Some thoughts on the road ahead for public lands, by John D. Leshy

As the new Administration takes office, it is useful to step back and take a “big-picture” look at some of the public lands challenges it will face. The following two documents are my perspective on some of the more salient issues.

I. The first is drawn from, and to some extent reproduces, parts of a chapter I prepared, entitled “Department of the Interior—Natural Resources Serving Society,” which is being published in Change for America: A Progressive Blueprint for the 44th President (Center for American Progress Action Fund and New Democracy Project, 2008) (excerpts reprinted with permission from CAP Action Fund and NDP).

N.B. While I co-chaired the Interior Department Transition Team for the Obama-Biden Administration, the following ideas were developed in advance of and apart from that process, and in any event do not represent Administration policy.

Two big challenges

–Forge a sustainable energy policy and deal responsibly with climate de-stabilization.

–Protect America’s public land treasures for the future and engage the growing progressive forces in the western United States where most of these lands are found.

Climate de-stabilization poses formidable new challenges to the nation, and Interior will likely be instrumental in the new administration’s efforts to adopt a greenhouse-gas-sensitive national energy policy. Interior’s broad expertise and substantial information-gathering apparatus in the earth sciences—geology, hydrology, and biology—must play a key role. Interior’s lands should serve as a vast demonstration project for how to manage natural resources in the face of this daunting problem. Federal lands will likely be the locus of renewable resource development such as solar, wind, and geothermal and associated energy transmission infrastructure, as well as significant biological sources of carbon sequestration and suitable sites for geological carbon sequestration. Interior-managed lands and waters will also play an important role in climate-change adaptation strategies, including serving as sanctuaries for species imperiled by shifting habitats and other climatic changes.

Federal lands managed by Interior also contain many of the nation’s crown jewels. Besides the well-known national parks and historic sites, these lands include watersheds vital to the nation’s supply of clean fresh water, some of the nation’s best fishing and hunting opportunities, coastal wetlands, key wildlife habitat, and inspirational wild lands. Most of these areas are in the American West, which has long been the most rapidly growing region in the country and now has a higher percentage of its residents living in urban areas than any other region in the country. Its burgeoning metropolitan areas are sprinkled across a landscape of splendid natural amenities, much of it managed by Interior. In recent decades the western regional economy has broken its
historical dependence on producing commodities such as trees, minerals, and beef. While that transition was underway, irritation and conflict marked the relationship between westerners and the federal government. Interior—the most visible federal presence in the region—was in the cross-hairs.

Those tensions have subsided considerably. Westerners have deepened their appreciation of the vital and generally positive contributions Interior makes to the quality of life in the region. Western states have become more progressive, and even historic adversaries like ranchers and conservationists now find common ground on a number of issues. Climate and water disruption and the need to reorient energy policy make cooperation ever more important. The new administration has a huge opportunity, and responsibility, to formulate strategies and policies to constructively partner with this “New West.”

Federal lands will remain an important source of fossil fuels to bridge the transition to a new energy policy. These include submerged lands offshore, which sometimes pose fewer conflicts with other resources than onshore land. Overall, the administration will need to work closely with affected states and other interests to limit fossil fuel development to areas of high potential where serious conflicts with other important resources are manageable or avoidable. It should also tighten regulation to ensure that energy companies operating on federal lands are responsible for thorough cleanup and reclamation. And it should take the lead in crafting new policies regarding energy-related uses of federal lands, addressing such issues as how much to charge non-federal entities for permission to use sites on federal lands for solar, wind, and carbon sequestration projects.

Interior and the public have increasingly recognized that the Bureau of Land Management’s 260 million acres contain some superb scenic, historic, cultural, and recreational sites that provide inspiration, education, and outdoor scientific laboratories, not to mention tourism dollars for local economies. Since the 1970s, a little more than 10 percent of BLM lands have been protected as national conservation areas, monuments, and wilderness. The Clinton administration created a new National Landscape Conservation System within BLM for these specially designated lands. Some of the Clinton monument proclamations were initially controversial in more conservative parts of the West, but they and the NLCS quickly gained wide acceptance. The NLCS remains a work in progress. Many other BLM areas—ranging in size from a few acres to large landscapes—are worthy candidates for inclusion. The system should take its rightful place alongside the national park, national forest, and national wildlife refuge systems. Efforts should be made to fill out the NLCS, inviting nominations from governors, tribes, historic and cultural preservation groups, hunters, anglers, and other recreationists, conservationists, tourism representatives, and local business interests. Interior should work with Congress and all affected interests to decide what areas to include.

