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FIFTY YEARS OF RHETORIC ON THE RANGE: REFRAMING THE DEBATE ON PUBLIC LAND MANAGEMENT

*Michael J. Sullivan**

Much of the debate surrounding federal land policies is apocryphal. Let me introduce this essay, in which I was requested to make some comments on issues and relationships surrounding the management of public lands, with an anecdote that is not apocryphal but is indicative of the influence the management of federal lands has on people's lives in the West.

While engaged in one of my three statewide campaigns, in which the role and influence of the federal government was always an issue of passionate and extended discussion, I was stopped at an airport by a constituent who said, "Governor, let me tell you what happened to *me!*" Always an ominous start. He continued, "I own a small ranch out in the county and my manager called one day to tell me that a BLM employee wearing a gun had come to the ranch insisting he was going to have to write us up if we didn't take down three or four old signs located on BLM leased land." "One of the signs," the constituent related, "had been in place for years and contained the name of the ranch owner two or three times removed, while another was at the intersection of the road near the ranch and had been put up to designate the names of the intersecting county roads."

He went on to say that while he was at first not particularly concerned, nevertheless, because of the concern expressed by his manager, he called the BLM office. In that conversation he confirmed that if the signs weren't removed, sanctions could indeed be expected. It was the law. Having been so advised and, of course, to protect the leases and his ongoing relationship with the agency, the owner arranged to have the offending signs removed.

"But," he said, "you know," which I didn't, "I recently got married at the ranch." And then (thankfully with more of a twinkle than antagonism) he related that the wedding had been delayed for nearly two

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hours because the local judge who was to officiate got lost on the way to the service—yes, “because there were no signs, they had been removed.”

This anecdote reinforces much of what we already know. The public lands in the West impact our lives in many different ways, economically, recreationally and even socially. The actions taken on those lands often have unintended and unappreciated consequences. And seemingly innocuous regulations and inconsequential actions can serve to exacerbate the already wide divides between regulated individuals, regulated organizations and the regulating federal agency, whose collective interests in many ways should be in concert.

The history of western public lands, their ownership and management, has been a stormy one many times recycled. Even before the adoption of the Taylor Grazing Act in 1934, designed to bring federal management and protection to the public rangelands, the debate raged over proposed transfer of the public lands to the individual states. Even then, however, that solution was determined to be unacceptable, notwithstanding much time and effort spent by states to reverse their enabling act disclaimers and to secure title to the public lands within their boundaries. The debates urging elimination of federal ownership carried into the '40s and '50s, ultimately leading to the formation of the Bureau of Land Management in 1946.¹

While the ownership debates have continued, the philosophy of management has undergone change. The contrast between the strategies of the “conservation movement” in the early 1900s, and the “new conservation movement” of more recent decades is colorfully outlined in *Federal Land, Western Anger*.² Early in the century the movement was characterized by advocacy of development of resources. It is now designed to provide a place at the policy table for “preservation” of the resources and imposition of an environmental sensitivity claimed to be lacking in earlier policy. The early policies were followed by the emergence of a multiple-use philosophy, then the struggles of Interior Secretary Stuart Udall in the '60's seeking to recognize more diverse interests in the public land use debate, and shortly thereafter the policies of that flower of the Sagebrush Rebellion, Secretary James Watt, who advocated a “good neighbor policy” and a Reagan administration that toyed with privatization of the public lands (but not for long). Most

1. Reorg. Plan No. 3 of 1946, 11 Fed. Reg. 7876 (1946) (codified at 3 C.F.R. 1065 (1943-1948 Comp.)).

2. R. MCGREGGOR CAWLEY, *FEDERAL LAND, WESTERN ANGER: THE SAGEBRUSH REBELLION AND ENVIRONMENTAL POLITICS* (1993).

recently we have seen Secretary Babbitt propose major public land policy changes, inspiring a new energy to the successors to the Sagebrush Rebellion, the "Wise Use" groups. These groups have brought a renewed clamor for transfer of the public lands to the states and the occasion for "War on the West" to become an effective political battle cry. Each change in emphasis or philosophy has caused turmoil and uncertainty in public land management and increased anxiety and instability to public land users.

