

Why Public Lands Matter

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Andrus Center for Public Policy

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1 **Local Perspectives on Our Public Lands (8 min.)**

2 *GC=Gordon Cruickshank, TK=Terry Kramer, TL=Tom Lamar, JF=John Freemuth,*

3 *SI=Speaker 1, S2=Speaker 2, S3=Speaker 3 (audience)*

4

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

21

22 TL: Yeah, so run for elected office.

23

24 [Applause]

25

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

27

28 TL: Already?

29

30 GC: We're standing in front of food.

31

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

33

34 GC: Okay.

35

36 JF: So what we can do, I can give you just a minute to kind of make a closing thought you'd
37 like everybody to take home from a county commissioner's perspective about public
38 lands. Before I do that, once we're done, you're to get- it's a- it's a sort of get your food
39 and bring it back to your table in here. So the food's out there, and you- it's a potato bar.
40 Idaho potato bar, okay? It's good. And now, I haven't seen the whole thing yet, but- and

41 then bring it back in here. It'll all get bussed later and we'll be in here when Governor
42 Bullock addresses us in a little while. So, your closing thoughts, Commissioners. After
43 you like take in your Facebook thing here.
44

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

46
47 S2: That's right.

48
49 TL: Well I-

50
51 S2: One more time.

52
53 GC: -I guess in closing I'll- I'll just say that, you know, I've been with the county for over 25
54 years, Road Department 16 years going on a little longer- or, not as long as the
55 Commissioner, but you know I watched people when the sawmills closed I watched
56 people move away from our region. I watched homes that they owned mortgages on
57 being given back to the bank. They couldn't sell 'em to the big boom of the Tamarack
58 Resort when they came in and prices went to 30,000 an acre, and we're going oh my gosh
59 and just being inundated with people, and our roads being destroyed, using up a lot of our
60 fund balances to do that, to another downturn in the economy when people turned their
61 homes back again that they'd had huge mortgages on. And people bought those homes up
62 and now we have a work force problem- or work force housing problem, because
63 everybody bought those as their second home now and they don't want to rent them out.
64 They want to let their friends use them when they're not there. So, you know, our
65 economy has totally changed. Recreation is more of our economy now. There are a lot of
66 service jobs, but it comes with other issues. And I'll leave you with this: One really thing
67 that happened when the downturn of the Tamarack Resort happened, and you'll think this
68 is crazy, but I tell people to watch for it, you know what one of our biggest problems
69 was? When the workers left, they left their animals.

70
71 JF: Oh.

72
73 GC: Our dog facility out there, which is a non-profit, was overrun with people just walking
74 away and leaving. And it was like- and I've talked to the people up in the Balkans when-
75 when they've had the big boom. They said, "watch out for something like that, because
76 why is it that they can be responsible, but when they don't- when they leave- and it was a
77 good thing that they left because they collected unemployment somewhere else and not
78 here-

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80 [Laughter]

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-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.

[Applause]

JF: Feel free to not cause a stampede out the doors and the food's to your right.

121 **National Forest and Rangeland Management (47 min.)**

122 *SB=MT Governor Steve Bullock, JF=John Freemuth, GO=Governor Butch Otter*

123

124 SB: It indeed is a great honor to be here. Now, when I was originally invited today, not only
125 did I have to deal with the obstacle of my wife's birthday, but in Montana the legislature
126 meets only 90 days every two years. There's-

127

128 [Applause]

129

130 -yeah. There are some executives that would say two days every 90 years would be
131 better. And we're right in the middle of that legislative session, yet when I thought about
132 the opportunity to come to Idaho and brag on Montana, how could I not join you? And
133 kidding aside, when Cecil Andrus calls and asks you to talk about why public lands
134 matter, you say, yes, Mr. Secretary. Yes, Mr. Governor. And it is an honor to be here. I
135 admire and I'm grateful for the mark that you left, not only in Idaho, but all over the
136 West. I still proudly wear my Andrus button on a regular basis, though it doesn't say
137 what office you're running for, so. I stand before you as the Chair of the Western
138 Governors Association, though I'll say from the outset I'm not speaking in my capacity
139 as chair, as the views of the various governors across the West are as diverse as our
140 landscapes and may not always be uniform when it comes to public lands. However, as
141 governor of Montana, as the former Attorney General, and as someone whose identity
142 was shaped in large measure through the outdoor experiences of growing up in Montana,
143 I believe I have a great fortune to have a unique perspective on the importance of
144 preserving and protecting our public lands. First and foremost, these public lands are our
145 heritage. They are our birthright. They're our great equalizer. Meaning it doesn't matter
146 the size of your checkbook. Our public lands and access to them are for everyone. You
147 don't need to be a millionaire from Sun Valley, Jackson Hole, Aspen, or Big Sky to hike
148 these lands or camp with your families in your favorite parks. Our public lands belong to
149 all of us. And I'll bet that each and every one of you in this room have incredible
150 memories or unforgettable stories from adventures you've had on public lands. The first
151 date I went on with my former high school classmate that later became my wife was a
152 picnic in the South Hills of Helena. It's literally minutes outside our door. The first
153 summit my three kids bagged was Mount Ascension. A part of the open space preserved
154 by a land trust, also right on the edge of town. I was thrilled to be able to take my now
155 10-year-old son Cameron on his first hunt on public lands about two years ago, and this
156 past fall, right after getting re-elected, we did what every Western governor should do
157 and bagged a real nice four point mulie that next weekend. Now, whether it's falling in
158 love on a picnic while on a trail hike, your kids' first view from the top of a mountain, or
159 an unforgettable hunt, these are memories that shape and define who we are as
160 Westerners and as Americans. Think about what we have inherited from those who came

161 before us. Setting lands aside for the public's benefit is one of America's greatest ideas,
162 and now it's up to us to pay it forward and to make sure that future generations have that
163 opportunity to wander, to contemplate, to create lifelong memories on our prized public
164 lands. It's important to remember that every American, from California to New York and
165 everywhere in between, has an equal ownership stake in the public lands across our
166 country, from our crowned jewel national parks to the Boise National Forest just next
167 door. No matter where an American kid grows up, each has that equal right to fish
168 streams flowing through our natural forests or hike on the trails crisscrossing America's
169 national parks. We're blessed to have so many national treasures surrounding us in the
170 West, but these lands belong to the entire country. And while these lands might be
171 equally owned, the economics they generate belong to us, which is why it's important to
172 recognize that the preservation of our public lands, it's not just a historic fight, it's also an
173 economic fight. First, there are the obvious economics of tourism and a thriving outdoor
174 recreation industry. Montana's a state of a million people. We had over 11 million
175 visitors come last year, and they didn't come for our Wal Marts.

176
177 [Laughter]

178
179 They can do that at home. They came to explore wild places. These visits stir economic
180 growth and create local good-paying jobs. It's no secret to anyone in this room that the
181 outdoor recreation industry is thriving. According to the Outdoor Industry Association, in
182 Montana alone, the outdoor recreation economy is responsible for more than 64 thousand
183 jobs and nearly 6 billion dollars per year in consumer spending. Six billion dollars. And
184 that's just Montana. Governor Otter, Secretary Andrus, in case you're wondering, it's
185 even higher in Idaho. Six point three billion dollars in spending, over 76 thousand jobs.
186 The economic value of our outdoor recreation is nothing to take for granted. We need to
187 be enhancing those opportunities, not detracting from them. Another direct impact of our
188 public lands is the manufacturers that choose to locate where those public lands are
189 located. Be it the only American-made manufacturer of fishing waders or some of the
190 finest hunting gear throughout the world, Montana is home to almost 350 manufacturers
191 of outdoor equipment and apparel. But perhaps the larger economic impact of public
192 lands is pretty simple. People want to live and work and raise families in the West in
193 large part because of our public lands. Easy access to some of the finest outdoor
194 recreation in the world is a selling point that attracts all variety of businesses and talented
195 employees, particularly to rural communities. There aren't many regions where you can
196 make a few casts during lunch, go for a quick ski before work, or spend a long weekend
197 camping right outside your back door. And while it makes intuitive sense to say all of
198 this, the data bears it out. Over the last 40 years, Western rural counties with the highest
199 share of federal lands had faster population, employment, and personal income growth
200 within those counties and compared to those counties with a lower share of federal lands.

201 High wage service industries like health care and high tech are leading the West job
202 growth and helping diversify our economy, as you all see here in Boise each and every
203 day. And it's those incredible landscapes that we're surrounded by that serves as perhaps
204 the best recruiting tool. In short, the investment that we make to protect and preserve our
205 public lands is one that pays off economically and will pay off for decades to come, and
206 it's up to us to make this investment in our public lands, to grow our local economies,
207 and create good paying jobs. But in spite of these economic realities, there are troubling
208 signs coming out of Washington, D.C. Some D.C. politicians are working to road our
209 parks and forests and undermine access to America's public lands. They say, "let's
210 transfer those federal lands to the states. The states can manage them better and it'll save
211 money." Now, with over 75 percent of the federal government's national forest and
212 rangelands located in the Western states, nearly 600 million acres of land, Western
213 governors are deeply invested in their effective management. And as a Western governor
214 and as a chair of the Western Governors Association, I've not been sparing in my
215 constructive criticism of federal land management. From mending the practice of fire
216 borrowing to recognizing and rewarding the work of on the ground collaboratives, I
217 believe there's more that we should be doing. In Montana, times- I've tried to take away
218 the excuses of why the federal government can't be doing what it's doing, either through
219 stewardship contracting, and we county commissioners here earlier. I actually hired
220 someone from my Department of Natural Resources and Conservation just to work with
221 the county commissioners to interface with the federal government, actually embedded a
222 state employee within our region of the Forest Service to try to say, "let us help take
223 away your excuses for being effective." Parenthetically though, reducing the Department
224 of Agriculture budget by 21 percent or the Department of Interior budget by 12 percent as
225 the current administration's budget proposed won't get us further along the goal of
226 effective land management. Think about the Forest Service alone in 1995, 16 percent, a
227 mere 16 percent of its budget dealt with wildfire suppression. Two-thousand fifteen,
228 almost 60 percent. Non-fire staff within the Forest Service decreased by 39 percent
229 during that same period. We can't always affect- or expect effective federal management
230 if we're also taking away some of the tools and resources for them to do so. Even if I, at
231 times, certainly have issues with federal land management, make no mistake, from where
232 I sit, transferring federal lands to the states is the first step in a process to sell them off to
233 the highest bidder.

234

235 [Applause]

236

237 At its very base level, states can't afford the massive costs that come along with forest
238 management while fire suppression on these lands. So what does the state do when they
239 can't afford the costs that come along with state ownership? Sooner or later, they will end
240 up on the auction block. Next thing you know, your favorite hunting spot, it's behind a

241 gated sign that says, “no trespassing.” You’ve gone berry picking at the same place year
242 after year, that place is locked up. The hill you used to climb your mountain bike on after
243 work is then gated off. Well, this might sound like a bad horror film to folks like us who
244 love these lands. There are politicians in Washington who actually want to do this. One
245 of the first proposals in Congress this year was to make it easier to sell off over three
246 million acres of public lands, including about a hundred thousand acres in Montana, 110
247 thousand acres here in Idaho. There are a handful of folks who are just chomping at the
248 bit to dispose of American public lands into state and private hands. From where I sit,
249 these anti-public land policies are gravely out of touch with the values and the voices of
250 Westerners who know that taking public lands off the nation’s balance sheet will take the
251 life out of our economy, and’ll take a little bit of our souls away as well. When this
252 proposal first came up in D.C., in Montana we stood up, we came together, and said no.
253 Earlier this year, over a thousand people came, packed our state capital to rally for public
254 lands. Bait fishers and fly fishers, hikers and snowmobilers, Democrats, Republicans,
255 Libertarians, vegetarians, it didn’t matter. They packed all three floors of our rotunda;
256 and it may be two thousand miles away, but Washington D.C. heard their voices and that
257 legislation was pulled shortly thereafter. Now, this wasn’t the first time we’ve seen the
258 anti-public lands agenda and legislation introduced, certainly won’t be the last. And it’s
259 up to us to tell Washington D.C. to keep their hands off our public lands. And I’ll tell you
260 we’re not alone in this fight. According to the Colorado College’s 2017 Conservation in
261 the West Poll, a bipartisan survey from Democratic and Republican pollsters, folks in the
262 West hold public lands in the highest regards and expect leaders to strengthen and protect
263 those lands. Let me give you some numbers from that poll. Seventy-five percent of the
264 folks in the West believe their quality of life is better than other parts of the country,
265 about 90 percent of folks believe that opportunities for outdoor recreation and spending
266 time in nature surpasses other states, and a healthy majority of folks in the West are
267 opposed to disposing of federal lands into state control. It’s incomprehensible that we
268 would grease the skids for public land giveaways when all measures of economic
269 performance and all measures of public opinion signal that we should be protecting
270 public lands and also strengthening that outdoor economy, and it’s up to us to make sure
271 that those public lands giveaways don’t happen. We often hear that politics are local.
272 Take that one step further and you realize that at times politics are deeply personal. As I
273 alluded to earlier, mine is a lifetime of memories forged in part by the landscapes of
274 Montana. In the single parent household in which I was raised, my brother and I didn’t
275 have that much, but we really were rich. We spent summers outside, we wandered
276 aimlessly and endlessly. Then, I got big enough to finally land a job in that tourist
277 economy I talked about, 18 miles south of Helena at the gates of mountain’s boat marina
278 along the great Missouri River. I started out as a gas boy filling up tanks of the boats in
279 the marina, swabbing the decks of the 90-passenger tour boat. I got a little bit older, I got
280 to be a pilot and a tour guide, filled the boats up with tourists, took them downriver

281 through the geologic history that that river carved, that Meriwether Lewis journaled about
282 as he explored the Louisiana Purchase. It's sad how I can forget somebody's name that I
283 just met now, but I can still say, "it was the evening of July 19th, 1805 when Meriwether
284 Lewis and his crew came through this area.

285
286 [Laughter]

287
288 He wrote in his journal "this evening we had the most remarkable cliffs thus far seen
289 throughout our journey."

290
291 [Laughter and applause]

292
293 But an amazing experience, and as soon as work ended each day, I threw on hiking boots,
294 I grabbed a beer, and I walked. With a whole lot of work-studies jobs I was fortunate
295 enough to attend a college outside of Los Angeles, though every summer rather than
296 doing an internship in banking or consulting, I came back to the river. Thereafter, I
297 borrowed my way through law school in New York and doubtless could still be working
298 in the city. Yet, what drew me back home was the land that helped form who I am. It only
299 made sense that Lisa and I would come home. It's where we knew we had to raise our
300 kids, to give them the same remarkable childhood that we had. Our kids now hike the
301 same trails along the Missouri River that I did as a child. Now, mine is a story told over
302 and over again. Well, except maybe for the part of becoming governor, but-

303
304 [Laughter]

305
306 -but it is a universal story. So when people make moves to sell off public lands, it's not
307 political for me. It is personal. I understand how the power of public lands can drive an
308 economy and can also drive a kid home. That's why as governor of a state with 30
309 million acres of public land, I won't stand idly by if congress or other outside special
310 interests try to erode that birth right of all Americans. I've said it-

311
312 [Applause]

313
314 -I've said it before, I'll say it again. The transfer of public lands won't happen, certainly
315 on my watch, and it's up to all of us to say that it won't happen on our watch.

316
317 [Applause]

318
319 So, thank you again for being here, but thank you also for affording me the opportunity to
320 be with you for part of today, and for the work, thank you also for the work that I know

321 that you'll continue to do to keep the West certainly the finest place on the planet. I thank
322 you when it comes to public lands and of even greater significance in my thanking you,
323 my kids thank you for all that you do. Thanks so much.

