

Conference

THE FUTURE OF

OUR PUBLIC LANDS II:

A Second Symposium on
Federal Land Policy



Report

A Conference Report on

**THE FUTURE OF OUR
PUBLIC LANDS II:**

A Second Symposium on
Federal Land Policy

John C. Freemuth, Ph.D.
Senior Fellow
The Andrus Center for Public Policy

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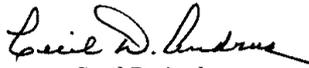
Cecil D. Andrus
Chairman

Acknowledgments

It was a privilege for the Andrus Center to host the four agency directors: Chief Dombeck, Directors Clark, Fry, and Stanton, and our special guests, Deputy Assistant Secretary Shea and former Assistant Secretary Armstrong of the U. S. Department of the Interior. The conference would not have been possible without their willingness to fly to Boise and to spend the entire day speaking, listening, answering questions, and participating in the complicated and sometimes painful process of airing the conflicts and searching for solutions to the problems facing those who manage or use the federal lands.

Special thanks go to our responders, who kept everyone focused on specifics, pulled no punches in airing their frustrations at the tangle of regulations that plagues the management of our lands, and offered solutions and insights that were the result of on-the-ground knowledge and experience. My personal appreciation goes to Jim English, Yvonne Ferrell, Brad Little, Jaime Pinkham, Carl Pope, Laura Skaer, and Gary Wolfe.

Our appreciation goes as well to the conference sponsors, whose generosity enabled us to keep the registration costs for conferees at a low level. They were: American Conservation Association, American Forest and Paper Association, Elam & Burke P.A., Hawley Troxell Ennis & Hawley LLP, Holland & Hart LLP, Hornocker Wildlife Institute, Inc., Idaho Conservation League, Idaho Department of Fish and Game, Idaho Department of Parks and Recreation, the Mellon Foundation, National Parks and Conservation Association, Northwest Mining Association, Rocky Mountain Elk Foundation, the Sierra Club, Skinner Fawcett, Thompson Creek Metals Co., and Trout Unlimited.



Cecil D. Andrus
Chairman
Andrus Center for Public Policy

The analysis presented in this report is that of the author and does not reflect the official position of any federal official or invited guest who spoke at the symposium. Copies of the conference report are available for \$5.00 each. Copies of the transcript of the entire conference are also available for \$15.00 each. Please contact:

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Foreword

By Cecil D. Andrus, Chairman, The Andrus Center for Public Policy, Former Governor of Idaho and U. S. Secretary of Interior.

In February of 1998, the Andrus Center brought together at a public conference the directors of three of the major federal land agencies—the Forest Service, the Bureau of Land Management, and the National Park Service. Their task was to tackle the contentious and important issue of federal land management. Directors Dombeck, Shea, and Stanton did just that, and they laid the foundation for a continuing discussion by articulating the goals of collaborative decision-making, partnering with states and local communities, and planning for future generations.

I closed last year's conference by saying, "One year from now, gentlemen, we hope you will come out here...We're going to sit down and ask, 'Where are we? Did we actually accomplish some of the goals of communication, cooperation, and resolution that we've been talking about, or has it all been a farce?'" (Future 1998, 46)

This year, not only did the directors of the three agencies come again to Boise on March 24, but they were joined as well by Jamie Clark, Director of the U. S. Fish and Wildlife Service. As the following report will indicate, the problems facing our land agencies cannot be solved in one year, but it was clear that the goals remain in place and that progress is being made in some areas. For example, the Clearwater Elk Initiative is an extensive partnering project among the Forest Service, sportsmen, environmentalists, timber interests, and local governments. Jamie Clark's agency has established a far-reaching cooperative network of help and support among local citizens for the Neil Smith National Wildlife Refuge in Iowa. Yvonne Ferrell's State Department of Parks and Recreation manages facilities on land belonging to BLM, the Forest Service, the Bureau of Reclamation, the Corps of Engineers, and Fish and Game.

Much more progress needs to be made toward those goals, and the thorniest problem remains: agreeing on a basic philosophy toward management of our federal lands and on the appropriate priority for each of the conflicting demands

being made upon them. We had hoped that progress would be made in this regard, but, frankly, it is apparent that very little has been accomplished. I must express my disappointment that more conclusions on participatory management of public lands were not forthcoming. We continue in what the public perceives as the "status quo."

A handwritten signature in black ink, reading "Cecil D. Andrus". The signature is written in a cursive, flowing style with a prominent initial "C".

