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Local Perspectives on Our Public Lands (8 min.)

GC=Gordon Cruickshank, TK=Terry Kramer, TL=Tom Lamar, JF=John Freemuth,
S1=Speaker 1, S2=Speaker 2, S3=Speaker 3 (audience)

GC: And how do you afford to do that? So it’s always just public lands. The indigency part of it is important, the snowmobiling side, the recreation, the access. We got involved with the Wolverine study to make sure that we weren’t losing our skiers’ access, we weren’t losing our snowmobilers access, the back country skiers, you know, because it would have affected all of us. We studied the lynx problem because- to see how that would do that. Our outfitters and guides come to us and they have issues. I see the aviation folks here, so that brings the aviation into it. We try to attend those meetings, and I don’t know how many committees these gentlemen sat on, but at the beginning of each year we try to sit down and look at our committees that we sit on. I sit on, like, 12 different committees, but I’m involved with some national stuff as well. But every one of my commissioners sit on at least nine committees, so we’re with the Board of Community Guardians—with their preservation society—with the mental health district, with the central district health in our area and different health districts for these guys, so we’re on the transportation committee with IAC, the public lands committee, so- it’s just a myriad. And how do you wrap yourself around it as a part-time commissioner? You work your butt off, is what you do, because that’s where our passion is.

TL: Yeah, so run for elected office.

[Applause]

JF: So, I’ve been told the food’s ready.

TL: Already?

GC: We’re standing in front of food.

JF: No, no. It’s earlier than it’s supposed to be-

GC: Okay.

JF: So what we can do, I can give you just a minute to kind of make a closing thought you’d like everybody to take home from a county commissioner’s perspective about public lands. Before I do that, once we’re done, you’re to get- it’s a- it’s a sort of get your food and bring it back to your table in here. So the food’s out there, and you- it’s a potato bar. Idaho potato bar, okay? It’s good. And now, I haven’t seen the whole thing yet, but- and
then bring it back in here. It’ll all get bussed later and we’ll be in here when Governor
Bullock addresses us in a little while. So, your closing thoughts, Commissioners. After
you like take in your Facebook thing here.

S1: Yeah, we’re gonna tweak this stuff out, and...we gotta run for election again.

S2: That’s right.

TL: Well I-

S2: One more time.

GC: -I guess in closing I’ll- I’ll just say that, you know, I’ve been with the county for over 25
years, Road Department 16 years going on a little longer- or, not as long as the
Commissioner, but you know I watched people when the sawmills closed I watched
people move away from our region. I watched homes that they owned mortgages on
being given back to the bank. They couldn’t sell ‘em to the big boom of the Tamarack
Resort when they came in and prices went to 30,000 an acre, and we’re going oh my gosh
and just being inundated with people, and our roads being destroyed, using up a lot of our
fund balances to do that, to another downturn in the economy when people turned their
homes back again that they’d had huge mortgages on. And people bought those homes up
and now we have a work force problem- or work force housing problem, because
everybody bought those as their second home now and they don’t want to rent them out.
They want to let their friends use them when they’re not there. So, you know, our
economy has totally changed. Recreation is more of our economy now. There are a lot of
service jobs, but it comes with other issues. And I’ll leave you with this: One really thing
that happened when the downturn of the Tamarack Resort happened, and you’ll think this
is crazy, but I tell people to watch for it, you know what one of our biggest problems
was? When the workers left, they left their animals.

JF: Oh.

GC: Our dog facility out there, which is a non-profit, was overrun with people just walking
away and leaving. And it was like- and I’ve talked to the people up in the Balkans when-
when they’ve had the big boom. They said, “watch out for something like that, because
why is it that they can be responsible, but when they don’t- when they leave- and it was a
good thing that they left because they collected unemployment somewhere else and not
here-

[Laughter]
-but we had to deal with their dogs, so.

TK:  So, I’d like to say that public lands have always been at the heart of Twin Falls County. And I didn’t get an opportunity to talk about the history, but public lands have been important because of, first in the grazing. A hundred and fifty years ago, that’s who brought the people first into our valley was our cattle industry. And our cattle industry still today is strong. We talk today more about the recreational opportunities because it’s the new growth that has happened, but underlying this is that history, you know, of a hundred and fifty years, you know, of a sustainable agricultural base, you know, that as that grazing, and then that multiple use concept of being able to take that land and we use it for producing agricultural products and for recreation and for the ability for our people to go out, you know, and have an opportunity to experience nature endlessly in our county. So, public land is the heart of what makes Twin Falls County so strong and so good. And lots of our counties- I mean, I look at Larry Schoen, you know, Blaine County, that public land access is what makes Blaine County what it is. We can go down through our whole state and the opportunities we have are endless because we have public lands that are open, that have a multiple-use concept, they are you know they still have that basic agricultural base, but we have that new recreational base.

TL:  And the- the work that the University of Idaho is doing throughout the state with research and training, you know, and that the trucks that everybody knows about in Latah County coming through with wood chips, the mills, the mill and up near Princeton, these are all things that we think of with public land in our county. But also, Latah County is the home of Northwest River Supply, which is the maker and seller of boats, many boats and other outdoor equipment, that’s used all over the state of Idaho and actually all over the world, and a lot of whitewater rafting. We- there are a lot of different pieces that are all tied together, and they’re all important, and we you know we believe that we can all prosper with in some cases better management, but also a respect and working together and a collaboration. And that involves both public land and also private landowners, so as we heard earlier about limitations on access, so, thanks so much.

S3:  So, I’d like to take this opportunity again to thank you again for coming. These are hard and challenging jobs, and we are fortunate in Idaho to have thoughtful leaders like the three of you coming forward each day, working on these issues, willing to serve and make Idaho a continued great place to live. So, thank you.

[JF]:  Feel free to not cause a stampede out the doors and the food’s to your right.
SB: It indeed is a great honor to be here. Now, when I was originally invited today, not only did I have to deal with the obstacle of my wife’s birthday, but in Montana the legislature meets only 90 days every two years. There’s-

[Applause]

-yeah. There are some executives that would say two days every 90 years would be better. And we’re right in the middle of that legislative session, yet when I thought about the opportunity to come to Idaho and brag on Montana, how could I not join you? And kidding aside, when Cecil Andrus calls and asks you to talk about why public lands matter, you say, yes, Mr. Secretary. Yes, Mr. Governor. And it is an honor to be here. I admire and I’m grateful for the mark that you left, not only in Idaho, but all over the West. I still proudly wear my Andrus button on a regular basis, though it doesn’t say what office you’re running for, so. I stand before you as the Chair of the Western Governors Association, though I’ll say from the outset I’m not speaking in my capacity as chair, as the views of the various governors across the West are as diverse as our landscapes and may not always be uniform when it comes to public lands. However, as governor of Montana, as the former Attorney General, and as someone whose identity was shaped in large measure through the outdoor experiences of growing up in Montana, I believe I have a great fortune to have a unique perspective on the importance of preserving and protecting our public lands. First and foremost, these public lands are our heritage. They are our birthright. They’re our great equalizer. Meaning it doesn’t matter the size of your checkbook. Our public lands and access to them are for everyone. You don’t need to be a millionaire from Sun Valley, Jackson Hole, Aspen, or Big Sky to hike these lands or camp with your families in your favorite parks. Our public lands belong to all of us. And I’ll bet that each and every one of you in this room have incredible memories or unforgettable stories from adventures you’ve had on public lands. The first date I went on with my former high school classmate that later became my wife was a picnic in the South Hills of Helena. It’s literally minutes outside our door. The first summit my three kids bagged was Mount Ascension. A part of the open space preserved by a land trust, also right on the edge of town. I was thrilled to be able to take my now 10-year-old son Cameron on his first hunt on public lands about two years ago, and this past fall, right after getting re-elected, we did what every Western governor should do and bagged a real nice four point mulie that next weekend. Now, whether it’s falling in love on a picnic while on a trail hike, your kids’ first view from the top of a mountain, or an unforgettable hunt, these are memories that shape and define who we are as Westerners and as Americans. Think about what we have inherited from those who came
before us. Setting lands aside for the public’s benefit is one of America’s greatest ideas, and now it’s up to us to pay it forward and to make sure that future generations have that opportunity to wander, to contemplate, to create lifelong memories on our prized public lands. It’s important to remember that every American, from California to New York and everywhere in between, has an equal ownership stake in the public lands across our country, from our crowned jewel national parks to the Boise National Forest just next door. No matter where an American kid grows up, each has that equal right to fish streams flowing through our natural forests or hike on the trails crisscrossing America’s national parks. We’re blessed to have so many national treasures surrounding us in the West, but these lands belong to the entire country. And while these lands might be equally owned, the economics they generate belong to us, which is why it’s important to recognize that the preservation of our public lands, it’s not just a historic fight, it’s also an economic fight. First, there are the obvious economics of tourism and a thriving outdoor recreation industry. Montana’s a state of a million people. We had over 11 million visitors come last year, and they didn’t come for our Wal Marts.

[Laughter]

They can do that at home. They came to explore wild places. These visits stir economic growth and create local good-paying jobs. It’s no secret to anyone in this room that the outdoor recreation industry is thriving. According to the Outdoor Industry Association, in Montana alone, the outdoor recreation economy is responsible for more than 64 thousand jobs and nearly 6 billion dollars per year in consumer spending. Six billion dollars. And that’s just Montana. Governor Otter, Secretary Andrus, in case you’re wondering, it’s even higher in Idaho. Six point three billion dollars in spending, over 76 thousand jobs. The economic value of our outdoor recreation is nothing to take for granted. We need to be enhancing those opportunities, not detracting from them. Another direct impact of our public lands is the manufacturers that choose to locate where those public lands are located. Be it the only American-made manufacturer of fishing waders or some of the finest hunting gear throughout the world, Montana is home to almost 350 manufacturers of outdoor equipment and apparel. But perhaps the larger economic impact of public lands is pretty simple. People want to live and work and raise families in the West in large part because of our public lands. Easy access to some of the finest outdoor recreation in the world is a selling point that attracts all variety of businesses and talented employees, particularly to rural communities. There aren’t many regions where you can make a few casts during lunch, go for a quick ski before work, or spend a long weekend camping right outside your back door. And while it makes intuitive sense to say all of this, the data bears it out. Over the last 40 years, Western rural counties with the highest share of federal lands had faster population, employment, and personal income growth within those counties and compared to those counties with a lower share of federal lands.
High wage service industries like health care and high tech are leading the West job growth and helping diversify our economy, as you all see here in Boise each and every day. And it’s those incredible landscapes that we’re surrounded by that serves as perhaps the best recruiting tool. In short, the investment that we make to protect and preserve our public lands is one that pays off economically and will pay off for decades to come, and it’s up to us to make this investment in our public lands, to grow our local economies, and create good paying jobs. But in spite of these economic realities, there are troubling signs coming out of Washington, D.C. Some D.C. politicians are working to road our parks and forests and undermine access to America’s public lands. They say, “let’s transfer those federal lands to the states. The states can manage them better and it’ll save money.” Now, with over 75 percent of the federal government’s national forest and rangelands located in the Western states, nearly 600 million acres of land, Western governors are deeply invested in their effective management. And as a Western governor and as a chair of the Western Governors Association, I’ve not been sparing in my constructive criticism of federal land management. From mending the practice of fire borrowing to recognizing and rewarding the work of on the ground collaboratives, I believe there’s more that we should be doing. In Montana, times- I’ve tried to take away the excuses of why the federal government can’t be doing what it’s doing, either through stewardship contracting, and we county commissioners here earlier. I actually hired someone from my Department of Natural Resources and Conservation just to work with the county commissioners to interface with the federal government, actually embedded a state employee within our region of the Forest Service to try to say, “let us help take away your excuses for being effective.” Parenthetically though, reducing the Department of Agriculture budget by 21 percent or the Department of Interior budget by 12 percent as the current administration’s budget proposed won’t get us further along the goal of effective land management. Think about the Forest Service alone in 1995, 16 percent, a mere 16 percent of its budget dealt with wildfire suppression. Two-thousand fifteen, almost 60 percent. Non-fire staff within the Forest Service decreased by 39 percent during that same period. We can’t always affect- or expect effective federal management if we’re also taking away some of the tools and resources for them to do so. Even if I, at times, certainly have issues with federal land management, make no mistake, from where I sit, transferring federal lands to the states is the first step in a process to sell them off to the highest bidder.

[Applause]

At its very base level, states can’t afford the massive costs that come along with forest management while fire suppression on these lands. So what does the state do when they can’t afford the costs that come along with state ownership? Sooner or later, they will end up on the auction block. Next thing you know, your favorite hunting spot, it’s behind a
gated sign that says, “no trespassing.” You’ve gone berry picking at the same place year after year, that place is locked up. The hill you used to climb your mountain bike on after work is then gated off. Well, this might sound like a bad horror film to folks like us who love these lands. There are politicians in Washington who actually want to do this. One of the first proposals in Congress this year was to make it easier to sell off over three million acres of public lands, including about a hundred thousand acres in Montana, 110 thousand acres here in Idaho. There are a handful of folks who are just chomping at the bit to dispose of American public lands into state and private hands. From where I sit, these anti-public land policies are gravely out of touch with the values and the voices of Westerners who know that taking public lands off the nation’s balance sheet will take the life out of our economy, and it’ll take a little bit of our souls away as well. When this proposal first came up in D.C., in Montana we stood up, we came together, and said no. Earlier this year, over a thousand people came, packed our state capital to rally for public lands. Bait fishers and fly fishers, hikers and snowmobilers, Democrats, Republicans, Libertarians, vegetarians, it didn’t matter. They packed all three floors of our rotunda; and it may be two thousand miles away, but Washington D.C. heard their voices and that legislation was pulled shortly thereafter. Now, this wasn’t the first time we’ve seen the anti-public lands agenda and legislation introduced, certainly won’t be the last. And it’s up to us to tell Washington D.C. to keep their hands off our public lands. And I’ll tell you we’re not alone in this fight. According to the Colorado College’s 2017 Conservation in the West Poll, a bipartisan survey from Democratic and Republican pollsters, folks in the West hold public lands in the highest regards and expect leaders to strengthen and protect those lands. Let me give you some numbers from that poll. Seventy-five percent of the folks in the West believe their quality of life is better than other parts of the country, about 90 percent of folks believe that opportunities for outdoor recreation and spending time in nature surpasses other states, and a healthy majority of folks in the West are opposed to disposing of federal lands into state control. It’s incomprehensible that we would grease the skids for public land giveaways when all measures of economic performance and all measures of public opinion signal that we should be protecting public lands and also strengthening that outdoor economy, and it’s up to us to make sure that those public lands giveaways don’t happen. We often hear that politics are local. Take that one step further and you realize that at times politics are deeply personal. As I alluded to earlier, mine is a lifetime of memories forged in part by the landscapes of Montana. In the single parent household in which I was raised, my brother and I didn’t have that much, but we really were rich. We spent summers outside, we wandered aimlessly and endlessly. Then, I got big enough to finally land a job in that tourist economy I talked about, 18 miles south of Helena at the gates of mountain’s boat marina along the great Missouri River. I started out as a gas boy filling up tanks of the boats in the marina, swabbing the decks of the 90-passenger tour boat. I got a little bit older, I got to be a pilot and a tour guide, filled the boats up with tourists, took them downriver
through the geologic history that that river carved, that Meriwether Lewis journaled about as he explored the Louisiana Purchase. It’s sad how I can forget somebody’s name that I just met now, but I can still say, “it was the evening of July 19th, 1805 when Meriwether Lewis and his crew came through this area.

[Laughter]

He wrote in his journal ‘this evening we had the most remarkable cliffs thus far seen throughout our journey.’”

[Laughter and applause]

But an amazing experience, and as soon as work ended each day, I threw on hiking boots, I grabbed a beer, and I walked. With a whole lot of work-studies jobs I was fortunate enough to attend a college outside of Los Angeles, though every summer rather than doing an internship in banking or consulting, I came back to the river. Thereafter, I borrowed my way through law school in New York and doubtless could still be working in the city. Yet, what drew me back home was the land that helped form who I am. It only made sense that Lisa and I would come home. It’s where we knew we had to raise our kids, to give them the same remarkable childhood that we had. Our kids now hike the same trails along the Missouri River that I did as a child. Now, mine is a story told over and over again. Well, except maybe for the part of becoming governor, but-

[Laughter]

-but it is a universal story. So when people make moves to sell off public lands, it’s not political for me. It is personal. I understand how the power of public lands can drive an economy and can also drive a kid home. That’s why as governor of a state with 30 million acres of public land, I won’t stand idly by if congress or other outside special interests try to erode that birth right of all Americans. I’ve said it-

[Applause]

-I’ve said it before, I’ll say it again. The transfer of public lands won’t happen, certainly on my watch, and it’s up to all of us to say that it won’t happen on our watch.

[Applause]

So, thank you again for being here, but thank you also for affording me the opportunity to be with you for part of today, and for the work, thank you also for the work that I know
that you’ll continue to do to keep the West certainly the finest place on the planet. I thank you when it comes to public lands and of even greater significance in my thanking you, my kids thank you for all that you do. Thanks so much.

[Applause]

I think I’m happy to answer questions from anyone but Governor Otter.

[Laughter]

See ya, Governor. No.

[Laughter]

JF: So, first question, and you went to Claremont, huh?

SB: I did.

JF: I went to Pomona.

SB: Oh! The rest of you don’t care.

JF: All right. When Governor Andrus, in my visit with you about coming, we talked about your thoughts about now Secretary Zinke. I interpreted you were cautiously optimistic, you knew him, that he would be a fan of public lands. I’m sure a lot of people would like to know since Montana’s going to be running the show here a little bit now, what do you think of him?

SB: Yeah, so the new Secretary of Interior was Montana’s one congressperson. Didn’t initially anticipate him taking that role, and we were actually watching a Governor’s Association meeting when it was announced. Had a good relationship with him while he was in the state legislature. And when it comes to issues like this, now, I don’t- look, I didn’t agree with everything the last administration did, and I mean my perspective is I’m al- my job is to always to stand up for Montana’s values, interests, and needs. Certainly, I know that I won’t agree with everything that this new administration is doing, but when it comes to making sure that public lands stay in public hands, I do believe that Secretary Zinke’s heart is in the right place and we have to make sure that the actions continue to follow in that respect. But I did, and I referenced it a little bit- I mean, it is concerning to me in some respects where whether you look at the Secretary of Interior or the Secretary of Agriculture, if you’re going to be making substantial budget cuts to those agencies, like on the one hand I can say yeah there are fewer employees working for state
government than when I took office four years ago, and I think we’re running that much more effective. But when you’re talking about some of these base funding issues where you have incredible amounts of infrastructure and challenges, it’s concerning. I’m counting on though Secretary Zinke to be a great advocate. I mean, being from the West helps, being grounded in the West, and the experiences that we share helps. And counting on him being a good advocate for our public lands, and certainly helpful that the right folks will also be around him on that journey to make sure that message is well heard.

JF: We’ve got some questions coming in, they’re being collected. So, if there was a single public land management or policy issue that you think is the most important right now, either to carry forward to him or to Montanans or the rest of the country, what would that be, in your mind?

SB: Yeah, I, you know it is so sort of imbued with everything that we as Western governors do that it’s hard to say, “here’s the single issue.” I mean, the baseline saying that lets not take the simple answers and just say let’s transfer these and let’s figure out where the challenges are, I think is important. I also think that, you know, I said that we in the Western states are a diverse crew as far as Western governors, and we are, but we also actually share some real solid values of the importance of the land, and I think that I’m hopeful that the Secretary will listen to what we on the ground say, and figure out the ways. I mean, for me to- on the, you know, on the AGs side, or Forest Service, I once finally just asked the Secretary of Agriculture, “just give me once every three months, ask someone what’s happening in region one, because make sure that it’s on people’s radar screen of what’s actually happening.” And we’ll do everything we can to be meaningful partners, and in a way that I mean we’re so much closer to the ground. I often say that what happens in Washington D.C., they make statements, right? And it’s all about just making statements. That’s why the chair of the Western Governors Association, no matter who’s the president, I don’t- I’m not going to wait for Congress to act, it’s like, what can we do together; because their statements can have real implications in our lives. And what we need to do is- I’m hoping the Secretary and others will actually listen to what we’re saying and work with us as partners.