324

325 [Applause]

326

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

328

329 [Laughter]

330

331 See ya, Governor. No.

332

[Laughter]

333

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

335

336 SB: I did.

337

338 JF: I went to Pomona.

339

340 SB: Oh! The rest of you don't care.

341

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

347

348 SB: Yeah, so the new Secretary of Interior was Montana's one congressperson. Didn't
349 initially anticipate him taking that role, and we were actually watching a Governor's
350 Association meeting when it was announced. Had a good relationship with him while he
351 was in the state legislature. And when it comes to issues like this, now, I don't- look, I
352 didn't agree with everything the last administration did, and I mean my perspective is I'm
353 al- my job is to always to stand up for Montana's values, interests, and needs. Certainly, I
354 know that I won't agree with everything that this new administration is doing, but when it
355 comes to making sure that public lands stay in public hands, I do believe that Secretary
356 Zinke's heart is in the right place and we have to make sure that the actions continue to
357 follow in that respect. But I did, and I referenced it a little bit- I mean, it is concerning to
358 me in some respects where whether you look at the Secretary of Interior or the Secretary
359 of Agriculture, if you're going to be making substantial budget cuts to those agencies,
360 like on the one hand I can say yeah there are fewer employees working for state

361 government than when I took office four years ago, and I think we're running that much
362 more effective. But when you're talking about some of these base funding issues where
363 you have incredible amounts of infrastructure and challenges, it's concerning. I'm
364 counting on though Secretary Zinke to be a great advocate. I mean, being from the West
365 helps, being grounded in the West, and the experiences that we share helps. And counting
366 on him being a good advocate for our public lands, and certainly helpful that the right
367 folks will also be around him on that journey to make sure that message is well heard.
368

369 JF: We've got some questions coming in, they're being collected. So, if there was a single
370 public land management or policy issue that you think is the most important right now,
371 either to carry forward to him or to Montanans or the rest of the country, what would that
372 be, in your mind?
373

374 SB: Yeah, I, you know it is so sort of imbued with everything that we as Western governors
375 do that it's hard to say, "here's the single issue." I mean, the baseline saying that lets not
376 take the simple answers and just say let's transfer these and let's figure out where the
377 challenges are, I think is important. I also think that, you know, I said that we in the
378 Western states are a diverse crew as far as Western governors, and we are, but we also
379 actually share some real solid values of the importance of the land, and I think that I'm
380 hopeful that the Secretary will listen to what we on the ground say, and figure out the
381 ways. I mean, for me to- on the, you know, on the AGs side, or Forest Service, I once
382 finally just asked the Secretary of Agriculture, "just give me once every three months, ask
383 someone what's happening in region one, because make sure that it's on people's radar
384 screen of what's actually happening." And we'll do everything we can to be meaningful
385 partners, and in a way that I mean we're so much closer to the ground. I often say that
386 what happens in Washington D.C., they make statements, right? And it's all about just
387 making statements. That's why the chair of the Western Governors Association, no
388 matter who's the president, I don't- I'm not going to wait for Congress to act, it's like,
389 what can we do together; because their statements can have real implications in our lives.
390 And what we need to do is- I'm hoping the Secretary and others will actually listen to
391 what we're saying and work with us as partners.
392

393 JF: Kind of a fun question, I think. Do you ever kid Governor Herbert of Utah that you
394 would gladly seek to host the outdoor reel of Taylor's show in Montana?
395

396 [Applause]
397

398 SB: Well, I certainly kid all of my fellow governors. But it is one that if one of you would be
399 willing to just build a few more hotel rooms in Montana, no we'd love to house them.
400 And I mean we have 350 businesses right now are outdoor manufacturers. I think that

401 you need about 40 thousand hotel rooms, but we are actually working on ways to partner
402 because I am hopeful that the outdoor manufacturers also say just like Simms, which
403 makes those U.S.- the only U.S. manufactured waders, they chose Montana in part by
404 design, because they can be right out there and we have the best stream access laws in the
405 nation. I hope that our outdoor manufacturers will be meaningful leaders in this and say,
406 “all right we might not be able to hold outdoor rec in a place like Montana, but we’re
407 gonna find ways to have more of the trade shows in places like that because that also
408 underscores the importance of the outdoor recreation economy.”

409

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

414

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

431

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

438

439 SB: Yeah. Probably both individually and collectively, meaning individually as governors and
440 collectively as Western governors. It’s a challenge because with the expanse of the

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

457

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

462

463 SB: Yeah, and I don't- so I had him before the Farm Bill authorities. I think it was after my
464 first year in public office. I think my staff still rues the day because I had a week off over
465 the holidays and it got me thinking about what we're not getting done. So, I came in with
466 a number of New Year's resolutions, and one of them was to say, "how do we get more
467 logs on trucks and preserve forest health." And I fundamentally believe the two go hand
468 in hand. You're not going to watershed work if you're actually not out in the woods, or
469 we know from 2000 to today, nine of our ten worst fire seasons have happened just in
470 that period. We're not doing some work. So we started what's called the Forest and Folks
471 Initiative, and this was before the Farm Bill, and said, okay I will dedicate state dollars to
472 federal projects if that's what it takes, or I will do partnerships. And back from one of the
473 first wars, how they would embed journalists, we proposed well lets at least offer to
474 embed a state employee because most folks in Montana at least think my Department of
475 Natural Resources and Conservation does a darn good job. I think that as well. So, take
476 someone from them and put it in the Forest Service. Recognize that times has changes,
477 recognizing that at times there is the challenge of not only changing staff but folks that
478 too often their first response is, we can't do that. Then I ask that individual to serve to
479 help take away the excuses why we can't do things. And the other piece was that
480 somebody just to represent the counties' interests. I mean, I caught the tail end of your

481 last panel, and there have been many times throughout the West where you have counties
482 just saying, “forget it, we want to kick the federal government out.” Well, that might be
483 an answer when the county owns- or when the federal government owns a heck of a lot of
484 your county, or the other is how can we actually make the federal government more
485 responsive to the county. So I have one employee, a forester in my Department of Natural
486 Resources, his boss is the 56 counties, and his boss- his job is to try to make the Forest
487 Service more responsive and responsible too, those county officials, as we’re planning
488 projects and figuring out ways to do things.

489
490 JF: The Forest Service used to be known as really a can-do agency, and I think we’ve heard
491 today as a lot of the cuts hurt it- hurt that agency a lot. But this idea that they now can’t
492 do things, and you’re trying to get them to understand that maybe they can with the
493 employee that you’re putting with them. What do you think that- what is the real reason
494 for that, that they’re saying they can’t do things? Has their culture changed?

495
496 SB: Yeah, I don’t- you know, I think that there are any number of things. The first time that I
497 the state’s former attorney general, the first time I met with all the regional foresters and
498 like and talked about what I wanted accomplished, you know, after about three fourths of
499 the meeting I said, “are you all lawyers, because all I’m hearing is here are all the legal
500 obstacles to it.” And I think the lack of funding is part of it. I think that there are- we
501 often hear that we need litigation reform. Perhaps, but we also have to be cautious when
502 we’re taking away the states’ or individuals’ rights of redress against states or federal
503 government. I think that we can do- I mean, we’ve actually engaged, accelerated using
504 state dollars over 25 different Forest Service projects around the state by trying to say as
505 opposed to the autopsy of what’s wrong, of saying how can we make things go a little bit
506 better? But I think funding, I think culture, I think when- look, you’ve lost 40 percent of
507 your staff that used to be non-fire, the ability also to look under the Farm Bill authorities,
508 I mean our next push has been too that yeah we can have one project here, one project
509 there, but with the degree of turnover that often happens in some of the leadership in our
510 regions, how do we look larger with our collaboratives to landscape? Let’s not talk about
511 just what’s going to happen next year, let’s talk about five or six years, or ten years down
512 the line, and start bringing the resources and the thoughtfulness to projects and
513 management over a ten-year horizon, not a two-year.

514
515 JF: As in, might be probably a little bit of a fun question too in a sec-

516
517 SB: None of them are fun.

518
519 JF: Oh, this’ll be fun.

520

521 [Laughter]

522

523 SB: Just kidding.

524

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

530

531 [Laughter]

532

533 SB: Yeah, as long as they just understand it and don't move here we'll be okay, right?

534

535 [Laughter]

536

537 Um, yeah. I think a couple of things, one of which is- and it has been great to see, I mean,
538 when we saw in Helena over a thousand people come, and these aren't your traditional
539 community activists, right? There's a whole lot of folks that I don't think that they've
540 ever rallied for anything in their life, and they're showing up and saying, "this is darn
541 important to where I live and who I am." So, we in the West certainly need to take the
542 lead in doing that, but I think we also have to underscore, like I tried to underscore, that
543 yeah those 30 million acres in Montana belong to my 14-, 12-, and 10-year-old, but they
544 also belong to every New Yorker. And we all have a stake in preserving those. Now, the
545 challenge of that, from where I sit at least, is on the one hand we might engage in saving
546 them, but I also don't want those New Yorkers, and with all apologies if anyone's here
547 from New York, but telling me exactly how to do my job when you come out for a week,
548 if that makes any sort of sense. So, it's a mixed blessing of we'd love to have them
549 engaged in making sure that we're preserving and protecting our public lands, but I want
550 to make sure that also it's Montanans that are driving the literal boat as we figure out
551 where we're going.

552

553 JF: Now we've talked a lot about forests, Montana is obviously a forest state. How- and
554 you've got Crowned Jewel National Parks and Glacier and part of Yellowstone. How are
555 the relationships with BLM in Montana?

556

557 [Laughter]

558

559 If they exist.

560

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

564
565 [Laughter]

566
567 -but in a positive way that we could have from the Audubon Society to stock growers
568 stand up and say, "let's actually come up with a plan that we'll preserve this iconic bird
569 and also preserve our way of life."

570
571 [Applause]

572
573 And on the one hand so that we did it, I mean, Montana has the second largest percent
574 number of sage-grouse in all of the Western states and Wyoming's number one.
575 Wyoming had been working on its plan for seven years when we started, and did
576 everything in two years, and really brought folks together. Now, the challenge- and that's
577 just but one example- the challenge is that animals don't know where the state land or the
578 private land ends and the Bureau of Land Management land begins. So, if we're really
579 going to do landscape management, it has to be the BLM at a table with us as equals, not
580 we're going to do all this work then the BLM comes in and says, "well it's still going to
581 be one size fits all or we're not going to make those movements." So there are- I mean,
582 Montana's also an agrarian state, cattle state, I mean we have some great things
583 happening with the BLM in that respect, and leases, we need to make sure is that we're
584 both managing to protect wildlife and protect- and to create opportunities, too, with
585 resource development that we're looking at landscapes, not necessarily just land
586 ownership. And that isn't always necessarily the case with the BLM.

587
588 JF: I know our own Governor Otter did much like you did on trying to work on state federal
589 collaborative work on the sage-grouse, so I'd like to give or call for a small meeting of
590 the Western governors to see if Governor Otter would like to ask Governor Bullock a
591 question.

592
593 [Laughter]

594
595 Or vice versa.

596
597 GO: I think it depends upon what Steve wants to do.

598
599 [Laughter]

600

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

602

603 JF: Would you like the mic, Governor?

604

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

606

607 JF: You're here, you should-

608

609 SB: -my knees knocking when the Governor's-

610

611 [Laughter]

612

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

617

618 [Laughter]

619

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

623

624 GO: Well I- you're right, Steve.

625

626 [Laughter]

627

628 I remember that comment-

629

630 SB: Yeah. Yeah.

631

632 GO: In fact, I think I replied back to you that maybe you could drive an MGB better than I
633 could. That's kind of an inside joke. Steve, I did meet with Ryan Zinke just last week. It
634 was a great meeting. I heard a lot of good things. In fact, he reckoned back to my
635 collaborative group that came up with the number one alternative, stated by the U.S. Fish
636 and Wildlife, stated by all the local folks, but once it crossed over the Mississippi River,
637 all of a sudden we had a lot of new changes that came into that. And what I think I heard
638 Ryan say, I'm certain I heard Ryan say, was that you folks out West have your own plan.
639 You got 11 states, you've got 44 million acres that we have to consider here, and we
640 don't have all the answers, but you folks on the ground have already proved when Salazar

641 asked us to come up with a plan for our own respective state and how we could build a
642 population of birds on the prey that was sustainable and would grow it, and quite frankly
643 Idaho's gone ahead with its plan. Utah went ahead with its plan. I think Wyoming went
644 ahead with its plan, in the lack of nothing happened. I'm not sure exactly what you did in
645 Montana.

646
647 SB: Yeah.

648
649 GO: But we've already seen a population increase in the two years that we were kind of given
650 this signal by Salazar, because even while that plan was coming together, we were
651 already starting to implement certain things. And I know in your leadership for the
652 Western Governors, which ends in June at Glacier, no Redfish-

653
654 SB: Whitefish

655
656 GO: Whitefish.

657
658 [Laughter]

659
660 I knew it was-

661
662 SB: Yeah.

663
664 GO: -some fish.

665
666 [Laughter]

667
668 GO: Uh, anyway, anyway. I'm hoping- and Ryan committed to me there that he would be at
669 Whitefish for our meeting. I'm hoping there we can start to formulate those programs
670 where we know with damn good certainty that if we go ahead with our plan, they're not
671 going to come in and run over the top of us. And I'm asking for your leadership at the
672 Western Governors so that I can report back to the other folks, whether or not you agree
673 with that.

674
675 [Laughter]

676
677 SB: My, I see it's time to go. No, no, it- the answer is yes. I mean, as you might imagine,
678 Governor Otter and I approach things a little bit different at times. I mean, I would be
679 scared to death to spend more than about four hours inside that head just to see how he
680 views the world.

681 [Laughter]

682

683 I say that in a very positive way. But yeah, the answer is at the end of the day- and this is
684 the same in many other areas too, look from where I sit is an example of the Endangered
685 Species Act is very important. And it's very important not just for today but for
686 generations long after I'm here. It's important for the diversity of our landscapes. But we
687 also have to be able to demonstrate that it works, meaning that we have to have effective
688 partners that when an animal's recovered or when the right steps are being taken, when
689 science is actually guiding things, that either management can go back to states or we can
690 change the dynamics. The- more or less what Governor Otter was suggesting was my
691 more politic way of saying some of my frustrations with the BLM. We came together
692 with an incredible plan and we had buy-in from the BLM if we came together with this
693 incredible plan that they would be with us as partners. And then it changed substantially
694 when they came to approve it. I think that though you have great political diversity across
695 the Western states, and we certainly don't agree on everything, that's where we do share
696 the values of trying to do what's best for our landscapes and the animals in it. And I did
697 talk to Secretary Zinke as well and Whitefish, Redfish, Bluefish, whatever fish-

698

699 [Laughter]

700

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

705

706 JF: One of the things we like to do-

707

708 [Applause]

709

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

714

715 [Applause]

716

717 Ten minutes, next panel. About ten to 15 minutes.

718

719

720

721 **Legal Theories For and Against Federal Land Ownership, ID (52 min.)**

722 *BB=Bruce Bistline, LW=ID Attorney General Lawrence Wasden, JF=John Freemuth*

723

724 BB: Okay, if we could come to order. I'm going to start talking over everybody. So, my name
725 is Bruce Bistline, and those of you who follow- I'm on the Andrus Center Board, and those
726 of you who follow politics might find it ironic that I'm introducing the next speaker, who
727 thoroughly trounced me in the last Attorney General's election. But I'm really, really
728 happy to do it because I have tremendous respect for Attorney General Wasden. And
729 when we were talking about this next segment, which is about the law, and we heard
730 Ammon Bundy talking about the law and the Constitution, and I thought, who better than
731 Idaho's Attorney General, who's looked at this issue and researched it carefully and has
732 shown great courage when it comes to land matters in the state of Idaho? Who better than
733 he to speak to this topic? And so I contacted his office and he graciously agreed to join
734 us. So, therefore I'm very happy to introduce to you Attorney General Lawrence Wasden.

