

Policy After Politics: How Should the New Administration Approach Public Land Management in the Western States?¹

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I want to go just as far in preserving the forests and preserving the game and wild creatures as I can *lead* public sentiment. But if I try to *drive* public sentiment I shall fail, save in exceptional circumstances.

Theodore Roosevelt²

[I]n the long run Forestry cannot succeed unless the people who live in and near the forest are for it and not against it.

Gifford Pinchot³

I. INTRODUCTION

A. The Goal of the Policy after Politics Conference

Management of the public lands in the West isn't working very well. Without regard to one's perspective on individual issues, almost anybody close to the land will tell you that we have problems that have gone unaddressed and that now must be confronted. The two previous conferences sponsored by the Andrus Center have helped us define the problems.

¹ This paper is based on remarks and conclusions of a bipartisan group of current and former governors of western states who gathered at the Policy After Politics Conference in Boise, Idaho on June 1, 2000.

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² Theodore Roosevelt, *Letter from Theodore Roosevelt to Roger S. Baldwin*, in *The Letters of Theodore Roosevelt* vol. 3, 629 (Elting E. Morison, et al. eds., Harvard U. Press 1951).

³ Gifford Pinchot, *Breaking New Ground* 17 (U. of Wash. Press 1972).

In the 1998 and 1999 conferences, we heard a great deal from the national directors of the Bureau of Land Management (BLM), the United States Forest Service (USFS), the National Park Service (NPS), and the United States Fish and Wildlife Service (USFWS) about the tangled web of overlapping and often contradictory laws and regulations under which our federal public lands are managed. It became apparent that little was going to change in the Washington-based, top-down decision-making process that has been the rule for so long. Consequently, it seemed appropriate this year to reverse the process and to ask for advice from those on the front lines of implementing the policy decisions made in Washington: the governors of the most affected states.

For the 2000 Conference, we invited both current and former governors to come to Boise in June to tell us what public land management policies look like from their perspectives. The particular question we asked them to consider was: "How should the next administration approach public land management in the western states?"

They told us . . . in spades. With remarkable candor and clarity, they laid out problems and possible solutions for the next administration to consider. After the election was resolved, I personally delivered a copy of the governors' suggestions to the president-elect and to the appropriate cabinet appointees. The policies suggested here by the governors can best be put in place early in the "honeymoon" of a new administration, and it is our sincere hope that the president will listen to what they have said.⁴

II. THE POLICY OBJECTIVES

A. POLICY OBJECTIVE NO. 1: Public land and natural resource management bureaus and agencies should be consolidated into a single cabinet-level department.

The point that public land and natural resource bureaus and agencies should be consolidated into a single department was made by a number of speakers. Jay Shelledy⁵ set the stage in his luncheon address when he called for the consolidation of natural resource agencies, including those with oceanic natural resource management responsibilities.⁶ As he bluntly put it, "It makes as much sense for forest management to be under Agriculture—with its corn, beets,

⁴ Cecil D. Andrus, *Policy After Politics* (June 2000).

⁵ Editor, *Salt Lake Tribune*, and award-winning columnist, reporter, and keen observer of western politics.

⁶ Jay Shelledy, Address, *Policy After Politics* (Boise, Idaho, June 1, 2000) (copy of transcript on file with The Andrus Center for Public Policy).

and hog bellies—as it does for banks to put Braille on the keys of drive-up ATMs.”⁷

The governors agreed and added other insights. Governor O’Callaghan⁸ urged that all the agencies limit the number of supervisory positions to no more than four levels, along the model of the “old Forest Service.”⁹ Governor Racicot¹⁰ pointed out that such reorganization would allow for a reconciliation of policy positions within the executive branch. He used bison policy in Montana as an example where the Montana Department of Livestock and the Montana Department of Fish, Wildlife and Parks were asked to reconcile their positions.¹¹ As John Kitzhaber¹² noted, “It is impossible to determine what the federal position is on Columbia Basin issues,” and he urged that the federal agencies speak with a “common voice.”¹³ Governor Batt¹⁴ reminded attendees that this proposal had merit but that “Congress has an interest in perpetuating a multi-agency perspective through its committee system.”¹⁵ Thus, congressional approval of reorganization is essential.