JF: Kind of a fun question, I think. Do you ever kid Governor Herbert of Utah that you would gladly seek to host the outdoor reel of Taylor’s show in Montana?

[Applause]

SB: Well, I certainly kid all of my fellow governors. But it is one that if one of you would be willing to just build a few more hotel rooms in Montana, no we’d love to house them. And I mean we have 350 businesses right now are outdoor manufacturers. I think that
you need about 40 thousand hotel rooms, but we are actually working on ways to partner
because I am hopeful that the outdoor manufacturers also say just like Simms, which
makes those U.S.- the only U.S. manufactured waders, they chose Montana in part by
design, because they can be right out there and we have the best stream access laws in the
nation. I hope that our outdoor manufacturers will be meaningful leaders in this and say,
“all right we might not be able to hold outdoor rec in a place like Montana, but we’re
gonna find ways to have more of the trade shows in places like that because that also
underscores the importance of the outdoor recreation economy.”

JF: So our panel after your talk and after the Attorney General here is gonna be about our
success with forest collaboratives in Idaho, and I know you’ve got those successes in
Montana as well, but is that the way to sort of restore as much as we can, the Forest
Industry in both of our states?

SB: Yeah, I- I think it’s a significant, significant part. And I mean the mill infrastructure, for
me, it’s not only jobs but it’s the heart of those urban communities. The Farm Bill
authorities in 2014 provided us some real opportunities. We designated five million acres,
and Governor Otter, you just had 12 million acres there in Idaho. I see folks sitting
around a table at times knowing that we all share, that they all share the same interests.
They want healthy watersheds, they want healthy forests, they want good jobs, and if we
lose that timber, that mill infrastructure, either because we’re not getting enough fiber off
of federal lands or because we can’t negotiate a decent Canadian softwood lumber
agreement, well then those communities will be gone and our forest health will be in that
much more trouble from the perspective of long-term if we lose the mill infrastructure. I
think collaboratives rewarding them and recognizing them and figuring out ways to make
it that much better for them to be effective, and part of that’s federal legislation, part of
that is state leaders saying, “this is where I’m gonna listen, and it was actually a lot of the
collaborative that helped me designate my lands.” I think that is an incredible and
essential part of moving forward to get both more logs on trucks and to keep and
maintain our forest health.

JF: This question of rural counties. We know that many in the West that are associated with
public lands are doing better, but they tend to be close to these great amenities that the
public lands have, and there are other counties that are doing all right if they’re close
enough to urban areas, but then there are other rural counties that don’t seem to fall into
those two categories. And the question is, is there a role for the Western governors to
highlight that and try to take care of some of those counties that aren’t doing so well?

SB: Yeah. Probably both individually and collectively, meaning individually as governors and
collectively as Western governors. It’s a challenge because with the expanse of the
Western region, there are different challenges that different places face. I was sent recently, so my state’s 142 thousand square miles. I uniquely have 142 thousand students in my K12 system, so essentially one kid per every square mile, if we were going to put it out. But one thing—like I can say in the last two years, 30 percent of my kids throughout the state had better internet access than two years ago because I know that if I can get better fiber to those small communities, then if that gets to their schools, not only will that child have the same opportunity to learn Mandarin Chinese in a town like Belt, Montana as they could in Billings, but also that’ll help drive the overall economic growth of that community. Also, I think that we can play a role—well not every one of my 56 counties has a state park, but as we do more wayfinding and other things on the tourist economy to try to get folks into those counties and communities as well. And finally, I guess, that I think that states have opportunity and an obligation to support the base infrastructure of some of those small counties, because nobody’s going to want to move to a community if you don’t have water, sewer, a decent school, and a hospital, so where the state can partner, I think that actually helps build out and maintain those smaller urban- or rural areas.

JF: You mentioned something earlier, and it looks like people are interested in learning more about it, maybe explain your thinking of how you got to this, but how you’re helping improve how the state is interacting with federal land agencies. It sounds like this embedding of somebody was one idea. But what brought that about?

SB: Yeah, and I don’t—so I had him before the Farm Bill authorities. I think it was after my first year in public office. I think my staff still rues the day because I had a week off over the holidays and it got me thinking about what we’re not getting done. So, I came in with a number of New Year’s resolutions, and one of them was to say, “how do we get more logs on trucks and preserve forest health.” And I fundamentally believe the two go hand in hand. You’re not going to watershed work if you’re actually not out in the woods, or we know from 2000 to today, nine of our ten worst fire seasons have happened just in that period. We’re not doing some work. So we started what’s called the Forest and Folks Initiative, and this was before the Farm Bill, and said, okay I will dedicate state dollars to federal projects if that’s what it takes, or I will do partnerships. And back from one of the first wars, how they would embed journalists, we proposed well lets at least offer to embed a state employee because most folks in Montana at least think my Department of Natural Resources and Conservation does a darn good job. I think that as well. So, take someone from them and put it in the Forest Service. Recognize that times has changes, recognizing that at times there is the challenge of not only changing staff but folks that too often their first response is, we can’t do that. Then I ask that individual to serve to help take away the excuses why we can’t do things. And the other piece was that somebody just to represent the counties’ interests. I mean, I caught the tail end of your
last panel, and there have been many times throughout the West where you have counties just saying, “forget it, we want to kick the federal government out.” Well, that might be an answer when the county owns- or when the federal government owns a heck of a lot of your county, or the other is how can we actually make the federal government more responsive to the county. So I have one employee, a forester in my Department of Natural Resources, his boss is the 56 counties, and his boss- his job is to try to make the Forest Service more responsive and responsible too, those county officials, as we’re planning projects and figuring out ways to do things.

JF:   The Forest Service used to be known as really a can-do agency, and I think we’ve heard today as a lot of the cuts hurt it- hurt that agency a lot. But this idea that they now can’t do things, and you’re trying to get them to understand that maybe they can with the employee that you’re putting with them. What do you think that- what is the real reason for that, that they’re saying they can’t do things? Has their culture changed?

SB:   Yeah, I don’t- you know, I think that there are any number of things. The first time that I the state’s former attorney general, the first time I met with all the regional foresters and like and talked about what I wanted accomplished, you know, after about three fourths of the meeting I said, “are you all lawyers, because all I’m hearing is here are all the legal obstacles to it.” And I think the lack of funding is part of it. I think that there are- we often hear that we need litigation reform. Perhaps, but we also have to be cautious when we’re taking away the states’ or individuals’ rights of redress against states or federal government. I think that we can do- I mean, we’ve actually engaged, accelerated using state dollars over 25 different Forest Service projects around the state by trying to say as opposed to the autopsy of what’s wrong, of saying how can we make things go a little bit better? But I think funding, I think culture, I think when- look, you’ve lost 40 percent of your staff that used to be non-fire, the ability also to look under the Farm Bill authorities, I mean our next push has been too that yeah we can have one project here, one project there, but with the degree of turnover that often happens in some of the leadership in our regions, how do we look larger with our collaboratives to landscape? Let’s not talk about just what’s going to happen next year, let’s talk about five or six years, or ten years down the line, and start bringing the resources and the thoughtfulness to projects and management over a ten-year horizon, not a two-year.

JF:    As in, might be probably a little bit of a fun question too in a sec-

SB:   None of them are fun.

JF:    Oh, this’ll be fun.
SB: Just kidding.

JF: I hope. Because we get to beat up somebody here. So you saw and we saw over the last couple of weeks these public land rallies, and my view of that is they were led by sportsmen. Environmentalists joined them in others, but sportsmen took the lead to stand up for public lands. So the question becomes, how do we get those damn Easterners and urbanites to understand the threat to their annual week of whitewater or snowmobiling?

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SB: Yeah it’s- it’s- we see incredible things, not unlike the public lands rallies. We see when our way of life is threatened by this iconic bird called the sage-grouse, and sometime in my life I hope to make it one week without actually saying the word sage-grouse-

[Laughter]

—but in a positive way that we could have from the Audubon Society to stock growers stand up and say, “let’s actually come up with a plan that we’ll preserve this iconic bird and also preserve our way of life.”

[Applause]

And on the one hand so that we did it, I mean, Montana has the second largest percent number of sage-grouse in all of the Western states and Wyoming’s number one. Wyoming had been working on its plan for seven years when we started, and did everything in two years, and really brought folks together. Now, the challenge- and that’s just but one example- the challenge is that animals don’t know where the state land or the private land ends and the Bureau of Land Management land begins. So, if we’re really going to do landscape management, it has to be the BLM at a table with us as equals, not we’re going to do all this work then the BLM comes in and says, “well it’s still going to be one size fits all or we’re not going to make those movements.” So there are- I mean, Montana’s also an agrarian state, cattle state, I mean we have some great things happening with the BLM in that respect, and leases, we need to make sure is that we’re both managing to protect wildlife and protect- and to create opportunities, too, with resource development that we’re looking at landscapes, not necessarily just land ownership. And that isn’t always necessarily the case with the BLM.

JF: I know our own Governor Otter did much like you did on trying to work on state federal collaborative work on the sage-grouse, so I’d like to give or call for a small meeting of the Western governors to see if Governor Otter would like to ask Governor Bullock a question.

[Laughter]

Or vice versa.

GO: I think it depends upon what Steve wants to do.

[Laughter]
SB: Uh, Governor Otter could always ask me a question if he wanted to.

JF: Would you like the mic, Governor?

SB: The nice thing about this podium is you can’t see my knees-

JF: You’re here, you should-

SB: -my knees knocking when the Governor’s-

[Laughter]

I once, just as an aside so we have these- and we do have unique relationships in the
West, which is really good, because it isn’t about partisan lines and so many times it’s
about our values and how do we bring them forward. We have these governor-only calls
and I think I said one day like, “I could ride horses better than Governor Otter”-

[Laughter]

-and my staff was just cringing afterward. “You said what to the Governor? You know
that he might be a couple of years older than you, but he could still take you just like
that.” And I went, “yeah he could.”

GO: Well I- you’re right, Steve.

[Laughter]

I remember that comment-

SB: Yeah. Yeah.

GO: In fact, I think I replied back to you that maybe you could drive an MGB better than I
could. That’s kind of an inside joke. Steve, I did meet with Ryan Zinke just last week. It
was a great meeting. I heard a lot of good things. In fact, he reckoned back to my
collaborative group that came up with the number one alternative, stated by the U.S. Fish
and Wildlife, stated by all the local folks, but once it crossed over the Mississippi River,
all of a sudden we had a lot of new changes that came into that. And what I think I heard
Ryan say, I’m certain I heard Ryan say, was that you folks out West have your own plan.
You got 11 states, you’ve got 44 million acres that we have to consider here, and we
don’t have all the answers, but you folks on the ground have already proved when Salazar
asked us to come up with a plan for our own respective state and how we could build a population of birds on the prey that was sustainable and would grow it, and quite frankly Idaho’s gone ahead with its plan. Utah went ahead with its plan. I think Wyoming went ahead with its plan, in the lack of nothing happened. I’m not sure exactly what you did in Montana.

SB: Yeah.

GO: But we’ve already seen a population increase in the two years that we were kind of given this signal by Salazar, because even while that plan was coming together, we were already starting to implement certain things. And I know in your leadership for the Western Governors, which ends in June at Glacier, no Redfish-

SB: Whitefish

GO: Whitefish.

[Laughter]

I knew it was-

SB: Yeah.

GO: -some fish.

[Laughter]

GO: Uh, anyway, anyway. I’m hoping- and Ryan committed to me there that he would be at Whitefish for our meeting. I’m hoping there we can start to formulate those programs where we know with damn good certainty that if we go ahead with our plan, they’re not going to come in and run over the top of us. And I’m asking for your leadership at the Western Governors so that I can report back to the other folks, whether or not you agree with that.

[Laughter]

SB: My, I see it’s time to go. No, no, it- the answer is yes. I mean, as you might imagine, Governor Otter and I approach things a little bit different at times. I mean, I would be scared to death to spend more than about four hours inside that head just to see how he views the world.
I say that in a very positive way. But yeah, the answer is at the end of the day- and this is the same in many other areas too, look from where I sit is an example of the Endangered Species Act is very important. And it’s very important not just for today but for generations long after I’m here. It’s important for the diversity of our landscapes. But we also have to be able to demonstrate that it works, meaning that we have to have effective partners that when an animal’s recovered or when the right steps are being taken, when science is actually guiding things, that either management can go back to states or we can change the dynamics. The- more or less what Governor Otter was suggesting was my more politic way of saying some of my frustrations with the BLM. We came together with an incredible plan and we had buy-in from the BLM if we came together with this incredible plan that they would be with us as partners. And then it changed substantially when they came to approve it. I think that though you have great political diversity across the Western states, and we certainly don’t agree on everything, that’s where we do share the values of trying to do what’s best for our landscapes and the animals in it. And I did talk to Secretary Zinke as well and Whitefish, Redfish, Bluefish, whatever fish-

[Laughter]

A, he committed to being there, and I think that we can have constructive relationships about what the state federal relationship ought to be. And I think it really is a state federal relationship where our on-the-ground managers certainly care about those lands and want to do right by the landscapes and the animals. So.

JF: One of the things we like to do-

[Applause]

One of the things we like to do at the Andrus Center is to set up our speakers with surprise questions. Thank you, Governor Otter, for setting him up with that one. No, I’m just kidding. I think we’re about out of time, so join me in thanking Governor Bullock for joining us today.

[Applause]

Ten minutes, next panel. About ten to 15 minutes.
Okay, if we could come to order. I’m going to start talking over everybody. So, my name is Bruce Bistline, and those of you who follow politics might find it ironic that I’m introducing the next speaker, who thoroughly trounced me in the last Attorney General’s election. But I’m really, really happy to do it because I have tremendous respect for Attorney General Wasden. And when we were talking about this next segment, which is about the law, and we heard Ammon Bundy talking about the law and the Constitution, and I thought, who better than Idaho’s Attorney General, who’s looked at this issue and researched it carefully and has shown great courage when it comes to land matters in the state of Idaho? Who better than he to speak to this topic? And so I contacted his office and he graciously agreed to join us. So, therefore I’m very happy to introduce to you Attorney General Lawrence Wasden.

[Applause]

Well, thank you. I’m going to move that just slightly. Hope I don’t break it. Ooh that’s right in my face. There we go. That’s worse.

[Laughter]

Okay. There we go. First of all, Bruce, thank you very much, and let me congratulate you on having had the courage to step into the political arena and run for public office. You know, I was close to political races a lot throughout my life and my professional career, and I thought I knew what they were all about until I became a candidate, and all of a sudden it’s a very, very different world. And so, I appreciate those of you who have the courage to step into that arena. It’s tough. It’s hard. A lot of stuff happens that just kind of blows your mind. So I congratulate you for having had the courage to step into that arena. I also wanted to give greetings to Governor Andrus and also Governor Otter was here just a few minutes ago. I said hello to him. And greetings to my good friend Steve Bullock. He and I have been around the world together, have been good friends for a long time. We’ve got some stories that we can tell, and I won’t tell you any stories about him as long as he promises not to tell any stories about me. But it’s nice to see you again, Steve.

In the last five years or more, the federal government’s ownership of public lands has been a hot topic in Idaho and other Western states. And Idaho is one of the states most impacted by federal ownership because the federal government owns approximately 62 percent of the lands in Idaho. The only states with a higher percentage of federal land are
Utah and Nevada. In 2013, the Idaho legislature established an intern committee to examine whether federal public lands should be transferred to the state of Idaho, and if so, what the process for such a transfer would look like. My office undertook an extensive analysis of the case- of the cases and the legal history of federal land ownership and concluded that there was no legal basis for a court action seeking to force the United States to turn these lands over to the state. But we encouraged the legislature to take their concerns to Congress because ultimately, the power to transfer public lands to Idaho resides in Congress, not in the courts. In 2014, while I was chair of the Conference of Western Attorneys General, I formed a public lands subcommittee to undertake a comprehensive analysis of the possible claims that Western states could assert to ownership over public lands currently held by the federal government. That subcommittee was chaired by Wyoming Attorney General Peter Michael and included attorneys from Idaho, Alaska, Arizona, Colorado, Montana, Nevada, New Mexico, Oregon, Utah, and Washington. Their report was presented to the Conference of Western Attorneys General last July in Sun Valley and accepted after a vote of 11 to one. Most of what I’m going to tell you today comes from that report as supplemented by additional work my office has done that is specific to Idaho.

