A Federal Public Lands Agenda

for the 21st Century

Prepared by National Advisory Board
Public Land and Resources Law Review
School of Law, University of Montana

In cooperation with the Public Policy Research Institute

Policy Report 6 (2008)

National Advisory Board

Public Land and Resources Law Review
School of Law, University of Montana

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Preface

The Public Policy Research Institute is an applied research and education center based at the University of Montana. Its mission is to foster sustainable communities and landscapes through collaboration and conflict resolution. To help achieve this mission, the Institute conducts action-oriented research and produces policy reports to inform and invigorate public policy and to examine current issues in the use of collaborative methods to prevent and resolve public disputes.

A Federal Public Lands Agenda for the 21st Century draws on the expertise of the National Advisory Board (NAB) of the Public Land and Resources Law Review at the University of Montana School of Law. Each board member was asked to consider the greatest public land challenges and opportunities facing the next Administration and to provide options for addressing those issues. This is not a consensus document of the NAB, nor does it express any official policy of the University of Montana or any of the NAB members' affiliated organizations. It does, however, provide a succinct summary of the key issues that need to be addressed and a range of options for action in the coming Administration.

An earlier version of this report was distributed to speakers and participants at the 32nd Annual Public Land Law Conference, "A Federal Lands Agenda for the 21st Century: Options for the New Administration," which was held on September 22-24, 2008, in Missoula, Montana. Comments generated at that program are reflected in this final document.

A special thanks to Sarah Bates, Western Progress; Jennifer Forsyth, Michael Wolfe, and the other student editors of the Public Land & Resources Law Review at the University of Montana School of Law; the speakers and participants at the 32nd Annual Public Land Law Conference; and numerous reviewers for their invaluable help in preparing and revising this policy report, especially John Thorson.

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Foreword

The ensuing report reflects our collective insight and judgment. As members of the University of Montana's Public Land and Resources Law Review National Advisory Board, we represent a politically diverse group of individuals with considerable experience and expertise in public land law and policy. Early on, we perceived that the 32nd annual Public Land Law Conference presented an ideal venue to explore and develop recommendations to improve conditions on the western federal lands.

We all agree that the new challenges facing the public land agencies are manifold and increasingly complex. Merely continuing with business as usual in the face of global climate change, escalating energy demands, persistent wildfire threats, and other such problems would not only put these unique lands at unnecessary peril, but could also squander scarce resources needlessly. The public domain—with its water, minerals, timber, forage, wildlife, recreational, and spiritual values—provides the nation, as well as the surrounding states and communities, with an invaluable asset that is now woven into the fabric of our everyday living. Not to reevaluate the role these lands play in our collective welfare would be irresponsible in this rapidly changing world.

The report was compiled and drafted before the 2008 election, and is intended as a bipartisan document. The issues that are identified and the optional strategies that are outlined represent the kind of common sense approach that westerners have regularly, albeit sometimes grudgingly, taken to address natural resource problems that just won't go away, or so it seems to us. Though not designed as an immediate panacea or as a brief for any particular interest, the ideas set forth in this report should serve as a starting point for a broader dialogue over how public land policy might be reshaped to meet the many challenges that lie ahead.

As trustees of the public lands, the American people have always had a voice in any discussion about the future of these lands and resources. We hope to engage them, through the new Administration and the next Congress, in this important and perhaps overdue conversation. Our forbearers who left the remarkable public land legacy that we have inherited—Teddy Roosevelt, Gifford Pinchot, John Muir, and Aldo Leopold, to name a few—would expect no less of us. Nor should the generations that will follow, who will inherit these special lands and all that they represent.

The National Advisory Board

Notes on a Progressive Public Land Policy

These notes are excerpted from comments delivered in the keynote address to the 32nd Annual Public Land Law Conference, Missoula, Mont., Sept. 22, 2008. The full talk is available at http://www.umt.edu/publicland/conference.htm

The challenges facing the federal public lands are enormous. They are in some ways a slice, a microcosm, of the challenges America faces; indeed all humanity faces. In some fundamental way, Teddy Roosevelt and the old Progressives understood that connection.

And so I find myself turning to TR and the Progressives not merely because of their accomplishments, but because of their faith in the power of Federal public lands to make Americans better, more democratic, more tolerant, more well-rounded, more cohesive.

They believed, as Wallace Stegner so eloquently put it later, that "something would go out of us as a people" if we let our last intact landscapes be broken up, degraded, sacrificed or liquidated.

The transcending vision of TR's movement, still subscribed to by many today, especially here in the West, is that federal public lands shape our character and our identity. And so they can no more be converted into a collection of unrelated parts than we, as citizens of these United States, can be reduced to a loose assembly of disaggregated people.

That first Progressive movement bequeathed to us the challenge of managing our Federal public lands wisely. It is a heavy responsibility, this fragile and precious living gift, which binds us to our ancestors, and which we in turn hold in trust for those future generations as yet unborn. There is much to do, and we need to get on with it.

John Leshy, former Solicitor, U.S. Department of the Interior, and Professor of Law, University of California Hastings College of Law.

Executive Summary

New realities have fundamentally changed the nature of public land management and use in the 21st Century. The changing global climate, unprecedented global energy demand, and continued rapid growth and development in the West are among the major factors pushing changes on our public lands to an extent not seen since World War II.

In this report, the National Advisory Board (NAB) of the Public Land and Resources Law Review at the University of Montana School of Law calls on the generous and innovative American spirit to meet the challenges of the next era of public land management.

This report identifies three major challenges and nine underlying issues that are shaping public land management and use. Each issue is accompanied by suggested options for action.

CHALLENGE 1: ADAPT TO A CHANGING CLIMATE

Climate change provides a new and uncertain context for all public land policy and management decisions in the 21st Century. The NAB report highlights four issues related to preventing exacerbation of climate change impacts and adapting to the changes already underway by enhancing and restoring public lands resiliency.

Issue 1: Mitigate and Adapt to Climate Change

Option 1: Integrate climate mitigation and adaptation elements into current planning and decision-making procedures.

Option 2: Investigate new ways of responding to the fast-growing demand for renewable energy resources on public lands, through coordination with states, the Federal Energy Regulatory Commission, and the private and non-profit sectors.

Option 3: Build on current adaptive management efforts in the public and non-profit sectors.

Option 4: Create a Biodiversity Conservation System with the mission of protecting, restoring, and sustaining wildlife and habitat, particularly in the face of increased energy development on public lands and accelerating impacts of climate change.

Issue 2: Construct a Cohesive Wildfire Policy

Option 1: Provide federal support to promote a stronger local accountability for community fire planning and prevention, especially in the Wildland Urban Interface.

Option 2: Refine methods of prioritizing where fuel reduction and other forest treatments should occur.

Issue 3: Balance Energy Development with Other Public Land Management Goals

Option 1: Revisit energy development on public lands with the aim of balancing development with other uses and demands.

Option 2: Strengthen partnerships with state and local governments in an effort to provide additional recreational opportunities and preserve wildlife habitat in the face of energy development.

Issue 4: Recognize the Values of Watershed Protection on Public Lands

Option 1: Revitalize the fundamental goal of national forest lands (and expand the goal to other public lands) of protecting and enhancing our water supplies.

Option 2: Seek additional opportunities to engage in watershed restoration activities as a regular part of public land management.

Option 3: Place a high priority on resolving (and funding implementation of) the remaining water rights settlement negotiations.

CHALLENGE 2: RESPOND TO GROWTH, DEVELOPMENT, AND LEGACIES OF THE PAST

Demographic changes, including continued growth and development in the West, place new challenges and new demands on federal public lands. More people enjoy public lands for recreational purposes and more homes are built near public lands. The NAB report identifies three major issues deserving attention as public land managers address growth and development pressures on public lands, as well as impacts from past public land activities.

Issue 5: Address Growth and Development Pressures Near Public Lands

Option 1: Build on the ideas of cooperative conservation to "think like a region," partnering with states and communities to explore new options to share management responsibility without abdicating legal authority.

