shaping forestry and natural-resource policy (see figure 6). They do not, however, make policy; they influence its formation and modification.

Figure 3. State and Federal courts with jurisdiction in Oregon

Figure 4 identifies the key Federal agencies involved in Oregon's public forest-policy process; figure 5 identifies the key State agencies.
U.S. Department of Agriculture
U.S. Forest Service (USFS) has three major divisions; all may be useful to landowners: National Forest Administration, State and Private Cooperative Forestry, and Research.

National Forest Administration manages and protects land and resources on federally controlled national forests, grasslands, and other land use projects.

National Forest Regional Office (RO) manages land and resources on federally controlled national forests and grasslands.

U.S. Department of Interior
Bureau of Land Management (BLM) manages resources on 342 million acres of public land located primarily in the Far West and Alaska. Activities include managing timber, water, grazing, scenic, and wildlife resources; leasing energy and mineral rights; and maintaining records on Federal land surveys and public lands.

Soil Conservation Service (SCS) (1) conducts soil and water conservation activities with landowners and users, community planning agencies, regional water groups, and Federal, State, and local government agencies; (2) assists in agricultural pollution control, environmental improvement, and rural community development; (3) provides technical staff for Soil and Water Conservation Districts.

U.S. Department of Agriculture
Agriculture Stabilization and Conservation Service (ASCS) administers (1) agricultural commodity and related land use programs to achieve crop production adjustments, resource protection, and price, market, and farm income stabilization; (2) forestry cost-sharing programs, including Agricultural Conservation Program (ACP), Forestry Incentives Program (FIP), and Conservation Reserve Program (CRP).

Figure 4.—Examples of Federal agencies that make policy about natural resources
Environmental Quality Commission (1) provides policy direction to the Dept. of Environmental Quality (DEQ); (2) oversees its operation by adopting administrative rules, issuing orders, and judging appeals of fines and other departmental actions; (3) appoints DEQ director.

State Office
522 SW 5th Ave.
Box 1760
Portland, OR 97207
(503) 229-5696

Fish and Wildlife Commission (1) formulates general State programs and policies and (2) establishes seasons, bag limits, and methods of recreational and commercial take.

State Office
506 SW Mill
Box 3503
Portland, OR 97208
(503) 229-5551

Land Conservation and Development Commission (LCDC) (1) reviews State agency programs affecting land use and resource management; (2) reviews comprehensive land use plans from cities and counties; (3) establishes State land use standards and monitors compliance; (4) hires State Land Conservation and Development Department director.

State Office
1175 NE Court St.
Salem, OR 97310
(503) 378-4926

Land Use Board of Appeals (LUBA) has exclusive jurisdiction to review any land use decision of a local government, special district, or State agency. Hears appeals to land use disputes and provides resolution consistent with State and local land use laws.

State Office
100 High St. SE
Salem, OR 97310
(503) 378-1265

Soil and Water Conservation Commission provides liaison between the State and the 47 soil and water conservation districts. Overall goal of both commission and districts is to enhance environmental quality and maintain productivity of natural resource-based industries.

State Office
Agriculture Bldg.
635 Capitol NE
Salem, OR 97310
(503) 378-3810

State Board of Forestry (1) sets policy for most Oregon Dept. of Forestry (ODF) activities, including appointing State forester; (2) receives recommendations from three regional forest practices committees (representing northwest, southwest, and eastern Oregon) regarding forest practices rules appropriate to each region.

State Office
2600 State St.
Salem, OR 97310
(503) 378-3850

Area Offices
- Northwest Area: ODF, 801 Gales Creek Rd., Forest Grove 97116; (503) 357-2191
- Southern Area: ODF, 1758 NE Airport Rd., Roseburg 97470; (503) 440-3412
- Eastern Area: ODF, Route 2, Box 357, Prineville 97754; (503) 447-5658


Water Policy Review Board establishes policies for use and control of water resources to minimize conflict and protect public interest.

State Office
555 NE 13th St.
Salem, OR 97310
(503) 378-2982

Figure 5.—Examples of State agencies that make policy about natural resources

Primary focus on Oregon
- Associated Oregon Industries
- Oregon Forest Industries Council
- Associated Oregon Loggers
- Southern Oregon Timber Industries Assn.
- Oregon Small Woodlands Assn.
- Douglas Timber Operators Association of O & C Counties
- Oregon Cattlemen’s Assn.
- Oregon Women for Timber
- Association of O & C Counties
- Northwest Timber Assn.