The idea of public lands predates the United States Constitution. Before the Revolution, the king owned all vacant lands in America. When the 13 colonies gained their independence, they took ownership of lands formerly held by the king. But that immediately led to a dispute, because the states with western borders had vast landholdings. In theory, their boundaries extended to the Pacific Ocean, and the states along the Atlantic Coast had no vacant lands that they could sell. So the states with western land claims were immediately wealthy. At the time, all 13 states were in debt because of the Revolutionary War, but only the Western states had the means to pay off their debts by selling land. So the states, through the Continental Congress, agreed that all western lands would become property of the central, or the federal government. In turn, the federal government assumed all of the states’ Revolutionary War debts and proceeded to sell land to pay off those debts. As part of the agreement, the federal government was empowered to create new states once they reached a certain population, and each new state was guaranteed that it would be admitted to the Union on an equal footing with the original 13 states. But that equal footing status did not include ownership of public lands in the new state. In order to gain admission, each new state had to agree that they would not interfere with the federal government’s sale of public lands in that state. So each western state came into being with a significant portion of the lands within its borders owned by the federal government. Keep in mind this was all happening several years before the creation of the Constitution. So when the Constitution was drafted, here’s what the situation looked like: Western public lands were held by the federal government for the primary purpose of selling those lands in paying off Revolutionary War debts. The
admission of new states is addressed in Article 4, Section 3 of the Constitution, which includes a provision that has become known as the Property Clause. It states that: "Congress shall have power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States or of any particular State." So the Property Clause was drafted at a time when the federal government held public lands for the primary purpose of selling them. That being the case, many people have asked: Does the Property Clause empower the federal government to reserve public lands for its own use indefinitely? Any analysis of the Property Clause must start from the fundamental principle that the federal government is not a government of general powers. It only has the powers delegated to it by the Constitution. The Property Clause grants Congress two powers: the power to dispose of public lands and the power to make all needful rules and regulations respecting the public lands. Dating back to at least 1871, the Supreme Court has repeatedly held that the power to make all needful rules and regulations is without limitations and includes the power to either sell the lands or withhold them from sale. And the court has several times stated that if Congress can withhold or reserve the land, it can do so indefinitely. While the Supreme Court has not been presented with a case that squarely raises the question of whether the United States can hold federal land indefinitely, lower courts have construed the court’s prior property clause holdings as including the power to retain federal lands indefinitely. For example, in 1997, a federal district court rejected Nevada’s claim that permanent retention of BLM lands violated the Property Clause based on the Supreme Court’s holdings that the power granted Congress by the Property Clause is without limitations. In other words, without limitations means exactly what it says. If Congress chooses to hang onto the public lands forever, the federal courts will not second-guess that decision. This is because the Property Clause grants the federal government the power to regulate public lands without any standards against which the court can judge. So, if the courts are going to find that indefinite retention of public lands is somehow unconstitutional, it will have to be on the basis other than the Property Clause. Now, there are some lawyers who argue that the Property Clause cannot be a basis for permanent federal retention of public lands because there’s a separate provision in the Constitution called the Enclave Clause. And it provides that Congress shall have the power “to exercise exclusive legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and,” and that’s a conjunctive, “to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings.” There are some who argue that this provision says that the United States can only own a hundred square miles, ten miles square, which was the seat of government at Washington D.C. Now, Washington D.C. is
about 68 square miles, give or take, 68.7 I think, or close to that, less than a hundred
square miles. But even by the Enclave Clause itself directly, the federal government is
not limited to that 100 square miles. As I said, the conjunctive says not only that hundred
square miles, but some other stuff. And when an exercise of Enclave Clause power, the
federal government is saying, we want to have exclusive jurisdiction, therefore we have
to ask the state for permission to do that, and it’s for specified purposes. And that’s what
the Enclave Clause says. So the argument is made that the Enclave Clause, by
implication, requires state consent for any lands that will be permanently retained under
federal jurisdiction, not just lands purchased for specific federal needs. But when you
examine the 200 years of case law addressing public lands, there’s no suggestion that the
Enclave Clause is a limitation on Congress’ power to reserve public lands for specific
purposes. Time after time, the Supreme Court has concluded that Congress has
independent authority under the property clause to withhold public lands from sale and
reserve it for specific purposes that don’t require exclusive federal jurisdiction. So the
court decisions have limited the Enclave Clause to specific federal holdings where the
purpose of the holding requires that the federal government exclude the state from
exercising jurisdiction. In order to do so, the government needs the consent of the state
legislature. But those concepts don’t apply to public lands, which remain subject to
general state jurisdiction, though they are subject to preemption by the federal
government. For example, if a crime occurs on public lands, the state can prosecute it.
And the state can manage wildlife on public lands pursuant to its police powers. So let’s
go back to the question I originally posed. Is the property clause broad enough to
empower the federal government to hold public lands in Idaho indefinitely? When the
Attorneys General of the Western states looked at this issue, they examined 200 years of
court decisions and concluded the Property Clause would not be a good basis for a legal
action, that is a lawsuit, to turn those lands, public lands, over to the states. After
determining the Property Clause itself is not a viable basis for challenging federal
ownership of public lands, the Attorneys General then asked this question: Are there any
principles that could be implied from the structure of the Constitution that would prohibit
permanent federal ownership of public lands? And the two primary principles that we
examined are what are called the equal footing doctrine and the equal sovereignty
doctrine. Equal footing refers to the principle that when admitting a new state into the
Union, Congress cannot require that state to give up any aspect of sovereignty enjoyed by
the original 13 states. Equal sovereignty refers to the principle that Congress cannot pass
any law that imposes on the sovereign powers of some but not all states. In other words,
it prohibits laws that discriminate against some states and not against others. Proponents
of state ownership of public land rely heavily on these two doctrines because when you
look at a map- when you look at a map, wherever this is- oh, go back. When you look at a
map, it’s very clear that the states are not treated equally when it comes to public land
ownership. Federal public lands dominate the landscape here in the West, while the
Eastern states have almost no public- no, public- no, federal lands, or public lands. So Eastern states exercise unfettered jurisdiction over almost all land in their states and can impose taxes on those lands. Western states, while enjoying the benefits of public lands, such as public recreation and hunting and fishing access, are deprived of some of the economic benefit that Eastern states enjoy. And you think about that for a moment, and we mentioned that on those public lands, the state has the responsibility to prosecute crimes. So, we have to- we have to provide services to those lands, and yet we have no ability to tax those lands. So it is different in Eastern states versus Western states. And while the state does have general jurisdiction over public lands, that jurisdiction is subject to federal preemption. So proponents of state ownership of public lands assert that extensive federal landholdings discriminate against the Western states by depriving them of sovereignty and taxation authority. The Constitution, though, says nothing about equal sovereignty or equal footing. All the Constitution says is that new states may be admitted by the Congress into the Union. So from where do these principles of equal footing and equal sovereignty come? The courts have implied these principles form the structure of the Constitution. In delegating power to the federal government, the Tenth Amendment provides that the original states reserved all the power not delegated to the United States, and the original states were all equal. So when you think about the Tenth Amendment, it-I think of it in terms of buckets. It says that there are certain powers that the Constitution grants to the federal government. That’s in the federal government bucket. Their other powers are reserved to the states respectively in their bucket or to the people. So at least two buckets, and really three buckets: a federal bucket, a state bucket, and a people bucket. So the question always is, what bucket does this fall into? From this, the Supreme Court has determined that each new state succeeds to the same rights of dominion and sovereignty which belonged to the original states. And it’s well established that one aspect of sovereignty enjoyed by the original 13 states was ownership of submerged lands. Submerged lands are lands that are underwater. That is, the land that underlies navigable waterways. These submerged lands are important, and I want you to kind of put a marker there because we’re going to come back and talk about them in a minute. The states hold these submerged lands in trust for the public, that’s called the public trust doctrine, so that the public can use them for navigation, fishing, and recreation. With very few exceptions, those lands are inseparable from state sovereignty. So the federal government could not require a state to give up ownership of submerged lands as a condition of admission. Such an action would violate the principle that each state is admitted on equal footing with the original 13 states. The proponents of state ownership of public lands assert that the same thing is true for public lands. They believe that because the original 13 states owned all public lands within their boundaries, all newly admitted states must likewise own all vacant lands. Under this theory, the states upon admission immediately assume ownership of all public lands. But, like the original states, new states ceded to the federal government the right to sell those lands just as the original
states ceded to the federal government the right to sell their Western lands. These are the
lands we’re talking about. This is a photograph of the South Fork of the Payette River.
The dirt that underlines the river are submerged lands that were transferred to the state on
our coming into the Union on July 3rd, 1890. The rocks and the trees, as far as I can tell,
were not submerged on July 3rd, 1890. Perhaps at some point in the history of the earth,
they were submerged somewhere, somehow, but on July 3rd, 1890, the critical
date, they were not submerged lands. This is a photograph in the Boise Foothills, and this
is pretty typical Idaho land, some of it in Montana as well, looks a little similar. And as
far as I can tell, these lands were not submerged lands either on July 3rd, 1890, the critical
date. That’s the date we became a state. Again, perhaps in the history of the world, they
were submerged, but not on the date of statehood. So, by the proceeding course of
reasoning, let’s see, this is- wait a minute, here we are. Oh, good. So in other words,
proponents’ interpretation of the equal footing theory, the federal government does not
own unfettered title to the public lands, rather, it holds that title only as a result of state
cession and only so long as it carries out its implicit promise to dispose of those lands.
The only problem with this theory is that no court has ever applied the equal footing
doctrine to public lands. It has always been limited to submerged lands. So the
proponents of the equal footing theory rely on a few sentences from a case called
Pollard’s Lessee v. Hagan, which was decided in 1845. The plaintiff in Pollard claimed
title to some formerly submerged lands, it’s actually was part of the- it was in Mobile, it
was land that was part of the river, the river was actually affected by the tidal- it was tidal
river basin, and so the submerged lands had been part of the river basin and were affected
by the tides. They were filled in and then it became occupiable land. So these were lands
that had been issued under a patent by the United States, and a patent is, most of you
know, it’s a deed, but it’s a deed from the government. It’s called a patent as opposed to a
deed. It was- it was a patent granted by the United States, or a patent issued by the United
States after Alabama became a state. The defendant, who had been granted the right to
use the lands by the state, argued that the U.S. patent to another person was invalid
because the lands were submerged lands on the date of statehood and therefore passed to
the state under the equal footing doctrine. So the only land at issue in Pollard was
submerged lands, or more accurately, formerly submerged lands that had been reclaimed
from the river. This is the holding in Pollard’s Lessee v. Hagan. It says “by the preceding
course of reasoning, we have arrived at these general conclusions: first, the shores of
navigable waters, and the soils under them,” that is submerged lands, “were not granted
by the Constitution to the United States, but were reserved to the states respectively.
Secondly, the new States have the same rights, sovereignty, and jurisdiction over this
subject,” that is the submerged lands, “as the original States. Thirdly, the right of the
United States to the public lands,” as opposed to submerged lands, “and the power of
Congress to make all needful rules and regulations,” that is the Property Clause, “for the
sale and disposition thereof, conferred no power to grant to the plaintiffs the land in
controversy in this case.” The land in controversy in this case was submerged lands. Very

962 clearly drawn distinction between submerged lands and public lands. And submerged

963 lands were conveyed to the state on the date of statehood. The court held in Pollard that

964 ownership of submerged lands was a fundamental aspect of the sovereignty of the

965 original 13 states, so that under the equal footing doctrine, all states admitted after the

966 original 13 had to secede to ownership of submerged lands so that they were on equal

967 footing with the original 13 states. Therefore, the federal government did not own and

968 therefore could not by patent or deed sell the reclaimed river bed that was at issue in

969 Pollard. But the court did not apply those same principles to dry lands. The court noted

970 that when Alabama was admitted to the Union, it had all the sovereignty and jurisdiction

971 enjoyed by the original 13 states except the right to sell public lands, which was

972 specifically retained by the United States. But the court then noted that federal policy was

973 to sell all public lands and stated that upon completion of such sales, the state sovereignty

974 would be complete and the state would be on equal footing with the original states in all

975 respects whatsoever. The proponents of state ownership of public lands have seized on

976 these few sentences from Pollard as authority for the proposition that a state sovereignty

977 is not complete and the state cannot be on an equal footing with the original 13 states so

978 long as the federal government holds unsold public lands within that state. The statements

979 in Pollard about state sovereignty not being complete until all lands were sold are what’s

980 called dicta. In other words, they were not part of the court’s holding, which we have

981 read, which was limited to the question of who owns submerged lands after statehood.

982 And the court is not bound by dicta. And while the court in Pollard recognized that

983 federal retention of public lands after statehood does prevent the exercise of some

984 sovereign powers that the state would otherwise exercise over those lands, it did not take

985 the next step of holding that such a situation violates the principle of equal footing. So the

986 Pollard decision is a pretty slim read on which to seek state ownership of more than 500

987 million acres of federal land in the West, especially since the Supreme Court has said on

988 numerous occasions, including in a case that our office argued in front of the United

989 States Supreme Court, this language in particular, “in contrast to the law governing

990 surface land held by the United States, the default rule is that title to land under navigable

991 waters pass from the United States to a newly admitted State,” very clearly drawing a

992 distinction between public lands and submerged lands. Submerged lands came to the

993 state, public lands, it says, held by the federal government. And a follow-up here, this is

994 Butte City Water Company v. Baker. I can’t read all of that language, but the- because I

995 can’t see that slide- and but the operative language and that the public lands of the nation,

996 let’s see, and the court stated that the United States is the unqualified owner of public

997 lands. I think it’s in the middle of that statement. And a third statement, this is- oh, there

998 it is: “the nation is an owner” as to the- “and has made Congress the principle agent to

999 dispose of its property.” And also in Light v. United States says that the public lands for

1000 the nation are held in trust to the people of the whole country. That’s a concept actually to
think about for a moment and to underscore that the court stated that it is- that the public
lands of the nation are held in trust for the people of the whole country. And underscore
also the holding the court said that is not for the courts to say how that trust shall be
administered. That is for Congress to determine. Just to put it all together, the court has
repeatedly limited the equal footing doctrine to submerged lands and it has repeatedly
stated that public lands are held in trust for the people of the whole country. Given those
holdings, there is no reason to think the court would suddenly change direction and hold
that the equal footing doctrine requires that the individual states, not the people of the
whole country, own the public lands. This is a picture of Redfish Lake. You take a look at
that, and in my view, Redfish Lake was navigable on July 3rd, 1890. You could float on
it. You could put logs down it. So, if that’s the case, the land under Redfish Lake were
submerged lands and therefore owned by the state of Idaho as of the date of statehood.
However, now Heyburn in the back was not submerged lands, and therefore it was public
lands and owned by the federal government.

Now let’s talk for a moment about the equal sovereignty doctrine. The equal sovereignty
document is closely related to the equal footing doctrine. Essentially, it prohibits Congress
from arbitrarily treating one state differently from another state. In the words of the
Supreme Court, “there must be as a matter of constitutional necessity a perfect and
unchangeable equality among the states in reference to the powers they retain in our
constitutional system.” In other words, Congress cannot prevent some states from
exercising a sovereign power while permitting other states to do so. As I said earlier,
another way of looking at the equal sovereignty doctrine is that it prevents Congress from
discriminating among the states. But it does not prohibit federal statutes or regulations
that may impact different states in different ways because of differences in geography,
environment, or population. A good example of this is the Federal Power Act that
governs licensing of hydroelectric projects and preempts state laws relating to the
construction of dams on navigable streams. The impact on state sovereignty varies
depending on the number of navigable streams in the state and their suitability for hydro
power. But such preemption is a happenstance of where the projects are located, not a
specific instance of discrimination against a particular state. Now, there’s no question that
state sovereignty is affected by the presence of extensive federal lands, because federal
statutes and regulations preempt the state from taxing the lands. They also preempt many
state regulations addressing resource management and development. But the question is
whether those impacts on state sovereignty are the result of discrimination against the
Western states, or are they the result of geographical differences or other non-
discriminatory factors that distinguish Western states from the Eastern states? Take for a
moment representation in Congress. Idaho has two members in Congress, and 62 percent
of our land is owned by the federal government. California, on the other hand, has about
52 percent, give or take, of its land owned by the federal government, and yet it has the
largest representation in Congress. So is it the fact that we are deprived of representation in Congress because we only have two, or is it because of where we’re located, what the weather conditions are? You know, people were not traveling to Idaho when they came in their covered wagons, they were going to the Oregon territory. And the people who stayed here, their wagons broke down, and you know what- all the other stuff that goes along with that. Now I know- not dising anybody in Idaho. It’s my state. I’m a native. My wife is a seventh generation Idahoan. In fact, there is a picture of her family in St. Louis, Missouri at the National Reserve as people being representative of the people that came to the Oregon territory and to Idaho. So, I got a long history here. But think of that for a moment, and that is are we deprived of, say, representation or economic advantage because of the ownership of those states? Is that the reason that we are in the position we’re in, or is it other factors that are non-discriminatory? There’s very little basis to assert that there is a- that this presents a plain case of discrimination against Western states because there are geographical and climatic differences between the Western states and Eastern states that explain at least in part why there are so many more acres of public land in the West. Lands in the Eastern states were fully settled because homesteaders could make a living on 160 acres of land. But in the Western states, many of the lands were so dry that homesteading wasn’t an option unless irrigation was available, and many Western states like Idaho petitioned Congress to reserve forests from sale because those forests protected watersheds that increased the amount of irrigation water available to farmers. This is a 1947 Senate Joint Memorial Number Six, “now therefore be it resolved by the Senate of the 29th Legislature of the State of Idaho, the House of Representatives concurring therein, that we”- I think that words expressly- “respectfully urge the president”- I’m trying to read it from 90 degrees here- “respectfully urge the President and the Congress of the United States to preserve public lands in Idaho in their current ownership status.” Think of that for a moment. This is passed by the Idaho legislature in 1947. What were they doing? They were saying, hey we’ve got these lands that we want to keep in the federal government’s hands. That was the current ownership status. And the legislature is saying, we want you to keep it in current ownership status. It preserves the watershed. Now you think about that also, the claim that well the federal government has failed to give our lands to us. Here’s the problem: we as a people said, “hey, hey, hey, federal government, please, please, please don’t give us these lands. Keep them in your ownership. That’s where we want them.” That’s what we as a people said through our legislature. Okay? That’s what we said. So we can’t now claim that the federal government has refused or failed to give us those lands when we’re the ones who said, “we want you to keep those lands in federal ownership.” So, another reason to doubt that the equal sovereignty principle has a valid principle in this discussion is that the Court has held that it does not apply to matters that under the Constitution are within the sphere of the plain power of Congress. In other words, if the Constitution vests Congress with plenary authority over a matter, then its exercise of that authority does not deprive the
states of powers reserved to them under the Constitution. This is true even if it impacts Congress actions are different in different states. And the Court has repeatedly held that the Property Clause vests Congress with the plenary and unlimited authority over public lands. So unless the Court were to reject its holdings that the authority delegated to Congress by the Property Clause is without limitations, it would be unlikely to find that the retention of public lands in some states imposes upon the powers reserved to the states by the Constitution. So, even if the Supreme Court were to conclude that the retention of public lands infringed upon sovereign powers that were reserved to the states, it has approved federal statutes with disparate geographical coverage if the action is sufficiently related to the problem that it targets. There are sufficient differences between Eastern states and Western states that the United States could likely defend its actions against claims of unequal impacts on state sovereignty. Now as a result, the Conference of Western Attorneys General concluded that the equal sovereignty principle did not hold a lot of promise for seeking transfer of federal lands to the Western states.

The last theory I’m going to discuss is what is called the Compact Theory. This is a relatively new theory that is being pushed by certain parties who want the states to sue the federal government for ownership of federal- of public lands. Excuse me for a second. I can’t actually say the word gov’ment as-

[Laughter]

The Compact Theory has two basic parts. First, the proponents of the theory assert that each state, when it was admitted into the Union- that as each state is admitted into the Union, the federal government makes an enforceable promise to sell all the public lands in the state. The second part of the theory asserts that if the federal government fails to do this, the remedy is not forced sale of those lands, but instead, they assert that the proper remedy is for the court to turn the lands over to the state. It is true that as each state is admitted into the Union, Congress sets certain terms and conditions that the state must accept in order to gain admission. For example, the state has to adopt the United States Constitution, which we did. Idaho did, in Article 21, Section 20 of our Constitution. We accept the United States Constitution. And not surprisingly, a lot of the provisions and admission acts, those are the federal congressional acts that create a state, and we have one as well, have to do with the disposition of public lands. In the Idaho Admission Act, the law that made us a state, there are 22 sections. Eleven of them address lands. Congress gave the state over 3 million acres of land to support schools and universities. That’s section 16 and 36 of every township. And it supports schools and other institutions such as prisons and insane asylums. But it also provided that the state was not entitled to any further grants of lands for any purpose. And that would be- appear to be the end of the story, right? Congress specifically told us, “Idaho, you get this much land and no
more.” And Idaho agreed to that by accepting the 3 million acres of land. But proponents of the Compact Theory cite another provision that appears in the Idaho Admission Act, and all other admission act- and enabling acts in the Western states. This language, which says “five percent of the proceeds of the sale- of the sales of public lands lying within said States which shall be sold by the United States subsequent to the admission of States- of said State, shall be paid to the State for the support of public schools.” The proponents of the Compact Theory focus on the language giving the state five percent of the proceeds from land which shall be sold. They argue that the phrase “which shall be sold” is mandatory language that obligates the United States to sell all public lands within the states, and in their view, if the United States fails to do so, then the proper remedy is a court order turning all public lands over to the state. Take a look, however, at the term- the definition of the term shall. It does have an aspect that is mandatory, certainly, but also if you read the third definition- and I can’t read that from here- but what it says that it includes something that may happen in the future. And the phrase “which shall be” was a phrase commonly used in statutes at the time to indicate that the described action is expected to occur in the future. For example, in a tariff act passed two months before Idaho’s admission, Congress provided that all articles which shall be imported from Mexico should be duty-free. That does not mean that the items had to be imported from Mexico, it just recognized that everyone expected that articles would be imported from Mexico in the future. By the same token, the language in the Idaho Admission Act referring to public lands “which shall be sold” could be interpreted as merely setting forth the party’s expectations that the federal government would continue selling public lands after Idaho’s admission; in fact, that’s what the federal government did so for many years. Even if you ignore these issues, there is a constitutional barrier to Idaho claiming title to unsold public lands. That barrier is found in Article 21 Section 19 of the Idaho Constitution. Idaho, like all other Western states, included a provision in its constitution providing that the people of the state of Idaho do agree and declare that we forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof. This is part of our Constitution. And in this provision, there’s only two flavors of public lands: there are appropriated and unappropriated. Appropriated were public lands that were then appropriated by some person or some entity under the General Mining Act or under the Homestead Act or something like that that appropriated those lands and then they became no longer public lands, but private lands. The unappropriated public lands are everything else, and we disclaimed that, meaning that we gave up our right to claim those lands. And this is a condition of our Constitution, and we said we forever give up that right to claim those lands. Now, that appears to be the end of the story, right? If you or I sign a contract disclaiming title to property, that’s it. We are forever barred from asserting any right to that property in the future. And there’s no reason that a state’s disclaimer of title would be any different. Once you give up a claim to property in return for proper consideration, which the state of Idaho did, we received that in the form of
over 3 million acres of land for public schools and university, you can’t go back and now say, “hey, we really didn’t mean it.” That’s what our Constitution says. But that’s exactly what the proponents of the Compact Theory are asserting. They argue that the disclaimer doesn’t mean what it says. Instead, they assert that it was only intended to alleviate concerns by purchasers of federal land that they were not receiving clear title because of outstanding state claims to public lands. In other words, they view the disclaimer language as only being effective so long as the United States is disposing of the land.

