

# Institutional Drivers of Conflict

## (Nie, Chap 1)

- Scarcity: 2.39% of land is wilderness, 1% of Tallgrass Prarie, 2% of historic griz range; the “last best places”
- Intermixed ownership: Logging checkerboards, School trust, split-estate
- Budgets: Extraction incentives, shortfalls
- Adversarial governance: Appeals, litigation
- Public Land Law: Vague and contradictory (e.g., Nat. Park Organic Act 1916)
- Mistrust: Enviros. and USFS discretion

# Public Discourse Drivers of Conflict

- Surrogate issues: Northern Spotted Owl and Timber wars
- Competing frames: Economic and ecological views on forest health, symbolic issues
- Place-based values: Native American sites
- Scientific disagreement: value of old growth
- Political grandstanding: Crisis strategies, polarization
- Media coverage: Drama vs. substance

**Is all of this conflict undesirable?**

# Reform: Privatization

- Auction off existing public lands to private parties; separate deeds for different types of uses
- Let people pay those private owners to use the land for various purposes; let market dictate uses
- Lacks recognition of interaction between land-uses, and ability of broad user groups to organize and make offers
- Negotiations among rights holders offered as solution

# Reform: Public Land Law

- Prescriptive Law: Congress writes more specific laws
- Standard setting: Ecosystem management law with “non-impairment” standards
- Unit-level legislation; e.g. Tongass Timber Reform Act
- Wilderness legislation

# Reform: Comprehensive Review

- Public Land Law Review Commission
- Last convened over 40 years ago
- Most likely outcome would be creating of new legislation

# Reform: Administrative Planning

- Recognition that agencies are political creatures
- Courts and public opinion grant political discretion; less “scientification” of politics
- Planning reform to focus on efficiency; e.g. Bush proposed NFMA planning rules that avoids many NEPA requirements
- Forest-plans not subject to NEPA; only projects

# Reform: Collaboration

- Decentralized stakeholder groups formulate policy recommendations
- Beyond a reactive approach to public participation; notice-and-comment rulemaking
- Allows consideration of ecosystems, reduces conflict
- Local versus national accountability

# Reform: Adaptive Management and Policy Experimentation

- Try out small-scale experiments and see what happens on various pieces of public lands
- Diversify the policy “portfolio”; e.g. , Congress passes legislation to try compatible use instead of multiple-use on a couple of Nat. Forests
- Other examples: Stewardship contracts; forest certification, Valles Caldera trust