Option 2: Rationalize land ownership and boundaries, which may include dispositions, realignments, and exchanges.

Issue 6: Respond to Increasing Recreation on Public Land

Option 1: Review current practices and travel management plans with an emphasis on establishing baseline information on recreational uses and needs and identifying management approaches that are working well.

Option 2: Formally recognize recreation management as an equally valuable directive of public land management agencies, an integral part of the multiple-use mandate.
Option 3: Provide adequate budget support for recreation, public education, and restoration of lands impacted by recreation, including monitoring and intensive management in order to protect the ecosystem values enhanced by restoration.

Option 4: Consider changes to the user fee system that will make it more fair and cost-effective, which may include more transparency in the ways the fees are collected and used.

Option 5: Investigate ways to provide recreational opportunities for all cultures and traditions.

Issue 7: Develop a Comprehensive Restoration Agenda

Option 1: Integrate emerging principles of environmental restoration (including meaningful and scientifically credible monitoring and evaluation) into existing planning and decision-making processes.

Option 2: Support and help disseminate the findings of professional research efforts to identify the most successful and cost-effective restoration methods by region and resource.

Option 3: Provide dedicated public funding (such as a national trust fund) to support restoration of damaged public resources on a large scale, including education of a trained restoration workforce and designation of priority areas for restoration investment.

CHALLENGE 3: BUILD A MANAGEMENT STRUCTURE FOR THE 21ST CENTURY

Building a federal public lands management structure for the 21st Century will require not only preparing to face challenges looming on the horizon, but also responding to current constraints. The issues identified under this category address the structural, management, and funding challenges facing public land agencies.

Issue 8: Unravel Complex and Competing Mandates

Option 1: Resolve the multiple use mandate conundrum by working with Congress to prioritize among competing uses and articulate an overarching vision for public land stewardship.

Option 2: Convene a bi-partisan panel of experts, scientists, managers, and the public to credibly provide focus on where we are now and recommendations on what options to take to better address these complex and competing mandates.

Option 3. Consider administrative changes to align agencies and departments based on overarching federal public land goals and objectives.

Option 4: Develop better tools and approaches – or adapt and modernize existing statutory rules and tools – to address current and growing public land challenges.

Option 5. Work with Congress to: (1) untie the complexity-competition knot by revising the major land management acts with the goal of devising a more cost-effective and balanced management approach that better reflects 21st Century realities; (2) provide adequate funding for public land agencies to address the challenges highlighted in this report; and (3) find new avenues for citizen action prior to litigation through better implementation of alternative dispute resolution processes when appropriate.

Issue 9: Plan for the Next Generation of Public Land Managers, Policy Makers, and Users

Option 1: Use the President's appointment power to put people in key positions that can revitalize the relationship among political appointees and professional staff.

Option 2: Build a comprehensive career recruitment strategy, provide funding to support the statutory mandate of agencies and revise current hiring procedures to make them more efficient.

Option 3: Provide education and training for on-going development in the broad range of skills and approaches necessary for addressing evolving public land management challenges.

Option 4: Use other resources, like volunteers and advanced technology, to help public land managers and staff do their jobs better in an era of limited government resources.

Although the report is aimed at the next Administration, it can and should be read by anyone who wants to be a part of the conversation, including members of Congress, governors, state and local leaders, public land managers, nongovernmental organizations, and the general public.

Introduction

New realities have fundamentally changed the nature of public land management and use in the 21st Century. The changing global climate, unprecedented global energy demand, and rapid growth and development in the West are among the major factors pushing changes on our public lands to an extent not seen since World War II.

In addition to these external drivers, our governance practices and values have changed over time. Demographic shifts and lifestyle changes affect everything from political constituencies to the ways in which our public lands are valued and used.

The nation's political landscape is changing as well. The staging of the 2008 Democratic National Convention in Denver displayed the growing political importance of the West, but there are more subtle signs as well. As *High Country News* noted in a January 21, 2008, article, the West's influx of people from across the country not only results in more voters but also in a more diverse, independent, and politically mature population.

In this report, the National Advisory Board (NAB) of the Public Land and Resources Law Review at the University of Montana School of Law calls on the generous and innovative American spirit to understand and meet the challenges of the next era of public land management.

As a first step toward meeting these challenges, the NAB identified nine broad issues that demand attention from those charged with public land management and use. The report addresses each of these issues, highlights current efforts to address each challenge, and provides additional options for consideration. Because this is a survey of concerns and ideas, the options are not presented as mutually exclusive, and some options may conflict with one another.

While new pressures on our public lands make this conversation more urgent, existing laws and policies frame it. It is important to begin with an understanding of the context in which the nation faces these challenges.

Approximately one third of our nation's lands are owned in common by all Americans—our 700 million-acre public land estate (see Figure 1). This estate includes national forests, national parks, national wildlife refuges, and lands managed by the U.S. Bureau of Land Management (BLM). These public lands and their resources are managed under a complex system of laws, policies, and institutions developed since the Civil War in response to diverse, evolving, and sometimes competing public values and expectations. This history has created a system beset by redundancies, contradictions, inefficiencies, and frequent legal conflict over missions and mandates. The situation is further complicated by new external variables such as climate change, an increasingly global economy, rapidly changing demographics, and ongoing shifts in public expectations for public lands and resources.

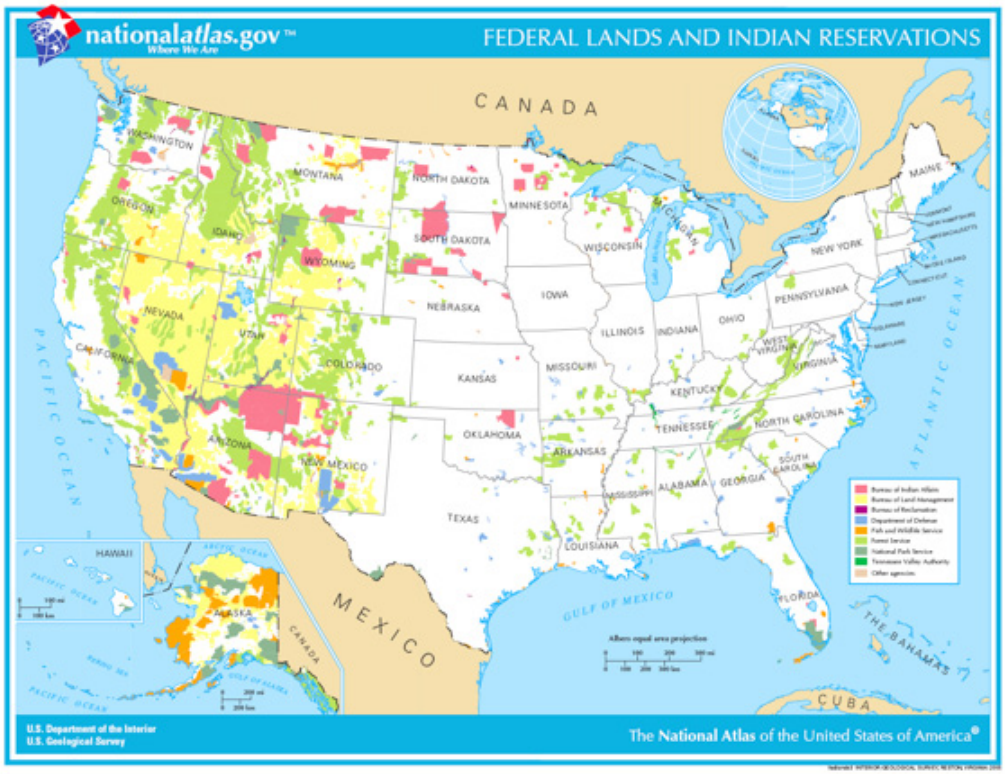


Figure 1. Map of federal public lands, also showing Indian reservations, which are not part of the public estate.
Source: www.nationalatlas.gov

Trends in public land management have followed larger social and political movements. During the Progressive Era, for example, new agencies formed to conserve public resources, including the nation's forests and wildlife, and to provide more systematic, professional approaches to managing public resources. With the dawn of the environmental movement in the 1960s and 1970s, a newly engaged public demanded a greater voice in resource management, media-specific environmental protections, and more accountability from the professionals charged with implementing congressional mandates. In the past two decades, collaborative partnerships of diverse community members, stakeholders, and resource development interests have explored new place-based approaches to resolving contentious resource management conflicts.