Cecil D. Andrus

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THE FUTURE OF OUR PUBLIC LANDS II:

Our Second Symposium on Federal Land Policy



Wednesday, March 24, 1999

- | | | | |
|----------|---|----------------|---|
| 7:00 AM | Registration and credentialing continue in Jordan Ballroom Lobby, Student Union | Noon | Luncheon: Jordan Ballroom
Remarks by:
The Hon. Patrick A. Shea
Deputy Assistant Secretary for Land and Minerals Management |
| 7:30 AM | Coffee, juice, and rolls available for conferees in Jordan Ballroom Lobby, Student Union | | |
| 8:15 AM | Opening gavel for:
The Future of Our Public Lands II
Jordan Ballroom, Student Union
Opening remarks and introductions
by: Cecil D. Andrus, Chairman
Andrus Center for Public Policy | 1:30 - 3:00 PM | Panel of Responders:
James M. English, President
Idaho Forest Industries, Inc.
Yvonne Ferrell, Director
Idaho Department of Parks and Recreation
Brad Little, President
Little Land & Livestock Co.
Jaime Pinkham, Executive
Committee Nez Perce Tribe
Carl Pope, Executive Director
The Sierra Club
Laura Skaer, Executive Director
Northwest Mining Association
Gary J. Wolfe, Ph.D., President
and CEO, Rocky Mountain Elk
Foundation |
| 8:20 AM | Welcome by:
Dr. Charles Ruch, President
Boise State University | | |
| 8:25 AM | Opening keynote speech:
Michael P. Dombeck, Chief
U.S. Forest Service | | |
| 8:50 AM | Second keynote speech:
Robert G. Stanton, Director
National Park Service | | |
| 9:20 AM | Third keynote speech:
Thomas A. Fry III, Acting Director
Bureau of Land Management | | |
| 9:45 AM | Fourth keynote speech:
Jamie R. Clark, Director
U.S. Fish and Wildlife Service | 3:00 - 3:30 PM | Refreshment break |
| 10:30 AM | Refreshment break | 3:30 - 4:50 PM | Question-and-Answer Forum
Moderators: Cecil D. Andrus and
John C. Freemuth, Ph.D. |
| 10:45 AM | Response and Question Forum
Discussant:
The Hon. Bob Armstrong,
Former Assistant Secretary
for Land and Minerals
Management U.S.D.I.
Moderator: Cecil D. Andrus
Chairman, Andrus Center for
Public Policy | 4:50 PM | Closing remarks by Cecil D. Andrus |
| | | 5:00PM | Conference adjourns |

Conference Report:
**THE FUTURE OF OUR
PUBLIC LANDS II:**
**A Second Symposium on
Federal Land Policy,**
Introduction



On March 24, 1999, the Andrus Center for Public Policy convened *The Future of Our Public Lands II: A Second Symposium on Federal Land Policy*. This symposium was held to follow up on the first public-land symposium, which met in Boise on February 11, 1998 on the same topic. At that symposium, the featured speakers were Mike Dombeck, Chief of the U. S. Forest Service (USFS); Patrick Shea, Director of the Bureau of Land Management (BLM); Robert Stanton, Director of the National Park Service (NPS); and Robert Armstrong, Assistant Secretary for Land and Minerals Management of the U. S. Department of the Interior (DOI).

The leaders of the three federal land bureaus were invited to return to Boise in 1999, and they did. Jamie Clark, the Director of the U. S. Fish and Wildlife Service, joined them. Pat Shea, now DOI's Deputy Assistant Secretary for Land and Minerals Management, gave the luncheon address, and Tom Fry replaced him on the speakers' podium as Acting Director of BLM.

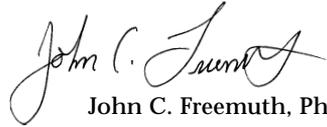
The first symposium met to set the stage for a multi-year discussion of federal land policy. At the first symposium, the leaders of the three bureaus were asked to offer remarks on three questions:

1. What is the current status of land policy in your agency?
2. In what direction would you like to move that policy?
3. What would you need to achieve that goal?

The focus of this year's symposium was thus envisioned to be more direct. If the first symposium set the stage for discussion, the second symposium was designed to deal with specific issues and concerns and to discuss policy successes

and failures. It was the expectation of the Andrus Center and, we are sure, of many conference attendees that there would be an open and frank dialogue about agency goals and an honest accounting of what was working, not working, and why. Thus, for example, the Chief of USFS was expected to face some hard questions about the current forest road policy. The Director of USFWS was expected to participate in open discussion of the uses and misuses of the Endangered Species Act.

It was the general sense of many attendees that the prepared remarks that began the conference served, in most cases, to avoid the specific and the controversial in favor of somewhat general and pleasant rhetoric. This part of the symposium was disappointing. It remains difficult to envision progress on federal land policy unless the language of the debate becomes less vague and more openly honest.

A handwritten signature in black ink, reading "John C. Freemuth". The signature is written in a cursive style with a large initial "J" and a stylized "F".

John C. Freemuth, Ph.D
Senior Fellow
Andrus Center for
Public Policy

I. THE CLEARWATER ELK INITIATIVE: On the road toward successful collaboration

One major theme at last year's symposium was a professed federal commitment to collaborative methods of decision-making. As noted in last year's report, there is no commonly agreed-on definition of "collaboration". It does, however, center on an open and inclusive decision process, involving interested groups, individuals, various government bureaus, and officials at all levels, working together on issues of common concern. It has gained popularity for several reasons. Among them is a desire to avoid costly court decisions and to bring key actors together at a more local level. In that sense, it is somewhat "Jeffersonian" in its political vision.