735

736 [Applause]

737

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

740

741 [Laughter]

742

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

756

757 In the last five years or more, the federal government's ownership of public lands has
758 been a hot topic in Idaho and other Western states. And Idaho is one of the states most
759 impacted by federal ownership because the federal government owns approximately 62
760 percent of the lands in Idaho. The only states with a higher percentage of federal land are

761 Utah and Nevada. In 2013, the Idaho legislature established an intern committee to
762 examine whether federal public lands should be transferred to the state of Idaho, and if
763 so, what the process for such a transfer would look like. My office undertook an
764 extensive analysis of the case- of the cases and the legal history of federal land ownership
765 and concluded that there was no legal basis for a court action seeking to force the United
766 States to turn these lands over to the state. But we encouraged the legislature to take their
767 concerns to Congress because ultimately, the power to transfer public lands to Idaho
768 resides in Congress, not in the courts. In 2014, while I was chair of the Conference of
769 Western Attorneys General, I formed a public lands subcommittee to undertake a
770 comprehensive analysis of the possible claims that Western states could assert to
771 ownership over public lands currently held by the federal government. That sub-
772 committee was chaired by Wyoming Attorney General Peter Michael and included
773 attorneys from Idaho, Alaska, Arizona, Colorado, Montana, Nevada, New Mexico,
774 Oregon, Utah, and Washington. Their report was presented to the Conference of Western
775 Attorneys General last July in Sun Valley and accepted after a vote of 11 to one. Most of
776 what I'm going to tell you today comes from that report as supplemented by additional
777 work my office has done that is specific to Idaho.

778
779 The idea of public lands predates the United States Constitution. Before the Revolution,
780 the king owned all vacant lands in America. When the 13 colonies gained their
781 independence, they took ownership of lands formerly held by the king. But that
782 immediately led to a dispute, because the states with western borders had vast
783 landholdings. In theory, their boundaries extended to the Pacific Ocean, and the states
784 along the Atlantic Coast had no vacant lands that they could sell. So the states with
785 western land claims were immediately wealthy. At the time, all 13 states were in debt
786 because of the Revolutionary War, but only the Western states had the means to pay off
787 their debts by selling land. So the states, through the Continental Congress, agreed that all
788 western lands would become property of the central, or the federal government. In turn,
789 the federal government assumed all of the states' Revolutionary War debts and proceeded
790 to sell land to pay off those debts. As part of the agreement, the federal government was
791 empowered to create new states once they reached a certain population, and each new
792 state was guaranteed that it would be admitted to the Union on an equal footing with the
793 original 13 states. But that equal footing status did not include ownership of public lands
794 in the new state. In order to gain admission, each new state had to agree that they would
795 not interfere with the federal government's sale of public lands in that state. So each
796 western state came into being with a significant portion of the lands within its borders
797 owned by the federal government. Keep in mind this was all happening several years
798 before the creation of the Constitution. So when the Constitution was drafted, here's what
799 the situation looked like: Western public lands were held by the federal government for
800 the primary purpose of selling those lands in paying off Revolutionary War debts. The

801 admission of new states is addressed in Article 4, Section 3 of the Constitution, which
802 includes a provision that has become known as the Property Clause. It states that
803 “Congress shall have power to dispose of and make all needful Rules and Regulations
804 respecting the Territory or other Property belonging to the United States; and nothing in
805 this Constitution shall be so construed as to Prejudice any Claims of the United States or
806 of any particular State.” So the Property Clause was drafted at a time when the federal
807 government held public lands for the primary purpose of selling them. That being the
808 case, many people have asked: Does the Property Clause empower the federal
809 government to reserve public lands for its own use indefinitely? Any analysis of the
810 Property Clause must start from the fundamental principle that the federal government is
811 not a government of general powers. It only has the powers delegated to it by the
812 Constitution. The Property Clause grants Congress two powers: the power to dispose of
813 public lands and the power to make all needful rules and regulations respecting the public
814 lands. Dating back to at least 1871, the Supreme Court has repeatedly held that the power
815 to make all needful rules and regulations is without limitations and includes the power to
816 either sell the lands or withhold them from sale. And the court has several times stated
817 that if Congress can withhold or reserve the land, it can do so indefinitely. While the
818 Supreme Court has not been presented with a case that squarely raises the question of
819 whether the United States can hold federal land indefinitely, lower courts have construed
820 the court’s prior property clause holdings as including the power to retain federal lands
821 indefinitely. For example, in 1997, a federal district court rejected Nevada’s claim that
822 permanent retention of BLM lands violated the Property Clause based on the Supreme
823 Court’s holdings that the power granted Congress by the Property Clause is without
824 limitations. In other words, without limitations means exactly what it says. If Congress
825 chooses to hang onto the public lands forever, the federal courts will not second-guess
826 that decision. This is because the Property Clause grants the federal government the
827 power to regulate public lands without any standards against which the court can judge.
828 So, if the courts are going to find that indefinite retention of public lands is somehow
829 unconstitutional, it will have to be on the basis other than the Property Clause. Now, there
830 are some lawyers who argue that the Property Clause cannot be a basis for permanent
831 federal retention of public lands because there’s a separate provision in the Constitution
832 called the Enclave Clause. And it provides that Congress shall have the power “to
833 exercise exclusive legislation in all Cases whatsoever, over such District (not exceeding
834 ten Miles square) as may, by Cession of particular States, and the Acceptance of
835 Congress, become the Seat of the Government of the United States, and,” and that’s a
836 conjunctive, “to exercise like Authority over all Places purchased by the Consent of the
837 Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines,
838 Arsenals, dock-Yards, and other needful Buildings.” There are some who argue that this
839 provision says that the United States can only own a hundred square miles, ten miles
840 square, which was the seat of government at Washington D.C. Now, Washington D.C. is

841 about 68 square miles, give or take, 68.7 I think, or close to that, less than a hundred
842 square miles. But even by the Enclave Clause itself directly, the federal government is
843 not limited to that 100 square miles. As I said, the conjunctive says not only that hundred
844 square miles, but some other stuff. And when an exercise of Enclave Clause power, the
845 federal government is saying, we want to have exclusive jurisdiction, therefore we have
846 to ask the state for permission to do that, and it's for specified purposes. And that's what
847 the Enclave Clause says. So the argument is made that the Enclave Clause, by
848 implication, requires state consent for any lands that will be permanently retained under
849 federal jurisdiction, not just lands purchased for specific federal needs. But when you
850 examine the 200 years of case law addressing public lands, there's no suggestion that the
851 Enclave Clause is a limitation on Congress' power to reserve public lands for specific
852 purposes. Time after time, the Supreme Court has concluded that Congress has
853 independent authority under the property clause to withhold public lands from sale and
854 reserve it for specific purposes that don't require exclusive federal jurisdiction. So the
855 court decisions have limited the Enclave Clause to specific federal holdings where the
856 purpose of the holding requires that the federal government exclude the state from
857 exercising jurisdiction. In order to do so, the government needs the consent of the state
858 legislature. But those concepts don't apply to public lands, which remain subject to
859 general state jurisdiction, though they are subject to preemption by the federal
860 government. For example, if a crime occurs on public lands, the state can prosecute it.
861 And the state can manage wildlife on public lands pursuant to its police powers. So let's
862 go back to the question I originally posed. Is the property clause broad enough to
863 empower the federal government to hold public lands in Idaho indefinitely? When the
864 Attorneys General of the Western states looked at this issue, they examined 200 years of
865 court decisions and concluded the Property Clause would not be a good basis for a legal
866 action, that is a lawsuit, to turn those lands, public lands, over to the states. After
867 determining the Property Clause itself is not a viable basis for challenging federal
868 ownership of public lands, the Attorneys General then asked this question: Are there any
869 principles that could be implied from the structure of the Constitution that would prohibit
870 permanent federal ownership of public lands? And the two primary principles that we
871 examined are what are called the equal footing doctrine and the equal sovereignty
872 doctrine. Equal footing refers to the principle that when admitting a new state into the
873 Union, Congress cannot require that state to give up any aspect of sovereignty enjoyed by
874 the original 13 states. Equal sovereignty refers to the principle that Congress cannot pass
875 any law that imposes on the sovereign powers of some but not all states. In other words,
876 it prohibits laws that discriminate against some states and not against others. Proponents
877 of state ownership of public land rely heavily on these two doctrines because when you
878 look at a map- when you look at a map, wherever this is- oh, go back. When you look at a
879 map, it's very clear that the states are not treated equally when it comes to public land
880 ownership. Federal public lands dominate the landscape here in the West, while the

881 Eastern states have almost no public- no, public- no, federal lands, or public lands. So
882 Eastern states exercise unfettered jurisdiction over almost all land in their states and can
883 impose taxes on those lands. Western states, while enjoying the benefits of public lands,
884 such as public recreation and hunting and fishing access, are deprived of some of the
885 economic benefit that Eastern states enjoy. And you think about that for a moment, and
886 we mentioned that on those public lands, the state has the responsibility to prosecute
887 crimes. So, we have to- we have to provide services to those lands, and yet we have no
888 ability to tax those lands. So it is different in Eastern states versus Western states. And
889 while the state does have general jurisdiction over public lands, that jurisdiction is subject
890 to federal preemption. So proponents of state ownership of public lands assert that
891 extensive federal landholdings discriminate against the Western states by depriving them
892 of sovereignty and taxation authority. The Constitution, though, says nothing about equal
893 sovereignty or equal footing. All the Constitution says is that new states may be admitted
894 by the Congress into the Union. So from where do these principles of equal footing and
895 equal sovereignty come? The courts have implied these principles form the structure of
896 the Constitution. In delegating power to the federal government, the Tenth Amendment
897 provides that the original states reserved all the power not delegated to the United States,
898 and the original states were all equal. So when you think about the Tenth Amendment, it-
899 I think of it in terms of buckets. It says that there are certain powers that the Constitution
900 grants to the federal government. That's in the federal government bucket. Their other
901 powers are reserved to the states respectively in their bucket or to the people. So at least
902 two buckets, and really three buckets: a federal bucket, a state bucket, and a people
903 bucket. So the question always is, what bucket does this fall into? From this, the Supreme
904 Court has determined that each new state succeeds to the same rights of dominion and
905 sovereignty which belonged to the original states. And it's well established that one
906 aspect of sovereignty enjoyed by the original 13 states was ownership of submerged
907 lands. Submerged lands are lands that are underwater. That is, the land that underlies
908 navigable waterways. These submerged lands are important, and I want you to kind of
909 put a marker there because we're going to come back and talk about them in a minute.
910 The states hold these submerged lands in trust for the public, that's called the public trust
911 doctrine, so that the public can use them for navigation, fishing, and recreation. With very
912 few exceptions, those lands are inseparable from state sovereignty. So the federal
913 government could not require a state to give up ownership of submerged lands as a
914 condition of admission. Such an action would violate the principle that each state is
915 admitted on equal footing with the original 13 states. The proponents of state ownership
916 of public lands assert that the same thing is true for public lands. They believe that
917 because the original 13 states owned all public lands within their boundaries, all newly
918 admitted states must likewise own all vacant lands. Under this theory, the states upon
919 admission immediately assume ownership of all public lands. But, like the original states,
920 new states ceded to the federal government the right to sell those lands just as the original

921 states ceded to the federal government the right to sell their Western lands. These are the
922 lands we're talking about. This is a photograph of the South Fork of the Payette River.
923 The dirt that underlines the river are submerged lands that were transferred to the state on
924 our coming into the Union on July 3rd, 1890. The rocks and the trees, as far as I can tell,
925 were not submerged on July 3rd, 1890. Perhaps at some point in the history of the earth,
926 they were submerged someplace, somewhere, somehow, but on July 3rd, 1890, the critical
927 date, they were not submerged lands. This is a photograph in the Boise Foothills, and this
928 is pretty typical Idaho land, some of it in Montana as well, looks a little similar. And as
929 far as I can tell, these lands were not submerged lands either on July 3rd, 1890, the critical
930 date. That's the date we became a state. Again, perhaps in the history of the world, they
931 were submerged, but not on the date of statehood. So, by the proceeding course of
932 reasoning, let's see, this is- wait a minute, here we are. Oh, good. So in other words,
933 proponents' interpretation of the equal footing theory, the federal government does not
934 own unfettered title to the public lands, rather, it holds that title only as a result of state
935 cession and only so long as it carries out its implicit promise to dispose of those lands.
936 The only problem with this theory is that no court has ever applied the equal footing
937 doctrine to public lands. It has always been limited to submerged lands. So the
938 proponents of the equal footing theory rely on a few sentences from a case called
939 Pollard's Lessee v. Hagan, which was decided in 1845. The plaintiff in Pollard claimed
940 title to some formerly submerged lands, it's actually was part of the- it was in Mobile, it
941 was land that was part of the river, the river was actually affected by the tidal- it was tidal
942 river basin, and so the submerged lands had been part of the river basin and were affected
943 by the tides. They were filled in and then it became occupiable land. So these were lands
944 that had been issued under a patent by the United States, and a patent is, most of you
945 know, it's a deed, but it's a deed from the government. It's called a patent as opposed to a
946 deed. It was- it was a patent granted by the United States, or a patent issued by the United
947 States after Alabama became a state. The defendant, who had been granted the right to
948 use the lands by the state, argued that the U.S. patent to another person was invalid
949 because the lands were submerged lands on the date of statehood and therefore passed to
950 the state under the equal footing doctrine. So the only land at issue in Pollard was
951 submerged lands, or more accurately, formerly submerged lands that had been reclaimed
952 from the river. This is the holding in Pollard's Lessee v. Hagan. It says "by the preceding
953 course of reasoning, we have arrived at these general conclusions: first, the shores of
954 navigable waters, and the soils under them," that is submerged lands, "were not granted
955 by the Constitution to the United States, but were reserved to the states respectively.
956 Secondly, the new States have the same rights, sovereignty, and jurisdiction over this
957 subject," that is the submerged lands, "as the original States. Thirdly, the right of the
958 United States to the public lands," as opposed to submerged lands, "and the power of
959 Congress to make all needful rules and regulations," that is the Property Clause, "for the
960 sale and disposition thereof, conferred no power to grant to the plaintiffs the land in

961 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

1001 think about for a moment and to underscore that the court stated that it is- that the public
1002 lands of the nation are held in trust for the people of the whole country. And underscore
1003 also the holding the court said that is not for the courts to say how that trust shall be
1004 administered. That is for Congress to determine. Just to put it all together, the court has
1005 repeatedly limited the equal footing doctrine to submerged lands and it has repeatedly
1006 stated that public lands are held in trust for the people of the whole country. Given those
1007 holdings, there is no reason to think the court would suddenly change direction and hold
1008 that the equal footing doctrine requires that the individual states, not the people of the
1009 whole country, own the public lands. This is a picture of Redfish Lake. You take a look at
1010 that, and in my view, Redfish Lake was navigable on July 3rd, 1890. You could float on
1011 it. You could put logs down it. So, if that's the case, the land under Redfish Lake were
1012 submerged lands and therefore owned by the state of Idaho as of the date of statehood.
1013 However, now Heyburn in the back was not submerged lands, and therefore it was public
1014 lands and owned by the federal government.

