

CAPITOL COMMENTS

The Federal Estate: Finding the Public's Interest



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America's public lands are not the whole story of conservation by far, but they continue to loom large in public and political debate. In the 1970s, we experienced the "Sagebrush Rebellion," and throughout the eight years of the current Administration there has been talk of a "war on the West." These sorts of movements are not new, but they tend to combine a desire for state and local control of public lands with mistrust and fear of change, both in society generally and regarding those public lands in particular. All of this has led otherwise ordinary people into conflict over road closures, monument designations, management or non-management of public lands—the list is too long to repeat here. This controversy even led one western state legislature to consider taxing its own wildlife agency for owning public lands!

The debate on the future of our public lands is leading some misguided pundits to aim a large caliber assault at the future of public hunting in America. The case in point is a line of thinking that seems to be growing in intensity over the past decade. Titles in a variety of print media outlets, ranging from law journals to private publications of conservative "think tanks," present an array of concepts that gives one a general drift of the dialogue. Titles include: *Making Money on Timber Sales: A Federal and State Comparison*; *Public Land Federal Estate: Is Bigger Better?*; *Should Congress Transfer Federal Lands To The States?*; and *Public Lands and Private Rights: The Failure of Scientific Management*. Much of this writing is by individuals schooled in economic thought, and who therefore have a very different perspective on the values of public lands than do hunters, professional resource managers, and the general public. Much of this writing acknowledges that many Americans (probably most) support the preservation of public lands, and are proud of the fact that a third of the land area of the United States is owned and managed in trust for them.

There is a lot of rhetoric these days about "returning land to the states."

The fact that public lands are federally owned, contrary to popular dogma, was a decision made early in the history of our country in the formation of the states. The lands that make up our current federal lands were generally rejected by the states because they had no interest in them nor means to manage them, or thought them worthless. So federal ownership has been a fact of life from the earliest existence of our country, by design. Managing these lands as a public trust is logical. There can be no "returning the land to the states" as some argue—the states never owned them in the first place.

Among the general concepts and allegations throughout the fore-mentioned assaults are the following:

1. The public lands and their resources are poorly managed.
2. Economic reality should drive the management of the public lands.
3. Land uses should be allocated to the highest valued use (in economic terms).
4. Recreational lands should pay their own way.
5. If federal agencies persist, they should be managed as businesses, with the objective of paying all their costs.
6. Private ownership will do a better job of stewardship.

Such notions naturally are frightening to conservationists, especially the hunting public. The tremendous uncertainty such radical ideas would create about the future of public lands and its wildlife resources is enough by itself. Who would guarantee access by the public to resources they value and places they love? This kind of free market thinking ignores the cultural and personal values people hold for these lands. Some of the allegations suggest that the public will pay for what it wants, or citizens simply don't want it badly enough. This does not match the reality that the public generally sees wildlife and the right to hunt wildlife as something they expect to be free to all, and not only for those that can pay.

Even though the topics continue to appear in public, the pundity disagree over whether land should be

transferred to the states. Some studies suggest that state management is economically more efficient. Others, however, looking at an array of states, conclude just the opposite—that state management would be no better than federal management. All seem to think that something should be done differently, and the thinking generally points strongly toward privatization. The most direct is a policy analysis from the Political Economy Research Center in Bozeman, Montana. Titled *How and Why To Privatize Federal Lands*, Policy Analysis #363 offers "a blue print for auctioning off all public lands over 20 to 40 years." This analysis further suggests that "both environmental quality and economical efficiency would be enhanced by private rather than public ownership."

The proposal becomes quite complex in an attempt to balance competing interests, but basically ends with everything being up for sale. Land would be auctioned off, not for dollars but for "public land shares certificates distributed equally to all Americans." It sounds basically like the free market would be allowed to work, letting commodity interests, environmental groups, and others, including the average citizen bid on units of public land if they have money. In typical economic jargon, one conclusion is "this procedure, in effect, creates exclusive marketable property rights in common property resources, which allows the natural scarcity of such resources to determine their prices and thereby discipline the individual owner's decision to extract the resource." In other words, those with the means will own the resource, and the value they can derive from it will lead them to exercise discipline and not over exploit it. Right! Let me tell you about this bridge I have for sale. . .