At last year's conference, Chief Dombek made a commitment to restoring the health of the elk herd of the Clearwater River drainage in northern Idaho. Cal Groen of the Idaho Department of Fish and Game began the conference with a report on the progress of that initiative.

The North Fork of the Clearwater elk herd is one of the "most famous and studied elk herds in the nation" (Future 1999,2). The number of bulls and calves in the herd is in decline. A variety of interests have come together since the last conference to work on trying to restore the herd. As reported by Groen, these interests signed the Clearwater Elk Initiative charter. Recently, the Clearwater Elk Initiative was chosen to be one of twenty-eight "land stewardship contracts" authorized by Section 347 of the 1999 Omnibus Consolidated Appropriations Act. As summarized in a recent article in *The Missoulian*, this big-game habitat project "will re-establish an historic big-game range, return fire to the forest, eliminate some roads, restore the watershed, and provide timber" (Land Health, 4).

The goal of this project is the restoration of elk habitat. To accomplish this goal, a number of activities are planned, including some necessary timber harvest. Thus, in theory, the USFS (and others) receive the value of habitat restoration, and, in this example, a timber contractor will receive the value of the timber taken off the forests for habitat restoration.

As Groen noted, the process is “just beginning” but appears to have a good deal of support. What remains to be answered is how such an initiative will be able to translate to the management of an entire national forest. There is no reason to conclude that it would not, but the key is common agreement on the goal of the management of a particular national forest, much as this group has come to agreement on the goal of big-game habitat restoration on the North Fork of the Clearwater. Such agreement on any national forest has yet to occur.

II. THE U.S. FOREST SERVICE



As the first keynote speaker, Chief Dombeck began his remarks by asserting that forest policy was evolving because of a “significant change in how society views public lands, national forests, and natural resources” (Future 1999, 4). Yet, as he noted and as many would undoubtedly agree, USFS remains stuck in a web of “competing interests” (Future 1999, 4). A good segment of the public views public land the way it always has: as a source for the production of goods and services for the benefit of local, regional, and national economies. Interest group competition has led to the Chief’s support of “collaborative stewardship,” a topic discussed in some detail in last year’s conference report and discussed once again by the Chief this year. As he said, “I think we are moving forward in a spirit of collaborative stewardship” (Future 1999, 4).

The crux of the collaborative stewardship effort remains open to serious debate. There is no doubt that small but important initiatives like the Clearwater Elk Initiative are showing some promising results. Yet the larger questions of forest and public land management remain unanswered by collaborative processes.

The California-based Quincy Library Group, a nationally prominent collaborative effort, recently had to close its meetings to outsiders. The closure stemmed from the feeling of the group that national environmental groups seemed committed to derailing the process. Yet as noted public-land law professor George Coggins reminds us: “Voluntary enlistment in a collaborative venture cannot assure

“There is no doubt that small but important initiatives like the Clearwater Elk Initiative are showing some promising results. Yet the larger questions of forest and public land management remain unanswered by collaborative processes.”

representation of all who have a legitimate voice, nor consideration of all legitimate interests” (Coggins, 28). The problem of representation remains a key stumbling block to collaborative decision-making.

It has also been suggested by at least one observer of collaboration that bureau scientists and managers also are suspicious of this method of public decision-making.

“The illiterate masses, who could not understand the language in the science reports, were expecting mutual respect...Collaborative stewardship meant that no one could be in control. Instead of efficient, measurable standards and widespread management applications, we would be left with lengthy, difficult dialogue and site-specific, uncertain experiments...To leaders within the Forest Service [and other federal agencies?], this was unacceptable. Conversations with people about goals might threaten well-guarded assumptions about the appropriate use of the lands. How could someone wholly unqualified in a given area of expertise have anything useful to say?” (Burchfield, 34)

Another key point made by the Chief lies at the heart of the contentious debate over our national forests. Toward the end of his remarks, he said that “multiple-use management is alive and well in the Forest Service” (Future 1999, 7). It is difficult to reconcile this statement with the way the Chief began his comments when he discussed the changing public values surrounding the management of the national forests. It is simply doubtful whether a good portion of the American public truly supports the notion of multiple-use management. They may support the management of their individual uses but not general multiple-use management. Indeed, what seems to be required is the development of some overarching framework that can more clearly inform how and where various uses can take place. The Clearwater Elk Initiative and its “trump” of habitat restoration as constraining where and how timber cutting will take place envision one possible framework.

Later in the symposium, Carl Pope of the Sierra Club offered his own criticism of multiple use in a somewhat similar fashion.

“[M]ultiple use, if it means taking the same watershed and using it for commercial timber production and sustaining a full range of biological diversity, is probably a lot of garbage. You probably can’t do it. You probably have to decide that certain watersheds are suitable for commercial timber production, and certain watersheds need to be maintained mainly for their biological values” (Future 1999, 37).