1015
1016 Now let's talk for a moment about the equal sovereignty doctrine. The equal sovereignty
1017 doctrine is closely related to the equal footing doctrine. Essentially, it prohibits Congress
1018 from arbitrarily treating one state differently from another state. In the words of the
1019 Supreme Court, "there must be as a matter of constitutional necessity a perfect and
1020 unchangeable equality among the states in reference to the powers they retain in our
1021 constitutional system." In other words, Congress cannot prevent some states from
1022 exercising a sovereign power while permitting other states to do so. As I said earlier,
1023 another way of looking at the equal sovereignty doctrine is that it prevents Congress from
1024 discriminating among the states. But it does not prohibit federal statutes or regulations
1025 that may impact different states in different ways because of differences in geography,
1026 environment, or population. A good example of this is the Federal Power Act that
1027 governs licensing of hydroelectric projects and preempts state laws relating to the
1028 construction of dams on navigable streams. The impact on state sovereignty varies
1029 depending on the number of navigable streams in the state and their suitability for hydro
1030 power. But such preemption is a happenstance of where the projects are located, not a
1031 specific instance of discrimination against a particular state. Now, there's no question that
1032 state sovereignty is affected by the presence of extensive federal lands, because federal
1033 statutes and regulations preempt the state from taxing the lands. They also preempt many
1034 state regulations addressing resource management and development. But the question is
1035 whether those impacts on state sovereignty are the result of discrimination against the
1036 Western states, or are they the result of geographical differences or other non-
1037 discriminatory factors that distinguish Western states from the Eastern states? Take for a
1038 moment representation in Congress. Idaho has two members in Congress, and 62 percent
1039 of our land is owned by the federal government. California, on the other hand, has about
1040 52 percent, give or take, of its land owned by the federal government, and yet it has the

1041 largest representation in Congress. So is it the fact that we are deprived of representation
1042 in Congress because we only have two, or is it because of where we're located, what the
1043 weather conditions are? You know, people were not traveling to Idaho when they came in
1044 their covered wagons, they were going to the Oregon territory. And the people who
1045 stayed here, their wagons broke down, and you know what- all the other stuff that goes
1046 along with that. Now I know- not dissing anybody in Idaho. It's my state. I'm a native.
1047 My wife is a seventh generation Idahoan. In fact, there is a picture of her family in St.
1048 Louis, Missouri at the National Reserve as people being representative of the people that
1049 came to the Oregon territory and to Idaho. So, I got a long history here. But think of that
1050 for a moment, and that is are we deprived of, say, representation or economic advantage
1051 because of the ownership of those states? Is that the reason that we are in the position
1052 we're in, or is it other factors that are non-discriminatory? There's very little basis to
1053 assert that there is a- that this presents a plain case of discrimination against Western
1054 states because there are geographical and climatic differences between the Western states
1055 and Eastern states that explain at least in part why there are so many more acres of public
1056 land in the West. Lands in the Eastern states were fully settled because homesteaders
1057 could make a living on 160 acres of land. But in the Western states, many of the lands
1058 were so dry that homesteading wasn't an option unless irrigation was available, and many
1059 Western states like Idaho petitioned Congress to reserve forests from sale because those
1060 forests protected watersheds that increased the amount of irrigation water available to
1061 farmers. This is a 1947 Senate Joint Memorial Number Six, "now therefore be it resolved
1062 by the Senate of the 29th Legislature of the State of Idaho, the House of Representatives
1063 concurring therein, that we"- I think that words expressly- "respectfully urge the
1064 president"- I'm trying to read it from 90 degrees here- "respectfully urge the President
1065 and the Congress of the United States to preserve public lands in Idaho in their current
1066 ownership status." Think of that for a moment. This is passed by the Idaho legislature in
1067 1947. What were they doing? They were saying, hey we've got these lands that we want
1068 to keep in the federal government's hands. That was the current ownership status. And
1069 the legislature is saying, we want you to keep it in current ownership status. It preserves
1070 the watershed. Now you think about that also, the claim that well the federal government
1071 has failed to give our lands to us. Here's the problem: we as a people said, "hey, hey, hey,
1072 federal government, please, please, please don't give us these lands. Keep them in your
1073 ownership. That's where we want them." That's what we as a people said through our
1074 legislature. Okay? That's what we said. So we can't now claim that the federal
1075 government has refused or failed to give us those lands when we're the ones who said,
1076 "we want you to keep those lands in federal ownership." So, another reason to doubt that
1077 the equal sovereignty principle has a valid principle in this discussion is that the Court
1078 has held that it does not apply to matters that under the Constitution are within the sphere
1079 of the plain power of Congress. In other words, if the Constitution vests Congress with
1080 plenary authority over a matter, then its exercise of that authority does not deprive the

1081 states of powers reserved to them under the Constitution. This is true even if it impacts
1082 Congress actions are different in different states. And the Court has repeatedly held that
1083 the Property Clause vests Congress with the plenary and unlimited authority over public
1084 lands. So unless the Court were to reject its holdings that the authority delegated to
1085 Congress by the Property Clause is without limitations, it would be unlikely to find that
1086 the retention of public lands in some states imposes upon the powers reserved to the
1087 states by the Constitution. So, even if the Supreme Court were to conclude that the
1088 retention of public lands infringed upon sovereign powers that were reserved to the states,
1089 it has approved federal statutes with disparate geographical coverage if the action is
1090 sufficiently related to the problem that it targets. There are sufficient differences between
1091 Eastern states and Western states that the United States could likely defend its actions
1092 against claims of unequal impacts on state sovereignty. Now as a result, the Conference
1093 of Western Attorneys General concluded that the equal sovereignty principle did not hold
1094 a lot of promise for seeking transfer of federal lands to the Western states.

1095
1096 The last theory I'm going to discuss is what is called the Compact Theory. This is a
1097 relatively new theory that is being pushed by certain parties who want the states to sue
1098 the federal government for ownership of federal- of public lands. Excuse me for a second.
1099 I can't actually say the word gov'ment as-

1100
1101 [Laughter]

1102
1103 The Compact Theory has two basic parts. First, the proponents of the theory assert that
1104 each state, when it was admitted into the Union- that as each state is admitted into the
1105 Union, the federal government makes an enforceable promise to sell all the public lands
1106 in the state. The second part of the theory asserts that if the federal government fails to do
1107 this, the remedy is not forced sale of those lands, but instead, they assert that the proper
1108 remedy is for the court to turn the lands over to the state. It is true that as each state is
1109 admitted into the Union, Congress sets certain terms and conditions that the state must
1110 accept in order to gain admission. For example, the state has to adopt the United States
1111 Constitution, which we did, Idaho did, in Article 21, Section 20 of our Constitution. We
1112 accept the United States Constitution. And not surprisingly, a lot of the provisions and
1113 admission acts, those are the federal congressional acts that create a state, and we have
1114 one as well, have to do with the disposition of public lands. In the Idaho Admission Act,
1115 the law that made us a state, there are 22 sections. Eleven of them address lands.
1116 Congress gave the state over 3 million acres of land to support schools and universities.
1117 That's section 16 and 36 of every township. And it supports schools and other institutions
1118 such as prisons and insane asylums. But it also provided that the state was not entitled to
1119 any further grants of lands for any purpose. And that would be- appear to be the end of
1120 the story, right? Congress specifically told us, "Idaho, you get this much land and no

1121 more.” And Idaho agreed to that by accepting the 3 million acres of land. But proponents
1122 of the Compact Theory cite another provision that appears in the Idaho Admission Act,
1123 and all other admission act- and enabling acts in the Western states. This language, which
1124 says “five percent of the proceeds of the sale- of the sales of public lands lying within
1125 said States which shall be sold by the United States subsequent to the admission of
1126 States- of said State, shall be paid to the State for the support of public schools.” The
1127 proponents of the Compact Theory focus on the language giving the state five percent of
1128 the proceeds from land which shall be sold. They argue that the phrase “which shall be
1129 sold” is mandatory language that obligates the United States to sell all public lands within
1130 the states, and in their view, if the United States fails to do so, then the proper remedy is a
1131 court order turning all public lands over to the state. Take a look, however, at the term-
1132 the definition of the term shall. It does have an aspect that is mandatory, certainly, but
1133 also if you read the third definition- and I can’t read that from here- but what it says that
1134 it includes something that may happen in the future. And the phrase “which shall be” was
1135 a phrase commonly used in statutes at the time to indicate that the described action is
1136 expected to occur in the future. For example, in a tariff act passed two months before
1137 Idaho’s admission, Congress provided that all articles which shall be imported from
1138 Mexico should be duty-free. That does not mean that the items had to be imported from
1139 Mexico, it just recognized that everyone expected that articles would be imported from
1140 Mexico in the future. By the same token, the language in the Idaho Admission Act
1141 referring to public lands “which shall be sold” could be interpreted as merely setting forth
1142 the party’s expectations that the federal government would continue selling public lands
1143 after Idaho’s admission; in fact, that’s what the federal government did so for many
1144 years. Even if you ignore these issues, there is a constitutional barrier to Idaho claiming
1145 title to unsold public lands. That barrier is found in Article 21 Section 19 of the Idaho
1146 Constitution. Idaho, like all other Western states, included a provision in its constitution
1147 providing that the people of the state of Idaho do agree and declare that we forever
1148 disclaim all right and title to the unappropriated public lands lying within the boundaries
1149 thereof. This is part of our Constitution. And in this provision, there’s only two flavors of
1150 public lands: there are appropriated and unappropriated. Appropriated were public lands
1151 that were then appropriated by some person or some entity under the General Mining Act
1152 or under the Homestead Act or something like that that appropriated those lands and then
1153 they became no longer public lands, but private lands. The unappropriated public lands
1154 are everything else, and we disclaimed that, meaning that we gave up our right to claim
1155 those lands. And this is a condition of our Constitution, and we said we forever give up
1156 that right to claim those lands. Now, that appears to be the end of the story, right? If you
1157 or I sign a contract disclaiming title to property, that’s it. We are forever barred from
1158 asserting any right to that property in the future. And there’s no reason that a state’s
1159 disclaimer of title would be any different. Once you give up a claim to property in return
1160 for proper consideration, which the state of Idaho did, we received that in the form of

1161 over 3 million acres of land for public schools and university, you can't go back and now
1162 say, "hey, we really didn't mean it." That's what our Constitution says. But that's exactly
1163 what the proponents of the Compact Theory are asserting. They argue that the disclaimer
1164 doesn't mean what it says. Instead, they assert that it was only intended to alleviate
1165 concerns by purchasers of federal land that they were not receiving clear title because of
1166 outstanding state claims to public lands. In other words, they view the disclaimer
1167 language as only being effective so long as the United States is disposing of the land.
1168 That being the case, they assert it does not apply to situations where the United States
1169 retains the land in permanent federal ownership by reserving it. However, there's a
1170 problem with that argument. The same section in the Idaho Constitution that disclaims
1171 title to all public lands also recognizes the existence of federal reservations. Again, I can't
1172 see all of that language, but it provides that the state cannot tax lands or property
1173 belonging to the United States or reserved for its use. In other words, the Idaho
1174 Constitution specifically recognizes the power of the United States to reserve lands
1175 permanently, both for Indian tribes and for its own use. And that is not surprising if you
1176 know the history of the Idaho Constitution. The drafters of the Constitution were not
1177 opposed to the idea of the federal government owning lands in Idaho for federal
1178 purposes. In fact, the Chairman of the Constitutional Convention William Clagett was a
1179 former representative to Congress from Wyoming and proudly claimed credit for the act
1180 permanently reserving Yellowstone as a national park. And whenever the subject of
1181 public lands came up at the Convention, there was universal recognition that the state had
1182 no claim to public lands. Chairman Clagett stated that the states cannot pass any law that
1183 will undertake to control the public lands, because that would be inconsistent with the
1184 laws of the United States. Well then, Heyburn, who later became a senator from Idaho,
1185 said, "I did not suppose for a moment that we would ever have any control of the public
1186 lands of the United States." So the drafters of the Idaho Constitution clearly believed that
1187 the state had no claim to public lands, and to emphasize that point, they took the
1188 additional step of including a provision in the Disclaimer Clause providing that it was
1189 irrevocable without Congress' consent. In order for us to amend that provision of our
1190 Constitution, it requires an act of Congress. It requires consent from the federal
1191 government as well as our regular constitutional amendment provision. We can't amend
1192 our own Constitution. It is there until Congress decides something different. In
1193 conclusion, the fundamental question is, if a state concludes that state ownership of
1194 federal lands would be a benefit, is it more fruitful to work with Congress to affect such a
1195 transfer, or is there benefit in going to court? I wanted to finish with this slide just
1196 because I like it.

1197

1198 [Laughter]

1199

1200 Redfish is one of my favorite places on the face of the planet, and it's a special place to
1201 me.

1202
1203 [Applause]

1204
1205 I want to answer my question. The answer I gave the Idaho legislature in 2013 is the
1206 same I'm going to give you today. If you make a good policy case for state ownership of
1207 public lands, then working with Congress is the best, if not the only way, to implement
1208 that policy. And after two years of study, the Idaho legislature's interim committee on
1209 federal lands agreed and issued a final report recommending that the state work with the
1210 congressional delegation to craft federal land transfer legislation. As for litigation, they
1211 voted to wait and see whether Utah would pursue such litigation, then determine what
1212 lessons could be learned from that. Utah has said it's working with outside counsel to
1213 prepare a lawsuit. I've confirmed that. But it has not yet been filed. If and when Utah
1214 files, we will certainly monitor that case with great interest, and I'm certain that there will
1215 be some very interesting law that will come out of it. However, in my professional
1216 opinion, spending a long time on these issues, I doubt the end will be the result that this
1217 state owner- that we'll have state ownership of those public lands. I continue to assert that
1218 Congress is the best venue for working out these types of complex issues. So thank you
1219 very much.

1220
1221 [Applause]

1222
1223 JF: Okay, we have time for a couple of questions, but first would you get out your pens or
1224 pencils. There's now going to be a test on this to make sure everybody's got it.

1225
1226 [Laughter]

1227
1228 LW: By the way, as you ask me questions, please know that my favorite answers are three and
1229 seven.

1230
1231 [Laughter]

1232
1233 JF: And also, his favorite picture with Mount Heyburn- did you know that guy wanted to
1234 abolish the Forest Service? And there he is with a peak after his name in the Sawtooth
1235 National Recreation Area.

1236
1237 LW: That's true. That's true.

1238

1239 JF: So now, more seriously, is there a copy of this Attorney General's report that was
1240 presented that the folks here can access, Attorney General?
1241

1242 LW: Yes, it is. It's available on the CWAG website, and I think we've got a copy, we posted
1243 it. But it's the Conference of Western Attorneys General, and they have it on their
1244 website. It's available.
1245

1246 JF: There's another legal scholar named John Leshy. He was solicitor for Bruce Babbitt and
1247 also worked very closely with Governor Andrus when he was Secretary, who was trying
1248 to write a book on this topic and he can't get a publisher, a popular publisher yet, because
1249 they don't think it's of interest. Yet, this comes back like cicadas about every 15 years
1250 since about 1900. It'll probably be published by an academic press, unfortunately, which
1251 nobody reads compared to popular presses, but anyway it's all there is the point, and it's
1252 been there for a long time.
1253

1254 LW: If I can add to that-

1255

1256 JF: Yeah.
1257

1258 LW: I was shocked and amazed that so many people paid money to show up and listen to me
1259 speak, so.
1260

1261 [Laughter]
1262

1263 JF: It wasn't that much money.
1264

1265 [Laughter]
1266

1267 This stuff is pretty complicated, but I've got a goofball question that I've got to ask, just
1268 because this is Idaho and this happens. At a town hall meeting, my Idaho state
1269 representative told me that the federal government will sell federal lands to China if the
1270 state doesn't get them. Is this a possibility?
1271

1272 [Laughter]
1273

1274 Straight man, it's- want to answer that?
1275

1276 LW: No.
1277

1278 JF: No.

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[Laughter]

JF: 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?

LW: 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?

JF: I think it does.

LW: Okay. If it didn't, the answer was three.

BB: That was another setup question-

[Laughter]

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?

LW: Yes.

JF: Yes.

1318 LW: Nearly every state. I think- I think every state that came into the Union after the original
1319 13 had something similar, but every- every Western state has almost that identical
1320 language. Very, very close.

1321

1322 JF: And maybe the last question so we- we can segue into our next panel-

1323

1324 LW: Seven.

1325

1326 JF: Thank you, let's- seven? Okay.

1327

1328 [Laughter]

1329

1330 Now you confused me when you said that, so I can't- why do you think this comes up? I
1331 mean this is pretty definitive, yet it comes up all the time. What- what are your thoughts
1332 on that?