The rich variety of life on Earth is shrinking at an alarming rate, with profound economic, ecological, sociological, ethical, and human health implications. Climate disruptions will probably accelerate this loss by altering habitats and changing the timing of seasonal events such as snowmelt and insect emergence. The new administration must deal with the problem both domestically and internationally. Interior’s expertise ought to be brought to bear to ensure that
efforts to address carbon emissions around the globe involve intelligent use of carbon offsets to protect biodiversity. Federal lands will likely be ever-more crucial reservoirs of biodiversity, but they are not always well located to play that role; gaps exist in their coverage of biodiversity “hot spots” and key migration corridors. The new administration should convene a group of experts to examine these issues systematically, and craft strategic guidance to federal land and water agencies on how best to preserve biodiversity against the challenge of climate destabilization. The new administration will also need to review Endangered Species Act policies. The Clinton administration put in place a number of administrative reforms to make the ESA work better, including broadening the focus beyond single species and enlisting the voluntary cooperation of state and private landowners.

The new administration should reinvigorate efforts to make the ESA more effective and user friendly, using the tools of habitat conservation planning and adaptive management and promoting stronger partnerships with state wildlife agencies and private landowners through the use of financial and other incentives. For instance, various proposals have been made to extend valuable tax credits to private landowners who enter into agreements with the government to protect and recover endangered species, one small part of which was included in the 2008-enacted farm bill.

Legitimate concerns remain whether, as currently written and funded, the ESA can stem the loss of biodiversity in a climate-disrupted world. Species particularly sensitive to climate destabilization are being brought under its protection, but some experts think the Act could be overwhelmed if its processes are heavily relied upon as a primary means of tackling greenhouse gas emissions. Numerous problems with the Act, including its focus on single species, its “emergency room” dynamic, its complex bureaucratic processes, and its lack of clarity with respect to habitat protection, have spawned repeated efforts in Congress to reform the Act over the past 15 years, all of them unsuccessful. The ESA focuses attention on the need to safeguard the planetary web of life upon which we all depend. The new administration must fashion ways of preserving it as a powerful symbol and an essential tool for protecting biodiversity.

New and clearer policies are needed regarding the use of federal lands for groundwater storage and supply projects; pipelines and other water conveyance facilities; and solar, wind, or other energy projects to help provide the large amount of energy needed to move water to where it is needed.

More broadly, the new administration should systematically review federal policies regarding whether and how much to charge for the use of federal lands and resources by miners, ranchers, recreationists, timber companies, utilities, and others. Federal policy on these fiscal matters is an incoherent hodge-podge, having evolved haphazardly over the years. It lacks a consistent rationale for the kinds and levels of rents, royalties, and fees charged, and the methods of calculating them. Some exploiters of valuable federal resources such as hard-rock miners pay no rental or royalty at all. Federal agencies charge other users much less than state or private landowners charge in comparable settings. In recent years, federal agencies, spurred by legislation such as the Federal Lands Recreational Enhancement Act of 2004, have begun charging fees for camping and other recreational uses of federal lands, creating controversy and
proposals for legislative reform. Adding to this confusion, revenues generated by such fees are used in widely different ways. Some go directly into the federal Treasury; others are earmarked for various purposes, such as the Land and Water Conservation Fund, but remain subject to congressional appropriation; and still others are put in true revolving funds where, for example, revenues from recreation fees are recycled to local land managers.