Demographic trends in the American West also come into play. The thirteen western states account for nearly 93% of all federal public land, and the federal government owns over half of all land area in the West. As more and more Americans move from the East and Midwest to the South and West, fundamental changes are taking place that a public land management system built on past assumptions and characteristics is no longer equipped to handle. Moreover, the West is gaining in political prominence at the national level as its population continues to grow.

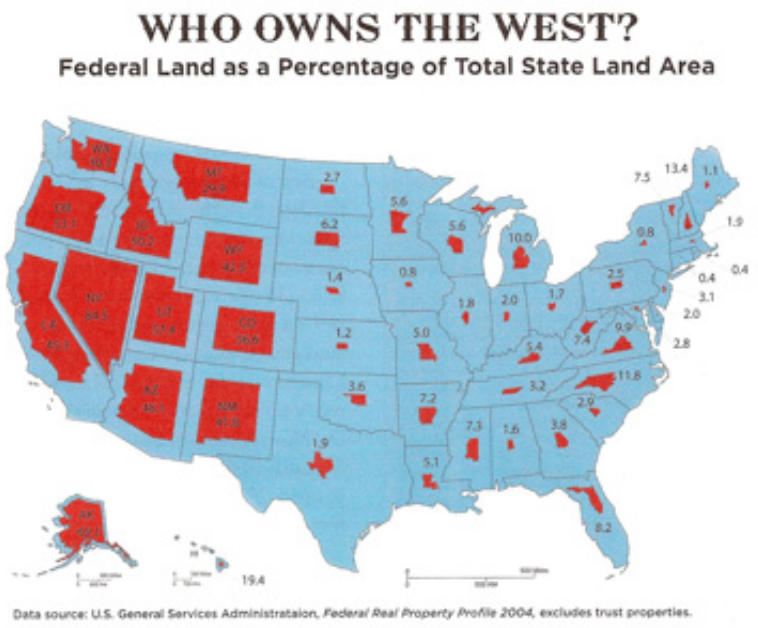


Figure 2: Who Owns the West?
Source: David M. Kennedy, Can the West Lead Us to a Better Place? *Stanford Magazine*, May/June 2008

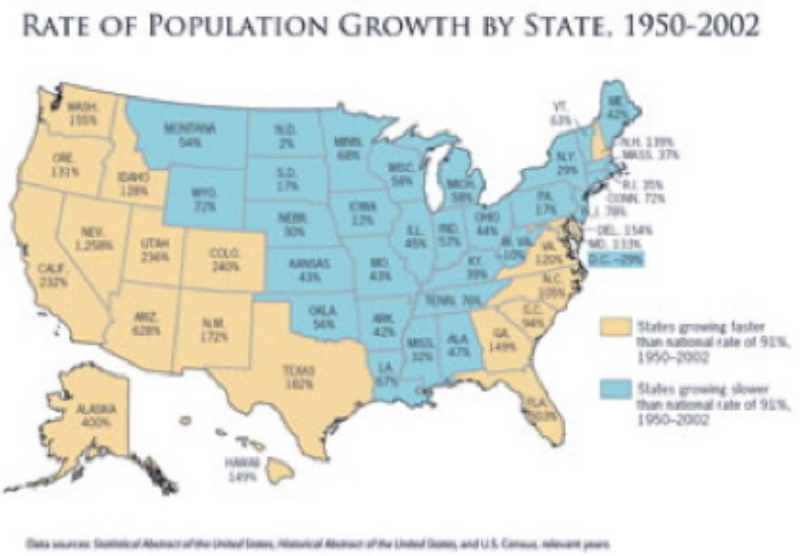


Figure 3: Rate of Population Growth by State, 1950-2002
Source: David M. Kennedy, Can the West Lead Us to a Better Place? *Stanford Magazine*, May/June 2008

In previous transition periods, proposals for change emerged from a variety of sources, including congressionally chartered public land law review commissions. The fourth and most recent of such national commissions issued its report in 1970, titled *One Third of the Nation's Land*. Other commissions have focused on public resources related

to the federal domain, such as the National Water Commission (which published its report in 1973) and the Western Water Policy Review Advisory Commission (1998). Sometimes these commission reports result in new federal legislation—for example, the Federal Land Policy and Management Act of 1976 codified the 1970 Public Land Law Review Commission's recommendation for an "organic act" for the U.S. Bureau of Land Management. Just as importantly, these commissions and studies have provided valuable overviews of the changing uses and values of the nation's public lands and resources, providing information for evolving management approaches.

While the next phase of public land management is yet to be revealed, it is clear that the status quo satisfies virtually no one. Political leaders and federal resource management professionals face complex challenges created or compounded by the very system designed to guide them. As they wrestle with drought, wildfire, invasive species, travel management, energy development, wilderness proposals, and other resource user demands, they must also grapple with multiple, polarized constituencies, see-sawing judicial decisions, unintended side effects from piecemeal corrective measures, and issues that cut across multiple agencies and political jurisdictions.

Challenging as it has become to address public lands issues in a constructive way at the national level, we may be at the cusp of just such an opportunity. A new presidential Administration will assume the reins in Washington, D.C., in January 2009. A changing of the guard always presents an opportunity for new policy initiatives, but in this case the opportunity is enhanced by the fact that both political parties are paying more attention than they have in decades to the public lands states, particularly those of the Rocky Mountain West.

Public Lands in the 21st Century

Three broad challenges frame the future of public land management, use, and conservation in the 21st Century:

1. Adapt to a Changing Climate;
2. Respond to Growth, Development, and Legacies of the Past; and
3. Build a Management Structure for the 21st Century.

Each of the issues discussed in the report falls within one of the above challenges. However, many of these issues have implications for the other challenges as well. The following table introduces the key issues facing our public lands.

Challenges	Issues
Adapt to a Changing Climate	1. Mitigate and Adapt to Climate Change 2. Construct a Cohesive Wildfire Policy 3. Balance Energy Development with Other Public Land Management Goals 4. Recognize the Values of Watershed Protection on Public Lands
Respond to Growth, Development, and Legacies of the Past	5. Address Growth and Development Pressures Near Public Lands 6. Respond to Increasing Recreation on Public Land 7. Develop a Comprehensive Restoration Agenda
Build a Management Structure for the 21st Century	8. Unravel Complex and Competing Mandates 9. Plan for the Next Generation of Public Land Managers, Policy Makers, and Users

Challenge 1: Adapt to a Changing Climate

We stand at the beginning of an era that may largely be defined by how well we respond to our changing climate, both in terms of mitigating further climate changes and adapting as changes occur. Despite the certainty that climate changes are occurring, current knowledge about how those changes will affect specific resources and landscapes is largely lacking.

Four issues stand out when considering the challenge of responding to a changing climate:

1. Mitigate and Adapt to Climate Change
2. Construct a Cohesive Wildfire Policy
3. Balance Energy Development with Other Public Land Management Goals
4. Recognize the Values of Watershed Protection on Public Lands

Issue 1: Mitigate and Adapt to Climate Change

The leading summary of scientific knowledge about the impacts of climate change in the coming decades is the Intergovernmental Panel on Climate Change (IPCC), which issued its most recent findings in 2007. Applying these data to public land and water resources, the Government Accountability Office (GAO) issued a report in August, 2007, predicting: (1) physical effects, such as droughts, floods, glacial melting, and sea level rise; (2) biological effects, such as increases in insect and disease infestations, shifts in species distribution, and changes in the timing of natural events; and (3) economic and social effects, such as adverse impacts on tourism, infrastructure, fishing, and other resource uses.