1333

1334 LW: You made- you made a really important statement. You said that this comes around and
1335 you think about, it does. I mean, we had the Sagebrush Rebellion and then, it kind of dies
1336 down for a little bit and comes back. Why? It comes back in the West for that map that I
1337 showed you. That's the intersection between the federal government and state
1338 government, and we are actually treated in a different way from Eastern states, I mean,
1339 that's a reality, that's a truth that happens here. And so, our sovereignty is affected by
1340 that. Now, I'm not saying that that's the legal issue that solves it, but we come into
1341 contact in that way, and in Western states we have a tradition here that we really love our
1342 public lands and we have used them with you know grazing and mining and a whole
1343 bunch of stuff that really brings our history into conflict in that regard. And so as, you
1344 know, you see waves of regulation among the federal government, it's often being made
1345 by people who have never been here, don't know what we are here, and don't understand
1346 us. So, I understand that aspect of it, and the emotion that comes along with it- hey, I love
1347 Idaho, I mean I really do. I've got a picture of Redfish Lake. I love it here. This is my
1348 home. And that's why we have this visceral feeling for our state. But we have to match
1349 that against the legal framework that applies to public lands.

1350

1351 JF: Well, join me in thanking Attorney General Wasden.

1352

1353 [Applause]

1354

1355

1356

1357

1358 **Collaborative Forest Restoration in Idaho (69 min.)**

1359 *BH=Bill Higgins, RT=Rick Tholen, WW=Will Whelan, AB=Andy Brunelle, JF=John Freemuth*

1360

1361 JF: All right everybody, please. We've got two big panels to end the day and we don't want
1362 to get behind for the-

1363

1364 [Plinking of glass]

1365

1366 -thank you, Jeff. Thank you, Jeff. So, before I turn it over to our moderator Andy
1367 Brunelle, who is involved with this forest group and is on the Andrus Environmental
1368 Committee, I want to thank all our volunteers who have been here working hard all day,
1369 especially Christophe Bahari, who was up until midnight many nights dealing with some
1370 registration issues, and our new Kathy Scott, Katie Robb, who- this is her second day of
1371 work for the Andrus Center, and boom, she hits the- the evening's event last night and
1372 then the all-day conference. I just want to thank them and have you thank them for all
1373 their hard work to make this possible.

1374

1375 [Applause]

1376

1377 AB: Okay. Thanks, John, and thank you all for being here this afternoon. My name is Andy
1378 Brunelle. I work for the U.S. Forest Service, and earlier this morning, Governor Andrus
1379 did mention how back in the day I was always late to the first staff meeting at 8 a.m.

1380

1381 [Laughter]

1382

1383 Which is why, I think, one reason they said, "why don't you run one of the afternoon
1384 panels."

1385

1386 [Laughter]

1387

1388 He didn't mention that one of the reasons was I had a 19- and still have a 1971
1389 Volkswagen Bus. Usually, three of the four cylinders were functioning. That sometimes
1390 kept you a little slow getting to the office. So, I'm going to introduce and set the stage
1391 here. We're going to have more of a conversation with these gentlemen to talk about
1392 collaborative forest restoration in Idaho. And with this symposium, we've heard today
1393 from public officials about how public lands affect their state or affect the nation or their
1394 county. And we're going to shift a little bit now to some practitioners and people from
1395 the private sector. To understand collaborative forest restoration, it's worth a brief
1396 review, sort of how this evolved over the last several decades with- with public land
1397 management and, in particular, national forest management. When you look back, timber

1398 harvests on national forests were sustained at a high level for probably 40 years following
1399 World War II, and this was bolstered by a demand for wood for housing and by generous
1400 appropriations by the U.S. Congress to the Forest Service for providing timber sales and
1401 constructing roads in the national forest. At the same time, this population that demanded
1402 wood was also appreciating the national forest for their recreation and for fish and
1403 wildlife values, clean water, and wild places. So, for many years, there was this
1404 competing dynamic for public lands for our national forests at work. And Congress does
1405 pretty well when they try to meet everybody's desires, and for many years Congress was
1406 able to continue generous appropriations for timber sales, on the one hand, and then on
1407 the other hand, pass laws like the Wilderness Act, that set aside areas for wildlife
1408 purposes or wild habitat or wilderness purposes, and then over time enacted more laws,
1409 such as the Endangered Species Act and National Forest Management Act. So, this
1410 contradiction went on for a long time, but there's only so much land out there, and at
1411 some point, since you're not making more land, the clash of those two uses are going to
1412 manifest. Ultimately, this culminated in the 1980s with what some people have termed
1413 the Timber Wars, that were especially expressed on the west coast of Oregon,
1414 Washington, and California, but it had national implications. Meanwhile, in the interior
1415 western forests, we begin to see larger wildfires with uncharacteristic higher severity in
1416 these fires, and this was at a time when the timber sale is- controversy was at its height,
1417 but it was also the time when we first began to see the effects of what was actually a
1418 rather effective fire suppression policy that had been in place for decades. If anything, the
1419 Forest Service was too good at putting out fires. The Andrus Center many years ago, I
1420 think at a 2004 conference, termed this the Paradox of Success, where putting out fires
1421 led to more severe wildfires when they did start. So, combined with the management
1422 gridlock on national forestlands and a growing recognition that we needed to do
1423 something different to address the fire issues, we begin to see a lot of the interests who
1424 would compete for the lands by going to Congress or going to court begin to talk to one
1425 another. Initially, Idaho was strongly opposed to the Roadless Rule, when that was
1426 enacted in 2001, but within four or five years the state of Idaho proposed its version of
1427 what an Idaho Roadless Rule could look like and something that could have widespread
1428 sustained support in this state. And that was successfully adopted in 2008. So with that as
1429 a backdrop, what we ended up seeing was the emergence of forest collaboration efforts
1430 across the state of Idaho. The map on the screen that you can see shows a number of
1431 different places around the state of Idaho where we have local forest collaboration
1432 groups, and we have some gentlemen here today who will be speaking about some of
1433 their activities on those forest collaboration groups. In addition, we have what's called
1434 the Idaho Forest Restoration Partnership. It is a partnership of interests that tracks
1435 progress of these local collaborative groups, and to give them encouragement and
1436 assistance when asked, but they do operate separately. One is more of a statewide
1437 monitoring or network, and then you have the eight or nine local collaborative groups. So

1438 what you're going to hear today from these three gentlemen, and to my immediately left
1439 is Rick Tholen, who is with the Society of American Foresters and is active on the
1440 Payette Forest Coalition and with the Idaho Forest Restoration Partnership. And next to
1441 Rick we have Bill Higgins, who is with Idaho Forest Group and is active on the
1442 Clearwater Basin Collaborative. And then to the left of Bill is Will Whelan, who is with
1443 the Nature Conservancy here in Boise, has participated and lent expertise and assistance
1444 to Clearwater Basin Collaborative and with the Idaho Forest Restoration Partnership. So
1445 what we're going to do here is take some time, go through four or five topics in a more
1446 conversational manner rather than each person getting up and making a speech, and as we
1447 go through this, certainly as questions occur to you, put them on the question cards and
1448 Doctor Freemuth will be- will be segueing to his question and answer period later in this
1449 session. So what I wanted to do was basically pose a question to each of the three of you
1450 gentlemen, and starting with you, Rick. What brought you and your organization to
1451 Collaborative Forest Restoration?

1452
1453 RT: First, I wanted to have the SAF members in the audience raise your hand, Society of
1454 American Foresters. So there's quite a few here. Of course, the Timber Wars that Andy
1455 spoke of had been frustrating for many, many of us for years to see the forests' health
1456 decline and not really have any ability to do anything about it, at least not the social
1457 license support to do it. But first, let me tell you about SAF. SAF, Society of American
1458 Foresters, was founded in 1900 by a Yale-educated forester named Gifford Pinchot. At
1459 the time that he started the Society of American Foresters, he was the Chief of the
1460 Division of Forestry, and later, five years later, that became the U.S. Forest Service, and
1461 he was the first chief of the Forest Service. And the- we're the largest professional
1462 forestry organization in the world, and our mission—and this kind of gets to Andy's
1463 question about why did we get involved in collaboration—our mission is to advance the
1464 science, education, and practice of forestry and to enhance the competency of our
1465 members. And more locally, it's a national organization, but locally, we are the
1466 Intermountain Society of American Foresters, and that includes Utah, Nevada, Idaho
1467 south of the Salmon River, and a few of the counties along the west edge of Wyoming.
1468 Along with our partners at Inland Empire, which is the other half of Idaho Society of
1469 American Foresters, we put together a conference in 2010 here that was aimed at
1470 addressing how climate change was affecting the sustainability of our forests. And at that
1471 conference, we had some very notable scientists, and of course we learned about the risks
1472 that these forests face in- with climate warming and drying in our area, and we also,
1473 though, learned something very surprising to some of us, and that's that there was
1474 collaborative groups out there that were already at work to try to resolve some of the
1475 issues and get consensus on how those national forests in particular should be managed.
1476 And so after that conference, several of us decided that we should work together-
1477 continue to work together, sort of at the state level. So SAF joined with the Idaho

1478 Conservation League, the Nature Conservancy, the Wilderness Society at the time, Rocky
1479 Mountain Elk Foundation, Trout Unlimited, and Woody Biomass Utilization Partnership,
1480 which represented two counties. And we formed the IFRP, the Idaho Forest Restoration
1481 Partnership, as Andy said, to try to help support these efforts that seemed to be breaking
1482 the gridlock that we had been facing for so long. In addition to us helping in standing up
1483 the IFRP, we also had member- individual members that became members of individual
1484 collaboratives like myself, and so that is also another way that SAF is engaged. And one
1485 last thing is we put together a position paper, the way we say what we think and how we
1486 get that out to the public is through position papers, and we have a position paper that we
1487 wrote in 2011 along with Inland Empire SAF that says that we believe active restoration
1488 is needed for our forests to address the wildfire and insect and disease problems and we
1489 support the collaborative process to go about getting consensus to do that.

1490

1491 AB: Now Rick, you're active on the Payette Forest Coalition. Are there SAF members who
1492 are active with any of the other local collaboratives in the state?

1493

1494 RT: There are, and I say that- they may not be representing SAF. A lot of the industry folks, a
1495 lot of Bill's organizations' foresters, are on these collaboratives. We do have members on
1496 the Boise Coalition. I know both the Panhandle and the Clearwater Basin Collaborative
1497 have SAF members as well.

1498

1499 AB: Bill, I was wondering if you could talk a little bit about what brought Idaho Forest Group
1500 to the Clearwater Basin Collaborative, and your involvement there.

1501

1502 BH: Yeah. So, Idaho Forest Group, I'll give you a little quick introduce them to the-
1503 introduction the company. You know, still kind of amazing to me, with five sawmills in
1504 Idaho, we're number five or number six lumber production in the United States, still
1505 baffles me whenever I look at that statistic. And you know something else I looked at
1506 prior to this conference, we're the number two federal purchaser in the country, which I
1507 couldn't hardly believe. And we're just barely behind Sierra Pacific, which was number
1508 one. So that says we are getting some things done in at least three regions we operate,
1509 Region One, Region Four, Region Six. You know, IFG is heavily invested in
1510 collaboration, and, you know, throughout the state of Idaho. I'm going to talk about my
1511 experience with the CBC in a little bit, but you know we have people on, must be four or
1512 five, six different collaboratives across the state, from the Canadian border to the Boise
1513 National Forest. You know, refer to my previous comments about the number two
1514 purchaser in the nation. We are direct stakeholders in the management of the national
1515 forest, and so you know we have the time, right, to engage on this with that stakeholder
1516 position. About the CBC, Clearwater Basin Collaborative, it was formed out of conflict,
1517 as you can imagine. It was really formed out of conflict around motorized recreation,

1518 and- but if any of you know the history up in the Clearwater Country, it's kind of ground
1519 zero in many ways for the Timber Wars that occurred in the state of Idaho. And it was
1520 formed officially, convened, by Senator Mike Crapo by invitation in 2008, which is really
1521 when I became aware of it, when Scott Atkinson, the President of IFG, received an
1522 invitation and I went along with him and got assigned to sit on a collaborative. But there
1523 was a couple of years prior to that where many folks were working to figure out who
1524 should receive an invitation to be on this collaborative, who has- who are the right people
1525 to be participating, who has collaborative skills, because those are skills. So we're
1526 coming up on our ninth anniversary here in May. It's flown by. It's been worth it. It has
1527 been a long ride. I'm still- I want to keep going, but it has been nine years, believe it or
1528 not. We've had some success. One of the reasons it is still going is we've had some
1529 success. Without success, you know, it will wane, right? And so, a few successes I'll list,
1530 you know, we were one of the first recipients of the ten original Collaborative Forest
1531 Landscape Restoration Proposal projects in the state, and that being the Selway-Middle
1532 Fork Clearwater project, and we're- I think that was awarded in 2010, has some
1533 successes, has some challenges we're dealing with still today. One of my favorite
1534 accomplishments that I report regularly is we had the timber targets and sold volume up
1535 about 50 percent on the Nez Perce-Clearwater National Forest. That keeps me coming
1536 back. It allows my company to make the investment, having people like me participating.
1537 You know, a nice recognition was in 2015, the CBC received the Abraham Lincoln
1538 Award for increasing the pace and scale of restoration in the Clearwater Country from
1539 USDA. And that was a really nice recognition. We haven't solved all the problems, I
1540 promise you. There's a lot of challenges remaining. We've done- the successes we've
1541 had, we've done without changing any of the rules, right? We're operating under the
1542 same laws, regulations. We're just using our good looks and ability to influence people to
1543 get things done, and you know as- you know I kind of equate some of our progress as
1544 kind of going up the stairs to the- trying to get up to the penthouse, you know. We made
1545 it to the second floor, and the third floor has been a little bit of a challenge here in 2016.
1546 We've had some litigative projects and whatnot. It's not really a loss, we're just going to
1547 regroup, figure out, you know, what are the priorities we have to work on now to
1548 ultimately get to the penthouse, and we'll get there. But one thing I've learned though,
1549 that advocacy by itself is not enough, right? So we've- we've got to get, you know, make
1550 the case for the best available science, those types of things that we'll talk about a little
1551 bit later. But I'll leave it at that.

1552
1553 AB: Okay. Thanks, Bill. Will, what brings TNC to the table, and your involvement?

1554
1555 WW: Sure, Andy. So I work with the Idaho Chapter of the Nature Conservancy doing the
1556 public policy work. There's a chapter of the Nature Conservancy in every state of the
1557 country. We are perhaps the nation's—maybe the world's—largest environmental group

1558 or conservation group with a million members. And I think our work is best known for
1559 what we've done on private lands. That's what the work we've been most associated
1560 with. But our mission is conservation of nature that includes people, the benefits that
1561 nature provides to wildlife and to people as well. And as we look at that mission, we
1562 couldn't ignore the public lands in general and the national forests in particular. And the
1563 national forests are producing half of our water. They have unparalleled wildlife and
1564 natural areas, thousands of species, huge recreation-based economies, natural resource-
1565 based economies, communities in their midst that depend on them for their livelihoods.
1566 And then, on a personal note, you're asking why public lands matter. It's been interesting
1567 today. Many of the speakers have mentioned, some quite emotionally, like Congressman
1568 Simpson, a personal connection to the public lands, and that's something I feel very
1569 strongly. So as the Nature Conservancy looked out over the national forests, we saw
1570 something on the order of about 60 million acres that are at increased risk of
1571 uncharacteristic, that may be described as unnatural, cycles of fire and insect infestation.
1572 You know, the causes are many: Climate change is huge, fire suppression. The forests in
1573 Idaho and around the country are changing right before our eyes, and we saw a real need
1574 for coming in and advocating for the science and the active management and restoration
1575 of national forest lands. So why did we take this on via collaboration? Collaboration is
1576 sort of part of our DNA. I'd say we started in collaboration in large part because through
1577 our history, we acquired key pieces of private lands in parts of the state where we created
1578 nature preserves that put us into those communities in places like Owyhee County, that
1579 gave rise to the Owyhee Initiative, but also in Boundary County, where there's the
1580 Kootenai Valley Resource Initiative, and Island Park, where there's the Island Park Fire
1581 and Sustainable Community Initiative. And also going in and looking at where we have
1582 ecological need in places like the Clearwater Basin and seeing working through
1583 collaboration as a critical way to accomplish ecological objectives in these areas. So
1584 we're doing this work in Idaho, it's also happening across the country. There are 23
1585 different chapters of the Nature Conservancy involved in national forest restoration
1586 through the Collaborative Forest Landscape Restoration Program that Bill mentioned.
1587 We're also very active in something called the Fire Learning Network, which is a set of
1588 demonstration sites working with land managers in communities about how to use fire
1589 intelligently for ecological restoration and to make communities safer, the Fire Adapted
1590 Communities Network, so we're doing a lot of this work around the country and in Idaho.
1591 So we are members of three collaboratives, the Kootenai Valley Resource Initiative, the
1592 Clearwater Basin Collaborative, and then the Island Park Fire Sustainable Community.

