



# Politics

- AND -

# Disruptive Change

Implications for Fish and  
Wildlife Conservation

**One of the core competencies for the Association of Fish and Wildlife Agencies (AFWA)** is managing or interacting with the political sphere of governmental policy; trying to positively influence legislative and executive branch outcomes that benefit both conservation and state jurisdictional authority.

We are fortunate to have seasoned veterans working Capitol Hill and with the executive branch agencies on a daily basis—Gary Taylor, Jen Mock Schaeffer, and Mark Humpert—addressing excise tax, Farm Bill, energy development, public lands, and wildlife diversity funding legislation. These folks have a vast wealth of strategic insight and practical experience rooted in history and are second to none in Washington, D.C.

**By Ron Regan**

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The conservation community benefits from their distinctive work.

I hasten to add that the AFWA is not a partisan political entity; issues cross both sides of the aisle, and we work hard to maintain distance from partisan stances. Anything I say today is not meant to take exception to or demonstrate support for any particular party or ideology.

Even though I do not consider myself a political tactician *per se*, I do consider myself a student of conservation history. Recently, I have been reading about the life and times of President Theodore Roosevelt via the writings of Douglas Brinkley (*The Wilderness Warrior*) and Edmund Morris (*Colonel Roosevelt*), and I cite their works upon occasion below.

TR was a masterful politician. He knew how to advance his political agenda despite adverse political barriers. One example was his desire to establish a new forest reserve without “setting off a firestorm” (Brinkley) with public land opponents in Congress. He opted for designation of the 28,000-acre Luquillo Forest Reserve in Puerto Rico—a site certainly meriting protection. Today’s El Yunque National Forest is the only tropical rain forest in today’s national forest system. It was a “painless endeavor” (Brinkley). Strategically, Roosevelt advanced his conservation agenda; tactically he managed around objection.

The movement for  
the conservation of  
wild life and the  
larger movement for  
the conservation of  
all our natural  
resources are  
essentially  
democratic in spirit,  
purpose, and method.

THEODORE ROOSEVELT  
A Book-Lover’s Holidays in the Open  
(1920), 300-301.

Conversely, TR was not adverse to big fights—such as those put up over the Grand Canyon—when the stakes and timing merited it, or to using expedient administrative orders—as when he created Pelican Island Federal Bird Reservation in 1903 with his now-famous statement, “I so declare it.” Regarding the Grand Canyon, Brinkley put it this way, “If Congress was drowsy, Roosevelt was going to wake it up; if it was operating in the gutter, he was going to teach it to look at the stars.”

Those were interesting times; these are interesting times. Conservation convictions have always elicited concerns about rights, authorities, values, and scientific merit. And, disruptive change based on politics has always been present, but the intensity of the acrimony and the decided inability to move national policy forward has certainly increased in the last decade. It was not so long ago that it appeared climate change legislation might have a chance for passage. Now, of course, few in the conservation community would aspire to that goal anytime soon. And who could have predicted the depth and breadth of proposed federal budget cuts by the House in February 2011? A year ago we had 18 state fish and wildlife directors who are no longer in those leadership roles today.

Indeed, therein is the focus for my

comments which follow—disruptive change in the form of policy, budgets, and leadership considerations. To set the stage for the remainder of my remarks, let me begin with the insights of Gary Taylor, the Association’s Legislative Director:

*On the issue of the intense divisiveness of politics, my observation is that the country is evenly divided between and seeking comfort in the ideological poles, rather than moving to the center where consensus through compromise, though difficult, leads to responsible solutions for our nation. We would be well advised to heed the words of Henry Clay who observed that “Politics is not about ideological purity or moral self-righteousness. It is about governing, and if a politician cannot compromise, he cannot govern effectively.”*

### **Policy**

Conservation legislation is not having an easy go of it. There are some apparent easy lifts out there such as the National Fish Habitat Conservation Act that are stalled and likely to remain so. This bill creates a statutory architecture for the national plan and partnerships and basically codifies the work of the National Fish Habitat Partnership’s board and related partners. It promotes voluntary, non-regulatory, science-driven action with benefits to fish, other aquatic resources, water quality, and

human health. What’s not to like (aside from an authorization level)? Indeed, both Republicans and Democrats should find much to like with this bill; yet, no action is likely without spending offsets. Increasing the fee on the Federal Duck Stamp is another case in point. Even though there is strong support from the hunting-conservation community to pay even more for conservation, we have been unable to advance this action in Congress.