Primary focus on Pacific Northwest and Western states
- Western Forestry and Conservation Assn.
- Northwest Forestry Assn.
- Northwest Christmas Tree Assn.
- Western Wood Products Assn.
- Pacific Logging Congress
- Western Forest Industries Assn.

National organizations with local chapters
- Sierra Club
- National Wildlife Federation
- Society of American Foresters
- Izaak Walton League
- World Forestry Center
- Wilderness Society
- American Forestry Assn.
- American Forest Council, Tree Farm Program
- National Woodland Owners Assn.
- Association of Consulting Foresters

Figure 6.—Examples of nongovernment state, regional, and national groups involved in the forestry and natural resource policy process
Where to go for help

You can get assistance with policy questions and information about involvement in the policy process from numerous groups, including:

Oregon Department of Forestry
2600 State St.
Salem, OR 97310
(503) 378-2511

Oregon Forest Industries Council
1149 Court St. NE
Box 12519
Salem, OR 97309
(503) 588-0050
(Portland, 503-227-5636)

Oregon Small Woodland Assn.
1149 Court St. NE
Salem, OR 97301
(503) 588-0050
(Portland, 503-227-5636)

Oregon State University Extension Service
Director
101 Ballard Extension Hall
Oregon State University
Corvallis, OR 97331
(503) 754-2711

Extension Forestry Program Leader
124 Heavy Hall
Oregon State University
Corvallis, OR 97331
(503) 754-3700

Local, county, and state government officials whose agencies have primary responsibilities for policy making.

Federal agencies, as identified in figure 4.

How to get involved

After having defined what policy is, how it is made, and who makes it, we close with a few practical tips on how to become involved—or how to be more effective in your current involvement. We obtained these suggestions from policy leaders, legislators, educators, and woodland owners:

• Talk to leaders of landowner groups and gain more committed involvement of small landowners.

• Develop strong networks of people willing to support, and to gain support of others, for issues and solutions to problems important to landowners. Build coalitions.

• Form committees at the local and State level that continuously evaluate issues, investigate impacts, and offer solutions.

• Develop and maintain strong working relationships with people in the news media.

• Promote understanding of forestry by the general public.

• Promote and support forestry education at all grade levels in schools.

• Convert feelings about issues to facts about issues.

• Choose good communicators who have (or can gain) credibility with the policymaker or policy-making group.

• Understand the legislative process. Meet your legislators and their staff people, and develop a working relationship with them.

• Communicate locally and at the State level with agency officials who are responsible for specific forestry programs.

• Always pause to evaluate what is being done, and what has been done, to influence policy. Identify the situations where correct approaches were used—why did they work? What were the incorrect approaches—and why didn’t they work?

Finally, in our complex economic and political system, there is no easy, foolproof path that leads to adoption of forest policy. Policy-making, just like other aspects of democracy, requires patient, innovative give-and-take and an ever-present willingness to search for and accept compromise.

Involvement with policy-making carries a responsibility to carefully analyze the situation before taking sides or taking action. Participation in the forest policy process promises stimulating involvement in small woodland affairs with the potential for significant personal and group benefit.

For further reading

Two especially useful publications that offer phone numbers, addresses, and descriptions of responsibilities are:

Oregon Blue Book, latest edition, published biennially by the Oregon Secretary of State, Salem; available at most libraries.

The Woodland Workbook is a collection of publications prepared by the Oregon State University Extension Service specifically for owners and managers of private, nonindustrial woodlands. The Workbook is organized into 11 sections, containing information of long-range and day-to-day value for anyone interested in wise management, conservation, and use of woodland properties. It’s available in a three-ring binder with tabbed dividers for each section.

For information about how to order, and for a current list of titles and prices, write Agricultural Communications, Publications Orders, Oregon State University, Corvallis 97331-2119, or inquire at the office of the OSU Extension Service that serves your county.

Extension Service, Oregon State University, Corvallis, O.E. Smith, director. This publication was produced and distributed in furtherance of the Acts of Congress of May 8 and June 30, 1914. Extension work is a cooperative program of Oregon State University, the U.S. Department of Agriculture, and Oregon counties.

Oregon State University Extension Service offers educational programs, activities, and materials—without regard to race, color, national origin, sex, or disability—as required by Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973. Oregon State University Extension Service is an Equal Opportunity Employer.