It is this history, the passionate views of diverse interest groups and the economic, environmental and social importance of the Bureau of Land Management policies that prompt the natural resource and land use decisions to be among the most difficult, challenging, politically-charged and perplexing of any policy discussion faced by a western state or western governor. Reaching an appropriate balance between the economic realities surrounding the use of public lands to the welfare of a western state and the important environmental (quality of life) consequences to be considered becomes very complex. Air, land, and water quality, wildlife habitat, solitude and open space are values not measured by a common currency with the gross state product, livestock health, mineral and tax revenues, jobs and a state's average annual income. That complexity is not lessened by the increasing overlay of political rhetoric from all sides which accompanies such decisions, as often as not a rhetoric motivated as much by the perceived political advantage to be gained as by any long-term progress toward resolution of the underlying issues. It is in this environment, founded on an underlying displeasure with the basic system—a Washington bureaucracy managing a major part of a state's economy; a plethora of special interests whose competing objectives are often times incapable of accommodation; a constituency in other parts of the country who have both strong opinions and a vested interest with little accompanying understanding; legislation too often providing little flexibility; and a political environment which flourishes on maintaining chaos—that the Bureau of Land Management is asked to manage. Given these conditions, the agency has an almost impossible mission reaching the "harmony of purpose" described by Congressman Edward Taylor in 1939 as he applauded the changes that had come to the public rangelands and the supposed "renewed confidence to the entire social and economic structure of the West."³

Is that mythical "harmony of purpose," which should be shared by not just the BLM but anyone who truly cares about the health of the

3. PAUL W. GATES, HISTORY OF PUBLIC LAND LAW DEVELOPMENT 615 (1968).

West, capable of being reached? I believe it is, but only with significant adjustments in attitude and approach by all involved interests. For while the "War on the West," if there is such a thing, gets fought out, too much energy is expended by good, well-intentioned citizens, such as public land grazers, mineral producers and other commodity users, not to mention well-intentioned and concerned BLM employees, in unproductive conflict while their operations and livelihoods remain unsettled.

The continuation of an unsettled state should be of great concern to those truly interested in the West as we know it. As an example, without ranching operations dependent on public lands, open space, wildlife habitat, access and much of what we value give way inevitably to subdivision, loss of open space and habitat, reduced access, creeping sprawl and a West that if it is to be preserved must look elsewhere for its saviors. Too much time is spent defending the indefensible, such as grazing fees and the 1872 Mining Law—where accommodation *is* possible—all too often for ideological reasons and to protect as much turf as possible, instead of searching for satisfactory solutions that will lead to harmony and a sustainable use. Washington solutions get continuously floated (and this occurs without regard to which political party is in control) without much thought to, or a recognition of, the implications on the ground. Thereupon a new battlefield is established. Take, for example, a supposedly simple effort to consolidate and put into plain English BLM enforcement regulations, a seemingly benign exercise which, until recent withdrawal by the Secretary, established a brand new line of conflict. Or political ideas such as wholesale land transfers, which have been historically rejected and are realistically dead on arrival, which are advanced seemingly for the purpose only of adding fresh provisions to extend the war effort.

After so many years of recycled issues and unachieved resolution is there not hope for reaching the "sustainability" advocated by legal historian Charles F. Wilkinson in "Crossing the Next Meridian"⁴ in 1992 or the "harmony of purpose" referred to by Congressman Taylor in 1939? That hope can exist only if the federal agencies, including most importantly the BLM, the politicians, the public land users, (consumptive and non-consumptive), citizens whose livelihood is indirectly related to the lands and all of us who cherish the land and the region can, to some degree, set aside conflict for common ground and consensus agreement. We do not have another 50 to 100 years to relearn the same lessons or recycle the same issues of the first 100, for the battleground is too fragile.

4. CHARLES F. WILKINSON, CROSSING THE NEXT MERIDIAN: LAND WATER AND THE FUTURE OF THE WEST (1992).

The answers cannot come from the end of either spectrum or from conflict which brooks no compromise. Answers can only come from a shared community of values energized and enriched by collaboration not conflict. Examples do exist: Coordinated Resource Management (CRM) projects, which were founded on cooperation of diverse interests, went relatively unnoticed for years; the more recent Green River Basin Resource Advisory Council; and the much maligned RACs (Resource Advisory Councils) which do appear to be working in many parts of the West with diverse, though willing, participants. These efforts must continue and transcend the old order of things if we are to ever achieve maturity and harmony of purpose necessary to sustain Wyoming and the West. We should not forget that it was only a few short years ago during our Centennial that Newsweek claimed that "the frontier's precious vein of promise and possibility is running out," referring to the economic doom and gloom of the late '80s.⁵ There is resurgence in that promise and possibility, but can it last if we continue to allow contention and conflict to drive the policy decisions governing one of our most precious assets, the public lands?

5. John McCormick & Bill Turque, *America's Outback*, NEWSWEEK, Oct. 9, 1989, at 76.