This problem can also be understood by noting how the Chief “confirmed” that multiple-use management is “alive and well.” He did it by reporting outputs: visitor days, board-feet of timber, and animal-unit months (AUMs). Yet, earlier, the Chief talked about the need to think of forests in terms of outcomes, rather than outputs. As he said, “That doesn’t mean that we’re going to stop tracking our traditional outputs of goods and services, but we know that whether it’s recreation, whether it’s mining or logging—all the traditional activities need to occur within the limits of the land” (Future 1999, 5).

So USFS is developing land health performance measures (habitat, clean water, soil stability, etc.), which are better understood as “outcome measures” and which are required by the Government Performance and Results Act (GPRA) as discussed in last year’s Conference Report. Perhaps a good way to understand this rather arcane discussion is to put it in terms of multiple use. Rather than being ends in themselves, multiple uses are now going to be constrained by certain indicators like clean water. So it will become increasingly difficult to simply argue that multiple use is “alive and well” as that phrase might have been understood in the recent past.



III. THE NATIONAL PARK SERVICE

The director of the National Park Service (NPS), Robert Stanton, began his presentation by reiterating the priorities he offered at last year's conference. His first two priorities restate the well-known use/conservation mission of the NPS. Park system resources are to be maintained with the "highest standards possible" while at the same time being made "available for the benefit of the broadest spectrum of park visitors possible" (Future 1999,9).

This is a difficult task at best and one made more difficult by rivalries within the NPS. There are some within NPS who clearly view resource protection as the most important part of the agency's mission, an attitude that leads to a more restrictive set of policies regarding park visitation. The opposite belief is true as well. For example, in the last issue of *Park Science*, we read that "if human recreation dominates the management of a park, preservation is jeopardized, and the case for biocentric ecosystem management is weakened. The viability of such parklands becomes threatened" (Popularity of Parks, 6). Such a statement appears to place biocentric ecosystem management as the management trump for NPS. One might just as easily claim that if biocentric ecosystem management becomes the management policy for the NPS, the case for public support is weakened as the public comes to believe that it will be excluded from many parts of their national parks. This ongoing argument shows no sign of resolution at this point.

"One might just as easily claim that if biocentric ecosystem management becomes the management policy for the NPS, the case for public support is weakened as the public comes to believe that it will be excluded from many parts of their national parks."

Director Stanton referenced the inter-agency effort to restore natural water flow in the Florida Everglades. This effort is laudable and has made some progress but suffers from some of the same problems that many interagency efforts experience. The General Accounting Office (GAO) has made several recommendations regarding the Everglades that might be applied to similar efforts: “[W]ithout some means to resolve agencies’ disagreements and conflicts in a timely manner, problems like those encountered in implementing the projects we reviewed could continue to hinder the [Everglades] initiative” (South Florida, 19). At the same time, however, a just-released GEO report, “Ecosystem Planning,” also asserts that interagency planning efforts like the Interior Columbia Basin Ecosystem Management Project (ICBEMP) have made good strides in interagency cooperation (Ecosystem Planning, 3).



IV. THE BUREAU OF LAND MANAGEMENT

One of the new, unforeseen, and intense pressures faced by the Bureau of Land Management and by all federal land agencies was addressed by BLM's Acting Director, Tom Fry: that of providing open space in the face of exploding urban growth. Many of BLM's planning efforts took place "before anyone anticipated that we would have the urban growth explosion in the west...we need to rework those plans to deal with increased recreation and...to be relevant in the 21st Century" (Future 1999, 14).

Director Fry said the second challenge for BLM is determining how to fight wildfires effectively in the face of the urban encroachment on BLM lands, an encroachment that means close proximity of dwellings and other development. It may mean new equipment, new firefighting methods, and new partnerships with local communities to deal with the problem. (Future 1999, 14)

The third challenge for the agency is figuring out how to make land management decisions incorporating cooperation and coordination with local communities, state governments, and tribal governments. He gave as an example a cooperative firefighting agreement that now exists between BLM and the Montana Association of Counties (Future 1999, 14).

"...providing open space, resources, clean air, clean water, and devising methods for local voices to be heard in deciding how to achieve those goals."

Answers to all of these challenges will require funding, and Director Fry urged support of the Clinton Administration's Lands Legacy Initiative, which would provide money to preserve America's national treasures and to purchase land in areas where we need to protect open space for the future. In addition, the Liveability Agenda for the 21st Century

would provide \$10 billion for state and local communities to preserve green space and improve water quality.
(Future 1999, 13)

Director Fry's remarks underscored the similarity of challenges, pressures, and problems that face the federal land agencies: providing open space, resources, clean air, clean water, and devising methods for local voices to be heard in deciding how to achieve those goals.



V. THE U.S. FISH AND WILDLIFE SERVICE

Director Jamie Clark began her remarks by noting that USFWS faces the same pressure of urban growth as is faced by the other federal land agencies and that it receives 35 million visitations every year. “That number is growing exponentially every year as people become more aware of the refuge system” (Future 1999, 15).

Unlike the other land agencies, however, the USFWS has a single mission: “the conservation of animals, plants, and their habitats (Future 1999, 15).” Obviously, these two pressures often come into conflict.