These examples pale in comparison to the big picture policy legislation; that is, those bills with multiple policy dimensions, including fish and wildlife conservation. Let’s begin with some observations regarding energy.

Lack of a national energy policy dates back 40 years, so it is not a new concept, but has been exacerbated more recently by escalating global conflicts and the price of and dependence on foreign energy, compelling the nation to look at domestic sources for oil, gas, and renewables. The irony is that as the world’s largest consumer of energy and a significant source of potential energy, the United States does not have a national policy that directs energy development, transmission, or use. We bounce from tax breaks for developing offshore gas and oil, to subsidies for ethanol and other biofuels, to tax incentives for wind—all without a coherent design

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for knitting the components together, combining it with efficiency of use by consumers, and development and delivery of energy in ways that explicitly avoid, minimize, or mitigate impacts to fish and wildlife resources.

So the great bio-fuels rush escalates corn prices, thereby raising food prices, and it is done with little foresight or forethought to the impact on wildlife and associated habitat; the amount of water it takes to grow crops and process ethanol, the impact of that water use on fisheries resources, and the impact to wildlife habitat of growing row crops. Every form of energy affects fish, wildlife and their habitats, and informed decisions need to be made regarding the balance of energy delivery and natural resource conservation. But we have little national direction and less money to inform those very significant decisions.

The Gulf Deepwater Horizon oil spill brought that home quickly with the paucity of information that exists on biota in the Gulf water-column, pointing out that we had no good baseline from which to even assess impacts from the spill. And, the real reason comprehensive climate change legislation failed in the last Congress—and will have to wait for a future Congress—is the lack of a national energy policy. In the end, Congress was unable to agree on how many carbon allocations would be assigned to

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of Quality

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coal-generated electric generation versus natural gas generation versus the transportation sector versus the manufacturing sector versus the agriculture sector—all of which goes back to energy development and its national economic implications.

Or let's consider the Endangered Species Act. The ESA has not been formally reauthorized by Congress since the early 1990s because of the polarity it engenders. The last comprehensive and responsible attempt, in which the AFWA and the Western Governors' Association played a significant role in shaping proposed improvements for both conservation and the regulated community, was in 1997 in the form of a bipartisan bill reported out of the Senate Environment and Public Works Committee. Unfortunately it was never brought up on the Senate floor by the then-majority leader. All attempts at even building a bipartisan ESA improvement bill have since failed. It remains to be seen whether the litigation-driven implementation of ESA by the federal courts finally compels Congress to act. It is clear that federal court decisions have both narrowed the professional discretion that Congress originally intended for both the federal and state agencies to have in implementing the ESA, and has made the federal agencies adopt a risk-averse attitude to exercising discretion. Science-informed decisions are best made by the federal and state agencies with jurisdiction, but it is also apparent that the ESA needs to be modernized with improvements that will enhance its effectiveness at meeting conservation objectives in better cooperation with private landowners. That is clearly a role that Congress needs to play, but when it will, remains uncertain.

This lack of coherent legislative action may be a contributing factor to the increase in litigation-driven federal court decisions. In other words, were Congress to assume its responsible, proactive reauthorization role, state-federal roles might be more clearly defined and fewer litigation pathways might be chosen. Instead, Congress is left to fix issues piecemeal—e.g., wolves in the northern Rockies.

### Federal Spending

These are austere times, make no mistake about it. The implications for stateside (federal grant dollars) and federal (appropriated funding) conservation delivery are huge.

We only need to look at the proposed cuts in the FY11 House budget proposal (\$0 dollars for State Wildlife Grants [SWG], \$0 dollars for North American Wetlands Conservation Act [NAWCA]; drastic cuts to ESA section 6 grants, significant cuts to Forest

Legacy and Land and Water Conservation Fund [LWCF] grants) to see the serious nature of the times. The good news is the conservation community turned many of those numbers back to something that could still deliver meaningful conservation programs and the community prevailed with like vigor during the completion FY12 budget negotiations. The reauthorization of the Farm Bill in the coming year will offer new challenges for conservation funding.

These are not times to noodle over improbables or advocate for the unimportant. Such has certainly dictated the tactical approach to securing reauthorization of the Sport Fish Restoration and Boating Trust Fund. When the fisheries, recreational angling, and boating communities first convened to develop a consensus legislative platform, it seemed timely to seek some modest changes; now, the community has jettisoned those tweaks in favor of a "straight-up" reauthorization. There is no compelling need to draw undue attention to the fund—survival of the program as currently provided is the top-tier goal.