That being the case, they assert it does not apply to situations where the United States retains the land in permanent federal ownership by reserving it. However, there’s a problem with that argument. The same section in the Idaho Constitution that disclaims title to all public lands also recognizes the existence of federal reservations. Again, I can’t see all of that language, but it provides that the state cannot tax lands or property belonging to the United States or reserved for its use. In other words, the Idaho Constitution specifically recognizes the power of the United States to reserve lands permanently, both for Indian tribes and for its own use. And that is not surprising if you know the history of the Idaho Constitution. The drafters of the Constitution were not opposed to the idea of the federal government owning lands in Idaho for federal purposes. In fact, the Chairman of the Constitutional Convention William Clagett was a former representative to Congress from Wyoming and proudly claimed credit for the act permanently reserving Yellowstone as a national park. And whenever the subject of public lands came up at the Convention, there was universal recognition that the state had no claim to public lands. Chairman Clagett stated that the states cannot pass any law that will undertake to control the public lands, because that would be inconsistent with the laws of the United States. Well then, Heyburn, who later became a senator from Idaho, said, “I did not suppose for a moment that we would ever have any control of the public lands of the United States.” So the drafters of the Idaho Constitution clearly believed that the state had no claim to public lands, and to emphasize that point, they took the additional step of including a provision in the Disclaimer Clause providing that it was irrevocable without Congress’ consent. In order for us to amend that provision of our Constitution, it requires an act of Congress. It requires consent from the federal government as well as our regular constitutional amendment provision. We can’t amend our own Constitution. It is there until Congress decides something different. In conclusion, the fundamental question is, if a state concludes that state ownership of federal lands would be a benefit, is it more fruitful to work with Congress to affect such a transfer, or is there benefit in going to court? I wanted to finish with this slide just because I like it.

[Laugher]
Redfish is one of my favorite places on the face of the planet, and it’s a special place to me.

[Applause]

I want to answer my question. The answer I gave the Idaho legislature in 2013 is the same I’m going to give you today. If you make a good policy case for state ownership of public lands, then working with Congress is the best, if not the only way, to implement that policy. And after two years of study, the Idaho legislature’s interim committee on federal lands agreed and issued a final report recommending that the state work with the congressional delegation to craft federal land transfer legislation. As for litigation, they voted to wait and see whether Utah would pursue such litigation, then determine what lessons could be learned from that. Utah has said it’s working with outside counsel to prepare a lawsuit. I’ve confirmed that. But it has not yet been filed. If and when Utah files, we will certainly monitor that case with great interest, and I’m certain that there will be some very interesting law that will come out of it. However, in my professional opinion, spending a long time on these issues, I doubt the end will be the result that this state owner- that we’ll have state ownership of those public lands. I continue to assert that Congress is the best venue for working out these types of complex issues. So thank you very much.

[Applause]

JF: Okay, we have time for a couple of questions, but first would you get out your pens or pencils. There’s now going to be a test on this to make sure everybody’s got it.

[Laughter]

LW: By the way, as you ask me questions, please know that my favorite answers are three and seven.

[Laughter]

JF: And also, his favorite picture with Mount Heyburn did you know that guy wanted to abolish the Forest Service? And there he is with a peak after his name in the Sawtooth National Recreation Area.

LW: That’s true. That’s true.
So now, more seriously, is there a copy of this Attorney General’s report that was presented that the folks here can access, Attorney General?

Yes, it is. It’s available on the CWAG website, and I think we’ve got a copy, we posted it. But it’s the Conference of Western Attorneys General, and they have it on their website. It’s available.

There’s another legal scholar named John Leshy. He was solicitor for Bruce Babbitt and also worked very closely with Governor Andrus when he was Secretary, who was trying to write a book on this topic and he can’t get a publisher, a popular publisher yet, because they don’t think it’s of interest. Yet, this comes back like cicadas about every 15 years since about 1900. It’ll probably be published by an academic press, unfortunately, which nobody reads compared to popular presses, but anyway it’s all there is the point, and it’s been there for a long time.

If I can add to that-

I was shocked and amazed that so many people paid money to show up and listen to me speak, so.

[Laughter]

It wasn’t that much money.

[Laughter]

This stuff is pretty complicated, but I’ve got a goofball question that I’ve got to ask, just because this is Idaho and this happens. At a town hall meeting, my Idaho state representative told me that the federal government will sell federal lands to China if the state doesn’t get them. Is this a possibility?

[Laughter]

Straight man, it’s- want to answer that?

No.

No.
And aliens do walk among us. Okay. Um, well this is an interpretive question, but it comes up. Some people say federally owned lands, some people say federal public lands, and others insist on federally administered public lands. Anything we should say, or does it really matter?

It really doesn’t matter. If you think about our history for a moment or two, you know there was a Louisiana Purchase that started down in New Orleans and it took a whole big chunk of land including Montana, but it didn’t take Idaho. It kind of ran up the Continental Divide. There was another little word skirmish with a country to the south of us that ended up in the Treaty of Guadalupe Hidalgo, and that didn’t include Idaho either. But what included Idaho was a corner of the Northwest that was a treaty with the English that the U.S. would have control of that area. That then became the Oregon Territory, it then became split and became the Washington Territory. It then split and became the Idaho Territory, and what folks sometimes forget is that it was the Oregon Territory of the United States. It was the Washington Territory of the United States. It was the Idaho Territory of the United States, remained so until we became a state on July 3rd, 1890. That we didn’t own those lands until we became a state, and those lands were ceded by our own Constitution as I pointed out, so we’ve never actually held title to those lands. Does that answer your question?

I think it does.

Okay. If it didn’t, the answer was three.

That was another setup question-

Now this is a- this is a serious one, and it shows you maybe what people don’t know. Do other states have a similar constitutional clause disclaiming rights to unappropriated lands?

Yes.

Yes.
LW: Nearly every state. I think- I think every state that came into the Union after the original 13 had something similar, but every- every Western state has almost that identical language. Very, very close.

JF: And maybe the last question so we- we can segue into our next panel-

LW: Seven.

JF: Thank you, let’s- seven? Okay.

[Laughter]

Now you confused me when you said that, so I can’t- why do you think this comes up? I mean this is pretty definitive, yet it comes up all the time. What- what are your thoughts on that?

LW: You made- you made a really important statement. You said that this comes around and you think about, it does. I mean, we had the Sagebrush Rebellion and then, it kind of dies down for a little bit and comes back. Why? It comes back in the West for that map that I showed you. That’s the intersection between the federal government and state government, and we are actually treated in a different way from Eastern states, I mean, that’s a reality, that’s a truth that happens here. And so, our sovereignty is affected by that. Now, I’m not saying that that’s the legal issue that solves it, but we come into contact in that way, and in Western states we have a tradition here that we really love our public lands and we have used them with you know grazing and mining and a whole bunch of stuff that really brings our history into conflict in that regard. And so as, you know, you see waves of regulation among the federal government, it’s often being made by people who have never been here, don’t know what we are here, and don’t understand us. So, I understand that aspect of it, and the emotion that comes along with it- hey, I love Idaho, I mean I really do. I’ve got a picture of Redfish Lake. I love it here. This is my home. And that’s why we have this visceral feeling for our state. But we have to match that against the legal framework that applies to public lands.

JF: Well, join me in thanking Attorney General Wasden.

[Applause]
Collaborative Forest Restoration in Idaho (69 min.)

BH=Bill Higgins, RT=Rick Tholen, WW=Will Whelan, AB=Andy Brunelle, JF=John Freemuth

JF: All right everybody, please. We’ve got two big panels to end the day and we don’t want to get behind for the-

[Plinking of glass]

-thank you, Jeff. Thank you, Jeff. So, before I turn it over to our moderator Andy Brunelle, who is involved with this forest group and is on the Andrus Environmental Committee, I want to thank all our volunteers who have been here working hard all day, especially Christophe Bahari, who was up until midnight many nights dealing with some registration issues, and our new Kathy Scott, Katie Robb, who- this is her second day of work for the Andrus Center, and boom, she hits the- the evening’s event last night and then the all-day conference. I just want to thank them and have you thank them for all their hard work to make this possible.

[Applause]

AB: Okay. Thanks, John, and thank you all for being here this afternoon. My name is Andy Brunelle. I work for the U.S. Forest Service, and earlier this morning, Governor Andrus did mention how back in the day I was always late to the first staff meeting at 8 a.m.

[Laughter]

Which is why, I think, one reason they said, “why don’t you run one of the afternoon panels.”

[Laughter]

He didn’t mention that one of the reasons was I had a 19- and still have a 1971 Volkswagen Bus. Usually, three of the four cylinders were functioning. That sometimes kept you a little slow getting to the office. So, I’m going to introduce and set the stage here. We’re going to have more of a conversation with these gentlemen to talk about collaborative forest restoration in Idaho. And with this symposium, we’ve heard today from public officials about how public lands affect their state or affect the nation or their county. And we’re going to shift a little bit now to some practitioners and people from the private sector. To understand collaborative forest restoration, it’s worth a brief review, sort of how this evolved over the last several decades with- with public land management and, in particular, national forest management. When you look back, timber
harvests on national forests were sustained at a high level for probably 40 years following World War II, and this was bolstered by a demand for wood for housing and by generous appropriations by the U.S. Congress to the Forest Service for providing timber sales and constructing roads in the national forest. At the same time, this population that demanded wood was also appreciating the national forest for their recreation and for fish and wildlife values, clean water, and wild places. So, for many years, there was this competing dynamic for public lands for our national forests at work. And Congress does pretty well when they try to meet everybody’s desires, and for many years Congress was able to continue generous appropriations for timber sales, on the one hand, and then on the other hand, pass laws like the Wilderness Act, that set aside areas for wildlife purposes or wild habitat or wilderness purposes, and then over time enacted more laws, such as the Endangered Species Act and National Forest Management Act. So, this contradiction went on for a long time, but there’s only so much land out there, and at some point, since you’re not making more land, the clash of those two uses are going to manifest. Ultimately, this culminated in the 1980s with what some people have termed the Timber Wars, that were especially expressed on the west coast of Oregon, Washington, and California, but it had national implications. Meanwhile, in the interior western forests, we begin to see larger wildfires with uncharacteristic higher severity in these fires, and this was at a time when the timber sale controversy was at its height, but it was also the time when we first began to see the effects of what was actually a rather effective fire suppression policy that had been in place for decades. If anything, the Forest Service was too good at putting out fires. The Andrus Center many years ago, I think at a 2004 conference, termed this the Paradox of Success, where putting out fires led to more severe wildfires when they did start. So, combined with the management gridlock on national forestlands and a growing recognition that we needed to do something different to address the fire issues, we begin to see a lot of the interests who would compete for the lands by going to Congress or going to court begin to talk to one another. Initially, Idaho was strongly opposed to the Roadless Rule, when that was enacted in 2001, but within four or five years the state of Idaho proposed its version of what an Idaho Roadless Rule could look like and something that could have widespread sustained support in this state. And that was successfully adopted in 2008. So with that as a backdrop, what we ended up seeing was the emergence of forest collaboration efforts across the state of Idaho. The map on the screen that you can see shows a number of different places around the state of Idaho where we have local forest collaboration groups, and we have some gentlemen here today who will be speaking about some of their activities on those forest collaboration groups. In addition, we have what’s called the Idaho Forest Restoration Partnership. It is a partnership of interests that tracks progress of these local collaborative groups, and to give them encouragement and assistance when asked, but they do operate separately. One is more of a statewide monitoring or network, and then you have the eight or nine local collaborative groups. So
what you’re going to hear today from these three gentlemen, and to my immediately left
is Rick Tholen, who is with the Society of American Foresters and is active on the
Payette Forest Coalition and with the Idaho Forest Restoration Partnership. And next to
Rick we have Bill Higgins, who is with Idaho Forest Group and is active on the
Clearwater Basin Collaborative. And then to the left of Bill is Will Whelan, who is with
the Nature Conservancy here in Boise, has participated and lent expertise and assistance
to Clearwater Basin Collaborative and with the Idaho Forest Restoration Partnership. So
what we’re going to do here is take some time, go through four or five topics in a more
conversational manner rather than each person getting up and making a speech, and as we
go through this, certainly as questions occur to you, put them on the question cards and
Doctor Freemuth will be- will be segueing to his question and answer period later in this
session. So what I wanted to do was basically pose a question to each of the three of you
gentlemen, and starting with you, Rick. What brought you and your organization to
Collaborative Forest Restoration?

RT: First, I wanted to have the SAF members in the audience raise your hand, Society of
American Foresters. So there’s quite a few here. Of course, the Timber Wars that Andy
spoke of had been frustrating for many, many of us for years to see the forests’ health
decline and not really have any ability to do anything about it, at least not the social
license support to do it. But first, let me tell you about SAF. SAF, Society of American
Foresters, was founded in 1900 by a Yale-educated forester named Gifford Pinchot. At
the time that he started the Society of American Foresters, he was the Chief of the
Division of Forestry, and later, five years later, that became the U.S. Forest Service, and
he was the first chief of the Forest Service. And the- we’re the largest professional
forestry organization in the world, and our mission—and this kind of gets to Andy’s
question about why did we get involved in collaboration—our mission is to advance the
science, education, and practice of forestry and to enhance the competency of our
members. And more locally, it’s a national organization, but locally, we are the
Intermountain Society of American Foresters, and that includes Utah, Nevada, Idaho
south of the Salmon River, and a few of the counties along the west edge of Wyoming.
Along with our partners at Inland Empire, which is the other half of Idaho Society of
American Foresters, we put together a conference in 2010 here that was aimed at
addressing how climate change was affecting the sustainability of our forests. And at that
conference, we had some very notable scientists, and of course we learned about the risks
that these forests face in- with climate warming and drying in our area, and we also,
though, learned something very surprising to some of us, and that’s that there was
collaborative groups out there that were already at work to try to resolve some of the
issues and get consensus on how those national forests in particular should be managed.
And so after that conference, several of us decided that we should work together-
continue to work together, sort of at the state level. So SAF joined with the Idaho
Conservation League, the Nature Conservancy, the Wilderness Society at the time, Rocky Mountain Elk Foundation, Trout Unlimited, and Woody Biomass Utilization Partnership, which represented two counties. And we formed the IFRP, the Idaho Forest Restoration Partnership, as Andy said, to try to help support these efforts that seemed to be breaking the gridlock that we had been facing for so long. In addition to us helping in standing up the IFRP, we also had member-individual members that became members of individual collaboratives like myself, and so that is also another way that SAF is engaged. And one last thing is we put together a position paper, the way we say what we think and how we get that out to the public is through position papers, and we have a position paper that we wrote in 2011 along with Inland Empire SAF that says that we believe active restoration is needed for our forests to address the wildfire and insect and disease problems and we support the collaborative process to go about getting consensus to do that.

AB: Now Rick, you’re active on the Payette Forest Coalition. Are there SAF members who are active with any of the other local collaboratives in the state?

RT: There are, and I say that— they may not be representing SAF. A lot of the industry folks, a lot of Bill’s organizations’ foresters, are on these collaboratives. We do have members on the Boise Coalition. I know both the Panhandle and the Clearwater Basin Collaborative have SAF members as well.

AB: Bill, I was wondering if you could talk a little bit about what brought Idaho Forest Group to the Clearwater Basin Collaborative, and your involvement there.

BH: Yeah. So, Idaho Forest Group, I’ll give you a little quick introduction to the company. You know, still kind of amazing to me, with five sawmills in Idaho, we’re number five or number six lumber production in the United States, still baffles me whenever I look at that statistic. And you know something else I looked at prior to this conference, we’re the number two federal purchaser in the country, which I couldn’t hardly believe. And we’re just barely behind Sierra Pacific, which was number one. So that says we are getting some things done in at least three regions we operate, Region One, Region Four, Region Six. You know, IFG is heavily invested in collaboration, and, you know, throughout the state of Idaho. I’m going to talk about my experience with the CBC in a little bit, but you know we have people on, must be four or five, six different collaboratives across the state, from the Canadian border to the Boise National Forest. You know, refer to my previous comments about the number two purchaser in the nation. We are direct stakeholders in the management of the national forest, and so you know we have the time, right, to engage on this with that stakeholder position. About the CBC, Clearwater Basin Collaborative, it was formed out of conflict, as you can imagine. It was really formed out of conflict around motorized recreation,
and- but if any of you know the history up in the Clearwater Country, it’s kind of ground zero in many ways for the Timber Wars that occurred in the state of Idaho. And it was formed officially, convened, by Senator Mike Crapo by invitation in 2008, which is really when I became aware of it, when Scott Atkinson, the President of IFG, received an invitation and I went along with him and got assigned to sit on a collaborative. But there was a couple of years prior to that where many folks were working to figure out who should receive an invitation to be on this collaborative, who has- who are the right people to be participating, who has collaborative skills, because those are skills. So we’re coming up on our ninth anniversary here in May. It’s flown by. It’s been worth it. It has been a long ride. I’m still- I want to keep going, but it has been nine years, believe it or not. We’ve had some success. One of the reasons it is still going is we’ve had some success. Without success, you know, it will wane, right? And so, a few successes I’ll list, you know, we were one of the first recipients of the ten original Collaborative Forest Landscape Restoration Proposal projects in the state, and that being the Selway-Middle Fork Clearwater project, and we’re- I think that was awarded in 2010, has some successes, has some challenges we’re dealing with still today. One of my favorite accomplishments that I report regularly is we had the timber targets and sold volume up about 50 percent on the Nez Perce-Clearwater National Forest. That keeps me coming back. It allows my company to make the investment, having people like me participating. You know, a nice recognition was in 2015, the CBC received the Abraham Lincoln Award for increasing the pace and scale of restoration in the Clearwater Country from USDA. And that was a really nice recognition. We haven’t solved all the problems, I promise you. There’s a lot of challenges remaining. We’ve done- the successes we’ve had, we’ve done without changing any of the rules, right? We’re operating under the same laws, regulations. We’re just using our good looks and ability to influence people to get things done, and you know as- you know I kind of equate some of our progress as kind of going up the stairs to the- trying to get up to the penthouse, you know. We made it to the second floor, and the third floor has been a little bit of a challenge here in 2016. We’ve had some litigative projects and whatnot. It’s not really a loss, we’re just going to regroup, figure out, you know, what are the priorities we have to work on now to ultimately get to the penthouse, and we’ll get there. But one thing I’ve learned though, that advocacy by itself is not enough, right? So we’ve- we’ve got to get, you know, make the case for the best available science, those types of things that we’ll talk about a little bit later. But I’ll leave it at that.

**AB:** Okay. Thanks, Bill. Will, what brings TNC to the table, and your involvement?

**WW:** Sure, Andy. So I work with the Idaho Chapter of the Nature Conservancy doing the public policy work. There’s a chapter of the Nature Conservancy in every state of the country. We are perhaps the nation’s—maybe the world’s—largest environmental group
or conservation group with a million members. And I think our work is best known for what we’ve done on private lands. That’s what the work we’ve been most associated with. But our mission is conservation of nature that includes people, the benefits that nature provides to wildlife and to people as well. And as we look at that mission, we couldn’t ignore the public lands in general and the national forests in particular. And the national forests are producing half of our water. They have unparalleled wildlife and natural areas, thousands of species, huge recreation-based economies, natural resource-based economies, communities in their midst that depend on them for their livelihoods. And then, on a personal note, you’re asking why public lands matter. It’s been interesting today. Many of the speakers have mentioned, some quite emotionally, like Congressman Simpson, a personal connection to the public lands, and that’s something I feel very strongly. So as the Nature Conservancy looked out over the national forests, we saw something on the order of about 60 million acres that are at increased risk of uncharacteristic, that may be described as unnatural, cycles of fire and insect infestation. You know, the causes are many: Climate change is huge, fire suppression. The forests in Idaho and around the country are changing right before our eyes, and we saw a real need for coming in and advocating for the science and the active management and restoration of national forest lands. So why did we take this on via collaboration? Collaboration is sort of part of our DNA. I’d say we started in collaboration in large part because through our history, we acquired key pieces of private lands in parts of the state where we created nature preserves that put us into those communities in places like Owyhee County, that gave rise to the Owyhee Initiative, but also in Boundary County, where there’s the Kootenai Valley Resource Initiative, and Island Park, where there’s the Island Park Fire and Sustainable Community Initiative. And also going in and looking at where we have ecological need in places like the Clearwater Basin and seeing working through collaboration as a critical way to accomplish ecological objectives in these areas. So we’re doing this work in Idaho, it’s also happening across the country. There are 23 different chapters of the Nature Conservancy involved in national forest restoration through the Collaborative Forest Landscape Restoration Program that Bill mentioned. We’re also very active in something called the Fire Learning Network, which is a set of demonstration sites working with land managers in communities about how to use fire intelligently for ecological restoration and to make communities safer, the Fire Adapted Communities Network, so we’re doing a lot of this work around the country and in Idaho. So we are members of three collaboratives, the Kootenai Valley Resource Initiative, the Clearwater Basin Collaborative, and then the Island Park Fire Sustainable Community.