Unfortunately, there is a lack of information about how these general effects will play out across specific landscapes. Without site-specific information, it will be difficult for public land managers and other stakeholders to plan for the changes they will encounter.

The long-term survival of threatened and endangered plants, as well as that of large wide-ranging animals, depends on public lands. Wildlife species likely will disperse as a result of climate change, requiring places to move and areas to serve as refuge for plants and animals adapting to climate change. Public lands will play a critical role in getting and staying ahead of the extinction curve and keeping common species common.

Public lands will play a critical role in getting and staying ahead of the extinction curve and keeping common species common.

In addition, a significant component of any climate change mitigation strategy is to encourage a rapid increase in the development of renewable energy resources – wind, solar, biomass and geothermal – which are abundant on public land. Development of these renewable resources has significant land use implications that will need to be better understood in the context of overall public land management.

A changing climate also brings wider management questions into play, such as how to adapt approaches when more and better information becomes available and new techniques, tools, and policies are invented. Appropriate staffing, monitoring, and other resources will also have to be devised and dedicated to this evolving effort.

What's Working

Federal agencies are beginning to respond to the need for more detailed information and are starting to develop the analytic tools that will aid decision-makers. Federal efforts thus far include, but are not limited to, the following:

- In April 2007, the Department of the Interior established a Climate Change Task Force to examine how climate change is expected to affect habitat protection, water resources management, and disaster planning.
- In the late 1990s, the U.S. Department of Agriculture (USDA)

established the Global Change Program Office, which serves as USDA's focal point for climate change issues. The office is responsible for coordinating activities with other federal agencies and interacting with the legislative branch on climate change issues affecting agriculture and forestry. Recently, the office was involved in writing a report on the effects of climate change on agriculture, land and water resources, and biodiversity in the United States, including the effects on public lands. The report, released by the USDA in May 2008, integrated the research findings of 13 federal agencies.

- The U.S. Fish and Wildlife Service has a national effort focused on climate change, as well as regional efforts. For example, in the Pacific Northwest, the U.S. Fish and Wildlife Service is working with researchers at the University of Washington's Climate Impacts Group, the U.S. Geological Survey, the U.S. Forest Service, and others to develop an understanding of climate change effects in the Pacific Northwest. The agency will use the group's findings to inform their fish and wildlife management decisions.

Options

Option 1. Integrate climate mitigation and adaptation elements into current planning and decision-making procedures.

Option 2. Investigate new ways of responding to the fast-growing demand for renewable energy resources on public lands, through coordination with states, the Federal Energy Regulatory Commission, and the private and non-profit sectors.

Option 3. Build on current adaptive management efforts in the public and non-profit sectors. Adaptive management allows land managers to monitor their efforts to determine what works and what doesn't. Lessons from other agencies and institutions can be used to inform adaptive management processes on public lands. For example, the U.S. Geological Survey and Bureau of Reclamation are among the federal agencies with established procedures on adaptive management. Furthermore, the Massachusetts Institute of Technology and the U.S. Geological Survey have established a collaborative relationship to look at science intensive policy arenas with a programmatic focus on adaptive management. Additionally, the Lincoln Institute of Land Policy recently convened a group of conservation leaders around the topic of adaptive management as applied to conservation efforts in the context of climate change.

Option 4. Create a Biodiversity Conservation System with the mission of protecting, restoring, and sustaining wildlife and habitat, particularly in the face of increased energy development on public lands and accelerating impacts of climate change. This proposal, suggested by speaker Karin Sheldon at the Public Land Law Conference, would include the following legal and regulatory changes:

- Change land management agencies' mandates so that their approach to wildlife and its management is consistent.
- Curtail the causes of habitat and species loss, particularly that due to overgrazing, roads, and energy development.
- Create arrangements with state and private lands to protect habitats and ecosystems.

Issue 2: Construct a Cohesive Wildfire Policy

There is a compelling need to devise more rational fire management strategies across agencies, including efforts to take into account the increased likelihood of intense, prolonged fire seasons due to climate change. Studies demonstrate that weather patterns and climate variations have already contributed to the increase in large and severe fires in the western U.S. Factors likely responsible for more severe fire seasons in recent years have included long-term drought, reduced snowpack, past forest management activities (logging and grazing) resulting in dense regeneration of shade-tolerant species, and past fire suppression activities resulting in fuel accumulation. Climate change and growth in the wildland-urban interface (WUI) guarantee more fires near where more people are making their homes.

Factors likely responsible for more severe fire seasons in recent years have included long-term drought, reduced snowpack, past forest management activities (logging and grazing) resulting in dense regeneration of shade-tolerant species, and past fire suppression activities resulting in fuel accumulation.

The risk to personal property and the corresponding escalated cost of fire prevention and suppression present substantial new challenges for fiscally constrained agency budgets. The U.S. Forest Service, in particular, has been forced to take significant funds from other, vital programs to cover growing fire suppression costs. Currently, approximately half of the agency's operating budget is devoted to fire prevention and suppression efforts, imposing severe limits on other land and resource management initiatives.

As stated succinctly by Thomas DeLuca at the Public Land Law Conference, "We are faced with a challenge of how to enhance the resilience of our forested landscapes to the effects of climate change while protecting communities and maintaining a healthy, vibrant forest ecosystem."

What's Working

Currently, the Healthy Forests Restoration Act, National Fire Plan, and annual federal appropriations provide some federal funding to promote Community Wild Fire Protection Plans, "firewise" actions to improve individual homes' resistance, and coordination among state, local and federal agencies that manage fire. These efforts have let to mixed results overall, but they have helped communities in the WUI better understand fire risks and fire management costs – and plan accordingly.

On a broader fire management level, the Wildland Fire Leadership Council represents one of the most promising approaches currently in use. The Council was established in April 2002 by the Secretaries of Agriculture and the Interior to provide an intergovernmental committee to support the implementation and coordination of Federal Fire Management Policy. Although it has not overcome the overall culture of suppression, or reduced the escalating commitment of agency resources to firefighting, the Council's examination of fire management policies at the local, state, and federal level serves to inform this public land challenge.

Furthermore, the modeling and decision-support tools developed by the U.S. Forest Service's Fire Laboratory provide critical information to resource managers and other stakeholders. A new effort to simulate the effects of climate change, fire regimes, and changes in vegetation is an especially noteworthy effort.

Options

Option 1. Provide federal support to promote a stronger local accountability for community fire planning and prevention, especially in the WUI. Community land-use decisions and regional fire planning efforts that help prevent or lesson the threat of wildfire in the WUI should be supported in the federal budget on a consistent basis. The new Administration may also condition federal dollars provided to local governments on the implementation of local land use regulations that discourage development in high-risk areas of the WUI and require a certain level of "firewise" construction standards in lower-risk areas.

One specific idea is to consider alternative or contingent funding arrangements, which could be based on the National Flood Insurance Act, effectively transferring the cost burden from the federal government to private insurance companies. Other cost-sharing arrangements should also be considered. The bottom line is that the federal government cannot continue to bear the total cost of fire planning and prevention in the WUI and that incentives and/or regulations may be needed to promote more sensible private decision-making.

Option 2. Refine methods of prioritizing where fuel reduction and other forest treatments should occur. Fire is a natural occurrence in the forested environment, and most forest ecosystems are adapted to and dependent upon natural wildland fire. Efforts to reduce the negative consequences of wildland fire will be most effective when based on recreating natural forest composition and processes. (This goal will become especially challenging as climate change alters baseline conditions across the landscape.) Fuel reduction treatments are most effectively implemented in the WUI; over large landscapes, the emphasis should be on restoring natural fire regimes.