Clear, consistent rationales on these matters are essential for public confidence in the management of these publicly owned resources. The new administration should consider promptly convening a blue-ribbon task force to comprehensively examine federal land royalty, rental, and fee policies, comparing them as appropriate to policies followed by state and private landowners, and making recommendations for reform. This task force also could scrutinize fee-setting for such important emerging federal land uses as wind and solar generation projects, energy transmission facilities, groundwater storage and recharge projects, and carbon sequestration projects. Some potential fee reforms can be implemented administratively; the Mineral Leasing Act, for example, sets a minimum but not a maximum royalty rate for fossil fuels. Others, such as levying rents and royalties on hard-rock miners, require legislative action.

In recent years, Interior’s royalty collection program, which in fiscal year 2008 collected more than $23 billion (a sizeable proportion of which was sent to the states) from more than 2,000 companies producing from 30,000 leases on federal and Indian land, has been the target of substantial criticism from Interior’s Inspector General and the Government Accountability Office. These agencies have charged that Interior’s supervision is inadequate. Legislation may be necessary to restore the program’s credibility and to ensure that the American people are receiving their fair share of the profits that private companies reap by exploiting enormously valuable public resources.

The Deep Water Royalty Relief Act of 1995 is of particular concern. It directed the department to waive royalties for companies producing oil and gas from deep water in the Gulf of Mexico in order to encourage development of deepwater extraction technology. Following its enactment, Interior began including a term in Outer Continental Shelf leases that limited such royalty waivers when the price of oil rose above certain levels, reasoning that higher oil prices eliminated the need for the incentive. Some OCS lessees persuaded a federal judge, in a decision now on appeal, that Interior lacked legal authority to cap royalty relief based on the price of oil. With oil prices at record levels and a large amount of oil and gas being produced in the deepwater Gulf, tens of billions of dollars are riding on the outcome of the court appeal.

Another law badly in need of reform, the Mining Law of 1872, governs precious metal mining on several hundred million acres of federal land. It was crafted in the wake of the California Gold Rush, yet is remarkably still on the books. The mining industry views the law as giving it a “right to mine” that trumps all other uses and values of the federal lands. Miners remove minerals with few environmental controls, pay no rental or royalty fees, and sometimes leave the government to clean up gigantic messes at taxpayer expense. After many years of trying, a comprehensive reform bill passed the U.S. House in the fall of 2007 but died in the Senate. It may be pursued in the new Congress.
Many Interior Department decisions are channeled through a resource management planning process, by which federal land managers essentially “zone” federal lands under their jurisdiction for different kinds of uses and facilitate them through the environmental impact assessment process of the National Environmental Policy Act. Concern has grown in recent years that, rather than achieving better decisions, these processes have resulted in ritualistic paper-shuffling. The Interior Department should work with the Forest Service, the President’s Council on Environmental Quality, and other interests to craft and implement sensible reforms of the planning and environmental assessment processes. Making them work better is especially timely because new climate policies will likely require that federal land management agencies consider climate change mitigation and adaptation strategies in their decision making.

Interior should also work to reconfigure the Bureau of Land Management’s landholdings to meet emerging energy and economic needs. A considerable amount of BLM-managed land is held in awkwardly shaped or scattered tracts, shot through with in-holdings, or otherwise configured in ways that make management to serve national needs difficult. A tool with particular promise is the Federal Land Transaction Facilitation Act, enacted in July 2000. It authorizes BLM to sell scattered, difficult-to-manage tracts that have value for economic development and other useful purposes, and use the proceeds directly, without having to wait for appropriations from Congress, to buy in-holdings and other lands with higher conservation values. The new administration should work to reauthorize FLTFA, which expires in 2010, and keep the Act’s conservation orientation.

A longer-term priority is to reform federal wildfire policies. The number and destructiveness of forest and grassland fires has increased dramatically in recent years, especially in the arid West. The causes include a century-old policy of fire suppression, homebuilding in isolated locations, drought, and destructive invasions of pests such as the pine bark beetle and exotic species such as cheatgrass. Climate change will likely exacerbate this problem. The federal fire-fighting budget continues to skyrocket (more than half the Forest Service’s budget has been consumed by it in recent years), and the new administration will need to work with state and local governments, the insurance industry, and others to craft a more balanced approach to the challenge of wildfires. A range of tools need to be brought to bear, including more fire-resistant construction, “firewise” landscaping, fuel-load reductions like brush control and thinning, avoiding construction in certain fire-prone areas, and prescribed or controlled burns.