AB: Someone want to take a stab at defining what it is that happens through collaboration? I mean, these are meetings, right? We’re talking about going to lots of meetings, maybe getting out on the ground.
You want to take that?

Yeah. There’s a lot of meetings.

Yeah, it’s been a long nine years, and I don’t know if I could count up all the hours, but you know, yeah. We have, you know, we invest 20, 25 percent of our time—I do personally—into forest collaboration, and, you know, I wouldn’t continue to do that if it didn’t yield results, right? And so I see the investment is worthwhile, and so we’ve got subcommittees on, you know, the different- all the different subjects, and you know, you can choose to engage on the ones- one thing’s different about the CBC is it’s very wide in scope. It’s not just a veg management collaborative, and that’s both a strength and a frustration, right? That it’s a- it’s a frustration if you’re interested in the timber projects and the veg projects and you spend a lot of time talking about other things. But it, you know, one thing I failed to mention before, you know, there are about, I think, 22 representatives on the CBC now representing conservation industry, local government, citizens at large, and it’s very diverse and, you know. I’ll leave it at that.

Let me add to that. I’m on the Payette- I sit on the Payette Forest Coalition. And I’m a volunteer, I don’t get paid at all, and sometimes I drive a 200 miles round trip to get to a meeting. But my interest, of course, is I have a second home up in the New Meadows area, so my interest is in the health of the lands that surround my home and my- where I like to recreate. I also, being a forester, and I mention I’m an SAF leader, I’m very interested in seeing our forest restored to a more healthy condition. But our coalition has about 20 members—organizations—and environmental conservation groups and industry groups. I think we have three different sawmill-owning companies involved in our collaborative. We work on a consensus basis. We try to all get a hundred percent agreement before we make any recommendations to the Forest Service, and so that’s a unique way- that’s different from normal public meetings and public involvement where all the parties may be there but they don’t have to compromise, they can state whatever their hard-lined position is about, you know, recreation, timber, whatever, and they don’t have to ever agree. On our coalition, we have to come to agreement or we don’t make recommendations, and so that takes time. That’s the very time-consuming part, I think, of collaboration, is that we try to come to complete agreement before we make a recommendation. And that’s- once again, that’s difficult, that’s time-consuming. But the good news, and there’s a good news story—and we’ll talk more about this as we go on—but there’s a good news story in that these collaborative groups are being effective, they’re influencing decisions, and they’re influencing courts and other things as well. So it’s- in my book, it’s been well worth the time and energy to be involved, and I’m proud
of the coalition I’m on. I’m also proud of the Forest Service on the Payette National Forest, because they have been extremely wonderful to work with, and I want to give them kudos for making this collaboration thing work.

AB: Okay, so the title here for this little panel, Collaborative Forest Restoration in Idaho. We dissected collaboration. Let’s move to restoration, talk a little bit about that, because we have three people here who are very, very highly-trained experts and have really studied the restoration component. And I think it would be great for this audience to get from each of you your take on what do we mean by restoration and what have these- your groups been doing to understand restoration through science and through your collaboration work. Will, if you want to start.

WW: Sure. So I like the promotion to an expert, sort of like getting an honorary degree.

[Laughter]

AB: Any time you’re off on a-

WW: I’m the only non-forest rep here, so I’ll start with a little forest restoration names and then these guys will-

BH: We’ll set him straight.

WW: So, you know actually I think one of the- we’ve talked about how collaboration has emerged in Idaho and around the West, and I think one of the things that has really given the space for collaboratives to work in is better understanding of forest ecology, and then some pretty tough lessons we’ve learned over the last 20, 30 years about what fire is doing to altered landscapes. And so the Nature Conservancy has done a lot of science looking at how forests have changed over time. And our approach to this is take a look at what was essentially a historic condition prior to American settlement of this part of the world and look at the kinds of distributions of forest types, of vegetation conditions, that would’ve characterized Western forests that were fire-prone. You know, the fundamental truth about this part of the world was that our forests evolved with disturbance, primarily fire, and so by looking back at the previous forest condition, we get a sense of how those forests had evolved to adapt to that disturbance. And then we look at the condition today. And my first important thing to say about getting into the insights we reached is Idaho forests are quite diverse. Lots of different things are going on out there, so when somebody says, “this is what it is,” get underneath that, because there’s lots of different patterns and we’ve seen them all expressing themselves. But there are some themes that we see in many places in Idaho, and that is that a forest that used to have a mosaic of
different age classes and different canopy structures—some more open, some more closed—has become less diverse. There’s less of a mosaic. It’s, as you know, as the foresters would say, it’s less heterogeneous. And the movement has been largely towards more closed canopy, large, and medium sized trees that are shade in taller. That means that on the site long enough and- I’m sorry, shade tolerant. They’ve been on the site long enough so that they can grow up and without a lot of the direct sunlight. And when you have those types of changed forests interacting with climate change, which has made fire seasons longer, has changed fire behavior, you can get some really significant fires, and that’s- that’s what we’ve seen. If anybody’s interested, we’ve got a fire perimeter map. We have seen a tremendous amount of fire that is uncharacteristic in the sense that it is really changing the ecological dynamics in these forest systems in ways that produce some really significant impacts, the long term forest existence to species to watersheds.

So-

AB: I did put the map up there.

WW: Yeah.

AB: I heard your verbal cues.

WW: My verbal cue, yeah. I mean, that is 1984 to 2015 fire perimeters in Idaho. That’s big. In the Middle Rockies Ecoregion, which is essentially from tree line above Boise to the Clearwater River, we’ve burned about 39 percent. Now keep in mind, fire is a natural part of these ecosystems, so I’m not trying to suggest that those fires are all bad. But those fires are big, they’re different, and many of them are outside of what we would sort of that natural range of variability. The highest level of burn is over half of the high-severity fires, that typically the higher elevation forests in the Middle Rockies Ecoregion have burned, and because it’s high-severity, that’s the place that’s most like historic conditions. You get into the lower, dry site forests, typically Ponderosa, and we’re seeing really uncharacteristic fires, in part because of fuel buildup. So when we talk about restoration, our objective is to move back towards greater diversity in mosaic in these landscape patterns, keeping large trees—because they tend to be more resilient and they provide a lot of ecological function—and recreate conditions that allow these forests to be more resilient to the kinds of ecological forces we’re facing.

AB: So Bill, I understand you, with Idaho Forest Group, worked with TNC on restoration opportunities, especially focusing in the Clearwater Region.

BH: Yeah.
AB: Want to talk to us about-

BH: Yeah, so I get to tell one of my favorite stories of one of my favorite accomplishments within the CBC. Have you guys ever heard that the timber companies want to cut more timber for economic reasons? You’ve probably heard that argument, right? And it’s really one they, you know, we knew in the CBC that we needed to make the case on a science-based argument for increased forest management to ultimately win the day. And the economic arguments are valid, by the way. And, you know, I hold them equal with the science-based arguments, but we had to make that case. And, you know, I remember a watershed moment within the CBC of, you know, when we agreed as a group to become advocates for increased management, right, and then we said, “okay great, how do we- how do we get this done?” And that led to the, you know, how do we tell the science-based story? And I kind of see myself as the idea guy, right, within the collaborative. And thankfully, the Nature Conservancy, who happens to be my favorite conservation group, came along and, you know, took the baton. Doctor Ryan Halgo took this idea and completed what we call the Landscape Assessment in Clearwater Country. And in the first phase, along the lines of what Will was talking, it was about forest structure, and we used historical range of variation to describe what the natural range of variation of the forest structure would be compared to what it is today using land fires, satellite data, primarily. And we found that it was out of whack, right? That there’s a lot of disturbance likely necessary to approach the historical range of variation of forest structure. Okay, that was great on forest structure, and then we started asking, “well, what about species composition,” because we have, you know, the Clearwater National Forest is white pine- ground zero white pine country, right? And so the Nature Conservancy Doctor Ryan Halgo took that back and did the landscape assessment phase two, which took forest structure kind of the same methodology what he did in the first assessment, and then looked at species composition across the forest in our operating area. And, you know, this is the platform we stand on for the science-based argument for- and, you know, it says we need to do a lot of treatment, cut a lot of timber, right? That for the right reasons, and we’ll get all the economic benefits that go with that. So, you know that, you know, Ryan reported to the IFRP conference several times and people were like, “man, I wish we had that on our forest.” And he went and then he completed that work for the entire state of Idaho and the East Slope of the Cascades, I think at the phase one level, just at forest structure, not at species composition. So this methodology is becoming pretty well-accepted and it’s, you know, on the Nez Perce-Clearwater we’re doing a forest plan revision, and it’s becoming part of the forest plan revision process to explain what the future looks like for needed management on the Nez-Clear.

WW: Andy, I’ll uh-
AB: Yeah.

WW: Let me talk a little bit more around this experience around Ryan Halgos’ work. So when you’re sitting in the Clearwater Basin Collaborative, you’re there with the Wilderness Society, the Idaho Conservation League, the Clearwater and Idaho County Commissioners, and trying to figure out what it is we’re going to do with forest management collaboratively that meets each other’s needs in a way that recognizes legitimacy of all of the interests around the table. So one of the crucial questions that when Ryan came forward with his assessment is, would a restoration focus to restoration management work economically? Would it provide the kinds of jobs that the counties and the communities needed in order to sustain themselves? And so, you know, the Nez Perce-Clearwater National Forest is 4 million acres. We’re focused on the roaded front country, right, that portion of it that’s not within the roadless area wilderness. That’s about 1.2 million acres. The suitable timber base within it is about 724 thousand acres, and so when we’re trying to answer this question, can forest restoration work economically for this community, we’re on a fraction of the land base of a big national forest. The analysis that Ryan came forward with indicated that there was about 353 thousand acres of that suitable timber base that needed some kind of disturbance-based restoration, primarily thinning from below, commercial thinning, and some what you would call regeneration harvest that would create new openings. Ryan and Bill then sat down and went through watershed by watershed sort of rough estimates of what would be the outputs from that kind of a restoration program over time, and it resulted in a sort of an “aha” moment for the Clearwater Basin Collaborative, because it was clear that it would require a significant increase in the level of activity in that forest in order to return those forests on that suitable timber base to a more resilient condition. In other words, we were able to say, “restoration and economics can go together in this basin.”

RT: No, you said it well. You said it well.

AB: Okay, thanks. Rick, what do you think about and what do we mean when we say we want to restore the forests?

RT: I was just thinking how hard it is for me to sit here quiet and listen to these two guys talk about this.

[Laughter]

But I support everything they said. We’ve done a really good job, I think, of getting everyone on the same page. You know, I think restoration is a tough term because it’s not really well-understood in the public, and maybe even in some of our collaboratives. But
what we really mean is what Will said about restoring the resiliency. We’re not trying to restore a certain point in time, you know, a picture of a forest from, you know, 1934 or something that, you know, had this particular makeup of stand structures and species composition and stand densities and all those other things that go along with it. We’re not trying to restore a picture, we’re trying to restore resiliency. And what we mean by that is the ability for the forest to respond in a favorable way, in a way— a predictable way to fire and insect and disease. They— these forests evolved with fire and insect and disease, and they’re natural components of the ecosystem. But what we do know for sure—and if any of you read the op-ed in the paper last week about how the sciences on restoration—we know that those disturbance regimes are changing. The fire regimes are changing, the insect and disease regimes. And by regime, I mean that reoccurring pattern of fire that occurred for thousands of years and the tree species, the shrub species, the wildlife species, the fish, all adapted to that disturbance regime. They figured out a way to survive and repopulate in those disturbance regimes, but we know those are changing. They’re changing because of the fuel buildup that’s happened from a hundred years of fire suppression, and they’re changing because the climate is changing. And as Will mentioned, because the fires are getting bigger, more severe, I think it was mentioned this morning, maybe it was Congressman Simpson that only, you know, two percent of the fires make up this entire amount of fire that’s on the landscape here. And so what we’re trying to do, what the collaborative groups are trying to do—and I can say that all eight of those that were on that map—their primary goal is to restore the resiliency of those systems so that when fire comes back, and it will, and nobody’s trying to keep fire out of these systems, we’re just trying to put them in a condition that when it does come back they will not only respond in a predictable way, for instance they grow new forests instead of growing shrub fields or grass fields, which some of the forests— that’s what will happen to them because they’re so low elevation and the temperature will change so much the trees will not be sustainable. But we’re trying to make those forests more resilient, and the reason we’re doing that is not just for good ecological reasons. We want to have those forests in a condition that we can continue to get the goods and services that we want off those forests. And I mean everything from the timber to the recreation to the clean air and the clean water that they provide. So I don’t—the reason I think all these diverse interests are working together on this is because we all share that concern about how these disturbances are changing, the degree to which they’re changing, and we all want those goods and services to remain from those lands to come off those lands in the long term. So if you don’t remember anything else from this conference or this panel, please remember: the science is in. This is sort of like talking about climate change in a way. The science is in, and forest restoration, restoring the resiliency of forests before they burn, before the insect outbreaks occur, works. Thinning followed by prescribed fire is an extremely effective way to improve the resiliency of the forests, and if you want to
know more about that, come see me. I’ll give you a whole list of scientific research papers that show that.

Okay, thanks. Why don’t we zoom up to the state-wide level here and, Will, I was hoping that you could take a couple minutes to describe how back in 2013, IFRP issued a report on collaborative forest restoration in Idaho and importantly we articulated in that document a zone of agreement. And just maybe take a couple minutes to talk about this zone of agreement.

Sure, and I’ll actually go back a little further, even before that report and to the moment my involvement with IFRP started, which like many questionable calls was over a beer with a forester.

[Laughter]

I used to be an environmental activist when I was in my twenties, and I got together with a former Idaho Department of Lands forester John Roberts to talk about that 2010 Society of American Foresters conference. And it was just over, like, well what should the conference be about? And I said, “well, you know, I’ve been noticing this sort of growth of these local groups, and they don’t seem to have any sort of central organization that’s making them appear. There’s no central funding source, they’re just popping up.” So we in 2010 SAS Conference really focused on who was doing what where, and we found a really interesting diversity of people working together, essentially in self-invented organizations. They drew up their own rules, they were not servants of the Forest Service, they grew up independently. They had developed their own set of objectives. They were seeking common ground in a way that was different from negotiation. In negotiation, you’re sort of going back and forth, how much are you splitting between the two. Somebody gets 60, somebody gets 40. They saw their task as trying to work together to get more collectively and individually than they could’ve achieved separately. So they were building trust, they saw a big part of their task was to give the Forest Service the support and, you know, the phrase is social license, in the communities for moving forward with projects that were going to be supported by a diverse range of groups. Their key theme: always restoring forest resilience in light of historic conditions; that there was pretty broad agreement around doing restoration in dry site forests and around the wildland urban interface doing hazardous fields reductions there; and interestingly, they were also developing agreement around other forest types based on this idea of a more diverse forest mix; that they could agree that the forest timber industry infrastructure was essential to their needs, in other words, their ecological objectives and that roaded front country couldn’t be met without a timber industry—and then those areas that didn’t have a timber industry were really struggling to accomplish their projects; and that their
projects should be multi-faceted. In other words, under Forest Service law now, permanently authorized, there’s something called a stewardship contract, and that allows the revenue from the sale of wood products or other products off of the national forest to be used to conduct certain kinds of restoration activities. So their so-called zone of agreement, what they were working on, included not just the vegetation treatment, the logging, the thinning, and so-on, it also included using those revenues to pull culverts, to decommission roads, to deal with recreation issues, to deal with invasive weeds, and that the ability to do the other aspects of restoration was an important part of their vitality. So some of the groups are quite small, you know the Allen Park sustainable fire committee is really about sort of protecting a matrix of cabins in a lodge [unintelligible] forest, you know the Clearwater Basin Collaborative has got wilderness on the agenda, economic development, youth training, and lots of other things. But what was common about them was that sense that working together they could accomplish more than they could simply by being separate interest groups.

AB: So, we’re going to segue here in a minute to some questions from the audience. Dr. Freemuth, I think, is sorting through some of the cards there. I want to end this section with a question to the panel. Basically, are we being successful, is enough being done to increase forest resiliency given like that one map I had up showing the size and frequency of fires we’ve been seeing, and how do we increase pace and scale on our forest restoration treatments? Rick, want to take a stab at that first?

RT: Okay. Yeah. I mean, the successful is based on how you define success, right? And so I think these collaborative groups have been around for some- depending on which group you’re talking about, around eight, nine, ten years. And so because I had mentioned these collaborations take time, you have to hone the zone of agreement, you have to get the zone of agreement larger so that it encompasses more types of forest, types of lands. But I would say because we still have eight—that we’re tracking on IFRP anyway—collaborative groups operating, none of them fizzled out, none of them threw up their hands and walked away, I’d say that’s success right there. They- every national forest, I believe, in the state, perhaps the Caribou-Targhee is an excep-

WW: No, Island Parks.

RT: Is Island Parks part of that? Okay, so every- every national forest has a collaborative group. So they cover the state. I think that’s success. The projects, you know, if you measure success on the number of decisions that are coming out of the Forest Service in these- in these areas with collaborative support, those are up- up. In the last three years there’s been ten additional large-scale restoration projects recommended. The diversity remains strong. I mean, that’s always been a concern, you know, these groups start out
with the two extremes, you know, and everybody in between, and if one or more of the extremes drops off, if you lose the industry, if you lose the environmental community, do you really have a collaborative anymore? And I would say all the collaboratives have remained diverse, so I think that is a plus. And then we have an example- I have an example that maybe I can share later about how the groups have gone beyond just recommending things to the Forest Service. The Payette Forest Coalition intervened in a lawsuit on behalf of the Forest Service, so at some point maybe I can give more details about that. The projects, as I think Will or Bill mentioned, are more diverse projects, I mean they are more multi-faceted. They started out as vegetation projects and a lot of them started out as Ponderosa Pine, sort of the smallest zone of agreement was on the Ponderosa Pine. Well, now they’re on all forest types and they’re multi-faceted with road decommissioning, road improvement, recreation improvement. One of the projects that the Payette worked on had six vault toilets installed, or the decision was to install six additional vault toilets at trailheads for recreational purposes, so they’ve become more multi-faceted. So I think that’s success. And just, before I pass it the baton here, I’d say, but they’re not going to keep up with the fires- the projects that we’re doing, the scale and the pace that we’re doing them today is not going to get on top of that fire situation that you saw on that map.

AB: Bill?

BH: So, no. You know, I talked about some successes, you know, in my getting to the penthouse ideas, you know. We’ve made some progress. It isn’t enough. I guess one thing I want to talk about, you know, about increasing the pace and scale is the Good Neighbor Authority, that it is a new, you know, in the 2014 Farm Bill we got some authorities that came out of that and I’m not a lawyer and can’t speak to the law itself, I just see the application of what we’re doing out in Idaho now with the Good Neighbor Authority, and to me what it’s about is increasing the capacity of the agency to get more work done. And because budgets, we’ve heard, are going down, the probability of hiring more people under federal employees to get things done is low, and so how are we going to do this? And so, you know, it’s about increasing the capacity of the federal agencies to get things done using state and private human resources to do it. And, you know, my company Idaho Forest Group is heavily invested along with some other companies in the state in trying to get this Good Neighbor Authority stood up and going, you know, we put some seed money in as well as the state of Idaho and the Forest Service to get a program up and going, you know. I’m- want to thank Director Tom Schultz and State Forester David Groeschl for, you know, leading and agencies buy-in for the regional foresters, for our supervisors, and for this program to get it stood up and going, because there’s common agreement about the capacity needs to get this stood up and going. I’m proud to report that the Nez Perce-Clearwater sold the first Good Neighbor timber sale
last September, I believe it was, using a federal timber sale sold through the state system, you know. If that’s all it was that wouldn’t be enough, right? We know, the state knows how to sell timber. What we need to do is take these receipts out of that and reinvest it back into the field work that needs to be done, NEPA work, field work, invest where the capacity is needed to increase the pace and scale. And so I’ll leave it at that. Got anything?

AB: Will, any observations?