Issue 3: Balance Energy Development with Other Public Land Management Goals

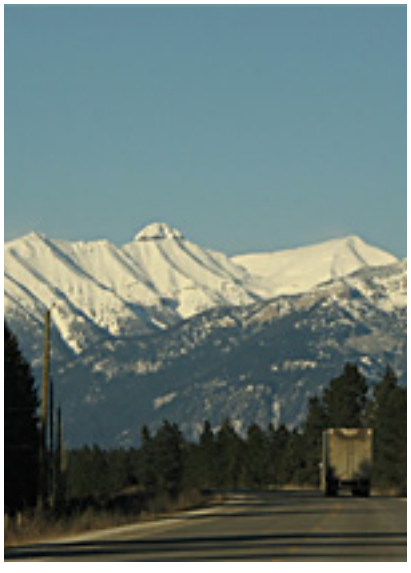
Growing global and U.S. energy demand, coupled with an increased desire for clean, renewable energy resources and U.S. energy independence, will result in continued pressure to utilize the diversity of energy resources found on public lands, including conventional fossil fuel sources (e.g., coal, oil, and natural gas), renewable energy sources (e.g., wind, solar, geothermal, and biomass), and unconventional sources (e.g., oil shale and oil sands).

Each energy resource has unique characteristics and specific development footprints that impact the land, resources, wildlife, and habitat. Regardless of the source, the necessary transmission infrastructure to bring energy resources into our homes, communities, and businesses must be built. Doing so in an efficient and environmentally responsible way will be paramount.

The challenge will be to develop these energy resources in a manner that is consistent with the broader vision of public land management and use – that is, to articulate an energy policy for public lands that balances energy development with other public land demands such as recreation, fish and wildlife habitat protection, grazing and other commodity uses, and conservation.

Additionally, the new Administration will have to consider how current laws and regulations, including National Environmental Policy Act (NEPA) rules and procedures, media-specific environmental laws, agency planning rules, the Mineral Leasing Act, and royalty-based resource management practices complicate efforts to devise an effective and efficient policy for energy development on public lands.

In addition to land management and environmental quality issues, tax policies (especially incentives and credits) play a significant role in shaping energy development and will have to be taken into consideration as well.



What's Working

A number of existing efforts in the public, non-profit, and academic sectors may prove useful in informing a comprehensive energy policy on federal public lands.

The Western Governor's Association and the U.S. Department of Energy, for example, have initiated a project called the Western Renewable Energy Zones with the goal of expediting the development of clean, renewable energy by identifying areas that are most likely to provide highly efficient energy resources with minimal environmental impact.

Additionally, federal agencies are compiling fossil fuel resource information that can help inform policy-makers and others. A series of

reports mandated by the Energy Policy and Conservation Act of 2000, for example, provides an inventory of oil and gas resources on federal lands and further details whether regulations or statutes currently prohibit or limit utilization of those resources. Additionally, in 2003, the BLM and the National Renewable Energy Lab issued a GIS-based report identifying those areas of public land with concentrations of wind, solar, biomass, and geothermal resources.

One specific success has been the development of a west-wide Energy Corridor Programmatic EIS, jointly prepared by the Department of Energy, the Bureau of Land Management, the Forest Service, and the United States Department of Defense, which evaluates issues related to the establishment of energy corridors in eleven western states.

Programmatic Environmental Impact Statements (EISs) have been used as a policy development tool to promote and support the expansion of wind, geothermal and solar technologies. Programmatic EISs should be used to evaluate a whole range of alternative energy possibilities on federal public lands.

Furthermore, the Energy Policy Act of 2005 (EPACT) included provisions to modernize transmission, facilitate development of renewable energy resources on public land, implement regulatory efficiencies for natural gas, and exploit public off-shore renewable resources (wind, wave, and tidal). One specific success has been the development of a west-wide Energy Corridor Programmatic EIS, jointly prepared by the Department of Energy, the Bureau of Land Management, the Forest Service, and the United States Department of Defense, which evaluates issues related to the establishment of energy corridors in eleven western states.

Options

Option 1. Revisit energy development on public lands with the aim of balancing development with other uses and demands. This may include reforming current leasing policies, placing a greater emphasis on up-front planning of energy development and related infrastructure needs at a landscape level of analysis, improving reclamation practices, and focusing more attention – particularly budget and staffing in public land agencies – on renewable resource development.

Option 2. Strengthen partnerships with state and local governments in an effort to provide additional recreational opportunities and preserve wildlife habitat in the face of energy development. For example, the Administration could reinvigorate the Land and Water Conservation Fund by using a portion of new energy royalties as one way to preserve habitat areas, improve recreational opportunities, and meet other public land needs.

Issue 4: Recognize the Values of Watershed Protection on Public Lands

In enacting the U.S. Forest Service's 1897 Organic Act, Congress authorized the creation of national forest reserves "to protect and enhance water supplies, reduce flooding, [and] secure favorable water flow," as well as to provide fire protection and a sustained yield of timber for wood products. Over time, the primacy of watershed protection has been diluted somewhat by the multiple uses for which our national forests are now managed, but public lands remain critical to supplying much of the West's high-quality water for domestic uses, irrigation, recreational and environmental flows, and other important purposes. Approximately one-third of the West's fresh water supplies flow from National Forest System lands.

Although states play the primary role in allocating and managing privately held water rights, federal public land managers are responsible for overseeing many of the activities that impact the rivers that supply this water. Historically, this has proved to be a challenging job under any circumstances, but projected impacts of climate change (reduced snowpack, earlier and "flashier" spring runoff, and warmer water) will bring accelerated management pressures to federal land managers.

Another challenge to water management on the public domain is resolving conflicts over reserved water rights on Indian reservations. Ten western states have engaged in massive, complex lawsuits known as general stream adjudications, which involve resolution of reserved rights for federal land reservations as well as Indian treaty rights and private claims to water.

What's Working

Federal resource managers are working cooperatively with tribal and state fisheries managers and private organizations to restore degraded watersheds and thus enhance the region's fisheries. In the Lolo National Forest of Montana, for example, federal managers have closed and decommissioned 788 miles of roads, rehabilitated 4.4 miles of degraded streams, replaced 55 culverts, removed or improved eight water diversions, and restored 13 user-created recreation sites that were no longer desired. This work, which occurred over a ten-year period, made nearly 350 miles of fish habitat available for resident fish populations and provided cleaner water for adjacent streams and rivers. Similar work is occurring on public lands throughout the country, although funding for vegetation and watershed programs are stretched thin. Many projects depend on partnerships with private landowners and nongovernmental groups.

Federal resource managers are working cooperatively with tribal and state fisheries managers and private organizations to restore degraded watersheds and thus enhance the region's fisheries.

Water rights settlement negotiations have been successfully completed in many western states. These negotiated agreements between states, tribes, and federal agencies resolve longstanding water rights claims and allow parties to move beyond expensive and time-

More than two dozen of the major Indian water rights claims have been settled through negotiated agreements and ratified by Congress.

consuming litigation. More than two dozen of the major Indian water rights claims have been settled through negotiated agreements and ratified by Congress. A growing number of settlements concern non-Indian federal lands, such as the historic National Park Service-Montana compact protecting the geothermal features of Yellowstone National Park.

Options

Option 1. Revitalize the fundamental goal of national forest lands (and expand the goal to other public lands) of protecting and enhancing our water supplies. Use water quality as a primary measure of the effectiveness and sustainability of resource management on public lands.

Option 2. Seek additional opportunities to engage in watershed restoration activities as a regular part of public land management. See further discussion as restoration on public lands on pp. __ of this report.

Option 3. Place a high priority on resolving (and funding implementation of) the remaining water rights settlement negotiations.

Challenge 2: Respond to Growth, Development, and Legacies of the Past

Demographic changes, including continued growth and development in the West, place new challenges and new demands on federal public lands. More people enjoy public lands for recreational purposes and more homes are built near public lands. Responding to these changes, while simultaneously working to restore public lands that have been degraded by past activities, will be critical to effective public land management in the 21st Century.