“6,000 invasive species inflict annually over \$123 billion in damage and threaten to change the face of our country’s landscape.”

She described one of the major issues troubling her agency: invasive species. “6,000 invasive species inflict annually over \$123 billion in damage and threaten to change the face of our country’s landscape. ...As Director of the U. S. Fish and Wildlife Service, I have the opportunity/challenge/disappointment to add native species to the list of those threatened and endangered. Every time one of these packages comes across my desk, it’s yet another signal of failure. Something has gone wrong” (Future 1999, 16).

In Director Clark’s view, the second major agency issue is the plight of migratory birds. “Birds truly are the miners’ canary of environmental changes on our forests, grasslands, and coasts. In their health is reflected the health of our lands and waters and, ultimately, ourselves” (Future 1999, 17).

One of Director Clark’s top priorities is the creation of an “ecosystem approach” to wildlife conservation efforts (Future 1999, 17). This approach sounds much like a collaborative approach to ecosystem management and is recognition that

wildlife refuges, like other federal lands, are not large enough by themselves to protect resources, so cooperation with other open space and habitat efforts is essential.

She closed with a comment by Aldo Leopold that summed up the basis for our land management conferences:

“Ultimately the best stewardship is one that...preserves the integrity of the land. When we plant grass, cut trees, build a road, whenever we make changes on the land, we need to remember that these are shared spaces and that we should make careful choices” (Future 1999, 18). The job for all of us is to figure out how to make those choices.

VI. THE AUDIENCE RESPONSE TO THE KEYNOTE PRESENTATIONS



Bob Armstrong, former Assistant Secretary for Land and Minerals Management, served as discussant for the subsequent interaction among the audience, the invited federal land managers, and the interest group panelists, a discussion that brought to light numerous issues of concern to many, both within and outside of Idaho. He introduced the discussion by underscoring the importance of collaborative decision-making and cited BLM's Resource Advisory Councils as examples of the increased willingness of federal land managers to reach out and talk to those affected by their management policies.

The panelists, who responded at length during the afternoon session, were Jim English, president of Idaho Forest Industries, Inc.; Yvonne Ferrell, Director of the Idaho Department of Parks and Recreation; Brad Little, President of Little Land and Livestock Co.; Jaime Pinkham, Executive Committee Member of the Nez Perce Tribe; Carl Pope, Executive Director of the Sierra Club; Laura Skaer, Executive Director of the Northwest Mining Association; and Gary Wolfe, President of the Rocky Mountain Elk Foundation.

“Best science is always the request of the guy whose science isn’t being implemented.”

The first of those questions hit on a topic that was bandied about during the entire day: the role of science, specifically “best science”, in federal land policy. Governor Andrus quickly reminded the audience what the phrase actually means to most people: the science that protects the values of those who favor it. He said, “I read in the *Idaho Statesman* yesterday that a legislator from Genesee said that the best science is that science that protects their opportunities in Genesee for sustaining themselves and their agricultural lands” (Future 1999, 19). Later, Jaime Pinkham echoed this

sentiment when he said, “There is an effort by some to use the “best science” to protect a particular livelihood, but where is the science that will protect the other livelihoods?” (Future 1999, 34). So did Brad Little when he said, “Best science is always the request of the guy whose science isn’t being implemented” (Future 1999, 36).

The federal land managers used best science in an “adaptive management” sense by stressing a constant reference to new scientific knowledge and its use in decision-making. Bob Stanton used the Everglades as an example by pointing out that decisions to promote residential development and farming were made fifty years ago, using the best information at that time. Today, the discussion has moved toward Everglades restoration, based partly on changing public values, but also based on new understanding of the Everglades water system. Mike Dombeck echoed this observation when he referred to the Interior Columbia Basin Ecosystem Management Project as using the “best science” to inform the debates over land use. Dombeck went on to candidly point out that although science has to be used, “the debate is really about how we use it or which program area will benefit or which will be more restricted. That’s really the crux of the debate” (Future 1999, 22).

Tom Fry made a very important observation when he noted that science meant what he termed “practical science”, or

“We have to recognize that science can’t tell us what we want, and science can’t get us there. Our values tell us what we want. For better or worse, politics will have to get us there.”

science “that the local manager needs to make decisions” (Future 1999, 20). There was, to him, not enough of this sort of science available, the kind that will answer the question, for example, of whether, to control a wild horse herd, it makes the most sense to take off the oldest horses or the youngest horses. (Future 1999, 20).

Finally, as Carl Pope so clearly put it: “We have to recognize that science can’t tell us what we want, and science can’t get us there. Our values tell us what we want. For better or worse, politics will have to get us there” (Future 1999, 38).

Pope used the word “politics” in a positive way, but without the proper sort of politics, science alone can really solve nothing regarding the federal lands.

VII. NOON PRESENTATION

Patrick A. Shea, Deputy Assistant Secretary
Land and Minerals Management
U. S. Department of the Interior

In his remarks at the conference luncheon, Secretary Shea met the conferees' desire for specificity. His slide presentation underscored the complexity of land management problems in the west by showing the large percentage of federally-owned land, the constantly decreasing open space, and the enormous in-migration to western states. Adding complexity to this mix are the aridity of the west and the location of dams (Future 1999, 25).