WW: Yeah, Idaho Forest Restoration Partnership does an annual conference, and it brings in people involved in the collaboratives from across the state. So our 2017 conference was at the beginning of March, and it really was a remarkable group. We sat and talked pretty deeply about how we felt about the pace and scale. I think the broadly felt consensus across the roughly hundred people who were there from all over was that we are not achieving the pace and scale we’re looking for. I think the collaboratives are doing something really important, they’re providing some examples of success and they’re also providing a critical mass of support for practical ideas like the Good Neighbor Authority that’s in the most recent Farm Bill that allows the Department of Lands to implement, operate—not make the decisions, but operationalize and carry out—some of the restoration activities on a national forest and use the revenues to keep that kind of program going. There was a strong sense that the objectives of the collaboratives won’t be met if the agency doesn’t have the resources it needs to succeed. We’ve heard about it a couple of times here already about the impact of fire suppression and fire budgets on the overall agency’s ability to manage our public lands. And the stats are stark. There’s been about a 40 percent decline in the non-fire staff at the national forests since about 2000, and this trend is accelerating. Congress is budgeting the agency at the ten-year average of fire suppression. So when they pick next year’s, you know, the FY-18 budget, they’ll look at the last ten years. The problem is that with the change in forest composition, climate change, and so on, that ten-year average isn’t a flat line, it’s a rapidly-accelerating line. And the combination of budgeting at a ten-year average, and then we just got the administration’s skinny budget with a 21 percent reduction in the Department of Agriculture. If that budget cut’s carried into the Forest Service and we’re budgeting at a ten-year average without some kind of wildfire funding reform, it’s going to be very hard for an agency to get these projects on the ground. You know, and by the way, with that 40 percent reduction roughly, looking at the timber harvested and sold in Idaho since the beginning of- since 2000, it’s been staying about the same. So this agency is getting stuff done, but they need some resources, they need to not be undercut in that function. Though we heard earlier about NEPA, I think Congressman Simpson brought it up pretty directly. NEPA, National Environmental Policy Act, it’s the sort of bedrock law requiring federal agencies to look at the impacts of their actions, involve the public, and
consider alternatives. It is expensive. The IFRP group felt—well, we had a focus group, essentially, a group of timber industry, agency, and contradiction folks in a room talking about NEPA. And now I’ll describe that conversation, keeping in mind that it’s an informed but limited sample. People saw strong value in NEPA. They didn’t want it to go away. Making informed decisions, taking a hard look at what your actions are, involving the public, they felt were important. They felt, however, that NEPA has moved from being a tool for producing really informed and excellent decisions to much more of a sort of data-generating, encyclopedic, large, and grinding process that’s process-based more than outcome-based. And so there’s a sense that we need to figure out techniques for doing NEPA better so that the public is informed about their national forests, they care about their national forests—they don’t’ want to be cut out—but that we can produce projects that don’t have as much overhead for these- you know, how many of you have read an EIS? All right, many of you know exactly what I’m talking about. A lot of it, frankly, isn’t adding that much value to the public or to the decision-maker. So how do we get that right at the Forest Service while maintaining what NEPA really provides us? Those are some of the things we struggle with.

AB: Okay. Dr. Freemuth, do you have some questions?

JF: Yeah. We have way more than we can answer, but what I’m going to do is make sure these guys get these because I know how interested they’re going to be in this stuff because I’ve had the privilege to be asked since their first year to moderate these sessions. And it really is an example of democracy in action, however bloody and slow. It is bringing people together, and they’re coalescing slowly against some of the divided rhetoric we often see, especially on national forest policy-making. It’s important to stress that this is primarily about it is about the national forests. There are other collaboratives in other states—the Owyhee initiative here is certainly a more desert habitat collaborative—but just- we want to think about this is what is the alternative to this, to kind of restore trust in getting stuff done on the land. They have a webpage—I thought I’d mention it—that’s full of both past conferences, the agendas, and some of the science they’ve had to do further what they’re doing. I just wanted to mention that. So let me do what we can, and I think, you know, probably for people interested in participating in the collaborative—you guys have talked about this a lot—how do you stay engaged with this stuff? Do you struggle to keep folks engaged? When other groups challenge what you’re doing, probably because they don’t participate, how do you deal with all that, the politics of collaboration?

BH: I might take a stab, you know on this that, you know, one thing- I’ve been doing this nine years, and one thing I’ve learned for the collaborative to be sustainable is everybody’s got to get paid, right-
JF: We do? I didn’t hear that part.

BH: It doesn’t mean financially, necessarily. It could be, you know, everybody who’s participating has something they’re working for or you wouldn’t be there, right? And you know, I talked about the diversity of the CBC, I mean we’re working on some big land protection stuff, you know? Some new wilderness, some wild and scenic rivers, and, you know, my partners in the collaborative know that I’m going to be there for them on that, right? And I need my- their partnership on the, you know, the active forest management, you know, it’s going to- it took- we learned about the white clouds last night and that took 15 years. It may take longer in the Clearwater, you know, but it’s a long game, working on that type of stuff. Other folks are there for, you know, recreation. That’s where my point about the diversity being a strength, right? If it’s only- if you’re only talking about vegetation management, you’re only going to get those folks that are interested in vegetation management and you have to look at, okay, how are they going to get paid? And so, you know, others, you know, like local government communities and whatnot you know certainly they see that the payoff in employment and economics and fuels reduction, community protection, those types of things, so. I’ll leave it at that.

AB: Anybody else?

RT: Well, I would say that the way- I mean, we definitely need to move beyond where we’re at today with the pace and scale, so I think we need to work collaboratively on that because it’s easy for Congress to, you know, look at bills for doing this or that. But if those bills- like for instance, there’s been a number of attempts to get additional categorical exclusions for NEPA, but if those categoric exclusions don’t- if we don’t have agreement in the collaboratives to use those, they don’t do us any good. They could break collaboratives apart if we try to use them and there’s not agreement. So we have to be careful on how we craft ways- I agree that the lawsuits that are out there, the PFC, the Payette Forest Coalition, we got sued on our second project. It’s a huge project and the morale of the collaborative went downhill pretty quick after we got that lawsuit. Now we- we intervened, as an organization we got a pro bono attorney from the American Forest Resource Council and we intervened— I think I was going to tell you about this earlier— and- and we were successful. The project- the Forest Service’s decision was affirmed. And I just wanted to read one thing, as this may be my only chance to read it, that the judge said—this was Judge Lodge, who is now retired unfortunately—but in one of his last decisions in denying the temporary restraining order, which was the first thing he needed to deal with, he denied that and then one of his reasons for denying it was he said, and I’m going to just read it verbatim, “moreover, the project was developed in a collaboration between the Forest Service and a diverse group of stakeholders. Further, the
collaborative efforts of all the defendants”— and we were a defendant, right, because we intervened in the lawsuit— “in developing the project is in the public’s interest.” So basically what he said is that the collaborative represented the public’s interest because we were diverse and we were open, we don’t exclude members, we don’t exclude people from being involved. So I think then I know that that’s been used in another lawsuit—I believe it was in Montana—that those words have been used in the defending of a Forest Service project in Montana. So I do think that there’s ways that we can help keep get the pace and scale up, but I do think at some point some relief on what I consider to be frivolous lawsuits is the only way to get NEPA manageable. The Forest Service has had about 30 years of negative court decisions that have evolved into these documents that are like Will and others described, and unless they feel—and their attorneys feel—like there is some protection there from frivolous lawsuits, they’re going to continue to, as I think Governor Bullock said, bullet-proof these decisions. And that is just taking way too much time.

JF: Once you get to know these collaboratives, you find out that they’re different. Their dynamics are different, their personalities are different, and there really isn’t a template for how they work. That leads to this question, because probably you guys can enlighten some folks who maybe aren’t as familiar. So it reads, why don’t you have Forest Service representatives on your collaboration committees instead of making in consensus separate from them? Not so accurate, is it? Or is it? I mean, they’re different. Anybody want to weigh in on this?

RT: Well I will start by saying that on the Payette Coalition, I know many people in the audience probably don’t realize, but one of the first criticisms of the collaboration was that we were in the pocket of the Forest Service, that we were just another branch of the Forest Service doing what the Forest Service wants to do, which is log. And so we on the Payette Forest Coalition—I think this is true of all the collaboratives on our- on our map—made a conscious effort to not have the Forest Service be members of the coalition. We need them desperately because they have to implement and we need to tell them- tell us whether what we’re recommending is implementable, and it’s ecologically appropriate, economically feasible. We’re going to say whether it’s socially acceptable, at least partly, but we- so we need them. But we wanted that arms distance from the Forest Service because we didn’t want to be just another group that the Forest Service pulls together to do what they already know they want to do. And we push back on them quite a bit, and I have to say like I said of the Payette Coalition, they understand that relationship very well, and it works- when you both understand that relationship it works very well.
There is another- there is another half to that same equation and that is that it’s critical that the Forest Service have a high quality interaction with the collaboratives. There’s a lot of value there. But they also need to maintain their independence, because they’re going to have to run a public process and listen to everybody. So that agency needs to be able to go into that process able to take advice from people who aren’t part of the collaborative and act on it if it’s appropriate.

BH: Yeah, and you know in the Clearwater we refer to the Forest Service as our partners, right? And we have a high degree of participation pretty much in every meeting, you know, but we do, you know, they are independent, they are the decision makers ultimately, you know. Some of our- we have critics, you know, that, you know, think the CBC has too much influence over the agency, right? And so- but that’s how we view them is as a partner through the process.

JF: Let me close with this, ‘cause we’ll need to move to the next panel and there’s a lot I think you guys want to know about this then I’ll pass this on. The other thing I’ve seen during this is at least once I moderated a session with all four of the delegation present. The Chief of the Forest Service has come to at least two or three of these. The forest supervisors on the various forests often show up as do the regional foresters. The Forest Service pays a lot of attention to these people and they’re there to support and listen to what’s going on, and that’s a pretty- pretty good profound thing ‘cause these guys don’t have to do that, but they do. So join me in thanking our Idaho Forest Restoration Partnership Program.

[Applause]

Conservation and Recreation (78 min.)

LB=Luis Benitez, AK=Ashley Korenblat, PM=Peter Metcalf, JF=John Freemuth, S1=Speaker 1

S1: -care about public lands across the West. Idahoans care about this stuff. It’s a big deal. So, what I want to do is just, you know, some of you were milling about before and all of that, but let’s just take a minute and if everybody would just stand up for a second.

PM: Oh yeah.

AK: Yay.

PM: Don’t go anywhere, just stand up.
LB: That’s good.

AK: We could do some yoga.

S1: And let’s just sort of shake your head a little bit. It’s been a long day. And as you do that, think about a part of the public lands that speak to you. Think about maybe the sound of wind through the Aspen tress, or the sound of a mountain stream, perhaps the pull of a cutthroat trout on the fly line, or the pull on your heart as you’re heading downhill on your mountain bike, or that feel of the first summer’s blister. Think about the places that touch your family, touch yourself, about our incredible public lands and the legacy that we’re so, so lucky to enjoy every time we get out there. And then also think about what we all can, should, and will do to keep it that way. So please, take a seat. There are so many different parts of the public lands story, and you’ve heard many of them today. And often times when the issues of economics and the issues of the different pieces that stitch together public lands get discussed in a conference like this, it is often related to the traditional industries that impact our public lands, timber, mining, agriculture, those kind of things. And those are- those are really important pieces of the puzzle, particularly because they touch the rural economy so much. But as all of us walked into Boise State today, one of the things that I heard a number of people talking about is, “holy smokes, this place sure has changed, have you seen all the changes of Boise State? All the different buildings, all the different students, all the different energy that’s happening?”

Heard the same thing, people from out of town talking about “Boise. Look at all the cranes. Every time I leave, I come back and I get lost downtown because it doesn’t look the same.” ‘Cause it’s changing, ‘cause it’s vibrant. There are all these things going on. So one of the things that’s part of that is Idaho’s brand, what Idaho’s all about. And it’s not just the history of how we use our public lands. As you were standing up there, thinking about the places that touch you, you were probably thinking of some kind of recreation experiences you’ve had in the great outdoors. Perhaps you were thinking about wearing a piece of equipment that this guy has sold for years, or a bike, or the industry that employs you, or the community, the impact of the community, how much the outdoors impacts your favorite mountain town, be it McCall, Sun Valley, Sand Point, wherever, across the state. There’s this whole growing, changing piece of the outdoor public land puzzle that is about outdoor recreation. And we have three people here that are right- not just experts in their field, and not just interesting people in their own right, but incredibly timely right now in the news because of some of what’s going on in the transition of the outdoor recreation industry. So we’re going to- I’m going to introduce in the order that they’ll speak, and the way that we’re going to go is I’ll do an introduction of all three, they will speak in the order that I introduce them for about ten minutes and have the opportunity to just sort of, in a fairly unscripted way, just talk a few minutes about their impressions of the issue, what they’ve heard some today, and just sort of
reflections on outdoor industry, outdoor recreation, the whole piece. Then, we’ll have a
good chunk of time for questions. I’ll start with a couple of questions, but the whole bit
today with the cards—I know people are getting a little tired, but you know, keep it
together and ‘cause this is by intent having this recreation panel last just to spark you a
little bit. So John will be again collecting the cards and we’ll have a robust conversation.
So first, Luis Benitez has an extraordinary history and an extraordinary job. He is the
Colorado Office of Outdoor Recreation Industry. Colorado was the very first state in the
country to actually create such a thing, to create an office in the governor’s office focused
on the outdoor recreation industry. He is also a leadership consultant, motivational
speaker, he was a leader with the Outward Bound program for a bunch of years. I have
not met him until today, but all these folks say, “boy, you know, you need to go on a trip
with him.” And then I started reading up on the kind of trips he does, and I say, “oh, I’m
not the kind of guy that’s going to go on one of those trips.” He’s climbed Everest six
times. He’s climbed the seven highest peaks of the seven highest continents—peaks of the
seven- yeah you know what I’m trying to say.

[Laughter]

It’s a long day for me, too. I haven’t even been doing anything. But anyway, he’s climbed
the Seven Sisters, as they say, a total of 32 times. This guy gets out, motivated, serious
outdoor recreationist. But what he has brought to the outdoor industry for the state of
Colorado, is something we’ll talk about and learn a bit more about. Ashley Korlenbat,
who brought an interesting background going from business school to Wall Street, to
Moab to mountain biking, to being an owner of Western Spirits Cycling, one of the
largest mountain bike outfitters in the United States—maybe it is the largest; from that,
got involved in the advocacy to protect permits, protect access for mountain biking, to
protect this very new and growing and vibrant piece of outdoor recreation, went at it from
advocacy in public lands and then getting I think what many of us in this room have
found is sort of that little spark that comes from how interesting and intellectually
stimulating it is to be in some of these rooms where these decisions get made; and now is
involved with an organization she created called Public Land Solutions to work on
conflict resolution of some of these vexing issues. And finally, Peter Metcalf, who I’ve
known the longest. For 25 years, Peter has been- had been the CEO of Black Diamond.
And Black Diamond, you may recall if you’re spend time outdoors, once upon a time
before Patagonia was quite what it is today, there was a piece of it called Chouinard
Equipment, where you bought your ice axe and your climbing gear, and all that. Peter
bought that slice of the Chouinard enterprise, turned it into Black Diamond, turned it into
a publicly traded, 200 million dollar operation based out of Salt Lake. He is also a
climber of high regard, outdoorsman in many different ways. He also helped bring the
outdoor retailers annual event to Salt Lake City 20 years ago. But the interesting thing is, he helped take it away from Salt Lake City this year.

[Applause]

PM: No one from Salt Lake here.

JF: All three of them- not everybody in Utah is applauding.

[Laughter]

All three of these folks are very committed to their industry, very committed to conservation, and we’ll talk more about that in the questions. But first, Mr. Benitez.

LB: Thank you. Hi, everybody. I wrote down some notes, so I’ll stay to the ten-minute limit and I won’t wax as poetic as possible, ‘cause then I’ll go over time. But Boise State, go Broncos. You don’t often say that outside of Colorado. It’s a little awkward for me to actually be able to say that and not be referencing Denver. But ultimately, the role that I have for Colorado— and believe it or not, we’re the second in the country to have it, Utah actually created this role first— it’s an acknowledgement at the state level that the outdoor industry is a significant driver of our economy and our way of life. You’ve heard a little bit about the numbers that have been thrown around today around what this industry does for certain economies at various different states, so in my opinion, if we are indeed an emerging national economy, and if you know about the Rec Act that President Obama signed into law to count all outdoor industry jobs and revenue towards the GEP, you know that those numbers are significant nationally. And if that’s the case, we have to look at it through the lens of just some generally accepted accounting principles. Any accountants in the room? I know you might not want to admit it right now, but come on—other than Ashley? Really? So this thing called GAP that accountants go by, and it’s generally accepted accounting principles, and I looked this up the other day. Believe it or not, under these principles of what you can and can’t do based on what you own, ownership does not have the notion of stewardship attached to it. So if we’re looking at the outdoor industry through the lens of business, under these accounting principles that are indeed generally accepted across the world, if you own something, you’re entitled to destroy it. Now, if we’re at this intersection between defining a quality of life and celebrating the measurement of what we are and who we are as a part of the national economy, I ultimately think we need to start looking through this lens. So, how many people enjoy the Constitutional 202 class we went through today? Anybody else?

[Laughter]
Riveting. It was fascinating to me, personally. You know, and with that I jotted down some more notes. We’ve heard that the authority to make decisions regarding public lands comes from the Property Clause of the Constitution. Now, this essentially gives the full power, what the Supreme Court says, power without limitations, to Congress. So if Congress gets to decide how we manage our public lands, how are we doing right now in the midst of these dynamic times? So, I heard a statistic the other day and I wrote down some of this as well. Congress now gets over 26 thousand calls a day about everything that’s going on right now; 26 thousand calls. And that is an increase of 167 percent from what’s normal.