I have been in many administration briefings and Capitol Hill visits in the past year regarding conservation budgets and the national debt. The conservation community has embraced the notion of proportional fairness, i.e., conservation programs need to share in the pain, but not disproportionate to other discretionary spending cuts. Let's keep in mind that conservation funding only accounts for 1.26 percent of total federal expenditures and that since 1975, discretionary funding for natural resource programs has fallen by 50 percent in real dollars. Now balance that with this House Republican backstop: "there are many worthwhile federal programs, but are they worth '40 cents of new debt on each federal dollar spent?'" Thus, we have the budget playing field before us.

The bottom line: we run the real risk of encouraging the mind set that "when the economy is good, we can afford conservation, but when the economy is bad, conservation is a luxury we cannot afford." To the contrary, we cannot cut our way out of this economy by reducing spending on conservation, and as USDA Secretary Vilsack has observed, spending for conservation is one of the few federal spending programs that can help us grow our way out of this depressed economy. Conservation spending is not only good for fish, wildlife, and recreational opportunities but also for jobs, rural economies, economic security, and quality of life for our citizens,

These are messages we have not necessarily done a good enough job of articulating. We need more data, and we need to package

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it in a way that is easy to understand and compellingly believable. The recent report compiled by Southwick Associates for the National Fish and Wildlife Federation, titled, *The Economics Associated with Outdoor Recreation, Natural Resources Conservation, and Historic Preservation in the United States* helps in that regard.

#### State Agency Leadership

As I noted earlier, change is part of my world from an institutional standpoint. Since November 2010 we have had 18 new state directors appointed. Not all of these were related to the election, but many were. Some we could see coming—some were a complete surprise.

I am often asked what system works best in terms of organizational stability and conservation effectiveness—board appointment or cabinet appointment of a fish and wildlife agency director. Historically, the default assumption is board appointment. The events of the past year, however, may cast some doubt on that. In the long run, politics play a huge role under either scenario. I think the more important issues for promoting stability and effectiveness include having institutional systems for transparency in decision-making and for applying science.

Turnover—what's at stake? I think the best answer to this question is with another, as put to me by a state colleague at a regional association meeting during the past year: "Where are the titans?" In other words, where are the state directors that remain in their positions for a long-enough period of time to develop national stature on a particular national policy focal area?

#### Opportunities

Where does this leave us? First we have to place everything in the context of time—this is not a unique period of history. Political ebb and flows are a constant and have continually played into the conservation agenda. Consider, for example, the political machinations of securing federal protection for migratory birds almost 100 years ago was a decade-long battle with court adjudication.

The first take-away is to remain constant and committed, making opportunities out of crisis or waiting for better days. Even though polarity and polemics are strong pulls now, and election-year considerations will not provide relief soon, we need to exert leadership through integrity and conviction, seasoned with adaptability.

Second, conservation messaging is more important now than ever, especially regarding the economic values and worth of the goods and services that we provide. I am delighted, for example, to see the emphasis the National Fish Habitat Partnership's board is putting on those very variables as it revises five-year goals and objectives.

Third, and related to the above, we need to demonstrate results—what are the real values from our investments, not only to critters and habitat, but to people, jobs, economic growth, and society as a whole.

Fourth, and finally, partnerships are extremely important. The conservation community needs each other; needs to stand together. And, we need to demonstrate how working together is also cost-effective and efficient (i.e., reduces duplication of effort).

#### Wrap-up

In June 1915, Theodore Roosevelt took a brief holiday from the politics of a world war on some barrier islands off the Louisiana coast, part of the Breton National Wildlife Refuge, following which he penned this (quoted by Morris):

*The extermination of the passenger-pigeon meant that mankind was just so much poorer; exactly as in the case of the destruction of the cathedral at Reims. And to lose the chance to see frigate-birds soaring in circles above the storm, or a flight of pelicans winging their way homeward across the crimson afterglow of the sunset; or a myriad terns flashing in the bright light of midday as they hover in a shifting maze above the beach—why, the loss is like the loss of a gallery of the masterpieces of the artists of old time.*

What better note to end on than by this reminder of the value of conservation and how it can and will transcend the political vicissitudes or disruptions of any given age. ■