1593
1594 AB: Someone want to take a stab at defining what it is that happens through collaboration? I
1595 mean, these are meetings, right? We're talking about going to lots of meetings, maybe
1596 getting out on the ground.

1597

1598 RT: You want to take that?

1599

1600 BH: Yeah. There's a lot of meetings.

1601

1602 [Laughter]

1603

1604 Yeah, it's been a long nine years, and I don't know if I could count up all the hours, but
1605 you know, yeah. We have, you know, we invest 20, 25 percent of our time—I do
1606 personally—into forest collaboration, and, you know, I wouldn't continue to do that if it
1607 didn't yield results, right? And so I see the investment is worthwhile, and so we've got
1608 subcommittees on, you know, the different- all the different subjects, and you know, you
1609 can choose to engage on the ones- one thing's different about the CBC is it's very wide in
1610 scope. It's not just a veg management collaborative, and that's both a strength and a
1611 frustration, right? That it's a- it's a frustration if you're interested in the timber projects
1612 and the veg projects and you spend a lot of time talking about other things. But it, you
1613 know, one thing I failed to mention before, you know, there are about, I think, 22
1614 representatives on the CBC now representing conservation industry, local government,
1615 citizens at large, and it's very diverse and, you know. I'll leave it at that.

1616

1617 RT: Let me add to that. I'm on the Payette- I sit on the Payette Forest Coalition. And I'm a
1618 volunteer, I don't get paid at all, and sometimes I drive a 200 miles round trip to get to a
1619 meeting. But my interest, of course, is I have a second home up in the New Meadows
1620 area, so my interest is in the health of the lands that surround my home and my- where I
1621 like to recreate. I also, being a forester, and I mention I'm an SAF leader, I'm very
1622 interested in seeing our forest restored to a more healthy condition. But our coalition has
1623 about 20 members—organizations—and environmental conservation groups and industry
1624 groups. I think we have three different sawmill-owning companies involved in our
1625 collaborative. We work on a consensus basis. We try to all get a hundred percent
1626 agreement before we make any recommendations to the Forest Service, and so that's a
1627 unique way- that's different from normal public meetings and public involvement where
1628 all the parties may be there but they don't have to compromise, they can state whatever
1629 their hard-lined position is about, you know, recreation, timber, whatever, and they don't
1630 have to ever agree. On our coalition, we have to come to agreement or we don't make
1631 recommendations, and so that takes time. That's the very time-consuming part, I think, of
1632 collaboration, is that we try to come to complete agreement before we make a
1633 recommendation. And that's- once again, that's difficult, that's time-consuming. But the
1634 good news, and there's a good news story—and we'll talk more about this as we go on—
1635 but there's a good news story in that these collaborative groups are being effective,
1636 they're influencing decisions, and they're influencing courts and other things as well. So
1637 it's- in my book, it's been well worth the time and energy to be involved, and I'm proud

1638 of the coalition I'm on. I'm also proud of the Forest Service on the Payette National
1639 Forest, because they have been extremely wonderful to work with, and I want to give
1640 them kudos for making this collaboration thing work.

1641
1642 AB: Okay, so the title here for this little panel, Collaborative Forest Restoration in Idaho. We
1643 dissected collaboration. Let's move to restoration, talk a little bit about that, because we
1644 have three people here who are very, very highly-trained experts and have really studied
1645 the restoration component. And I think it would be great for this audience to get from
1646 each of you your take on what do we mean by restoration and what have these- your
1647 groups been doing to understand restoration through science and through your
1648 collaboration work. Will, if you want to start.

1649
1650 WW: Sure. So I like the promotion to an expert, sort of like getting an honorary degree.

1651
1652 [Laughter]

1653
1654 AB: Any time you're off on a-

1655
1656 WW: I'm the only non-forest rep here, so I'll start with a little forest restoration names and then
1657 these guys will-

1658
1659 BH: We'll set him straight.

1660
1661 WW: So, you know actually I think one of the- we've talked about how collaboration has
1662 emerged in Idaho and around the West, and I think one of the things that has really given
1663 the space for collaboratives to work in is better understanding of forest ecology, and then
1664 some pretty tough lessons we've learned over the last 20, 30 years about what fire is
1665 doing to altered landscapes. And so the Nature Conservancy has done a lot of science
1666 looking at how forests have changed over time. And our approach to this is take a look at
1667 what was essentially a historic condition prior to American settlement of this part of the
1668 world and look at the kinds of distributions of forest types, of vegetation conditions, that
1669 would've characterized Western forests that were fire-prone. You know, the fundamental
1670 truth about this part of the world was that our forests evolved with disturbance, primarily
1671 fire, and so by looking back at the previous forest condition, we get a sense of how those
1672 forests had evolved to adapt to that disturbance. And then we look at the condition today.
1673 And my first important thing to say about getting into the insights we reached is Idaho
1674 forests are quite diverse. Lots of different things are going on out there, so when
1675 somebody says, "this is what it is," get underneath that, because there's lots of different
1676 patterns and we've seen them all expressing themselves. But there are some themes that
1677 we see in many places in Idaho, and that is that a forest that used to have a mosaic of

1678 different age classes and different canopy structures—some more open, some more
1679 closed—has become less diverse. There's less of a mosaic. It's, as you know, as the
1680 foresters would say, it's less heterogeneous. And the movement has been largely towards
1681 more closed canopy, large, and medium sized trees that are shade in taller. That means
1682 that on the site long enough and- I'm sorry, shade tolerant. They've been on the site long
1683 enough so that they can grow up and without a lot of the direct sunlight. And when you
1684 have those types of changed forests interacting with climate change, which has made fire
1685 seasons longer, has changed fire behavior, you can get some really significant fires, and
1686 that's- that's what we've seen. If anybody's interested, we've got a fire perimeter map.
1687 We have seen a tremendous amount of fire that is uncharacteristic in the sense that it is
1688 really changing the ecological dynamics in these forest systems in ways that produce
1689 some really significant impacts, the long term forest existence to species to watersheds.
1690 So-

1691
1692 AB: I did put the map up there.

1693
1694 WW: Yeah.

1695
1696 AB: I heard your verbal cues.

1697
1698 WW: My verbal cue, yeah. I mean, that is 1984 to 2015 fire perimeters in Idaho. That's big. In
1699 the Middle Rockies Ecoregion, which is essentially from tree line above Boise to the
1700 Clearwater River, we've burned about 39 percent. Now keep in mind, fire is a natural part
1701 of these ecosystems, so I'm not trying to suggest that those fires are all bad. But those
1702 fires are big, they're different, and many of them are outside of what we would sort of
1703 that natural range of variability. The highest level of burn is over half of the high-severity
1704 fires, that typically the higher elevation forests in the Middle Rockies Ecoregion have
1705 burned, and because it's high-severity, that's the place that's most like historic
1706 conditions. You get into the lower, dry site forests, typically Ponderosa, and we're seeing
1707 really uncharacteristic fires, in part because of fuel buildup. So when we talk about
1708 restoration, our objective is to move back towards greater diversity in mosaic in these
1709 landscape patterns, keeping large trees—because they tend to be more resilient and they
1710 provide a lot of ecological function—and recreate conditions that allow these forests to
1711 be more resilient to the kinds of ecological forces we're facing.

1712
1713 AB: So Bill, I understand you, with Idaho Forest Group, worked with TNC on restoration
1714 opportunities, especially focusing in the Clearwater Region.

1715
1716 BH: Yeah.

1717

1718 AB: Want to talk to us about-

1719

1720 BH: Yeah, so I get to tell one of my favorite stories of one of my favorite accomplishments
1721 within the CBC. Have you guys ever heard that the timber companies want to cut more
1722 timber for economic reasons? You've probably heard that argument, right? And it's
1723 really one they, you know, we knew in the CBC that we needed to make the case on a
1724 science-based argument for increased forest management to ultimately win the day. And
1725 the economic arguments are valid, by the way. And, you know, I hold them equal with
1726 the science-based arguments, but we had to make that case. And, you know, I remember
1727 a watershed moment within the CBC of, you know, when we agreed as a group to
1728 become advocates for increased management, right, and then we said, "okay great, how
1729 do we- how do we get this done?" And that led to the, you know, how do we tell the
1730 science-based story? And I kind of see myself as the idea guy, right, within the
1731 collaborative. And thankfully, the Nature Conservancy, who happens to be my favorite
1732 conservation group, came along and, you know, took the baton. Doctor Ryan Halgo took-
1733 took this idea and completed what we call the Landscape Assessment in Clearwater
1734 Country. And in the first phase, along the lines of what Will was talking, it was about
1735 forest structure, and we used historical range of variation to describe what the natural
1736 range of variation of the forest structure would be compared to what it is today using land
1737 fires, satellite data, primarily. And we found that it was out of whack, right? That there's
1738 a lot of disturbance likely necessary to approach the historical range of variation of forest
1739 structure. Okay, that was great on forest structure, and then we started asking, "well, what
1740 about species composition," because we have, you know, the Clearwater National Forest
1741 is white pine- ground zero white pine country, right? And so the Nature Conservancy
1742 Doctor Ryan Halgo took that back and did the landscape assessment phase two, which
1743 took forest structure kind of the same methodology what he did in the first assessment,
1744 and then looked at species composition across the forest in our operating area. And, you
1745 know, this is the platform we stand on for the science-based argument for- and, you
1746 know, it says we need to do a lot of treatment, cut a lot of timber, right? That for the right
1747 reasons, and we'll get all the economic benefits that go with that. So, you know that, you
1748 know, Ryan reported to the IFRP conference several times and people were like, "man, I
1749 wish we had that on our forest." And he went and then he completed that work for the
1750 entire state of Idaho and the East Slope of the Cascades, I think at the phase one level,
1751 just at forest structure, not at species composition. So this methodology is becoming
1752 pretty well-accepted and it's, you know, on the Nez Perce-Clearwater we're doing a
1753 forest plan revision, and it's becoming part of the forest plan revision process to explain
1754 what the future looks like for needed management on the Nez-Clear.

1755

1756 WW: Andy, I'll uh-

1757

1758 AB: Yeah.

1759

1760 WW: Let me talk a little bit more around this experience around Ryan Halgos' work. So when
1761 you're sitting in the Clearwater Basin Collaborative, you're there with the Wilderness
1762 Society, the Idaho Conservation League, the Clearwater and Idaho County
1763 Commissioners, and trying to figure out what it is we're going to do with forest
1764 management collaboratively that meets each other's needs in a way that recognizes
1765 legitimacy of all of the interests around the table. So one of the crucial questions that
1766 when Ryan came forward with his assessment is, would a restoration focus to restoration
1767 management work economically? Would it provide the kinds of jobs that the counties and
1768 the communities needed in order to sustain themselves? And so, you know, the Nez
1769 Perce-Clearwater National Forest is 4 million acres. We're focused on the roaded front
1770 country, right, that portion of it that's not within the roadless area wilderness. That's
1771 about 1.2 million acres. The suitable timber base within it is about 724 thousand acres,
1772 and so when we're trying to answer this question, can forest restoration work
1773 economically for this community, we're on a fraction of the land base of a big national
1774 forest. The analysis that Ryan came forward with indicated that there was about 353
1775 thousand acres of that suitable timber base that needed some kind of disturbance-based
1776 restoration, primarily thinning from below, commercial thinning, and some what you
1777 would call regeneration harvest that would create new openings. Ryan and Bill then sat
1778 down and went through watershed by watershed sort of rough estimates of what would be
1779 the outputs from that kind of a restoration program over time, and it resulted in a sort of
1780 an "aha" moment for the Clearwater Basin Collaborative, because it was clear that it
1781 would require a significant increase in the level of activity in that forest in order to return
1782 those forests on that suitable timber base to a more resilient condition. In other words, we
1783 were able to say, "restoration and economics can go together in this basin."

1784

1785 RT: No, you said it well. You said it well.

1786

1787 AB: Okay, thanks. Rick, what do you think about and what do we mean when we say we want
1788 to restore the forests?

1789

1790 RT: I was just thinking how hard it is for me to sit here quiet and listen to these two guys talk
1791 about this.

1792

1793 [Laughter]

1794

1795 But I support everything they said. We've done a really good job, I think, of getting
1796 everyone on the same page. You know, I think restoration is a tough term because it's not
1797 really well-understood in the public, and maybe even in some of our collaboratives. But

1798 what we really mean is what Will said about restoring the resiliency. We're not trying to
1799 restore a certain point in time, you know, a picture of a forest from, you know, 1934 or
1800 something that, you know, had this particular makeup of stand structures and species
1801 composition and stand densities and all those other things that go along with it. We're not
1802 trying to restore a picture, we're trying to restore resiliency. And what we mean by that is
1803 the ability for the forest to respond in a favorable way, in a way- a predictable way to fire
1804 and insect and disease. They- these forests evolved with fire and insect and disease, and
1805 they're natural components of the ecosystem. But what we do know for sure—and if any
1806 of you read the op-ed in the paper last week about how the sciences on restoration—we
1807 know that those disturbance regimes are changing. The fire regimes are changing, the
1808 insect and disease regimes. And by regime, I mean that reoccurring pattern of fire that
1809 occurred for thousands of years and the tree species, the shrub species, the wildlife
1810 species, the fish, all adapted to that disturbance regime. They figured out a way to survive
1811 and repopulate in those disturbance regimes, but we know those are changing. They're
1812 changing because of the fuel buildup that's happened from a hundred years of fire
1813 suppression, and they're changing because the climate is changing. And as Will
1814 mentioned, because the fires are getting bigger, more severe, I think it was mentioned this
1815 morning, maybe it was Congressman Simpson that only, you know, two percent of the
1816 fires make up this entire amount of fire that's on the landscape here. And so what we're
1817 trying to do, what the collaborative groups are trying to do—and I can say that all eight of
1818 those that were on that map—their primary goal is to restore the resiliency of those
1819 systems so that when fire comes back, and it will, and nobody's trying to keep fire out of
1820 these systems, we're just trying to put them in a condition that when it does come back
1821 they will not only respond in a predictable way, for instance they grow new forests
1822 instead of growing shrub fields or grass fields, which some of the forests- that's what will
1823 happen to them because they're so low elevation and the temperature will change so
1824 much the trees will not be sustainable. But we're trying to make those forests more
1825 resilient, and the reason we're doing that is not just for good ecological reasons. We want
1826 to have those forests in a condition that we can continue to get the goods and services that
1827 we want off those forests. And I mean everything from the timber to the recreation to the
1828 clean air and the clean water that they provide. So I don't- the reason I think all these
1829 diverse interests are working together on this is because we all share that concern about
1830 how these disturbances are changing, the degree to which they're changing, and we all
1831 want those goods and services to remain from those lands to come off those lands in the
1832 long term. So if you don't remember anything else from this conference or this panel,
1833 please remember: the science is in. This is sort of like talking about climate change in a
1834 way. The science is in, and forest restoration, restoring the resiliency of forests before
1835 they burn, before the insect outbreaks occur, works. Thinning followed by prescribed fire
1836 is an extremely effective way to improve the resiliency of the forests, and if you want to

1837 know more about that, come see me. I'll give you a whole list of scientific research
1838 papers that show that.