[Applause]

That’s incredible. But my question within that 167 percent is, how many of those calls have to do with the things that we’re talking about? So the thing that I argue all the time is that without public lands, our economic engine, the thing that we’re touting so much, it stops. The value proposition of the outdoor industry brings to the table goes much deeper than jobs and dollars as we all know. It goes to a succession plan for how we will choose to preserve and protect the pieces of our legacy that I argue matter most. This is actually, I think, how we are educating and galvanizing the next generation to understand this fight. So you mentioned it well, I’m an old Outward Bound guy. I’ve worked off and on for them for about 20 years. Mark Uda in Colorado actually gave me my first job in the outdoor industry, working for him for Outward Bound. And if any of you know anything about the history of Outward Bound, a German-Jewish educator, a fellow by the name of Kurt Hahn- this all started in World War II back in the UK. And I want to share this with you to give you a little sense of measurement and gravitas towards the things that we’re discussing. He wrote an essay in 1943 called the Six Declines of Modern Youth, and I want to share them with you really quickly, and stop me if any of this sounds familiar. Number one, “Decline of Fitness due to modern methods of locomotion;” number two, “Decline of Initiative and Enterprise due to the widespread disease of spectatoritis;” number three, “Decline of Memory and Imagination due to the confused restlessness of modern life;” number four, “Decline of Skill and Care due to the weakened tradition of craftsmanship;” number five, “Decline of Self-discipline due to the ever-present availability of stimulants and tranquilizers in various forms;” and worst of all, the “Decline of Compassion due to the unseemly haste what with which modern life is conducted or as William Temple called it, the ‘spiritual death’.” Any of this sound familiar right now? And so the way I connect these two things is, who will take your job when you’re done? What does this legacy and this fight and this conversation look like? I think these things tie to how we define education within the outdoor recreation industry because it is the core of the experiential fabric that I think we elevate our industry within.
I have a firm belief that history’s going to judge us in this moment by the courage of our convictions. And within that and to that point, if that’s ultimately true, what exactly is it that we’re waiting for? I think the days of thinking that our industry will never be accepted or influential are done. Take it from the mountain guide who turned into an organizational leadership development consultant and is now working for state government representing a 646 billion dollar national industry. The days of pointing at someone else to figure these things out are over. Now, the potential to recognize and seize these opportunities, I think, it’s in all of us, and we’re starting to tell our collective stories. I know you see it, I see it form every paddling put in to the local gear shop from the board rooms to Capitol Hill, from our campsites to climbing areas, the trail heads, the urban parks, I think ultimately what we’re talking about right now is becoming the heroes that we, in my opinion, so desperately need. Now consider for a minute companies like REI, a co-op who’s looking beyond the bottom line to create a movement towards galvanizing some of these efforts. What gear company do you know that preaches bipartisanship like United Outside? Anybody seen that campaign? Or shuts down a multimillion dollar company for a day to prove a point on Black Friday, like that opt outside campaign? So ultimately it was a desire to be part of this conversation that led Governor Hickenlooper in Colorado to create my office. And as I was happily serving on town council in Eagle, Colorado, and consulting for Vail resorts, and living out a beautiful life in the mountains, he called and asked me if I’d be interested in this role. So what does this role focus on? Ultimately, we really look through three lenses. The first is economic development, and now this is not moving companies state to state within the outdoor industry, but growing the collective innovation that, in my mind, will raise all votes. Because if I take a company from Idaho and convince them to move to Colorado, I’ve done nothing to create net new jobs, I’ve done nothing to help the overall outdoor industry economy in the Intermountain West. That’s a zero-zero sum game. We have to look through that collective lens. Which leads to conservation and stewardship. If we’re a multi-billion dollar industry, why do nonprofits keep having to beg for money and scrape nickels out of couch cushions to do the work that we have to do? We have to start seeing our natural resources as national treasures, and part of that journey is connecting that economy of scale. Now, this leads me to education and workforce training. That’s something that we focus on a lot in Colorado. Our industry’s been about organic mentor-based leadership. Peter has an employee that he really enjoys and wants to foster and mentor, and that employee, in turn, slowly grows through a company and organization. If we’re a mutli-billion dollar industry, where is the MBA for our industry? Where are the advanced manufacturing degrees for our industry? How is academia keeping pace with what we need to do? This all leads to capturing industry innovations, and it should be about embracing all of these changes and opportunities, supporting them, fostering them, guiding them, rising to the occasion, and not hesitating. So I’m hoping that more states create roles like mine to galvanize this dialogue, to bring all of the different
constituencies together, to have a collective voice. Because in the face of all these amazing opportunities for our community, in this moment of gravity and momentum, there’s only one thing about our industry that gives me pause, and I’m sure all of you have felt this way at some point. The terrifying fact about this amazing, dynamic industry is not that it’s hostile, but that we can simply be indifferent. That’s not happening in my backyard. I don’t need to worry about it. I’m going to worry about my trail, my watershed, my ecosystem, and that’s going to be enough. I ultimately think if we can rise above that indifference, our existence as a tribe can actually have genuine meaning. Does anybody know the Margaret Mead quote that I’m about to drop on you right now? Can anybody guess what I’m about to say? “Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it’s the only thing that ever has.” So if we are in this moment and in this place that we’re going to find our voice and our courage and our strength, ultimately, I think we’re going to have to find those magical connections that drive that dialogue. So I’m going to end my ten minutes with a story. As was mentioned, I was someone that ran a Himalayan guiding company for about ten years, focused on guiding the seven summits and other mountains all over the world. It was an incredible time to run a business in some of the most iconic locations globally. And I want to share this story with you because I think it shares that the issues that we face are not ubiquitous to the United States or Europe. They’re global in concern. So this friend of mine, Ang Tshering Sherpa, he was one of my very best friends, went with me on absolutely every single Himalayan expedition I had ever been on until he was killed two years ago in the big avalanche that hit Everest base camp, if any of you follow Everest lore. But after every single trip, I was really excited to go down to his village in Pame and talk to his father, who actually worked in Sir Edmund Hillary’s trip in 1953 as a thirteen-year-old cook boy. He actually has a Coronation Medal that Hillary brought back from the Queen for serving on his trip. And I was always so excited to tell his father everything that we had done, successes, failures, all the things that were in front of us and the things that were behind us. And after every single time hanging out with him, he always asked me the same story with Ang Tshering translating. He would look me in the face and he’d say, “Lulu, it sounds like you had fun with my son and brought more money and white people to my country. Thank you.”

[Laughter]

“But answer me this question. What is it that you do every single day that will make my grandchildren’s world better? If this industry is so big, what is it that you do every single day that will make their world more extraordinary?” Getting a little bit older and hopefully a little bit wiser, I realize now that Ang Tshering’s children, his grandchildren, represent our children. It’s this journey, this moment, right now that we have the opportunity to capitalize on galvanizing that effort for them, not just for us. So in the face
of all of that, which is ultimately, I think, the most important, let us not squander that
cportunity. Thank you.

[Applause]

AK: Okay, I’ve got to stand up to keep the level. That was awesome-

LB: Thank you, Ashley.

AK: -I never thought you’d start with GAP. That was great. Thanks, everyone, for being here,
and thanks to the Center for hosting this. It’s a really important time and a really
important topic. So, yeah there I was on Wall Street, dragging my bike or my skis out of
the city every day and hating it. And in between Wall Street and becoming an outfitter, I
ran a bicycle factory that manufactured titanium bicycles using the same tubing that
Boeing uses and ordering it in the same quantities with the same lead times. That was
challenging. As an outfitter, we work in- I have over- we’re one of the largest holders of
recreation permits on the public land system, because bike trips go over different
jurisdictions. So in one five day trip you might- you might go through a national park and
some BLM land and some forest all in one trip. During all of that, at some point I served
as chair of IMBA, the International Mountain Bicycling Association, and when we first
formed, we were really excited about hiring an executive director and we offered this guy
the job, and when he found out that we only had 16 thousand dollars in the bank he
turned us down. Can you believe that? And during the time that I was chair, IMBA then
went to something like over 5 million dollars in the bank, it was very crazy and exciting
time. So, I thought I was done. I’d served as the chair, I’d done what I could, right? I’m
out. Going riding. And then I got this call at the beginning of the Obama administration.
There were lots of bills, wilderness bills that would’ve possibly affected bike trails. And
the bike industry really does not want- the bike industry wants to be the answer to all
problems, from air quality to obesity to- the last thing the bike industry wanted was a big
fight with the environmental community over some trails. And Peter always said,
“Ashley, can’t you just give up a few trails?” And I was like, “it’s okay until it’s your
trail, right?” And that was the challenge. And so the bike industry- they raised 600
thousand dollars in one night and they said, “Ashley’s going to start this program to work
on these 30 different public land bills around the country.” And it was fascinating. I
learned about- I saw how different staffers did it, I saw how different counties did it, I
saw how different senators and congressmen did it, and everyone had a different way of
trying to come to a compromise, trying to make it work. And one of my favorite quotes
that I learned was actually from the timber industry and from one of the collaboratives,
and it was, “you know you have a good deal when you have a vested interest in your
opponent’s success.” So when you figured- so what does that mean, the opponent? In this
whole conversation about public lands, what we’re really trying to understand what is important to your opponent. So, when you think about what that means for how we get through the public lands conversation, I’ve kind of come to the conclusion that I’m done with the values thing. I don’t really care about your values. I’m actually - what you see when everybody is so focused on their values, we end up painting ourselves into a corner and now we can barely talk to anybody who doesn’t share our values. So instead, we’ve become really focused on shared desired outcomes. So how do we get to a place where you’re getting what you need and we’re getting what we need? How do we find that place? And what do those needs really mean, anyway? So we created public land solutions to help communities that are looking to supplement resource extraction revenue as part of - as an economic driver by adding recreation as an economic driver. So, you know, what we see with resource extraction, right, is that commodity prices are set by worldwide markets. Sometimes regulation has an effect, but mostly it is world-wide markets. So that puts these communities on a roller coaster. And right now with the drop in oil and gas and coal prices, there are lots of county budgets that are not going to balance. It’s a big challenge. So what’s the opposite of a commodity? It’s a branded product, right? So when you think about a community choosing to develop a brand for itself, to be something that can only be - that is unique, right? There is nowhere like Stanley, Idaho. There’s nowhere like Fruita, Colorado. Each community has an opportunity to develop a brand that is unique to them. Okay, so now I’m pausing for a short history of land, okay? ‘Cause I think there’s a lot of things that we kind of touched on today that we need to really get to the bottom of. So, what is land ownership, right? So probably it started, we were nomads, somebody planted a seed, that caused them to stay there to watch the seed grow, maybe there was ore coming out of the earth. They figured out that land ownership was a great way to generate wealth and protect themselves and their family. And really for most of the history of mankind, land ownership was one of the best ways to generate wealth. I mean, think about it, like if Luis was the duke and I’m the peasant, his family’s getting richer and richer and I’m not getting anything, right?

[Laughter]

And then- but then we all move to America and it’s this great opportunity because now we can all own land. And then we had the Homesteading Act. But the thing is, there was a bunch of land that was left, mostly because it didn’t have water, or it was vertical, or it was just generally not a great place to live and farm. There was no way to grow vegetables there. And so that led to these vast tracks of public land. So now imagine if your grandparents, which some of yours were, were homesteaders, they were out here and they’re making a living in the West, and they’re doing it through self-sufficiency and living off the land, and by definition, they’re basically badasses, right? I mean, they are tough. So then all of a sudden, these federal land managers show up, mostly college kids,
right? The first group-and they show up in town and say, “we’re the man.” So the whole thing started off on a bad-on a bad note. So this idea- the moral value- to claim that it is a moral value to conserve the land, what I see out there is this other moral value that has to do with feeding your family, and until we sort this out, there’s going to be this tension between the right to use the land to keep yourself alive and the need to conserve it. And if you really- so what does that mean? Really, everyone is looking for sort of survival and prosperity, and those of us that are concerned about climate change feel that land protection is going to be a big part of survival and prosperity. But you know the coal miners in carbon county Utah? They don’t see it that way, and neither do their county commissioners. So, how do we solve this problem? Really, what’s happening is we’re pivoting from a time when private land-ownership was the best way to generate wealth to a moment when shared public land is actually the best way to generate wealth. And I-know, when the county commissioner from Twin Falls, Commissioner Kramer, was telling his story about attracting the businesses to Twin Falls and how great it is, it was all I could do not to get up and do a little dance, because that is the story, that is the pivot that we’re making as- because shared public land is what is leading to prosperous communities. Healthy landscapes are leading to healthy economies. So that’s why we created Public Land Solutions, and we’re doing a lot of different things, from individual community consulting—we’re doing a big congressional briefing at the end of April called the Prosperous Communities Initiative; come to D.C., you’re welcome, we’ll get you in—and we’re also working on a conference where communities can share best practices, I’m totally recruiting Commissioner Kramer. But so what we’re working on is finding ways to use shared public land to attract both visitors and businesses, helping communities who were previously really dependent on resource extraction, see the value of keeping the public lands healthy, and using best technologies and best practices on those lands to basically protect our shared heritage.

[Applause]

PM: All right. Hey, good afternoon. It’s great to be in what Outside Magazine called “the best mountain town in America to live in,” Boise, and being here I can understand why it is. It’s a great mountain town with amazing recreational opportunities. So what I’m going to talk about in my ten minutes is to give you a little bit of insight into the evolution and the role of the outdoor industry in public land policy and advocacy. And I’ll focus particularly on the outdoor retailer trade show, since people seem to be very animated about that right now. And to accomplish this- and I’m going to do that also because it’s not the industry, it’s a small tip of the iceberg of the industry, but it is the most tangible tool, weapon, asset, vehicle, whatever you want to call it that we have had in times trying to effect policy. And then to accomplish this, I’m going to define some terms for you, who the industry players are, give you a little bit of historical context, and give you a few
facts on this industry. So let me just kick it off here. So as Luis said, it’s a 650 billion dollar contributor to the GNP if you wrap up all aspects of outdoor recreation in America. I think the most important point that I want to make is that it is one of the few industries that America still dominates on a global basis. If you think about the iconic brands that are global in the outdoor industry, they’re all American. And I would argue there are several reasons for this. Number one is that we, in America, have access to the most beautiful, wild, well-stewarded, pristine, accessible public lands: wild lands in the world. And at least as I think about BD, that I think about my competitors, their source of intimacy to what our customers need, that intimacy yields insight into our customer’s need, and out of insight comes innovation, and we are the innovators of the world with our products, and I will credit the public lands for that. Secondly, the public lands, the landscapes that we have in America, they’re iconic. They’re iconic on a global basis. The last two years, visitation to our national parks have seen compounded double-digit growth. We have the most accessible wild lands: the safest, most accessible wild lands imaginable in the world that people from all over want to come visit, so when people from China or Japan or Europe or Australia think about wild places and think about brands, American brands are all associated with that. And these landscapes are certainly our answer to Europe’s historical, iconic features like the Sistine Chapel or the like. And then, last and not least, at this point in time there’s a number of lands being made. You know, what these landscapes can—this is America’s competitive advantage. They can’t be ripped off in China, they can’t be done more cheaply in Bangladesh, they’re right here. All we have to do is protect them and preserve them. So let me talk a moment about the industry, just to give you some insight, because it’s talked about sometimes in amorphous ways. There are really four parts to the outdoor industry. The first one is the Outdoor Industry Association. It’s a trade group like many other trade groups. It is made up of companies that consider themselves outdoor companies. It is a lobbying organization, it is a group that helps produce a trade show, it takes policy positions, it goes to D.C., but it’s a trade organization. Secondly, there’s Outdoor Retailer, that is a for-profit trade show, nothing to do with OIA other than the show is produced for OIA by for-profit corporation of which OIA gets a meaningful amount of revenue that funds it. Then we have the Conservation Alliance. The Conservation Alliance is made up of the same companies that are in OIA, and it was founded 25 years ago, and it’s a tithesing group. If you want to join it, you give a certain percentage of your revenue to the organization, and a hundred percent of the money that we raise among the Board of Conservation Alliance that we raise, we give out twice a year to conservation slash wilderness organizations, groups that are advocating for, fighting for, and trying to champion preservation of some part of North America’s fantastic landscapes. And last year, we gave out about 1.7 million dollars. In addition to that now in the changing times, we, as part of the Conservation Alliance, have funded an advocacy position and we do go to D.C. and we are picking up what we do in lobbying, advocating for those groups that we fund and help as well as
now with the new position we’ve just created, working to engage the employees of our member companies, of which there are tens of thousands—that’s sort of our army, it’s going to be our missionaries, to work through social media, through lobbying, through letter writing, through joining the grassroots organizations, to advance an agenda. And that agenda, we feel, is integral to the continued vibrancy and growth of outdoor recreation in America, which is I said is a huge industry here. And then last and certainly not least, the newest organization is the Outdoor Alliance, which is an umbrella group of all the leading user-advocacy groups in America of whitewater enthusiasts, of climbers, mountaineers, mountain bikers, and the like. And that is an organization supported by its specific discreet user-advocacy groups, and it is building up quickly a social media following and direct customer support so that it can deploy in letter-writing campaigns, in social media campaigns, and at the regional basis, tens of thousands of people who can support advocacy for public lands for their protection, their preservation, and the like. In addition, it is working closely with land managers, with Forest Service, etc., in identifying, what are the gems for hiking, for climbing, for whitewater running, for mountain biking, and the like, to protect these areas? The goal being that the outdoor industry comes at conservation at- through the recreational lens. So let me, I think I’ve got only a few minute left, so I’ve about run the clock. But let me just say this is that the industry is small. It is young. And it wasn’t until 1989, well, the late 80s, that it got engaged in any kind of public policy. Up until that point, there was no OIA, there were no user-advocacy groups. We were a part of actually a much larger trading group, very loosely affiliated, and then we had the big bang that hit the outdoor industry, which is what I call the confluence of several big mega forces that almost threatened to take the industry down. The revolution in tort law that made it very risky for land managers to allow people to come ski or climb or mountaineer are in public and private lands. It made it very difficult for companies that, like the company I was running, Chouinard Equipment, to make products and not get sued out of existence for failure to warn. And that was the demise of Chouinard Equipment. The industry also recognized that if it was going to continue, it needed to have its- a organization to advocate for it, and that’s what gave me the opportunity to create Black Diamond, and quickly decide that I wanted to relocate that company to a town that- where a location would reside on the asset side of the balance sheet, and that was, in the end, Salt Lake City. And I chose that after a very systematic search of the West. I wanted a place with access to incredible public lands to inspire my employees, to inspire ourselves. And that’s what we did. As far as the trade show goes, what I’ll share with you is that the trade show’s young. The Outdoor Industry trade show really began as a discrete entity in 1989. After getting to Salt Lake with Black Diamond in California in ’91, I made a decision that I made the right choice, but like all of us that want to affirm that choice, because we’re not sure if it was right when you’re the only outdoor-only ski company in the whole region, there’s no others, and you think, it’d be good to have other companies there in a show. So I spent a couple of years
working to recruit the trade show there for the same reasons I moved my company, Black Diamond, there. But it was not until 2002 when then Governor Leavitt cut a deal with then Secretary Norton in the Bush administration to end litigation in RS 2477 claims and the wilderness inventory areas that were being protected in Utah, like wilderness study areas. And at that point in time I thought, you know, this is kind of crazy. Here’s an industry that has grown up in this state since BD came here over a decade earlier. We have the largest trade show in the state. We haven’t asked for government largesse handouts or any other kind of favors. All we want to do is have a government that doesn’t work at cross-purposes with the fastest-growing industry in the state, and here we have the governor working to basically take down the industry by beginning to dispose of the lands, to ruin the wild areas that are so integral to the vibrancy of this industry. So at that point, I penned an op-ed piece basically threatening to take the show out, since I had basically brought the show there. And it caught the imagination of the industry. The industry got behind it very quickly. And it began a period of long engagement by the industry that continues to this day in public policy. It was the catalyst to the creation of the recreational economy study we do. It was really the forerunner to the Rec Act. But it was the recognition at that time that we as an industry are the people we had been waiting for. We can’t just be a side-kick to the conservation community. We have to be a third column. We have to act like any other industry and talk about jobs, talk in the universal Esperanto, the almighty dollar, and talk about what kind of economy do you want, a boom and bust extractive industry economy run by the man, or do you want to pull yourself up by the bootstraps and be the rugged individual and have more of an entrepreneurial culture that comes with outdoor recreation, which is what it really is. It’s an entrepreneurial culture. So it’s not the snail daughter versus the jobs, it’s a debate over jobs versus jobs, just what kind of jobs, what kind of economy. And I think we’ve gotten pretty far in that. What I will share, and I know I’m out of time, but I’ll wrap it up with the last tradeshow, was that because of the Obama administration and the focus on D.C. and frustrations in Utah, I think as an industry, we were really focused on the Monument Campaigns working nationally on how to help to get some of those across the finish line. And it wasn’t really until in the last year that I began to recognize, really it was summer of 2016, that Utah was turning more and more— I hate to say against the industry, but was ignoring our policy, our positions, what was important to us. And as it got worse and worse I began to realize, okay it’s 2002 all over again. It is time to really organize the industry, galvanize them over a set of policy issues, and move to choreograph this to a crescendo at the January tradeshow because it’s a media event without an event. So far more interesting than talking about the latest Gore-Tex is to set up the situation for a mighty conflict with the leadership of the state. And it worked. And the industry stood strong and we went toe-to-toe over a set of what I would call the most egregious anti-public lands policies in America—I think Utah has been the birther state of these policies that have metastasized and grown nationally—and we were able to get the industry to
stand strong, go toe-to-toe with the leadership—not that we wanted to move the show, we want to change the policy. And clearly in the end what we learned was what we brought there with 50 million dollars in direct spending another trade show, bike show on its way, a large industry segment, it didn’t matter and it was time to not only make a point but make a difference by making the decision to go. And with that, thanks for indulging me, as it ran over time.

[Applause]

S1: One of the things that I think is important about the outdoor recreation industry is I think a lot of folks think of it as a little service provider, the small shop in town that it doesn’t really add up to much or that it’s not real business. Peter’s a member of the Federal Reserve. I mean, he’s taking this stuff seriously. This is a big industry, 50 million-imagine Boise having an event that brought 50 million dollars in direct spending from all these people who came from out of state to leave their dollars in your state. And as he said, some of the things that we’ve been doing here in this state to build support for public lands, to build the collaboratives, to have 26 hundred people at the State House, gathering to support public lands, all those different things hopefully will keep our state from going down the paths of what happened in Utah. But in terms of the questions, I think with Ashley, one that I’d like to ask you is just the personal journey. We’re talking about industry on one level, but I think that a little bit of the personal, going from Wall Street to a business to personal advocacy and really getting into this. I’d like to hear a little bit about that.