He described BLM's Resource Advisory Councils (RACs) as having "brought needed expertise to national programs and policies. They also have provided a predictable forum, operated in an environment of civility and respect, for the public airing of policy disputes" (Future 1999, 26). Most telling was his comment—one that makes clear the basic difficulty surrounding collaborative decision-making—that "the RACs will not always provide a winning answer for you, your industry, or your interest group. Perhaps, as we enter the new millennium, it is time that we escape or disregard the television/Hollywood/sports analogy of winning at any cost and return to a more community-based sense of compromise" (Future 1999, 26).

"the RACs will not always provide a winning answer for you, your industry, or your interest group. Perhaps, as we enter the new millennium, it is time that we escape or disregard the television/Hollywood/sports analogy of winning at any cost and return to a more community-based sense of compromise".

There is a need to study and try to generalize about collaborative and interagency decision-making. Many

people seem to be for it; yet not much is known about when and how it works or does not work. Secretary Shea described the Resource Advisory Committees as being a “tremendous success” (Future 1999, 26). The RAC is a collaborative process. Yet Shea challenged the academic community to review efforts like the RACs for “what works and what doesn’t work.” This work needs to be done.

His remarks illustrated clearly the dangers of oversimplifying problems and subsequently polarizing those affected by them. His specific recommendation for a possible underlying land management philosophy was the Nez Perce Tribe’s standard of considering every land management decision in the light of its impact on the seventh generation (Future 1999, 27).

VII. KEY RESPONSES OF THE AFTERNOON PANELISTS

James English, President, Idaho Forest Industries, Inc.:

Jim English's main concern is an adequate supply of timber. He said, "The markets last year were outstanding...[but] the cost U.S. companies incurred to buy and harvest timber is higher than our competitors, which makes us uncompetitive in the world markets...Idaho alone has seen 27 mills close their doors during this period. Most of the mill closures are the direct result of the U. S. Forest Services's inability to provide timber at a sustainable level as required by law" (Future 1999, 28). His suggestion was "that we set aside enough federal timber land to provide for 30% of what Idaho's forest products businesses need. That is approximately 400 million board feet annually, twice what the Forest Service is putting up today..."

"...set aside enough federal timber land to provide for 30% of what Idaho's forest products businesses need. That is approximately 400 million board feet annually, twice what the Forest Service is putting up today."

Management would be either with the state or contracted privately. All environmental laws and ESA laws would be followed, and the federal government would have audit authority over the contract. All expenses related to the management would be paid by the contractor" (Future 1999,29).

The reform of federal land policy continues to be a popular topic, and various proposals abound. Later in the symposium, rancher Brad Little noted that many people think that a new public land law review is needed but that key participants in the debate probably feel more certainty, however flawed, in the status quo. The report of the *Forest Options Group, 2nd Century*, of which Little was a member,

contains a number of interesting proposals and should be read by symposium attendees. Others have proposed federal reorganization, but, as Jamie Clark remarked, such proposals are likely to “crater” in Washington and get nowhere (Future 1999, 43). Yet the number and visibility of reform proposals suggest that the time may be rapidly approaching to rethink federal land policy.

Dominant-use zoning is another reform proposal that merits consideration. It has been under discussion since at least the time of the Public Land Law Review Commission of the late 1960s.

Gary Wolfe, Ph.D., President, Rocky Mountain Elk Foundation:

Dr. Wolfe explained that although the Rocky Mountain Elk Foundation supports multiple use, he “was glad to hear Tom Fry say that it doesn’t mean that every single acre of land needs to be available for every single one of the multiple uses. It’s important for us all to recognize that there is a highest and best use determination that we need to make on our areas” (Future 1999, 30).

“From the Elk Foundation’s perspective, one of our greatest challenges on a cooperative project is getting the agency partners to agree on a common goal.”

Dr. Wolfe noted that the RMEF works hard to create partnerships and collaborative stewardship, and he mentioned one of the major obstacles: lack of interagency cooperation. “From the Elk Foundation’s perspective, one of our greatest challenges on a cooperative project is getting the agency partners to agree on a common goal” (Future 1999, 30). That important point was not, unfortunately, addressed subsequently by the agency directors.

He closed with a reminder that “we have to develop that constituency out there among the non-consumptive users, but as an organization whose membership is primarily based on hunters and use of the resource, let’s not forget who brought us to the dance (Future 1999, 30).

Yvonne Ferrell, Director, Idaho Department of Parks and Recreation:

Director Ferrell repeated Director Tom Fry's warning about urban sprawl and the loss of farmlands and ranchlands, and she stressed the importance of conservation easements, which let "the people and their children stay on the land and contribute to our society and our culture here" (Future 1999, 31).

She left no doubt that the primary business of the Idaho Department of Parks and Recreation is tourism. Second is the fish and game business, and third is the endangered species business (Future 1999, 32).