Consider a mule deer hunter used to hunting Wyoming Range mule deer that migrate more than 100 miles. Under the scheme, the mule deer hunter faces an opportunity to bid on units of the public land if he or she can afford them, in competition with others. Further, there is no structure to assure that those mule

deer will still migrate that 100 or so miles, nor winter successfully and return either through or to the land that has been individually purchased. So the free market would have to exert pressures to lead people to get together and figure out a way to satisfy their own interests in those mule deer. It might be tough to plan your next hunt. What would the hunter from New Jersey do? How about your children and their children?

New thought and reanalyses of public land policy are important, even when the proponents seem to stray from current beliefs. We know that evolution occurs at "the fringes" of species, among those that differ slightly from the rest. So, in the long run, the evolution of thought about public lands must include some wild ideas. The fact that timber sales from public lands are below their actual cost is a good example of a hot debate in this realm that needs attention. As usual, there is more than meets the eye with respect to this issue. In one sense, the American public loses if government pays private operators more than the government gets back to extract a natural resource, but that isn't the whole story. If the future is to be directed to ecosystem management approaches, with less reliance on commercial timber harvest, then wildlife interests will not be served unless the government proceeds with carefully planned timber cuts to achieve specific habitat goals that will cost money. Therefore, taking a broad slap at below-cost timber sales itself is not an efficient reform. Comparisons of individual state and federal agency actions on timber management is misleading because the agencies have very different mandates and objectives.

Making the public pay for the management of its resources is a straightforward issue. Recent experience with the "fee demonstration" program on public lands shows some success where units of land have controllable access and money can be collected, but a lot of the public has rebelled. Apparently, many people feel their public lands should be managed with their tax dollars for their benefit,

and they don't want to pay extra. So, a major national, public policy decision would have to be invoked in this case, and the public at large is not in line with the radical economists.

An accusation throughout many of these assaults is that both federal and state agencies are failing because they don't operate like businesses and cover their costs from managing their operations. Certainly, the agencies need to do a much better job fiscally. But most have no mandate to work on a profit basis, and are directed to manage as a public service. Federal and state legislatures place demands on agencies to do lots of things that create costs. The public generally thinks their agencies, state or federal, get tax dollars to provide services to citizens. If someone thinks the whole cost of public land management is going to be shifted directly to citizens, Congress and state legislatures have to get busy explaining this to the public!

A fundamental premise of many analysts is that modern resource management at the federal level is a failure, not because of lack of technical competence or lack of good intentions by managers, but because of consistent and pervasive political interference. The fact that politicians impose economic inefficiencies on government in order to appease special interests who wish to continue exploiting those public lands is boldly acknowledged! The Wildlife Management Institute published a review of all 50 state wildlife agencies in 1997 in which we concluded that state agency managers were more subject to control by governors, with increased commission authority over agency operations and budgets, than a decade before. We would not construe this trend as condemnation of agency management, but of the governing system. This, of course, at least is conceptually fixable.

In fact, a main premise by which modern resource management has functioned for more than 100 years is that it should be shielded from political manipulation. We have gotten to where we are supporting agencies staffed with professionally trained managers, with laws to give them author-

ity, funding to support their work, and citizen involvement to blunt political pressures that cause agencies to stray from their first priority of conservation of habitats and wildlife. I suggest that we need more direct involvement by the Boone and Crockett Club to work to remove these political intrusions, rather than blaming the agencies.

What does this all mean for public hunting and the truly populist ideas espoused by Theodore Roosevelt in the formation of the Boone and Crockett Club, which began the restoration of wildlife and set aside the first National Forests? Hunting traditions as we know them in America are unique in their foundation that wildlife is owned by the public and that there is wide access for ordinary citizens to hunt and enjoy those wildlife. These are the hunter/conservationists who will help to sustain our future. No place in the world is this ideal so well developed and a part of the national culture. But it is as fragile here as anywhere else.

There are a lot of ideas about the future of America's public land base. Many of them seem driven more by profit motives on one hand, or total protection on the other, than on conservation as Theodore Roosevelt embraced it. The radical changes that would lead to exploitation are no more preferable than the total protection we oppose. These radical new ideas would not continue the legacy of our past, and would not serve the public land hunter. For the future, we need to improve how natural resource agencies do their business, and assure that we have a say in how they manage our public lands. Divesting those lands is not a sensible option. What would America be without its public lands? ▲ ▲ ▲

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