While the country is caught up in the final throes of an historic election season, we have gathered here to chart a possible course for what follows. The particular subject at hand is one that transcends fickle blue states and red states and purple states. It is that one-third of the nation which (for the most part) preceded the states themselves, and which stands as an ongoing reminder of the original condition of America: our publicly-owned landscapes.

I’ve titled my remarks “Notes on a progressive public lands policy.” They are “notes” because this is not a tightly organized brief but a somewhat loose collection of observations. I chose the adjective “progressive” deliberately. Many of you are familiar with the Progressive Movement that flowered across America around the turn of the twentieth century. I want to talk a bit about it, because my main point is that it offers some strong parallels to and lessons for the challenges we face today.

The old Progressive Movement grew in reaction to rampant, unregulated corporate excess and opulent self-indulgence by the very rich in the decades after the Civil War. What Mark Twain labeled the Gilded Age saw robber barons making vast fortunes, shamelessly promoting narrow self-interest and plundering the public trust.

It was an era when future Senator William Clark of Anaconda here in Montana argued that the smoke from the Butte smelter was a healthy “disinfectant,” pleasing ladies with “just enough arsenic to give them a beautiful complexion.” I’m not making this up. That was one of his arguments to the State Constitutional Convention in 1889 for why Butte should be made the state capitol.

An era when Elbert Gary, head of U.S. Steel, required workers to put in 12 hour days, 7 day weeks, and a 24 hour shift every two weeks, while he and the other owners reaped fabulous profits. It was said of Gary that “he never saw a blast furnace until after his death.”

An era of yellow journalism, with a press captive to political agendas, sensationalism and scandal-mongering with only passing interest in the facts.

An era of unrestrained exploitation of public lands and natural resources.

Against this low point in civic virtue rose up a bipartisan movement: The Progressives. Their cause was helped, not incidentally, by financial panics around the turn of the century, fueled by rampant and unregulated speculation on Wall Street. Sound familiar?

The Progressives preached, among other things, that government should keep key natural resources in public ownership. And government should manage them to serve the broad public interest, using innovative public-private partnerships, guided by the teachings of science.

The movement’s champion was the irrepressible President Teddy Roosevelt. TR struck fear into the Robber Barons. Their Karl Rove-like strategist, Mark Hanna, seethed at him as “that damned cowboy”.

-6-
Unlike latter-day corporate cowboys, however, TR didn’t say: “greed is good” or “government is bad.” He said things like: greed ought to have limits, and government, when properly guided, can be a powerful source for social good.

TR made conservation of natural resources a centerpiece of the Progressive Movement. As he put it, that was “the fundamental problem, “ for “unless we solve that problem it will avail us little to solve all others.” He criticized, and I quote, “the short-sighted men who in their greed and selfishness will, if permitted, rob our country of half its charm by their reckless extermination of all useful and beautiful wild things.”

He noted that the Robber Barons and their defenders justified their plunder by arguing that these resources “belonged to the people.” He agreed, but he added a crucial qualification: “not merely to the people now alive, but to the unborn people.” The Progressives saw the object was to provide the “greatest good for the greatest number.” But that number, TR was careful to point out, embraces those “within the womb of time, compared to which those now alive form but an insignificant fraction. Our duty to the whole, including the unborn generations, bids us restrain an unprincipled present-day minority from wasting the heritage of these unborn generations. The movement for the conservation of … all our natural resources [is] essentially democratic in spirit, purpose, and method."

Building on this platform, the Progressives profoundly transformed this country. We enjoy the fruits of their labors every single day, in ways we often take for granted. They permanently preserved large tracts of Federally-owned land in America’s world-renowned systems of national parks, forests, and wildlife refuges.

They installed reforms so that public resources like fossil fuels and hydropower sites were no longer given away willy-nilly to the private sector, but instead were leased to private interests for development under the watchful eye of government control.

If that Movement had not occurred, I daresay the quality of life in Montana and the West would be much different and, I would argue, much diminished.