Director Ferrell made more than a passing reference to partnerships. "You would not have a state park system in this state if it were not for partnerships. State Parks manages parks on National Park Service land, on BLM land, on Forest Service land, on Bureau of Reclamation land, on Corps of Engineers land, and on Fish and Game land. We also partner up with the Private Campground Owners Association, the Nez Perce Tribe, the Coeur d'Alene Tribe, and the Shoshoni-Paiute Tribe" (Future 1999, 32). Hers is clearly an agency that has figured out partnering. The federal agencies would do well to follow her example.

"We have an older population, a healthier population, and it's going to impact every one of us in everything we do unless we start thinking and planning for it."

One of the needs of the IDPR is for increased funding from the Land and Water Conservation Fund. "We have a \$100 million backlog of needs in the state of Idaho. It's not big in terms of the big picture, but it's big in terms of small communities in Idaho that need soccer fields and baseball fields. I can't tell you how important it is that we get some of that coming back to the states and to the local governments" (Future 1999, 32).

In closing, Director Ferrell raised a new and important issue. She was "concerned that no one in this room is talking about demographics. Our population is changing dramatically. In 1900, the estimated years that you would live was 47. In 1990, it's 80. We have an older population,

a healthier population, and it's going to impact every one of us in everything we do unless we start thinking and planning for it. I didn't hear it mentioned one time this morning, but we have to start thinking about how to provide for our healthy older citizens" (Future 1999, 33). As the baby boom generation ages, it may decide to rediscover the federal lands it hiked on in its youth. Federal and state land managers also need to anticipate what form that rediscovery may take.

Jaime Pinkham, Executive Committee, Nez Perce Tribe:

Jaime Pinkham expressed optimism regarding the relationship that has developed, as a result of last year's conference, between the U. S. Department of the Interior and the Nez Perce Tribe, and he cited some successes: the partnership between the U. S. Fish and Wildlife Service and the Nez Perce Tribe on wolf recovery, the crafting and issuing of a Secretarial Order that avoided a train wreck between Indian treaty rights and the Endangered Species Act; and a Memorandum of Understanding between the Nez Perce Tribe and the U. S. Forest Service that resolved increasing conflicts over camping fees and stay limits on federal campgrounds within the treaty area of the Nez Perce Tribe (Future 1999, 34).

“a lot of the animosity is focused on federal land managers...[we need to] look at the folks who passed those laws.”

Pinkham is troubled, however, by the issue of fish recovery, especially the salmon and steelhead issues in the northwest. “We're on the doorstep of a decision by the National Marine Fisheries Service that is heading our way, and I'm wondering how ready this community is to respond to that issue” (Future 1999, 33).

He reminded the conferees that although “a lot of the animosity is focused on federal land managers...[we need to] look at the folks who passed those laws. [The agencies] aren't the ones responsible for writing the Endangered Species Act. They're the ones with the responsibility to carry out the Endangered Species Act and other legislation. If you want to effect true change, you have...to work with Congress” (Future 1999, 35).

Brad Little, President, Little Land and Livestock Co.:

Brad Little said it for everyone: “There are too many rules, too many agencies” (Future 1999, 35). He supported as well Dr. Wolfe’s comments about the lack of interagency cooperation. “I’m serving on a group here locally on the Boise Front. We spend more time getting the agencies to talk together than we do getting the job done” (Future 1999, 35).

Despite the frequent use of the term “ecosystem management,” he believes it is no longer an acceptable term within agencies. “What’s happened here is that ecosystem management on the Boise Front means move all the motorcycles over on my deeded ground outside of Emmett...On a big scale, it’s moving timber production to Brazil and Siberia where the trees won’t grow back in 600 years. That’s what ecosystem management is to some of these guys from Horseshoe Bend that lost their jobs” (Future 1999, 36).

“We spend more time getting the agencies to talk together than we do getting the job done.”

Little had few kind words for ICBEMP (Interior Columbia Basin Ecosystem Management Project). “If the Governor has another one of these conferences, at that point in time, maybe people will know what the standards and guides are in the ICBEMP proposal, maybe the forest-users will know what will go on there, and the off-road vehicle people will know what ground is going to be open and what closed. I hope that would be the case, but sadly, Governor, I can’t say that in the last year, from my standpoint, we’ve seen a lot of progress” (Future 1999, 36).

This comment is indicative of the tremendous uncertainty that remains around the grand federal experiment in ecosystem management. As suggested by Brad Little, the crux of ecosystem management may be about the “winners and losers” on the ground.

Carl Pope, Executive Director, Sierra Club:

Director Pope began his remarks by saying, “If you go out on the land and look at what’s happening, it’s pretty clear that we’re not doing things wisely...we have a couple of hundred

years of mistakes that we have to clean up” (Future 1999, 37). He continued with unwelcome news: “There are only two functions in the federal government that, in real dollars, have declined in the money we invest in them [since Governor Andrus left Washington]. One of those two functions is America’s least popular federal program,

“...we should continue to look into our hearts... about where we want to go. Then, perhaps least attractively, we are also going to have to wade into the messy world of politics and make sure that our leaders take us there.”

foreign aid. It’s down 10%...The other function is natural resources and the environment, which is down 9% and which consistently shows in the polls to be the one that the American people most want to spend their tax dollars on” (Future 1999, 37).