There are three notable issues related to growth, develpment, and legacies of the past:

5. Address Growth and Development Pressures Near Public Lands
6. Respond to Increasing Recreation on Public Land
7. Develop a Comprehensive Restoration Agenda

Issue 5: Address Growth and Development Pressures Near Public Lands

The challenges of rapidly growing urban areas adjacent to public lands exacerbate public land management beyond wildfire-related concerns. Additional challenges include the spread of weeds, loss of wildlife habitat, and an increased demand for a variety of recreational activities, among others.

Growth near public land also raises the question of whether it may be desirable to sell or exchange parcels of public land in an effort to accommodate local growth or to consolidate federal lands in a specific area. The methods of public land disposal policies during the past several centuries resulted in patterns of scattered public land ownership in many areas of the United States, presenting significant challenges to public access and management activities. At least since the 1930s, the federal government has responded by selling scattered tracts that are deemed difficult or uneconomic to manage or by exchanging lands with private entities or state governments to "block up" federal holdings and dispose of lands that have less value to the public than the lands being acquired.

What's Working

States and federal agencies are gathering information and devising new management approaches in response to development pressures near public lands. The U.S. Forest Service, for example, published a report in August 2007, which outlined development pressures on the nation's forests and grasslands and highlighted the need to better understand population and growth projections. Several recent reports have explored options for working across jurisdictional boundaries, including participating in local land use planning processes and offering opportunities for cooperative conservation initiatives with private landowners living adjacent to public lands.

The public land-dominated West may be the most natural laboratory for learning to "think like a region."

In many cases, such partnerships are already bearing fruit, including joint efforts to use Land and Water Conservation Funds to purchase "keystone" private properties for inclusion in open space buffers around growing cities. Also, private land trusts, ranchers, timber interests, and others have cooperated to obtain conservation easements on valuable private lands in river corridors surrounded by public lands. As has been ably articulated by Daniel Kemmis, the public land-dominated West may be the most natural laboratory for learning to "think like a region"—that is, transcending the jurisdictional boundaries that divide people who are naturally connected through their landscape.

Private initiatives to deal with growth in communities adjacent to public lands have emerged throughout the region. For example, the Yellowstone Business Partnership works with leaders in 25 counties in Wyoming, Idaho, and Montana to develop sustainable business practices and more responsible growth and development. Its Greater

Yellowstone Framework for Sustainable Development assessed regional attitudes toward growth and change and created a rating system for green building and sustainable land use. This program, currently in a pilot phase, is challenged by the relatively lax land use planning in the counties involved; participating entities must voluntarily take measures that may cost more than standard development practices.

Addressing the fragmented ownership patterns of public lands has proven a challenge. The U.S. Bureau of Land Management had an active land exchange program until about ten years ago, resulting in the acquisition of lands in the San Pedro National Riparian Conservation Area, La Cienega National Conservation Area, and Aqua Fria National Monument in Arizona, the Silver Saddle Ranch in Nevada, desert tortoise habitat in St. George, Utah, and the Sleeping Giant area north of Helena, Montana.

Some of these exchanges drew criticism from the Department of the Interior's Inspector General and the Government Accountability Office in the late 1990s because of the manner of valuation of exchanged lands and the resulting urban development on formerly federal lands. Congress responded by enacting two laws aimed at resolving these issues: the Southern Nevada Public Land Management Act of 1998 and the Federal Land Transaction Facilitation Act of 2000. Both authorize BLM to sell at competitive auctions certain lands identified for disposal through the agency's planning process and provide that a portion of the funds generated through the sales be used to acquire lands that benefit federal resource management programs.

Options

Option 1. Build on the ideas of cooperative conservation to "think like a region." Find ways of partnering with states and communities to explore new options – moving beyond the Progressive Era model of expert governance – and devolve power without abdicating legal authority. Encourage public land managers to work with local land use planners and elected officials, and strongly encourage cooperating agency status for state and local communities for plan-level NEPA documents.

Option 2. Rationalize land ownership and boundaries, which may include dispositions, realignments, and exchanges. It may make sense at times to realign boundaries to meet policy and management objectives or to accommodate urban growth around larger metropolitan areas like Las Vegas, St. George, and Phoenix. Specific objectives may include protecting watersheds, providing wildlife corridors, or addressing wildfire concerns. Administrative costs may also be a consideration.

Issue 6: Respond to Increasing Recreation on Public Land

Public land agencies are working to respond to increased public demand for a variety of recreational activities. In addition to increasing demand from the West's burgeoning population – estimates are that roughly 25 million people live within 25 miles of public lands – many localities are promoting recreational opportunities on nearby federal lands and enjoying the economic benefit that comes with additional traffic in stores, restaurants, and hotels.

Although recreational demands have been increasing for some time, Congress has not yet provided adequate funding to respond to these demands, particularly in the case of the Bureau of Land Management (BLM). In general, there is a need to more fully recognize and adequately support recreation as a full partner in existing multiple use mandates for public lands.

At the same time demand is increasing for certain recreational activities, data also show that National Park Service visitations are down overall and that children, young adults, and minorities are not as connected to public lands as they were in the past. These trends complicate the task of recreation management and present the question of whether a "nature-deficiency" among these groups may have negative implications for both the health of citizens and the welfare of public land.

In many areas, access to public lands is at risk because adjacent private landowners have closed traditional access routes out of concerns for vandalism or a desire to market the recreation opportunity for profit. Again, the scattered ownership patterns of public lands exacerbates this problem.

What's Working

Aspects of the user fee system are working, and there may be an opportunity to learn from state fee systems, such as the one operated by California State Parks, as reforms to the user fee system are considered. Under the California system, for example, recreationists purchase passes that hang from the rear view mirror. For activities with a high impact on the land, such as off-road vehicle use, a specific pass for that use is required.

Hunters and fishers pay a self-imposed federal tax on the recreational equipment they purchase to support habitat enhancement and restoration. Such a financing mechanism could be expanded to other recreational equipment to support broader enhancement and restoration efforts.

In some instances, public land managers have entered into special arrangements with local groups to apply recreation fees to cooperative management initiatives, resulting in both improved land health

Montana's block management program pays cooperating landowners a fee to allow hunters to come on their land, broadening access for hunters and alleviating wildlife over-population issues and the consequent damages to both public and private resources.

and better relationships with local residents. A notable example is the Sand Flats Recreation Area, managed through a cooperative agreement between the BLM and Grand County, Utah.

Incentives to private landowners can ease access issues. For example, Montana's block management program pays cooperating landowners a fee to allow hunters to come on their land, broadening access for hunters and alleviating wildlife over-population issues and the consequent damages to both public and private resources.

Options

Option 1. Review current practices and travel management plans with an emphasis on establishing baseline information on recreational uses and needs and identifying management approaches that are working well. The new Administration could use this review to document and transfer best practices, promising approaches, and lessons learned. Address particular attention to addressing the significant and rapidly growing impacts of off-highway vehicle recreation on public lands.

Option 2. Formally recognize recreation management as an equally valuable directive of public land management agencies, an integral part of the multiple-use mandate, discussed on pages ____ of this report.

Option 3. Provide adequate budget support for recreation, public education, and restoration of lands impacted by recreation. Support the efforts of the public land agencies to get "kids in the woods," promote youth corps efforts to build trails on public lands, and use Land and Water Conservation Fund dollars to restore lands and habitats. Ensure that all such restoration work is followed by continued monitoring and intensive management in order to protect the ecosystem values enhanced by the restoration.

Option 4. Consider changes to the user fee system that will make it more fair and cost-effective, which may include more transparency in the ways the fees are collected and used. Fee revenue can help support innovative partnerships with local stakeholders. While there is some continued controversy over the effectiveness of user fees, this income stream can allow specific user groups to cover the portion of costs currently being subsidized by taxpayers, and can enable more intensive management efforts to be applied in areas most impacted by heavy recreational use.

Option 5. Investigate ways to provide recreational opportunities for all cultures and traditions.