Why highlight this history? Because, it seems to me, we may be seeing the end of a modern-day Gilded Age. It is a second era in which Wall Street moguls have pronounced that corporate “greed is good.” And the interests of the larger community? Well, not so much. An era in which government has been demonized as an obstacle, bungling or incompetent at best, and downright evil at worst. An era in which one Secretary of the Interior’s reaction to news of a dangerous hole in the earth’s ozone layer was not to address the manmade cause of the problem, but instead to advise people to wear sunglasses and hats. An era when a U.S. Vice President pronounced that while conservation may be a “sign of personal virtue,” it can’t be a “basis for a sound energy policy.” An era when national leaders chose to ignore an emerging scientific consensus of the threat of global climate change and refused for many crucial years to address its causes or grapple with its effects.

It is interesting that, beneath the noisy partisan rhetoric of this campaign, both candidates invoke
the bipartisan spirit of TR. If we listen carefully, I think we can hear modern echoes of that historic transition from the Gilded Age to the Progressive Movement that took place roughly a century ago.

And we are reminded why the West is more than the place where this election will be won or lost. It may be here where America rediscovers the best within itself and remains, in the famous words of Wallace Stegner, the “geography of hope.”

Now, whatever happens, I would not expect westerners will rush fully into the embrace of the federal government. For although most westerners love their public lands, they also love freedom and privacy, and carry in their hearts a streak of libertarianism that bridles at governmental interference with personal lives.

Nor should they rush to put all their faith in government. Government is us, and like us, it is capable of bad and stupid things.

But it is our instrument, and we have all, if we’re not totally blinded by ideology, seen examples of how it is able to do good and wise things, if we choose to use it that way.

There are no atheists in foxholes, goes an old saying. I was reminded of it in the last few days as we’ve observed former fierce advocates of free markets and deregulation and opponents of government interference do an abrupt about-face, and look to the federal government to fix the collapse of unregulated financial markets.

Here in the West, we can appreciate that irony, for here we’ve long embodied a great harmonious paradox - a culture that prizes rugged independence, yet flourishes amidst a vast public domain managed mostly by a government based thousands of miles away.

---------------------------

Now, with the past as our prologue, let me offer some notes on what might be a “new progressive era” public land policy.

TR’s Progressives spoke of their obligation to those yet unborn. That included us. Our obligation to future generations, in turn – and the foremost challenge of our age– is to control carbon emissions to keep the greenhouse effect within tolerable bounds.

We humans have long operated under a paradigm that the future climate will always generally be like the past. But today we are in the midst of a massive shift in that paradigm. That shift will demand rapid responses to both the causes, and the consequences, of climate change.

Our federal lands must play an important part as we try to “avoid the unmanageable and manage the unavoidable.”

Climate change can change everything, sometimes in ways we can’t even yet imagine. With its
Let’s start with energy policy. Energy is the biggest producer of carbon emissions, and Federal lands are the biggest single supplier of carbon-intensive fuels in the U.S.: 1/2 of our coal, 2/5 of our natural gas; and 1/3 of our crude oil.

There is no doubt we need a new energy policy, but there is also no doubt the Federal lands will remain an important source of fossil fuels to bridge the transition to it. New progressives cannot ignore this reality.

But that does not mean that the federal lands should continue to be handed over to the oil industry, as the current administration has done, by overriding the concerns of state and local governments, ranchers, hunters, anglers and everyone else in its relentless drive to make traditional, fossil-fuel energy production the dominant use of Federal lands.

Today’s new progressives, like their predecessors a century ago, should affirm that our public resources are not industry’s private domain. The Federal government should work closely with all affected stakeholders to confine fossil fuel development to areas of highest yield potential and lowest conflicts with other values, and to tighten regulations that make industries clean up and reclaim their own waste.

Moving toward a post-carbon future, Federal lands will likely be much in demand as sites for solar, wind and geothermal, and associated energy transmission infrastructure. Public lands could also be sites for geological sequestration – physically forcing CO2 underground forever — or biologically growing biomass to capture carbon on the surface through restoring forests and grasslands. And groundwater aquifers under public land will likely be in demand as well, to cushion against drought cycles.