AK: Well, when I graduated from business school, the dorkiest job was to work for Regional Investment Bank. Like, that was not cool. Today, one of the coolest jobs is to work for Goldman Sachs in Salt Lake City because of all the access to the outdoors. So, it just- I mean, my journey sort of parallels what I think is happening in the country, that people are ready- quality of life is becoming more and more important than getting ahead. And you know, Google just set up a campus- is in the process of setting up a campus in Boulder, Colorado. We’ve already bashed New York and Texas, just close your ears for a sec. No- no but I mean the reality is that Boulder- they’re going to get to Boulder, they think they’re moving to the Hinterland, right? They’re going to get to Boulder and find out that it kind of has kind of like California, right? So what does that mean? It’s going to start to spill. And it’s happening here already, but it’s also going to happen in, I mean-and it’s happening in Twin Falls, for crying out loud, right? So it’s going to be happening in Green River, Utah, it’s going to be happening in Delta, Colorado. And these are places- Delta is a place where a coal mine, you know, has recently- or coal operation has recently closed, so these communities are looking for the next wave, and we need to be there and help make that happen. Now, you know, Uintah County, Utah is trying to
attract- I know I’m way off topic now- is trying to attract Lockheed to their- Lockheed Martin to build in Uintah County, and I don’t know, I just don’t think you’re going to build a billion dollar facility in a community that’s kind of fighting to keep their air bad. So, the results on what happens- how these macroeconomic trends about what people want are going to affect our ability to protect the land and the resources is significant. And that’s where, I think, a real opportunity is, and that, I think, is also kind of what happened to me.

S1: Mhm. Good close, you brought it back.

[Laughter]

Luis, the whole issue of what you said about the founder of Outward Bound really resonated to me and just the challenge. I know that a lot of people in this room are concerned about the kids sitting there looking at the phone all the time and not getting outside. How do you connect your personal journey to the- of leadership, of climbing, of this sort of exceptional pursuit of outdoor experience to our future?

LB: Well, I mean for mean personally, it was about getting healthy. I was a really sick, asthmatic, wheezy little kid with a dad from Latin America and a mom from the Midwest and found a National Geographic magazine talking about the first American expedition to climb Everest, and turns out Jim Whittaker also has asthma and allergies. So I remember being eight years old, dragging this magazine into my parents’ bedroom and saying, “this guy has what I have. When I grow up, I want to be a mountain guide. I want to climb Mount Everest.” That’s all I ever told anybody that asks me, little boy what do you want to do when you grow up? That’s what I would say, and then I’d take a puff off my inhaler and I’d go wheezing down the road.

[Laughter]

So I think the outdoor industry teaches you the art of impossibility. I think that’s what we’re good at. I think if you give us some of those instances that where you say can’t be done, shouldn’t be done, bad idea to even try, that’s where we rise above. I think that’s part of being out of your comfort zone. And I would say for this generation and moving forward, there are still opportunities there but you have to look at them through a very finite lens. So I’ll give you a really quick story as a closing example. I was in Seattle for a meeting a couple of months ago, and I love to take evening runs down on the waterfront. It’s just, you know, being in Colorado, we’d love to have an ocean. We don’t. So it’s nice to get that sea air. And when I was down on the waterfront running, I saw this young woman who had a black hoodie sweatshirt pulled over her head, she was looking at her
screen, clearly by her complexion, did not see the light of day very often, and nose into
the screen. But I could hear the noises coming from her phone and I knew what game she
was playing. Anyone here play Pokémon Go? Don’t be ashamed. Come on.

AK: My son.

LB: Anybody know what it is?

AK: Oh yeah.

LB: So it’s kind of like a geotagging game where you walk around with your phone and,
ping! There’s a point, and 20 meters over here, ping! There’s another point. And so I saw
her doing this and she was clearly looking for one of the markers. She got one, and five
seconds after she got one, she stopped and she looked up out at the ocean and just stood
there for five seconds. And I counted in my head, one one thousand, two one thousand,
three one thousand. And I think our journey forward right now is to capture those five
seconds and turn it into five minutes, turn the five minutes into a chosen five hours in the
back country. Because it’s not like the door’s not there, we just have to figure out how to
define what walking through it now looks like. So that intersection between technology,
the current generation, how we can capture some of those pieces, the opportunity’s there,
we just have to continue being innovative and thinking out of the box.

S1: That’s great. Peter, you’re obviously a businessman. You’ve been very serious about
business. Yet at the same time, the times I’ve seen you most is walking around
Washington D.C. lobbying. And you’re doing the same thing I’m doing, which means
you’re not doing business. You put an incredible amount of time into conservation, and
how do you- talk about that balance and why you do it.

PM: that’s a great question, and I should begin by saying I did retire out of Black Diamond a
year ago, so I’m devoting my time to a split between some consulting business and a lot
of nonprofit work in trying to make more time to play. I do think it is a very- I mean, but
up until this point- that point I did run BD, and I mean to me it’s- I guess I’ll say it a
couple of different ways. The first one is that for a business like Black Diamond, if we’re
going to have a sustainable future, it’s because we’re creating a sustainable
environmental situation. The outdoor industry in America is very dependent on these
public lands, that they are protected, that they exist, that they are well-stewardied, that
they’re well-funded, and it is just having that discipline to understand you cannot do this
just for the short-term, you have to do it for the long-term. Secondly, I think that if
you’ve heard of BD—it’s a company I am proud of even though I have now pretty much
departed—but what I will say is that I think the- its brand footprint is exponentially larger
than its revenue footprint. It’s really a pretty big fish in a small pond. But the reason that its brand footprint is what it is, is because- and it did well is because the customers rewarded us for doing good by allowing us to do well. Meaning, if your brand stands for something, if you champion the issues of great importance that are important to your customers, it becomes an integral component and part of your brand, and customers today more than ever, I do think, make very deliberate decisions on what brands stand for, and I think that’s never been more important. So that’s part of the way you have to make time to carve that out. And then one thing you didn’t ask, but I wanted to just jump on this and to share is that I recognize that there is a lot of this vocation, too, in rural America as the extractive industries wane and the recreation economy moves in. It’s hard, but I think one of the things we have to recognize is that—I’m going to make an analogy here—is that who here has got a an- a lot of people here have smart phones. I want to see a show of hands of who, ten years ago, had a Blackberry. Who here today still has a Blackberry? Son of a gun. The point I’m going to make is that iPhones replaced Blackberries because they had become anachronistic. And I look at our leaders and our legislators, at least in Utah, and what they’re championing. They’re championing the legacy industries of the late 1800s and early 1900s as opposed to embracing the industries that are driving Boise forward and the Wasatch Front forward, and the Moab area forward and whatnot, and if we- if- this is a call to our elected officials to look out the windshield, quit looking in the rearview mirror, embrace the future, and don’t try to keep alive things that are dying. And in Utah, I’ve made the joke that Utah- if the state of Utah owned Blackberry, iPhones would be outlawed or you could only get them at the state liquor stores-

[Laughter]

-if you are a state employee you’d have to carry a Blackberry and we would have wasted probably a billion dollars of taxpayers’ money keeping Blackberry alive. But we don’t do that in capitalism. And likewise, our public leaders, in conjunction and in partnership with Outdoor Industry and other companies, need to help communities transition to the future, and they need to embrace it with excitement and gusto because there’s an incredibly bright future out there for rural- the rural West, and we’re seeing it here in Boise. We’re seeing it in Escalante Grand Staircase, we’re seeing it in many places, and it could happen all over if we can get the leadership to understand how business can partner with them by being honest and being bold.

S1: Okay, John. Some questions.

JF: We’ll go a little bit longer because I’ve got the summation of the whole thing, and I don’t need a half an hour, and I’ve got people watching the bar to tell me when everything gets set up up there, and rule number one when you close is you don’t go into that, all right?
But let’s- let’s ask some hard questions here. Prefacing that I was a National Park Service ranger in the Red Rock country in the 70s, Glen Canyon, and I went to Moab, so- here’s the question, and it’s probably the downside or at least what’s the creative answer to this. Can- what happens when we get a Moab of the year 2016 that’s hyper-crowded and uncomfortable to a lot of people? In other words, what we used to say about the national parks being love to death. What do we do about that, according to this question here?

AK: So, our organization Public Land Solutions is grappling with just that, and part of the work that we’re doing is- well let me back up for one second. You have to protect the quality of the experience. So if you let it- like right now, it’s pretty much- if we were hiking to Delicate Arch, I would be this close. I mean it’s- there’s - it’s so crowded- the quality of the experience is suffering. So when you put the business lens on the problem, you can’t let- you can’t let the ex- that’s what we’re selling, so if the quality of the experience is decreasing, we have to take steps to fix that. And one of the things we’re looking at is front country versus backcountry recreation, and one of the great things is small great thing, very small great thing about the youth knowing how to use their phones, is that they do know how to make reservations. So when you think about- so there’s the front country backcountry distinction, so you’re creating front country recreation that’s accessible to a lot of people, that’s easy to get to, that’s sort of short-term and you manage that for some volume, and then you have backcountry recreation that is aspirational, more challenging, and that’s managed by permit. So- and there is a huge opportunity to spread the love. There are so many communities around the West that have incredible public land where we need to get away from just the anchored tenants at the mall like Arches and Canyonlands and Jackson and Aspen and that kind of thing. So I think that we have some space.

PM: I’ll just jump in and say that I agree with all that Ashley’s saying but I’ll just add one point to it or emphasize it and that is why we need the new national monuments; that is why we need to protect these last great landscapes, because they give us that overflow. The population is growing, interest in active outdoor recreation is increasing, and we have- we have the landscapes here. Let’s protect them, let’s steward them, let’s fund them, ‘cause they are our future.

LB: Yeah, I’ll just- I’ll just share one thing, and it comes in a really quick story. So I have a good French friend, I call him my French friend because we went through guide school together and he smokes- chain smokes cigarettes. He loves blowing the smoke in my face and saying, “ha-ha, American, I kill you with secondhand smoke,” ‘cause he loves all the American statistics and thinks that we live or die by metrics and measurement and he’s a crazy guy. But he lives in Chamonix, and he always says, “you Americans with the Wilderness Act. You live life through the Wilderness, with a big W. Don’t touch it, just
look at it through glass, don’t experience it, but if you experience it only experience it this way.” He says, “we in Europe- look at Chamonix, look at everything that we do. We charge money to come here and play, for permits, for everything, people can base jump, climb, ski, bike, hope, boat, fish, hunt, do all of these things in a very dense urban corridor, but there is no management by closure. There is management by inclusion, but you pay for it.” Now, we have things in the United States that are sacrosanct. When you talk about the Wilderness Act, when you talk about the Antiquities Act, when you talk about some of these things that when you look at the evolution of a highway, right, and how the transportation system in our country evolves. In Colorado we have this thing with I-70 that the joke is it’s a highway that was built in the 1950s that was finished for a 1970s population that could ultimately handle a 1980s growing population, and that’s where the conversation stops. So when you start looking at greenbelts, when you start looking at monuments and how we permit some of these things, pay to play has always been a dirty word in the outdoor industry. I don’t need to pay for it, my tax dollars pay for access to trails, maintenance of trails, maintenance of our forests, and all of these things. We have to get to the place where we can have the conversation where we understand that management by closure doesn’t work for forests or for recreation, and if the monument is the vehicle to carry that forward, fantastic. Let’s have that dialogue. But to have preservation with a growing population, yes. Google moved to Boulder for that dream, for that idea that I’m going to be able to hike and do these things. Whether it is reservations or something else, we have to get out of the habit of saying that you can’t touch it unless you do certain things. That “certain things” part of the conversation needs to evolve.

JF: Okay, this next question wraps up a couple of things. Many small communities, rural, still strongly believe that ranching, timber, mining, will always be the dominant economic drivers, and there’s some fear there of course that recreation jobs don’t pay as much. Give us your best arguments to counter that kind of attitude in places like in Idaho, Challis, or Grangeville, for example.

AK: I have a vision for Challis. So, first of all, it’s changing. Recreation is paying better all the time. All the bike shops have managers. There are entrepreneurs that are doing really well on recreation jobs. So, but- the problem is not so much the pay, the problem is this- it goes back to this idea that the only truly honest way to make a living is to own land and pull something out of it or take something off it, that everything else is kind of fluff. And I had a big fight one time with Heidi Redd in front of Senator Bennet where she said, “I don’t want to be in their service industry. I own a ranch and I sell beef and I don’t owe the bank a dime and this is,” you know- and I said, “wait a minute. I am in the service industry, and everyone who goes on my bike trips, they come back and they are glowing. And it’s not just the dirt or the sunburn. They have had an experience that they are going
to remember for the rest of their lives, and I just don’t think they’re going to remember
that steak for the rest of their lives.” So, there is honor in sharing your heritage and your
landscape and making a living from doing that, but we just need to- and we need to honor
traditional lifestyles, too, and I think that really good planning is the best way to make
sure that you are incorporating those. It’s not an either or kind of thing.

LB: Yeah. I would just add that in Colorado, and these are 2014 numbers that I’m quoting, the
outdoor industry represents 34 billion in consumer spending, over 300 thousand Colorado
jobs, over 4 billion in wages and salaries, and people say, “well, yeah, you have the ski
industry. You have a lot of the ski industry there.” Out of that 34 billion, that’s only five
billion. So the collection of all the smaller organizations—guide services, outfitters,
independently owned retail stores—that’s what makes up the ecosystem. And when you
look at how towns evolve and change, at least in Colorado, it’s the belief in the
connection of the natural resource, the utilization of that natural resource, with main
street development. So the whitewater park goes in, the mountain biking trail gets
established, the climbing area gets preserved from a nonprofit like the access fund,
businesses start to want to move to main street because this is where everybody is coming
through to go recreate, all of a sudden you start to see more economic development on
main street that allows you to have a bigger tax base to start doing the improvements that
you want to. So it’s this cycle that you have to start somewhere. And to think that a 500-
person company will fall out of the sky and replace all those things, I think those
companies are few and far in between. I think where it starts is that 20-
person thinking and inspiring that that 30-person company that will come in and that five-person
shop will go here, and that ten-person coffee shop will go there. That’s how we get to that
level of change, in my opinion.

PM: Utne said that last week in Utah in Garfield county, for those of you who don’t know
where Garfield county is, it’s right adjacent to Grand Staircase-Escalante National
Monument, and the county commission was having a vote on should they pass a
proclamation to shrink or take down Grand Staircase or not. And some of the ranchers
spoke and some of the longtime locals spoke in support of that, but 50 business owners
showed up at that hearing, and of that 50 I think 48 said, “our businesses are doing better,
are dependent on this monument, and don’t take it down, and this area is doing very well
economically, it’s ahead of the other surrounding counties.” And my point here is that
monument was created 20 years ago, and there was a transition that occurs, and the future
of Grand Staircase-Escalante and that area of Utah, it’s not in mining. I mean, mining
jobs- mining is being automated, coal is going to die regardless, ranching I hope will and
can be sustainable on a very limited basis, but it’s not really going to fuel the economy. I
think the challenge is what I said earlier, it is acknowledging that transitioning from what
has been a very rural, extractive ranching-based economy with relatively modest number
of people to a more, what I call, modern or knowledge based or recreation based economy, it takes a generation. And that is a painful transition, because those who were working in the mines are not going to see the entrepreneurial opportunities to open to new businesses and that’s where government needs to come in and help with these kind of transitions and help with all the entrepreneurs who are coming in and seeing these incredible opportunities in front of them and beginning to transform a community and in the area and turning it into a really vibrant economic place. But there’s a generation that is hurt in that process.

JF: Sounds like you’re also making a case for investing more in education for everybody.

LB: Yeah.

JF: Luis, you inspired me to just ask this question, you know what this is, right? This is the 62-year-old America the Beautiful National Parks and Federal Recreation Pass. This is a lifetime pass to the national parks and half on camping, and it’s the cheapest goddamn thing you can buy.

LB: Amen.

JF: Why are we only charging that much for this? Luis, you- I know that you’ve thought about this.

LB: Yeah, well- and that gets back to my original point. I think one of the things that, you know, with this pay to play construct that we’re really looking at is you know, it’s starting to intersect in a couple of really interesting ways. So you have the motorized community, right, that actually stickers all their vehicles, puts a lot of that money back into conservation and stewardship believe it or not. You have the hook and bullet community, the hunting and fishing community that does the same thing with hunting and fishing permits, but now you start to see things blend and cross over. So in Colorado, when you buy a fishing license, you also get search and rescue insurance. Over 30 percent of the licenses that we sold last year, nobody was dropping a line in the water. They got it for the search and rescue insurance for going hiking or climbing. So there’s that intersection. Now the motorized community is saying they’ve always had an issue with mountain bikers. You access trails, all you do is sweat equity bringing groups back out to work on them, why don’t you pay to put your vehicles on those trails? The argument is motor, not motor? Now look at the advent of e-bikes that are coming on strong. Battery-powered, pedal assist, full suspension mountain bikes that are big in Europe, big in Asia, as a matter of fact the headquarters of the largest e-bike manufacturer in Europe just moved to Denver, and one of the reasons why they did is
because we’re trying to have that dialogue about what access and payment for that access looks like, not just on pavement but on dirt. So the rafting community, nobody has to pay a permit to have a boat necessarily on the water, but if you’re a guide or outfitter, you have to pay to actually put your boats down river. Look at the standup paddleboard industry emerging out of nowhere. If I would’ve told you five years ago that with 500 bucks and no swift water rescue training you could go to Costco and buy an inflatable surf board and tootle down any river you wanted to, you probably would’ve told me I was nuts. Yet I guarantee you can go to Costco tomorrow and buy a standup paddleboard and go do whatever you wanted to do. So these industries will start to impact the access that we have. We have the opportunity right now to have this dialogue about e-bikes, about standup paddleboards, about integrated shared mixed-use trail systems, what that looks like and what that fee structure looks like. I think if we miss it, it’s not a question of if these things will continue to happen, it’s just a question of when and how. So the opportunity to seize the moment, to start talking about fee structures and how to keep that money in your state using it for those effective programs, it is something that we’re trying to look really closely at in Colorado.

JF: So I’ve been told that the food and other stuff is ready. I know a lot of people would like me to ask you about mountain bikes and wilderness, but I won’t. Go up to them one on one and ask them. But Peter, I’ve got about five questions: where are you going in 2018 with the show? Maybe we’ll end on that question.

PM: Yeah, that decision doesn’t rest with me, that rests with the for-profit commercial producers. However, there is a tight dialogue with the industry over what we’re seeking in the way of both a state and a community that shares the same sympatical values. Know that there’s no state or community that has been immaculately conceived, but we don’t want to be in the birther state. And secondly it has to be a community and town that has the logistical infrastructure to bring in, you know, 40 thousand hotel rooms, an airport that is a reasonable hub, mass transit, I mean I will share with you that—and Pat probably remembers this—when the outdoor retailer show showed up before the Olympics in the mid-90s, we know they crushed Salt Lake, and that show was a half the size it is now. So just that combination. But as to where will it go, I really don’t know. I will bet- I can give you odds of where I think it will go, but I shouldn’t say that. And that decision would be announced probably within 30 days.

JF: Okay.

AK: I want to add just one thing about the show, too, that the technology about how we buy and sell stuff is changing, but people still want to gather. And one of the things they want to do is gather just like we did today to talk about these issues. So I think any future of
the show is going to have to have a bigger conversation about advocacy and public land, and that could be a really positive development that could really help as well. So we’ll see what happens.

PM: And I would just add to that Steve Bullock’s idea of sharing the good, so to speak. I think that perhaps—and as Ashley was just saying—the structure of the show in the coming years may change and there may be more regional events and that sort of thing because it doesn’t perform the transactional purpose it did at one time.

JF: So before we thank the panel, I was supposed to close it out. I’m not going to do that, I’m simply going to say that what we’re going to do at the Andrus Center is write a white paper based on everything we heard today on the theme of Why Public Lands Matter. They matter for lots of different reasons for lots of different people, but I didn’t hear too much today that they didn’t matter, and that a lot of people are nervous about anything changing about them that would take away why we cherish them for all those different reasons. So that’ll be coming. It’ll take a little while because I am partly an academic. But we’ll get it done fast for everybody. With that, join me in thanking our last panel of the day.

[Applause]

AK: Thank you for [unintelligible].

JF: With that we’ll declare the conference over. The reception’s around the corner. Please go meet each other and keep things going.

[End of transcript]