It is clear that the governors’ emphasis was on process considerations regarding reorganization. Reorganization was favored, not because it would lead to a more “pro-development” or “pro-environmental” outcome, but because it would lead to a clearer federal position. All participants recognized that further analysis of such consolidation would be required. The goal of such consolidation would be for the federal government to administer its public lands under a single, unified policy.

There is an abundance of evidence that agencies have a number of reasons to resist reorganization, coordination, and mandated deference to other agencies’ positions on issues when it appears to violate the core mission or belief system of the first agency. For example, at the second Andrus Center Conference on Public Land Management, Jamie Clark, director of the USFWS, remarked that “issues like organization and reorganization tend to crater.”¹⁶ They crater because

⁷ *Id.*

⁸ Mike O’Callaghan, former two-term Democratic governor of Nevada.

⁹ Governor Mike O’Callaghan, Keynote Address, *Policy After Politics* (Boise, Idaho, June 1, 2000) (copy of transcript on file with The Andrus Center for Public Policy).

¹⁰ Marc Racicot, two-term Republican governor of Montana.

¹¹ Governor Marc Racicot, Keynote Address, *Policy After Politics* (Boise, Idaho, June 1, 2000) (copy of transcript on file with The Andrus Center for Public Policy).

¹² John Kitzhaber, a senior, two-term Democratic governor of Oregon, and recent advocate of breaching the four lower Snake River dams in order to aid salmon recovery.

¹³ Governor John Kitzhaber, Keynote Address, *Policy After Politics* (Boise, Idaho, June 1, 2000) (copy of transcript on file with The Andrus Center for Public Policy).

¹⁴ Phil Batt, former Republican governor of Idaho and leader on nuclear waste issues.

¹⁵ Governor Phil Batt, Address, *Policy After Politics* (Boise, Idaho, June 1, 2000) (copy of transcript on file with The Andrus Center for Public Policy).

¹⁶ Jamie Clark, Address, *The Future of Our Public Lands* (Boise, Idaho, March 24, 1999) (copy of

[A]ctive management to promote ecosystem health while avoiding highly sensitive or highly controversial areas. It also emphasizes learning from our effort through a monitoring component. The restoration treatment includes understory and commercial thinning; road maintenance, closure, and/or obliteration; prescribed burning; noxious weed treatment and prevention; riparian planting; and streamside restoration. The by-product of many of the thinning treatments is wood for local mills to help stabilize rural communities. The thinning also reduces the risk of catastrophic fires, which have increased significantly as the forest health has deteriorated.²⁴

This effort led first to a focus on individual USFS and BLM projects that met the eleven-point plan's criteria and, more recently, on an entire watershed project of three million acres, called the Blue Mountain Demonstration Project. That project is also being proposed to the secretaries of Commerce and of Agriculture as a pilot study to demonstrate how federal public land decision making might be accelerated and decentralized through the collaboration process. It was also suggested that part of the USFS' "K-V" funds for forest restoration could be used to accomplish some of these objectives.

Governor Kitzhaber then turned to a discussion of federal policies, notably the Endangered Species Act (ESA) and the Clean Water Act (CWA), which impact the management of private lands, as well as the behavior of individuals. His point was that reliance on the command-and-control style of these laws was of limited utility. Governor Kitzhaber stressed that rather than command-and-control actions to improve water quality, a more successful example is the use of local watershed councils, as exemplified by the Oregon Plan for Salmon and Watersheds. These voluntary councils have worked to improve water quality and protect coho salmon habitat in Oregon. Governor Kitzhaber also stated that regulation would not control the actions of thousands of individuals, actions that create nonpoint source pollution. Only learned and voluntary "sustained environmental stewardship" could accomplish that end.²⁵ Finally, he urged that the next administration place people in regulatory positions who are committed to "trying to get to yes."²⁶

Governor Racicot continued to amplify the theme that forest health could be achieved through collaboration. He asked people to reconsider the question of below-cost timber sales, or what might be called the subsidizing of timber production on some of the federal public lands:

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