TR’s Progressives were bold in thinking about new ways to do things. Modern progressives likewise need to think boldly and craft innovative policies for siting solar, wind, groundwater storage and recovery and carbon sequestration projects, and rights of way for transmission lines and pipelines so that supply can efficiently meet demand, while still serving other needs and protecting those landscapes so important to the western quality of life.

The federal lands should, in other words, become a vast demonstration project for how to sensibly manage natural resources in a carbon-conscious world; and by such means play an important role in the vital task of reducing carbon emissions so that we can avoid the unmanageable.

But we must also manage the unavoidable. That means using the federal lands to mitigate the consequences of climate-change already underway.

Even before what humans were doing to the climate became appreciated, the rich variety of life on Earth was shrinking at an alarming rate. The implications of this are profound, for the economy, human health and ethics as well as ecology.
Climate change will probably accelerate this loss, by altering habitats and changing the timing of seasonal events such as snowmelt and insect emergence.

The federal lands could be ever-more crucial biodiversity reservoirs, sanctuaries for species imperiled by shifting habitats and other climatic changes. It is, as Joseph Wood Krutch wrote more than a half century ago, “not a sentimental but a grimly literal fact that, unless we share the planet with creatures other than ourselves, we shall not be able to live on it for long.”

More broadly, the federal lands will become more and more prized for their value in providing what have come to be known as “ecosystem services,” the myriad of ways – from cushioning floods to pollinating crops -- the natural world helps protect the quality of human life on earth.

-----------------------

The four cornerstones for a new Progressive federal land policy to meet these challenges should be to restore the promise of the three great national land systems created by the first Progressive Movement – national forests, national parks, and national wildlife refuges – and to nourish and expand a fourth, fledgling one, BLM’s National Landscape Conservation System.

The National Forest System has fallen on hard times. Half its budget is now consumed by fire-fighting. Its planning and decision-making processes are in shambles. Communities once dependent upon their share of revenue from timber sales are facing cutbacks. It needs a close and systematic look.

The National Park System has also suffered, despite its iconic stature and overwhelming popularity. President Bush campaigned on a promise to fully fund the system, but his administration never came close to achieving that goal. To paper over its failures, the Administration announced an ambitious Centennial Initiative in 2006 a 10 year revitalization program to end with the 100th anniversary of the National Park Service in August 2016. The new Progressives should embrace the general idea of a centennial initiative, but some really hard thinking needs to be done about the role of national parks in a climate-changed world, appropriate criteria for expansion, the system’s role in urbanized areas, the role of public-private partnerships, and how best to assess and meet deferred maintenance needs.

The National Wildlife Refuge System, less well-known, has been starved. It comprises an area the size of California in 550 units scattered throughout all 50 states, and plays host to more than 40 million visitors each year. It faces the challenge of adapting to a destabilized climate disrupting barrier islands, coastal wetlands, and other vulnerable habitats. Similar hard thinking needs to be done to chart its future, including exploring ways to make its funding base secure and robust.

And what about the largest Federal lands agency of all – the BLM?

Measures of value change with time. Long after states, railroads, miners, homesteaders and others had picked through the Federal public domain, BLM and others recognized that its 260
million acres -- 8 million acres in Montana alone -- contain superb scenic, historic, cultural and recreational landscapes.

Like their counterparts in the other three great systems, these landscapes provide ecosystem services, some great habitat and cultural resources, inspiration, education, and outdoor scientific laboratories, not to mention tourism dollars for local economies.

Yet barely 10% of BLM lands have been protected as national conservation areas, monuments, and wilderness. To address this problem, the Clinton Administration created a new National Landscape Conservation System (NLCS) within BLM for these specially-designated lands. While some of the Clinton-Babbitt moves were initially controversial in more conservative parts of the West, they and the NLCS have rather quickly gained wide acceptance, and sparked some demand for more.

