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Can Ryan Zinke Balance Conservation and Development as Interior Secretary?

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U.S. Rep. Ryan Zinke campaigns for reelection in Billings, Montana, October 20, 2016. AP
Photo/Matthew Brown

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President-elect Donald Trump's nomination of U.S. Rep. Ryan Zinke of Montana to head the Department of the Interior follows a tradition of offering this position to westerners. The agency has jurisdiction over a significant portion of federal public lands in western states, including national parks, national wildlife refuges, some forests administered by the Bureau of Land Management and others.

Zinke, a former Navy SEAL, retired from active duty in 2008, served for two years in the Montana State Senate and was elected to Congress in 2014. His record on key environmental issues, including public lands, natural resource protection, energy development and climate change, is mixed.

Zinke has described himself as a fan of Theodore Roosevelt, who is considered one of America's most pro-conservation presidents. Sportsmen's organizations reportedly sought a nominee who was a hunter or fisherman and opposed proposals from some Republicans to sell off or transfer millions of acres of public lands, and Zinke fits those criteria.

While some conservation groups are cautiously optimistic that they can work with Zinke, others are worried about his support for fossil fuel production on public lands and his position on other key

environmental issues. From our experience analyzing past controversies over public land use in the West under Republican administrations, these worries are justified.

More energy production

President-elect Trump's Cabinet picks have some diverse views about energy policy, but clearly support fossil fuel development. Zinke's 3 percent League of Conservation Voters rating for his single term in Congress includes a number of votes that favored fossil fuel interests, although his congressional website also suggests that he is open to renewable energy.

Most of the land controlled by the Department of the Interior is managed under a doctrine of **multiple use**, which includes energy development. The Obama administration has focused on opening up suitable areas for wind and solar power, but the Trump administration is likely to swing back toward fossil fuels.

And modern Republican administrations have often placed a heavier emphasis on resource development than Democratic administrations. When one of us (Freemuth) served as chair of the Science Advisory Board of the Department of the Interior's Bureau of Land Management in 2001, the bureau's newly appointed director, Kathleen Clarke, told the board that President George W. Bush's administration intended to "reverse engineer" the National Environmental Policy Act — which sets forth a complicated and long process for analyzing environmental impacts of major federal actions — to speed up energy development on public lands.



Greater sage-grouse once numbered in the millions across western states, but their population has shrunk to between 200,000 and 500,000. The Department of the Interior has developed plans to balance sage-grouse habitat protection on public lands with other uses, including mining, ranching and oil and gas production. Jeannie Stafford/USFWS via Wikipedia, CC BY

The question is not whether there will be a renewed push for energy development on western public lands, but how and where. A rush to develop in sage-grouse habitat, next to wilderness areas, local communities and areas of cultural importance to tribes, for example, will be contentious and likely to trigger lawsuits. If the new administration pursues a thoughtful policy that tries to identify areas on public lands that are rich in resources and less valuable for other uses, it could gain broader support.

Public land transfers and protection debates

Trump's election has lent new energy to cyclical calls for transferring federal public lands to state control. This controversy is more than a century old and deeply rooted in western history.

Zinke has sent mixed signals on this question. He resigned as a delegate to the 2016 Republican National Convention because he disagreed with a GOP platform plank that supported public land transfers. However, this month he voted for a rules package that has been criticized as a step toward public land transfers, although his office said that Zinke's position had not changed. Trump also opposed federal land transfers early in 2016, but sportsmen are worried about whether he will stick to that position.

Any federal land transfers would require congressional approval, and Senate Democrats hold enough seats to filibuster such measures. Moreover, the case for land transfers is based on a specious argument that states can do a better job at managing public lands. This claim never answers the question of "better job at what?"



Ruins at Cedar Mesa in Utah, part of 1.35 million acres designated by President Obama as the Bears Ears National Monument in December 2016. The action was requested by Native Americans to protect sites considered sacred, but Utah politicians call it an abuse of executive power. Bureau of Land Management/Flickr, CC BY

Even James Watt, who headed the Department of the Interior during the Reagan administration and was widely unpopular with environmentalists because he promoted resource use over resource protection, stopped short of major transfers or privatizing federal lands. Instead, Watt placated members of the Sagebrush Rebellion by reducing regulations and pledging to give local communities more influence over federal land management decisions.

Conservationists also fear that the Trump administration may try to reverse some of President Obama's national monument designations, including the new Bears Ears National Monument in Utah. Historically, many individual monument proclamations – which presidents can make unilaterally – have been opposed by states and adjoining communities. But it would be unprecedented for the Trump administration to try to reverse designations by President Obama.

According to a Congressional Research Service analysis, the Antiquities Act does not include language authorizing repeal of proclamations, although boundaries defined in Antiquities Act designations may be slightly altered. However, the issue has never been litigated.

The role of civil servants

Like all federal agencies, the Department of the Interior has entrenched histories and conflicts and many important actors who will affect policy. The department contains multiple agencies, including the Bureau of Indian Affairs, Bureau of Land Management, National Park Service, U.S. Fish and Wildlife Service, U.S. Geological Survey and others, each with its own mission and leader.

Agency heads can be either political appointees or career civil service employees. They are overseen by political appointees at levels just below the secretary. The people who fill these positions, and the organizations that influence those selections, will affect the department's direction as much as Zinke.

There is also evidence that careerists in agencies understand that political appointees have agendas. The question then becomes whether the appointees try to work with or against the professionals in the agencies. Working with the professionals appears to work better and this is not a partisan issue. In a recent speech, outgoing Interior Secretary Sally Jewell emphasized listening to professionals, including scientists.

Battles over the role of science and scientists will likely intensify in the next administration because of the critical role science plays in many Department of the Interior issues. Again, this would not be new. For example, conservationists charged (and were supported by the courts) that political appointees in President George W. Bush's administration interfered systematically in scientific studies required under the Endangered Species Act. Because of that history, watchdog groups are likely to scrutinize decisions by the Trump administration closely.

Finally, it is important to note that Americans became alarmed at what they thought was overreach under the Reagan administration. That is, the public wanted better and more efficient environmental protection, but not weakened environmental protection, and the administration was forced to moderate many of its policies. If the Trump administration and Congress ignore this history, they may be forced to repeat it.



Donald Trump

US energy policy

Endangered Species Act

national monuments

US environmental policy

Antiquities Act

public lands