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 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