1839
1840 AB: Okay, thanks. Why don't we zoom up to the state-wide level here and, Will, I was hoping
1841 that you could take a couple minutes to describe how back in 2013, IFRP issued a report
1842 on collaborative forest restoration in Idaho and importantly we articulated in that
1843 document a zone of agreement. And just maybe take a couple minutes to talk about this
1844 zone of agreement.

1845
1846 WW: Sure, and I'll actually go back a little further, even before that report and to the moment
1847 my involvement with IFRP started, which like many questionable calls was over a beer
1848 with a forester.

1849
1850 [Laughter]

1851
1852 I used to be an environmental activist when I was in my twenties, and I got together with
1853 a former Idaho Department of Lands forester John Roberts to talk about that 2010 Society
1854 of American Foresters conference. And it was just over, like, well what should the
1855 conference be about? And I said, "well, you know, I've been noticing this sort of growth
1856 of these local groups, and they don't seem to have any sort of central organization that's
1857 making them appear. There's no central funding source, they're just popping up." So we
1858 in 2010 SAS Conference really focused on who was doing what where, and we found a
1859 really interesting diversity of people working together, essentially in self-invented
1860 organizations. They drew up their own rules, they were not servants of the Forest Service,
1861 they grew up independently. They had developed their own set of objectives. They were
1862 seeking common ground in a way that was different from negotiation. In negotiation,
1863 you're sort of going back and forth, how much are you splitting between the two.
1864 Somebody gets 60, somebody gets 40. They saw their task as trying to work together to
1865 get more collectively and individually than they could've achieved separately. So they
1866 were building trust, they saw a big part of their task was to give the Forest Service the
1867 support and, you know, the phrase is social license, in the communities for moving
1868 forward with projects that were going to be supported by a diverse range of groups. Their
1869 key theme: always restoring forest resilience in light of historic conditions; that there was
1870 pretty broad agreement around doing restoration in dry site forests and around the wild
1871 land urban interface doing hazardous fields reductions there; and interestingly, they were
1872 also developing agreement around other forest types based on this idea of a more diverse
1873 forest mix; that they could agree that the forest timber industry infrastructure was
1874 essential to their needs, in other words, their ecological objectives and that roaded front
1875 country couldn't be met without a timber industry—and then those areas that didn't have
1876 a timber industry were really struggling to accomplish their projects; and that their

1877 projects should be multi-faceted. In other words, under Forest Service law now,
1878 permanently authorized, there's something called a stewardship contract, and that allows
1879 the revenue from the sale of wood products or other products off of the national forest to
1880 be used to conduct certain kinds of restoration activities. So their so-called zone of
1881 agreement, what they were working on, included not just the vegetation treatment, the
1882 logging, the thinning, and so-on, it also included using those revenues to pull culverts, to
1883 decommission roads, to deal with recreation issues, to deal with invasive weeds, and that
1884 the ability to do the other aspects of restoration was an important part of their vitality. So
1885 some of the groups are quite small, you know the Allen Park sustainable fire committee is
1886 really about sort of protecting a matrix of cabins in a lodge [unintelligible] forest, you
1887 know the Clearwater Basin Collaborative has got wilderness on the agenda, economic
1888 development, youth training, and lots of other things. But what was common about them
1889 was that sense that working together they could accomplish more than they could simply
1890 by being separate interest groups.

1891
1892 AB: So, we're going to segue here in a minute to some questions from the audience. Dr.
1893 Freemuth, I think, is sorting through some of the cards there. I want to end this section
1894 with a question to the panel. Basically, are we being successful, is enough being done to
1895 increase forest resiliency given like that one map I had up showing the size and frequency
1896 of fires we've been seeing, and how do we increase pace and scale on our forest
1897 restoration treatments? Rick, want to take a stab at that first?

1898
1899 RT: Okay. Yeah. I mean, the successful is based on how you define success, right? And so I
1900 think these collaborative groups have been around for some- depending on which group
1901 you're talking about, around eight, nine, ten years. And so because I had mentioned these
1902 collaborations take time, you have to hone the zone of agreement, you have to get the
1903 zone of agreement larger so that it encompasses more types of forest, types of lands. But I
1904 would say because we still have eight—that we're tracking on IFRP anyway—
1905 collaborative groups operating, none of them fizzled out, none of them threw up their
1906 hands and walked away, I'd say that's success right there. They- every national forest, I
1907 believe, in the state, perhaps the Caribou-Targhee is an excep-

1908
1909 WW: No, Island Parks.

1910
1911 RT: Is Island Parks part of that? Okay, so every- every national forest has a collaborative
1912 group. So they cover the state. I think that's success. The projects, you know, if you
1913 measure success on the number of decisions that are coming out of the Forest Service in
1914 these- in these areas with collaborative support, those are up- up. In the last three years
1915 there's been ten additional large-scale restoration projects recommended. The diversity
1916 remains strong. I mean, that's always been a concern, you know, these groups start out

1917 with the two extremes, you know, and everybody in between, and if one or more of the
1918 extremes drops off, if you lose the industry, if you lose the environmental community, do
1919 you really have a collaborative anymore? And I would say all the collaboratives have
1920 remained diverse, so I think that is a plus. And then we have an example- I have an
1921 example that maybe I can share later about how the groups have gone beyond just
1922 recommending things to the Forest Service. The Payette Forest Coalition intervened in a
1923 lawsuit on behalf of the Forest Service, so at some point maybe I can give more details
1924 about that. The projects, as I think Will or Bill mentioned, are more diverse projects, I
1925 mean they are more mutli-faceted. They started out as vegetation projects and a lot of
1926 them started out as Ponderosa Pine, sort of the smallest zone of agreement was on the
1927 Ponderosa Pine. Well, now they're on all forest types and they're multi-faceted with road
1928 decommissioning, road improvement, recreation improvement. One of the projects that
1929 the Payette worked on had six vault toilets installed, or the decision was to install six
1930 additional vault toilets at trailheads for recreational purposes, so they've become more
1931 multi-faceted. So I think that's success. And just, before I pass it the baton here, I'd say,
1932 but they're not going to keep up with the fires- the projects that we're doing, the scale
1933 and the pace that we're doing them today is not going to get on top of that fire situation
1934 that you saw on that map.

1935
1936 AB: Bill?

1937
1938 BH: So, no. You know, I talked about some successes, you know, in my getting to the
1939 penthouse ideas, you know. We've made some progress. It isn't enough. I guess one
1940 thing I want to talk about, you know, about increasing the pace and scale is the Good
1941 Neighbor Authority, that it is a new, you know, in the 2014 Farm Bill we got some
1942 authorities that came out of that and I'm not a lawyer and can't speak to the law itself, I
1943 just see the application of what we're doing out in Idaho now with the Good Neighbor
1944 Authority, and to me what it's about is increasing the capacity of the agency to get more
1945 work done. And because budgets, we've heard, are going down, the probability of hiring
1946 more people under federal employees to get things done is low, and so how are we going
1947 to do this? And so, you know, it's about increasing the capacity of the federal agencies to
1948 get things done using state and private human resources to do it. And, you know, my
1949 company Idaho Forest Group is heavily invested along with some other companies in the
1950 state in trying to get this Good Neighbor Authority stood up and going with, you know,
1951 we put some seed money in as well as the state of Idaho and the Forest Service to get a
1952 program up and going, you know. I'm- want to thank Director Tom Schultz and State
1953 Forester David Groeschl for, you know, leading and agencies buy-in for the regional
1954 foresters, for our supervisors, and for this program to get it stood up and going, because
1955 there's common agreement about the capacity needs to get this stood up and going. I'm
1956 proud to report that the Nez Perce-Clearwater sold the first Good Neighbor timber sale

1957 last September, I believe it was, using a federal timber sale sold through the state system,
1958 you know. If that's all it was that wouldn't be enough, right? We know, the state knows
1959 how to sell timber. What we need to do is take these receipts out of that and reinvest it
1960 back into the field work that needs to be done, NEPA work, field work, invest where the
1961 capacity is needed to increase the pace and scale. And so I'll leave it at that. Got
1962 anything?

1963
1964 AB: Will, any observations?

1965
1966 WW: Yeah, Idaho Forest Restoration Partnership does an annual conference, and it brings in
1967 people involved in the collaboratives from across the state. So our 2017 conference was
1968 at the beginning of March, and it really was a remarkable group. We sat and talked pretty
1969 deeply about how we felt about the pace and scale. I think the broadly felt consensus
1970 across the roughly hundred people who were there from all over was that we are not
1971 achieving the pace and scale we're looking for. I think the collaboratives are doing
1972 something really important, they're providing some examples of success and they're also
1973 providing a critical mass of support for practical ideas like the Good Neighbor Authority
1974 that's in the most recent Farm Bill that allows the Department of Lands to implement,
1975 operate—not make the decisions, but operationalize and carry out—some of the
1976 restoration activities on a national forest and use the revenues to keep that kind of
1977 program going. There was a strong sense that the objectives of the collaboratives won't
1978 be met if the agency doesn't have the resources it needs to succeed. We've heard about it
1979 a couple of times here already about the impact of fire suppression and fire budgets on
1980 the overall agency's ability to manage our public lands. And the stats are stark. There's
1981 been about a 40 percent decline in the non-fire staff at the national forests since about
1982 2000, and this trend is accelerating. Congress is budgeting the agency at the ten-year
1983 average of fire suppression. So when they pick next year's, you know, the FY-18 budget,
1984 they'll look at the last ten years. The problem is that with the change in forest
1985 composition, climate change, and so on, that ten-year average isn't a flat line, it's a
1986 rapidly-accelerating line. And the combination of budgeting at a ten-year average, and
1987 then we just got the administration's skinny budget with a 21 percent reduction in the
1988 Department of Agriculture. If that budget cut's carried into the Forest Service and we're
1989 budgeting at a ten-year average without some kind of wildfire funding reform, it's going
1990 to be very hard for an agency to get these projects on the ground. You know, and by the
1991 way, with that 40 percent reduction roughly, looking at the timber harvested and sold in
1992 Idaho since the beginning of- since 2000, it's been staying about the same. So this agency
1993 is getting stuff done, but they need some resources, they need to not be undercut in that
1994 function. Though we heard earlier about NEPA, I think Congressman Simpson brought it
1995 up pretty directly. NEPA, National Environmental Policy Act, it's the sort of bedrock law
1996 requiring federal agencies to look at the impacts of their actions, involve the public, and

1997 consider alternatives. It is expensive. The IFRP group felt- well, we had a focus group,
1998 essentially, a group of timber industry, agency, and contradiction folks in a room talking
1999 about NEPA. And now I'll describe that conversation, keeping in mind that it's an
2000 informed but limited sample. People saw strong value in NEPA. They didn't want it to go
2001 away. Making informed decisions, taking a hard look at what your actions are, involving
2002 the public, they felt were important. They felt, however, that NEPA has moved from
2003 being a tool for producing really informed and excellent decisions to much more of a sort
2004 of data-generating, encyclopedic, large, and grinding process that's process-based more
2005 than outcome-based. And so there's a sense that we need to figure out techniques for
2006 doing NEPA better so that the public is informed about their national forests, they care
2007 about their national forests—they don't want to be cut out—but that we can produce
2008 projects that don't have as much overhead for these- you know, how many of you have
2009 read an EIS? All right, many of you know exactly what I'm talking about. A lot of it,
2010 frankly, isn't adding that much value to the public or to the decision-maker. So how do
2011 we get that right at the Forest Service while maintaining what NEPA really provides us?
2012 Those are some of the things we struggle with.

2013
2014 AB: Okay. Dr. Freemuth, do you have some questions?

2015
2016 JF: Yeah. We have way more than we can answer, but what I'm going to do is make sure
2017 these guys get these because I know how interested they're going to be in this stuff
2018 because I've had the privilege to be asked since their first year to moderate these
2019 sessions. And it really is an example of democracy in action, however bloody and slow. It
2020 is bringing people together, and they're coalescing slowly against some of the divided
2021 rhetoric we often see, especially on national forest policy-making. It's important to stress
2022 that this is primarily about- it is about the national forests. There are other collaboratives
2023 in other states—the Owyhee initiative here is certainly a more desert habitat
2024 collaborative—but just- we want to think about this is what is the alternative to this, to
2025 kind of restore trust in getting stuff done on the land. They have a webpage—I thought
2026 I'd mention it—that's full of both past conferences, the agendas, and some of the science
2027 they've had done to further what they're doing. I just wanted to mention that. So let me
2028 do what we can, and I think, you know, probably for people interested in participating in
2029 the collaborative—you guys have talked about this a lot—how do you stay engaged with
2030 this stuff? Do you struggle to keep folks engaged? When other groups challenge what
2031 you're doing, probably because they don't participate, how do you deal with all that, the
2032 politics of collaboration?

2033
2034 BH: I might take a stab, you know on this that, you know, one thing- I've been doing this nine
2035 years, and one thing I've learned for the collaborative to be sustainable is everybody's
2036 got to get paid, right-

2037
2038 JF: We do? I didn't hear that part.
2039
2040 BH: It doesn't mean financially, necessarily. It could be, you know, everybody who's
2041 participating has something they're working for or you wouldn't be there, right? And you
2042 know, I talked about the diversity of the CBC, I mean we're working on some big land
2043 protection stuff, you know? Some new wilderness, some wild and scenic rivers, and, you
2044 know, my partners in the collaborative know that I'm going to be there for them on that,
2045 right? And I need my- their partnership on the, you know, the active forest management,
2046 you know, it's going to- it took- we learned about the white clouds last night and that
2047 took 15 years. It may take longer in the Clearwater, you know, but it's a long game,
2048 working on that type of stuff. Other folks are there for, you know, recreation. That's
2049 where my point about the diversity being a strength, right? If it's only- if you're only
2050 talking about vegetation management, you're only going to get those folks that are
2051 interested in vegetation management and you have to look at, okay, how are they going to
2052 get paid? And so, you know, others, you know, like local government communities and
2053 whatnot you know certainly they see that the payoff in employment and economics and
2054 fuels reduction, community protection, those types of things, so. I'll leave it at that.
2055
2056 AB: Anybody else?
2057
2058 RT: Well, I would say that the way- I mean, we definitely need to move beyond where we're
2059 at today with the pace and scale, so I think we need to work collaboratively on that
2060 because it's easy for Congress to, you know, look at bills for doing this or that. But if
2061 those bills- like for instance, there's been a number of attempts to get additional
2062 categorical exclusions for NEPA, but if those categoric exclusions don't- if we don't
2063 have agreement in the collaboratives to use those, they don't do us any good. They could
2064 break collaboratives apart if we try to use them and there's not agreement. So we have to
2065 be careful on how we craft ways- I agree that the lawsuits that are out there, the PFC, the
2066 Payette Forest Coalition, we got sued on our second project. It's a huge project and the
2067 morale of the collaborative went downhill pretty quick after we got that lawsuit. Now we-
2068 we intervened, as an organization we got a pro bono attorney from the American Forest
2069 Resource Council and we intervened—I think I was going to tell you about this earlier—
2070 and- and we were successful. The project- the Forest Service's decision was affirmed.
2071 And I just wanted to read one thing, as this may be my only chance to read it, that the
2072 judge said—this was Judge Lodge, who is now retired unfortunately—but in one of his
2073 last decisions in denying the temporary restraining order, which was the first thing he
2074 needed to deal with, he denied that and then one of his reasons for denying it was he said,
2075 and I'm going to just read it verbatim, “moreover, the project was developed in a
2076 collaboration between the Forest Service and a diverse group of stakeholders. Further, the

2077 collaborative efforts of all the defendants”— and we were a defendant, right, because we
2078 intervened in the lawsuit— “in developing the project is in the public’s interest.” So
2079 basically what he said is that the collaborative represented the public’s interest because
2080 we were diverse and we were open, we don’t exclude members, we don’t exclude people
2081 from being involved. So I think then I know that that’s been used in another lawsuit—I
2082 believe it was in Montana—that those words have been used in the defending of a Forest
2083 Service project in Montana. So I do think that there’s ways that we can help keep get the
2084 pace and scale up, but I do think at some point some relief on what I consider to be
2085 frivolous lawsuits is the only way to get NEPA manageable. The Forest Service has had
2086 about 30 years of negative court decisions that have evolved into these documents that
2087 are like Will and others described, and unless they feel—and their attorneys feel—like
2088 there is some protection there from frivolous lawsuits, they’re going to continue to, as I
2089 think Governor Bullock said, bullet-proof these decisions. And that is just taking way too
2090 much time.