Although the Bush administration came into office aiming to undo this legacy, President Bush himself eventually used a favorite Clinton tool, the Antiquities Act, to protect a marine area of the Northwestern Hawaiian Islands that is larger than 46 of the 50 states. And his Administration eventually endorsed a proposal now pending in Congress to give the NLCS statutory permanence, which will allow it to grow and mature.

The NLCS is major unfinished business. There is no doubt that BLM manages some magnificent areas not currently part of the NLCS. Today’s progressives should work to nurture and expand it, so that it can take its rightful place as a new Progressive counterpart to the other great federal land conservation systems.

Charting the future of the federal lands in a climate-changed world also requires some reconfiguring of public land ownership to better meet today’s challenges.

In reaction to America’s early history of fast, furious and sometimes careless land disposal, the turn-of-the-20th-century Progressive Movement not only decided to keep hundreds of millions of acres of land permanently in federal ownership, but also inaugurated the first significant program of acquiring more lands into public ownership.

This program was responsible for the national forests now found in the east and midwest, for most national parks outside the west, and for national wildlife refuges across the country.

This acquisition program has continued, now more than ever with an emphasis on protecting habitat and connectivity. Federal lands can serve as reservoirs and refugia for biodiversity only if we protect and in some cases restore the connective tissue of migratory corridors that allow nature to adapt to change.

Many of you are familiar with the largest such effort in the country, for it’s in your back yard. I’m referring to the Montana Legacy Project’s proposed acquisition – using federal, state and
donated private funds, to acquire 320,000 acres of Plum Creek lands - mostly checkerboarded with Federal lands, the legacy of the Northern Pacific railroad grant - in order to restore their ecological integrity. To its great credit, the state of Montana is not only a key player in that effort, but is also pursuing other acquisitions, such as the Lincoln Ranch, which includes eleven miles of riparian habitat on the Marias River. As this shows, the feds have no monopoly on such salutary initiatives.

In this reconfiguration effort, lands managed by the Bureau of Land Management need particular scrutiny. A considerable amount of BLM land is shot through with in-holdings, or held in scattered, difficult-to-manage parcels suitable for development but without much ecological value.

Just as Rachel Carson did not oppose all pesticides, only their indiscriminate excess, so it is no heresy to say that not every acre of the vast Federal domain has to stay in public ownership.

Make no mistake, the Sagebrush Rebellion --with its careless calls for large-scale divestiture of Federal lands – is dead. Its last gasp may have come about three years ago when the ill-advised Pombo-Gibbons bill, ostensibly designed to reform the old Mining Law, would instead have indiscriminately privatized millions of acres of federal land. Although it passed the House, it died in the Senate. The final nail in this coffin was driven two years ago when voters evicted House Resource Committee Chairman Richard Pombo from office.

I am confident that the general public is impatient to move beyond such simplistic, blunderbuss approaches. The essential question is not quantitative – how many acres the public owns. It’s qualitative: Where should these lands be, what attributes and characteristics should they have, and what values should they serve?

Much can be done to harmonize the patchwork of landholdings, for example, we could sell nature-poor scattered acres and using the proceeds to consolidate and enhance priceless integrated habitat.

None of the initiatives I’ve mentioned is possible without a renewed civic will, and interest and pride in our public lands. To get there, we need more extensive citizen engagement in these matters.

TR was a fierce proponent of what he called ‘the strenuous life,’ getting outside, on the land, hunting, fishing, viewing wildlife, hiking, and camping with his trademark incredible energy. Today’s Progressives should aggressively promote this outlook, by advocating environmental education, a conservation ethic, and volunteerism.

TR spoke of how a “prophylactic dose of nature” could bring more balance to modern life and inculcate a conservation ethic. Sound silly? It turns out TR was right. An unsettling syndrome called “nature-deficit disorder” is prevalent among the nation’s youth. (See Richard Lou’s
compelling book, Last Child in the Woods, published two years ago.) And it has pernicious health, educational, cultural and political effects.

The senses are powerful. Nature offers the opposite reality of one that is merely ‘virtual.’ Wildlands leave a lasting imprint on our psyche and character. But it’s very hard to mobilize popular support for something if people never get to experience it, even a little. Federal lands are within easy driving distance of the overwhelming majority of Americans, and offer outstanding opportunities for stimulating encounters with nature.