Issue 7: Develop a Comprehensive Restoration Agenda

Over time and despite the best efforts of public land managers, tracts of public land have been damaged by natural and human causes, including exotic species invasions, unreclaimed mining, toxic waste dumping, wildfire, disease, poor harvest practices, and deferred maintenance, among others. The damages to public resources include stream and river degradation, damage or destruction of habitat areas, and threats to air and water quality. In addition to impacts on wildlife habitat and ecological integrity, such conditions impact human safety, well-being, and economic opportunities.

As recognized in various reports and pronouncements by public officials in recent years, the potential economic and community benefits of environmental restoration justify significant investment in the emerging "restoration economy." Public land and resource managers will play an important role in identifying and prioritizing areas appropriate for restoration work. In some cases, landscape scale restoration will be required to ensure functioning ecosystems and a sustainable resource base.

At the same time, it is important to recognize that restoration is a young science, and that very few "answers" are certain. Although the need for restoration is obvious and well documented, the approaches we take must incorporate as much learning as possible, with monitoring and adjustment throughout.

Restoration is a young science, and very few "answers" are certain.

What's Working

Public resource managers incorporate restoration principles into many aspects of their work, as demonstrated by collaborative watershed restoration efforts, partnerships with landowners to improve the quality of streams that flow between public and private lands, and stewardship contracts to achieve improved forest conditions through harvest activities.

Cooperative efforts to develop standards for restoration are helping to give more specific meaning to this practice. For example, a group called the Montana Forest Restoration Committee brought together 34 representatives of conservation groups, motorized users, outfitters, loggers, mill operators, state government and the Forest Service to develop a set of restoration principles and an implementation plan to which they all agreed.

Options

Option 1. Integrate emerging principles of environmental restoration (including meaningful and scientifically credible monitoring and evaluation) into existing planning and decision-making processes. For example, national forest and public land plans should explicitly address decommissioning roads and restoring the lands and waters impacted by them.

Option 2. Support and help disseminate the findings of professional research efforts to identify the most successful and cost-effective restoration methods by region and resource. Participate in and support collaborative initiatives such as the Montana Forest Restoration Committee, and ensure implementation of agreed-upon principles in subsequent resource management activities.

Option 3. Provide dedicated public funding (such as a national trust fund) to support restoration of damaged public resources on a large scale, including education of a trained restoration workforce and designation of priority areas for restoration investment.

Challenge 3: Build a Management Structure for the 21st Century

Building a federal public lands management structure for the 21st Century will require not only preparing to face challenges looming on the horizon, but also responding to current constraints. In the public lands arena, this means addressing the structural, management, and funding challenges facing public land agencies.

Issue 8: Unravel Complex and Competing Mandates

Public land management mandates have accumulated over time in response to changes in public needs, market forces, and an increasing awareness of the ecological values of public lands in addition to their economic and recreational values.

"Multiple use" is a public land management concept adopted in the 1960s to assure that the national forests and public lands are managed for a broad range of uses—both commodity and non-commodity. The same concept was expressed in a number of congressional acts: the Multiple Use Sustained Yield Act of 1960, the Classification and Multiple Use Act of 1964, the Federal Land Policy and Management Act of 1976, and the National Forest Management Act of 1976.

As described in the 2004 U.S. Supreme Court case *Norton v. SUWA*, "'Multiple use management' is a deceptively simple term that describes the enormously complicated task of striking a balance among the many competing uses to which land can be put, 'including, but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, and [uses serving] natural scenic, scientific and historical values.'"

In practice, this mandate is variously interpreted. Public land decision making involves extreme, sometimes hostile, competition among various stakeholders. Many land management decisions are challenged in appeals and litigation. Some stakeholders have interpreted the multiple use mandate as describing only commercial use of the public lands or uses that impact resources such as off-highway recreation, and then debate about the pros and cons of those activities as "multiple uses." Many observers have called for an updated articulation of the managing principle for public lands, more directly related to long-term sustainability of resources and ecosystem integrity.

Pubic land management mandates are not only numerous and complex; they often conflict and compete with one another. In addition to those rules and laws targeted specifically at public lands (National Forest Management Act, Federal Land Policy and Management Act) this web of legal mandates includes laws that influence and affect public lands management (National Environmental

Pubic land management mandates are not only numerous and complex; they often conflict and compete with one another.

Protection Act, Endangered Species Act, Administrative Procedures Act, Federal Advisory Committee Act, Clean Air Act, Clean Water Act, National Historic Preservation Act, etc.).

This dual challenge of complexity and competition has garnered attention over the years and has been named the "process predicament," a "Gordian knot," and even the "blob." Regardless of its moniker, these problems present a critical challenge to effective public land management and the new Administration. The challenge can be succinctly summarized as synthesizing the current piecemeal network of agencies, laws, and rules into a cohesive structure with a common vision and mission.

What's Working

A host of programs and policies are working despite these management challenges. While there are not hard and fast rules, successful efforts tend to be ones that are inter-organizational, practiced at the landscape scale, broadly inclusive, flexible, and focused on a specific issue or problem. Furthermore, successful efforts typically have emerged from the bottom-up rather than being imposed from the top-down, allowing for consideration of local or regional circumstances.

The following examples highlight some recent and notable successes:

- Innovative processes can be found within the efforts that led to the Northwest Forest Plan, the Sierra Nevada Framework, the Everglades Restoration, and, to a lesser extent, the Greater Yellowstone Coordinating Committee and the Crown Manager's Partnership.
- Additional examples where successful partnerships have formed across jurisdictional boundaries include those through the Tribal Forest Protection Act, authorizing Tribes to perform thinning on federal lands, and Service First, a BLM and U.S. Forest Service initiative through which resources and offices are shared to benefit the public.
- A host of specific programs have proven either successful or promising, including the leasing of grazing rights for conservation purposes, agreements between amenity and commodity groups that serve each party's interests (e.g., compensation to ranchers from conservation groups for wolf kills), the user fee system, conservation easement programs, and other efforts that include a "willing seller/willing buyer" component.
- Efforts to adapt management practices to protect salmon in the Columbia River system and other critical habitat designations (e.g., plans developed to recover the spotted owl and marbled murrelet) are notable for the learning that occurred throughout the process.

Other efforts, such as the Endangered Species Act, have proven successful in terms of safeguarding some species but have been controversial in their implementation. Coordinated state, local, and federal activities to prevent the listing of the sage grouse may be a promising model that deserves further review. Still other efforts, such as the recent attempt to revise grazing rules, were promising but cut short before completed.

Options

The ultimate solution to these challenges will require an unraveling of "the knot" and a reevaluation of its many strands in the context of 21st Century public land management. This reevaluation would include, but not be limited to, determining the level and kind of stewardship that is required to effectively manage public lands; prioritizing among competing demands and uses; balancing local and place-based interests with national interests; engaging the public in decision making; understanding the role of science in informing policy decisions; utilizing technology to improve decision making and management; considering how best to integrate the overlay of environmental laws and processes into federal land mandates; and determining how domestic and international market forces influence public land management decisions. Effective, efficient oversight and management of our public lands will also require that we work to resolve unnecessary judicial challenges and entanglements.

Option 1. Resolve the multiple use mandate conundrum by working with Congress to prioritize among competing uses and articulate an overarching vision for public land stewardship. Prioritizing among uses would not only resolve conflict, but it could also help determine which rulemaking and lawmaking efforts the new Administration should push. Prioritization could not only be given to uses, but also to various management techniques, like inter-agency coordination.

Option 2. Convene a bi-partisan panel of experts, scientists, managers, and the public to credibly provide focus on where we are now and recommendations on what options to take to better address these complex and competing mandates. The last Public Land Law Review Commission completed its work in 1970 with publication of the report One Third of Our Nation's Land, which formed the foundation of many important public land statutes enacted in the following decade. It may be past time to charter a new Commission, with a broader scope of review, and address the many complex issues raised by the issues described here.