His take on “best science” is that “we don’t have all the science we’d like to have, but we have a lot more science than we’re using. We have to recognize that science can’t tell us what we want, and science can’t get us there...we should continue to look into our hearts and listen to those of our neighbors

about where we want to go. Then, perhaps least attractively, we are also going to have to wade into the messy world of politics and make sure that our leaders take us there” (Future 1999, 38).

Laura Skaer, Executive Director, Northwest Mining Association:

Laura Skaer did not share the optimism of Jaime Pinkham. She commented, “We hear talk today about collaborative processes, but from the mining industry, we don’t see them. We see unilateral decision-making every time we turn around. We partner with local communities, but we don’t see any partnering from the agencies to get mining projects developed to bring some economic sustainability to rural communities” (Future 1999, 38).

One major concern of the mining industry is “agencies continuing to circumvent Congress” (Future 1999, 38). As examples, Director Skaer cited delays in reforming the 1872 Mining Law, the 3809 rule-making process, the years-long permitting process, the Interior Board Land Appeals process,

and de facto wilderness areas. “It’s their [Congress’s] job to move forward in [Mining Law Reform], not agency heads. All you do is create more gridlock. When administrations change, everything that’s done bureaucratically through executive fiat gets unraveled, and we end in a bigger mess than we are in already” (Future 1999, 39).

The above analysis of American politics is accurate. Environmentalists and resource users all participate in bureaucratic politics, too. No one consistently calls on Congress to be the sole decision-maker in environmental politics. Changing this regime may be something that no one is really willing to do.

“We hear talk today about collaborative processes, but from the mining industry, we don’t see them. We see unilateral decision-making every time we turn around.”

Conclusion

There are two fundamental issues that remain at the core of our federal land policy disputes. The first issue concerns the *purpose of the federal estate*. In the recent past, the American public has increasingly viewed the national forests and BLM lands as lands to be preserved. The national parks have also come to be viewed by some as biological reserves more than areas for recreational enjoyment. The disagreement among parts of the public, interest groups, Congress, and federal agencies has made it nearly impossible to establish base goals that would allow federal land management to proceed.

Management itself is also in dispute. A number of actors in the federal land policy area do not defer to the expertise of land managers. They did once, during the Progressive Era at the turn of the century. Samuel Hays, in his history of the Conservation Movement, *Conservation and the Gospel of Efficiency*, reminds us that:

“Conservationists were led by people who promoted the ‘rational’ use of resources, with a focus on efficiency, planning for future use, and the application of expertise to broad national problems. But they also promoted a system of decision-making consistent with that spirit, a process by which the expert would decide in terms of the most efficient dovetailing of all competing resource users according to criteria which were considered to be objective, rational, and above the give-and-take of political conflict” (Hays, 7).

“The basic rules of who participates in collaborative processes remain unwritten.”

Today we are being offered a new management regime called “ecosystem management,” which will rely on “best science” to inform management decisions. But the role of science has been muddled by “advocacy scientists” of all stripes who know where they want public policy to go and who try to find the science to take them there. Yet, at the same time, we are also being invited to come and sit around the table of “collaboration”. The basic rules of who participates in collaborative processes remain unwritten.

What does a federal land manager do? There are no clear answers, but the following is offered as one path worth exploring. Although its focus is national park policy, the

core of its argument is applicable to all federal land management bureaus.

The 1916 Organic Act tells NPS to manage parks “for future generations.” The clause gives the agency a focus different from all of the other actors who claim to have an interest in or power over agency policy. NPS can act in the name of park resources and in the name of visitor experiences with a “public interest” perspective. But NPS must speak in those terms, rather than solely in the language of expertise or of science. There is no guarantee that NPS perspectives in park management issues will prevail, but such a public interest perspective is different from a perspective that looks out for constituents or is based on political ideologies and agendas currently at play. The future generations that will visit the parks would become a benchmark for park management, and this perspective can legitimately be inserted into debates over park management. Expertise and science remain necessary tools, however, in this debate. NPS could then present to its public and other interests management decisions framed with a long-term perspective and designed to help those interests deliberate over choices NPS must make. This process might, among other things, show those interested that managing our park system is not an easy task.

“...a public interest perspective is different from a perspective that looks out for constituents or is based on political ideologies and agendas currently at play.”

Managing the federal land estate is not an easy task either. Perhaps one way out of our current impasse is to rethink the role of the federal land manager. The time of quiet public deference to expertise has passed. But the public, in all its forms, could use the counsel of attentive federal land managers.

The Andrus Center is attempting to create a format for the next symposium that will bring about more understanding among federal agencies, local governments, and stakeholders on the management of our public lands. We realize, however, that goal may be difficult to reach in an election year. As we see how the campaigns unfold, we will be evaluating the worth of a potential third conference.

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