Combating nature-deficit disorder is, or ought to be, a bipartisan national cause. It is heartening that both presidential candidates speak meaningfully of national service. No matter who wins the election, new progressive programs should be instituted or expanded to promote outdoor education and volunteerism on the Federal lands, from senior citizens helping out in visitor centers, to volunteer crews doing trail maintenance and cleanup, to students and others helping with surveys of wildlife and cultural and historic resources.

--------------------------

And none of the initiatives of the new Progressives is possible without some money and more prudent fiscal management. As Jesse Unruh once put it, money is the mother’s milk of politics. So new Progressives have to pay close attention to budgetary issues, particularly as this administration’s tax cuts and other policies have converted the Clinton-era surplus into deficits as far as the eye can see. And it looks like the budget deficit is going to grow by perhaps a cool trillion dollars.

The object should be to put management of Federal lands and related programs on a more fiscally sound basis.

Federal policy on these matters remains an incoherent hodge-podge. That’s because it has evolved haphazardly over the years. Hard-rock mining companies operating on federal lands pay no rental or royalty to the federal treasury even though they are extracting the public’s minerals. Other users of federal lands pay us, the owners, much less than the would if they were operating on state or private lands. In recent years, federal agencies are being much more aggressive about charging fees for camping and other recreational uses, creating controversy and proposals for legislative reform.

Adding to this confusion, revenues generated from federal lands flow off in many different directions. Some go directly into the Federal Treasury; others are earmarked for conservation, but often get diverted en route; and still others ‘stay put’ in true revolving funds. Most of the revenues from recreation fees, for example, is reinvested in the land by local land managers.

Clear, consistent rationales and firm enforcement (and cleaning up the mess at the Minerals Management Service) are really important to restore public confidence in the management of these publicly-owned resources.
The next Progressive administration should promptly convene a working group or task force to comprehensively examine Federal land royalty, rental and fee policies; to compare the existing policy landscape to comparable state and private landowners; to evaluate options; and to recommend whether, where and how much to charge Federal land users. These users don’t just include mining companies, oil drillers, logging companies, ranchers and recreationists, but also renewable energy generation projects – including wind, solar, hydro, geothermal, and also carbon sequestration projects and groundwater pumping and storage projects and transmission lines and pipelines rights of way.

One fiscal item worth particular mention is the Land and Water Conservation Fund. Created in 1965, the LWCF is supposed to receive about $1 billion annually from Federal land-generated oil and gas receipts for distribution to support Federal, state and local conservation projects. Despite many promises to do so, including from the current President when he was campaigning in 2000, the LWCF has never been fully funded.

In the current administration, LWCF appropriations declined by 70% between 2001 and 2008. Yet the LWCF enjoys wide popular support. And with good reason: the projects it funds can help defuse and resolve many natural resource conflicts through the kind of “reconfiguration” and conservation acquisition initiatives I spoke of earlier.

----------------------

I don’t want to leave you with the notion that the early twentieth century Progressives got it all right. They didn’t. Most prominently, they were too successful at taming fire, with effects some today would call calamitous. I don’t have time to go into the details here, and anyway many of you are painfully familiar with the problem.

What lessons should we draw from this failure? One is to have a good and proper attitude. The reform agenda should be pursued aggressively, but not blindly. We need to guard against hubris. The framers of the U.S. Constitution had a vigorous debate about whether to include in it a process for amendment. Some argued it was perfect and would never need change (forgetting perhaps, that it essentially ratified slavery). But wise old Ben Franklin, in his ninth decade, advised his colleagues to doubt just a little their infallibility. That’s still good advice. The earlier Progressives were bold and their experiments mostly succeeded. But, as their fire policy showed, mistakes are inevitable. Some flexibility and some compromise may often be a good thing.

The second lesson from this failure is that government has to respect science, to invest in science, and to pay attention to what it teaches. That means, among other things, paying attention to the maxim that, to be commanded, nature must be obeyed. Our mistakes in fire policy stand as vivid reminders of that.

----------------------
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, TR 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.