Option 3. Consider administrative changes to align agencies and departments based on overarching federal public land goals and objectives. Debates have arisen about the appropriate locus of public land management authority ever since Gifford Pinchot secured a place for administration of forest reserves in U.S. Department of Agriculture rather than the Department of the Interior. Much political capital has been spent in efforts to realign the public land agencies into a single "umbrella" department, but little has changed. The latest inquiry into this possibility will play out based on a March 2008 request of the House Appropriations Subcommittee on Interior, Environment and Related Agencies to the Government Accountability Office to examine whether to move the Forest Service to the Department of the Interior.

Option 4. Develop better tools and approaches – or adapt and modernize existing statutory rules and tools – to address current and growing public land challenges. Planning procedures should allow for some level of flexibility and adaption to new circumstances so long as overarching laws and tenets are fulfilled, with the tenets devised by an accountable, bi-partisan committee, or other viable and legitimate party.

A related option is to provide public land managers with training and tools to work together more effectively across agencies, disciplines, sectors, and landscapes. More specifically, the new

Administration should refine past and current approaches to regional and collaborative problem solving by learning more about what makes them effective and providing support for promising approaches and models.

The new Administration will also want to take a critical look at the lessons learned during the establishment and implementation of the Northwest Forest Plan and determine how to apply those lessons at the watershed or ecosystem level or on a smaller scale. While the Northwest Forest Plan was a mixed success and the timber harvesting provisions were not realized, it was nevertheless the first attempt at ecosystem management in a timber harvesting context. The plan's shift in priorities away from unsustainable harvest policies and toward a framework for cross-jurisdictional management merits specific attention.

Another need is to find a way to introduce civility into public lands dialogues, a process that has been difficult in contentious debate largely defined by direct-appeal mailings and other divisive and politically charged actions. As opposed to some of the acrimonious discussions that currently exist, processes need to be put in place that constructively engage people and apply credible scientific knowledge.

More attention could also be given to expanding market-based management approaches. One idea for the incoming Administration is to lead an effort to price or value public land assets and services, whether grazing, timber, hiking, biking, etc. Once these prices and values are established, they can be utilized to make better management decisions regarding specific demands and services, either through a re-working of the fee demonstration program or a new effort. This data also informs calculations concerning the costs and benefits of land management programs.
Furthermore, the Administration should consider options for improved public outreach and education. Specific ideas are to educate the public about the economic value of the services our public lands provide, from nutrient flows and cycles to clean air and water. Another idea is to establish a communications initiative highlighting the contributions of public lands to our country's welfare. One of the goals of this communications effort would be to strengthen the connection between western public lands and the East and West Coast population centers.

Option 5. Work with Congress to:

- revise land management, environmental, and commodity-based laws;
- provide adequate funding; and
- find alternatives to litigation for resolving disputes.

First, the new Administration could help untie the complexity-competition knot by working with Congress to rewrite the major land management acts (the Federal Land Policy and Management Act and National Forest Management Act) with the goal of devising a more cost-effective and balanced management approach that better reflects 21st Century realities. This effort must recognize that these land management statutes and their interaction with environmental and commodity-based laws result in the current complexity. The discussion, therefore, should include these inter-connected laws as well.

Second, the Administration should work with Congress to provide adequate funding for public land agencies to address the 21st Century challenges highlighted in this report.

Third, the new Administration should work with Congress to find new avenues for citizen action prior to litigation through alternative dispute resolution processes, as that proposed by the National Environmental Conflict Resolution Advisory Committee, increased use of the services of the congressionally chartered U.S. Institute for Environmental Conflict Resolution, or through some other means. The idea would be to focus management efforts on serving the public and getting the necessary work done, not spending time in courtrooms. Courts would remain a vital part of the system as the final arbiter.

Issue 9: Plan for the Next Generation of Public Land Managers, Policy Makers, and Users

There is growing concern about how best to prepare the next generation of professionals to manage our public lands. The U.S. Office of Personnel Management predicts that roughly one-third of professional land managers will be retiring in the next five years, while roughly the same number will be eligible for retirement but will likely remain in the workforce. Additionally, some past management and budget decisions, including downsizing, re-inventing government, and contracting/outsourcing efforts, have left land managers and staff demoralized and without the necessary resources to be successful. In addition to the immediate problems posed by limited resources future personnel recruitment may be challenging.

Furthermore, planning for the next generation of public land managers will require consideration of the educational and life experiences, management practices, and land management philosophies that will be needed to meet the challenges of the next century. In this sense, the challenge is to ask what will be needed to recruit, educate, and retain a cadre of new, effective public land managers who are equipped with the broad array of professional skills necessary to serve them in the future.

What's Working

Many managers and staff are currently effective at achieving beneficial on-the-ground outcomes through effective leadership, coordination, and oversight. The new Administration should take advantage of this existing leadership network to help it build morale, empower other public land managers and civil servants at all levels, and convey necessary knowledge to a new generation of land managers (succession planning). The Administration should provide the infrastructure and financial support necessary for success.

Additionally, there are resources to draw on beyond those provided by formal employees, including through partnerships with the business and non-profit sectors and with volunteers. In several areas of the West, there are currently more volunteers than the agencies can handle.

Finally, efforts are already underway that may be built upon, including the recruitment and leadership efforts initiated by the U.S. Fish & Wildlife Service, Boone and Crockett Club, Fish and Wildlife Foundation, National Forest Foundation, and National Conservation Training Center, among others. As one Forest Service District Ranger reported at the Public Land Law Conference, "We remain the employer of choice." She went on to remark that the generational turn-over offers an opportunity for regeneration, as the young people emerging from universities are "young, spry, technologically savvy, and enthusiastic."

Planning for the next generation of public land managers will require consideration of the educational and life experiences, management practices, and land management philosophies that will be needed to meet the challenges of the next century.

Options

Option 1. Use the President's appointment power to put people in key positions that can revitalize the relationship among political appointees and professional staff. In rare instances, conflicts arise between political appointees and professional staff. Such conflicts are less likely when appointees have solid credentials and experience in public land and resource management.

Option 2. Build a comprehensive career recruitment strategy, provide funding to support the statutory mandate of agencies and revise current hiring procedures to make them more efficient.

Option 3. Provide education and training for on-going development in the broad range of skills and approaches necessary for addressing evolving public land management challenges. Undertake succession planning efforts to transfer necessary knowledge to new managers. As demonstrated in the BLM's National Training Center, this may include: (1) distilling the principles of what currently works well and distributing them to all employees; (2) helping public land managers effectively communicate their work; and (3) promoting the people that have appropriate communication and collaboration skills. Communication and collaboration skills will be vital to achieving respect of career employees as well as working out of the "agency box," including with other public sector agencies, tribes, states, and communities.

Option 4. Use other resources, like volunteers and advanced technology, to help public land managers and staff do their jobs better in an era of limited government resources. Technology may help overcome some of the challenges associated with transferring knowledge from one generation to the next, mapping resources, visualizing alternative outcomes of management choices, and predicting climate changes, among others. Additionally, the Administration could explore the idea of supporting a networked partnership to land management where a common vision is established and a variety of people and organizations are encouraged through formal partnerships to take on projects that are consistent with that vision using their own tools, resources, and methods.

Next Steps

This report provides an overview of critical issues facing the new Administration, as well as an array of options for action. The National Advisory Board of the Public Land and Resources Law Review, in cooperation with the Public Policy Research Institute, looks forward to working with public land leaders to address these challenges in the coming years.

The annual Public Land Law Conference at the University of Montana School of Law offers an excellent opportunity to explore current controversies and innovative solutions. Many of these issues are explored in greater details in the research and publications of the Public Policy Research Institute, which also engages directly with agencies and other entities to design new governance structures for preventing and resolving public land and resource disputes.

Though not designed as an immediate panacea or as a brief for any particular interest, the ideas set forth in this report should serve as a starting point for a broader dialogue over how public land policy might be reshaped to meet the many challenges that lie ahead. As trustees of the public lands, the American people have always had a voice in any discussion about the future of these lands and resources. The National Advisory Board hopes to engage them, through the new Administration and the next Congress, in this important and perhaps overdue conversation.

Appendix: Selected Resources on Public Land Policy

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