2091
2092 JF: Once you get to know these collaboratives, you find out that they’re different. Their
2093 dynamics are different, their personalities are different, and there really isn’t a template
2094 for how they work. That leads to this question, because probably you guys can enlighten
2095 some folks who maybe aren’t as familiar. So it reads, why don’t you have Forest Service
2096 representatives on your collaboration committees instead of making in consensus separate
2097 from them? Not so accurate, is it? Or is it? I mean, they’re different. Anybody want to
2098 weigh in on this?

2099
2100 RT: Well I will start by saying that on the Payette Coalition, I know many people in the
2101 audience probably don’t realize, but one of the first criticisms of the collaboration was
2102 that we were in the pocket of the Forest Service, that we were just another branch of the
2103 Forest Service doing what the Forest Service wants to do, which is log. And so we on the
2104 Payette Forest Coalition—I think this is true of all the collaboratives on our- on our
2105 map— made a conscious effort to not have the Forest Service be members of the
2106 coalition. We need them desperately because they have to implement and we need to tell
2107 them- tell us whether what we’re recommending is implementable, and it’s ecologically
2108 appropriate, economically feasible. We’re going to say whether it’s socially acceptable, at
2109 least partly, but we- so we need them. But we wanted that arms distance from the Forest
2110 Service because we didn’t want to be just another group that the Forest Service pulls
2111 together to do what they already know they want to do. And we push back on them quite
2112 a bit, and I have to say like I said of the Payette Coalition, they understand that
2113 relationship very well, and it works- when you both understand that relationship it works
2114 very well.

2115

2116 WW: There is another- there is another half to that same equation and that is that it's critical
2117 that the Forest Service have a high quality interaction with the collaboratives. There's a
2118 lot of value there. But they also need to maintain their independence, because they're
2119 going to have to run a public process and listen to everybody. So that agency needs to be
2120 able to go into that process able to take advice from people who aren't part of the
2121 collaborative and act on it if it's appropriate.

2122
2123 BH: Yeah, and you know in the Clearwater we refer to the Forest Service as our partners,
2124 right? And we have a high degree of participation pretty much in every meeting, you
2125 know, but we do, you know, they are independent, they are the decision makers
2126 ultimately, you know. Some of our- we have critics, you know, that, you know, think the
2127 CBC has too much influence over the agency, right? And so- but that's how we view
2128 them is as a partner through the process.

2129
2130 JF: Let me close with this, 'cause we'll need to move to the next panel and there's a lot I
2131 think you guys want to know about this then I'll pass this on. The other thing I've seen
2132 during this is at least once I moderated a session with all four of the delegation present.
2133 The Chief of the Forest Service has come to at least two or three of these. The forest
2134 supervisors on the various forests often show up as do the regional foresters. The Forest
2135 Service pays a lot of attention to these people and they're there to support and listen to
2136 what's going on, and that's a pretty- pretty good profound thing 'cause these guys don't
2137 have to do that, but they do. So join me in thanking our Idaho Forest Restoration
2138 Partnership Program.

2139
2140 [Applause]

2141
2142
2143 **Conservation and Recreation (78 min.)**

2144 *LB=Luis Benitez, AK=Ashley Korenblat, PM=Peter Metcalf, JF=John Freemuth, SI=Speaker 1*

2145
2146 S1: -care about public lands across the West. Idahoans care about this stuff. It's a big deal.
2147 So, what I want to do is just, you know, some of you were milling about before and all of
2148 that, but let's just take a minute and if everybody would just stand up for a second.

2149
2150 PM: Oh yeah.

2151
2152 AK: Yay.

2153
2154 PM: Don't go anywhere, just stand up.

2155

2156 LB: That's good.

2157

2158 AK: We could do some yoga.

2159

2160 S1: And let's just sort of shake your head a little bit. It's been a long day. And as you do that,
2161 think about a part of the public lands that speak to you. Think about maybe the sound of
2162 wind through the Aspen tress, or the sound of a mountain stream, perhaps the pull of a
2163 cutthroat trout on the fly line, or the pull on your heart as you're heading downhill on
2164 your mountain bike, or that feel of the first summer's blister. Think about the places that
2165 touch your family, touch yourself, about our incredible public lands and the legacy that
2166 we're so, so lucky to enjoy every time we get out there. And then also think about what
2167 we all can, should, and will do to keep it that way. So please, take a seat. There are so
2168 many different parts of the public lands story, and you've heard many of them today. And
2169 often times when the issues of economics and the issues of the different pieces that stitch
2170 together public lands get discussed in a conference like this, it is often related to the
2171 traditional industries that impact our public lands, timber, mining, agriculture, those kind
2172 of things. And those are- those are really important pieces of the puzzle, particularly
2173 because they touch the rural economy so much. But as all of us walked into Boise State
2174 today, one of the things that I heard a number of people talking about is, "holy smokes,
2175 this place sure has changed, have you seen all the changes of Boise State? All the
2176 different buildings, all the different students, all the different energy that's happening?"
2177 Heard the same thing, people from out of town talking about "Boise. Look at all the
2178 cranes. Every time I leave, I come back and I get lost downtown because it doesn't look
2179 the same." 'Cause it's changing, 'cause it's vibrant. There are all these things going on.
2180 So one of the things that's part of that is Idaho's brand, what Idaho's all about. And it's
2181 not just the history of how we use our public lands. As you were standing up there,
2182 thinking about the places that touch you, you were probably thinking of some kind of
2183 recreation experiences you've had in the great outdoors. Perhaps you were thinking about
2184 wearing a piece of equipment that this guy has sold for years, or a bike, or the industry
2185 that employs you, or the community, the impact of the community, how much the
2186 outdoors impacts your favorite mountain town, be it McCall, Sun Valley, Sand Point,
2187 wherever, across the state. There's this whole growing, changing piece of the outdoor
2188 public land puzzle that is about outdoor recreation. And we have three people here that
2189 are right- not just experts in their field, and not just interesting people in their own right,
2190 but incredibly timely right now in the news because of some of what's going on in the
2191 transition of the outdoor recreation industry. So we're going to- I'm going to introduce in
2192 the order that they'll speak, and the way that we're going to go is I'll do an introduction
2193 of all three, they will speak in the order that I introduce them for about ten minutes and
2194 have the opportunity to just sort of, in a fairly unscripted way, just talk a few minutes
2195 about their impressions of the issue, what they've heard some today, and just sort of

2196 reflections on outdoor industry, outdoor recreation, the whole piece. Then, we'll have a
2197 good chunk of time for questions. I'll start with a couple of questions, but the whole bit
2198 today with the cards—I know people are getting a little tired, but you know, keep it
2199 together and- 'cause this is by intent having this recreation panel last just to spark you a
2200 little bit. So John will be again collecting the cards and we'll have a robust conversation.
2201 So first, Luis Benitez has an extraordinary history and an extraordinary job. He is the
2202 Colorado Office of Outdoor Recreation Industry. Colorado was the very first state in the
2203 country to actually create such a thing, to create an office in the governor's office focused
2204 on the outdoor recreation industry. He is also a leadership consultant, motivational
2205 speaker, he was a leader with the Outward Bound program for a bunch of years. I have
2206 not met him until today, but all these folks say, "boy, you know, you need to go on a trip
2207 with him." And then I started reading up on the kind of trips he does, and I say, "oh, I'm
2208 not the kind of guy that's going to go on one of those trips." He's climbed Everest six
2209 times. He's climbed the seven highest peaks of the seven highest continents- peaks of the
2210 seven- yeah you know what I'm trying to say.

2211

2212 [Laughter]

2213

2214 It's a long day for me, too. I haven't even been doing anything. But anyway, he's climbed
2215 the Seven Sisters, as they say, a total of 32 times. This guy gets out, motivated, serious
2216 outdoor recreationist. But what he has brought to the outdoor industry for the state of
2217 Colorado, is something we'll talk about and learn a bit more about. Ashley Korenblat,
2218 who brought an interesting background going from business school to Wall Street, to
2219 Moab to mountain biking, to being an owner of Western Spirits Cycling, one of the
2220 largest mountain bike outfitters in the United States—maybe it is the largest; from that,
2221 got involved in the advocacy to protect permits, protect access for mountain biking, to
2222 protect this very new and growing and vibrant piece of outdoor recreation, went at it from
2223 advocacy in public lands and then getting I think what many of us in this room have
2224 found is sort of that little spark that comes from how interesting and intellectually
2225 stimulating it is to be in some of these rooms where these decisions get made; and now is
2226 involved with an organization she created called Public Land Solutions to work on
2227 conflict resolution of some of these vexing issues. And finally, Peter Metcalf, who I've
2228 known the longest. For 25 years, Peter has been- had been the CEO of Black Diamond.
2229 And Black Diamond, you may recall if you're spend time outdoors, once upon a time
2230 before Patagonia was quite what it is today, there was a piece of it called Chouinard
2231 Equipment, where you bought your ice axe and your climbing gear, and all that. Peter
2232 bought that slice of the Chouinard enterprise, turned it into Black Diamond, turned it into
2233 a publicly traded, 200 million dollar operation based out of Salt Lake. He is also a
2234 climber of high regard, outdoorsman in many different ways. He also helped bring the

2235 outdoor retailers annual event to Salt Lake City 20 years ago. But the interesting thing is,
2236 he helped take it away from Salt Lake City this year.

2237

2238 [Applause]

2239

2240 PM: No one from Salt Lake here.

2241

2242 JF: All three of them- not everybody in Utah is applauding.

2243

2244 [Laughter]

2245

2246 All three of these folks are very committed to their industry, very committed to
2247 conservation, and we'll talk more about that in the questions. But first, Mr. Benitez.

2248

2249 LB: Thank you. Hi, everybody. I wrote down some notes, so I'll stay to the ten-minute limit
2250 and I won't wax as poetic as possible, 'cause then I'll go over time. But Boise State, go
2251 Broncos. You don't often say that outside of Colorado. It's a little awkward for me to
2252 actually be able to say that and not be referencing Denver. But ultimately, the role that I
2253 have for Colorado— and believe it or not, we're the second in the country to have it,
2254 Utah actually created this role first—it's an acknowledgement at the state level that the
2255 outdoor industry is a significant driver of our economy and our way of life. You've heard
2256 a little bit about the numbers that have been thrown around today around what this
2257 industry does for certain economies at various different states, so in my opinion, if we are
2258 indeed an emerging national economy, and if you know about the Rec Act that President
2259 Obama signed into law to count all outdoor industry jobs and revenue towards the GEP,
2260 you know that those numbers are significant nationally. And if that's the case, we have to
2261 look at it through the lens of just some generally accepted accounting principles. Any
2262 accountants in the room? I know you might not want to admit it right now, but come on—
2263 other than Ashley? Really? So this thing called GAP that accountants go by, and it's
2264 generally accepted accounting principles, and I looked this up the other day. Believe it or
2265 not, under these principles of what you can and can't do based on what you own,
2266 ownership does not have the notion of stewardship attached to it. So if we're looking at
2267 the outdoor industry through the lens of business, under these accounting principles that
2268 are indeed generally accepted across the world, if you own something, you're entitled to
2269 destroy it. Now, if we're at this intersection between defining a quality of life and
2270 celebrating the measurement of what we are and who we are as a part of the national
2271 economy, I ultimately think we need to start looking through this lens. So, how many
2272 people enjoy the Constitutional 202 class we went through today? Anybody else?

2273

2274 [Laughter]

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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.

2315 I have a firm belief that history's going to judge us in this moment by the courage of our
2316 convictions. And within that and to that point, if that's ultimately true, what exactly is it
2317 that we're waiting for? I think the days of thinking that our industry will never be
2318 accepted or influential are done. Take it from the mountain guide who turned into an
2319 organizational leadership development consultant and is now working for state
2320 government representing a 646 billion dollar national industry. The days of pointing at
2321 someone else to figure these things out are over. Now, the potential to recognize and
2322 seize these opportunities, I think, it's in all of us, and we're starting to tell our collective
2323 stories. I know you see it, I see it form every paddling put in to the local gear shop from
2324 the board rooms to Capitol Hill, from our campsites to climbing areas, the trail heads, the
2325 urban parks, I think ultimately what we're talking about right now is becoming the heroes
2326 that we, in my opinion, so desperately need. Now consider for a minute companies like
2327 REI, a co-op who's looking beyond the bottom line to create a movement towards
2328 galvanizing some of these efforts. What gear company do you know that preaches
2329 bipartisanship like United Outside? Anybody seen that campaign? Or shuts down a
2330 multimillion dollar company for a day to prove a point on Black Friday, like that opt
2331 outside campaign? So ultimately it was a desire to be part of this conversation that led
2332 Governor Hickenlooper in Colorado to create my office. And as I was happily serving on
2333 town council in Eagle, Colorado, and consulting for Vail resorts, and living out a
2334 beautiful life in the mountains, he called and asked me if I'd be interested in this role. So
2335 what does this role focus on? Ultimately, we really look through three lenses. The first is
2336 economic development, and now this is not moving companies state to state within the
2337 outdoor industry, but growing the collective innovation that, in my mind, will raise all
2338 votes. Because if I take a company from Idaho and convince them to move to Colorado,
2339 I've done nothing to create net new jobs, I've done nothing to help the overall outdoor
2340 industry economy in the Intermountain West. That's a zero-zero sum game. We have to
2341 look through that collective lens. Which leads to conservation and stewardship. If we're a
2342 multi-billion dollar industry, why do nonprofits keep having to beg for money and scrape
2343 nickels out of couch cushions to do the work that we have to do? We have to start seeing
2344 our natural resources as national treasures, and part of that journey is connecting that
2345 economy of scale. Now, this leads me to education and workforce training. That's
2346 something that we focus on a lot in Colorado. Our industry's been about organic mentor-
2347 based leadership. Peter has an employee that he really enjoys and wants to foster and
2348 mentor, and that employee, in turn, slowly grows through a company and organization. If
2349 we're a mutli-billion dollar industry, where is the MBA for our industry? Where are the
2350 advanced manufacturing degrees for our industry? How is academia keeping pace with
2351 what we need to do? This all leads to capturing industry innovations, and it should be
2352 about embracing all of these changes and opportunities, supporting them, fostering them,
2353 guiding them, rising to the occasion, and not hesitating. So I'm hoping that more states
2354 create roles like mine to galvanize this dialogue, to bring all of the different

2355 constituencies together, to have a collective voice. Because in the face of all these
2356 amazing opportunities for our community, in this moment of gravity and momentum,
2357 there's only one thing about our industry that gives me pause, and I'm sure all of you
2358 have felt this way at some point. The terrifying fact about this amazing, dynamic industry
2359 is not that it's hostile, but that we can simply be indifferent. That's not happening in my
2360 backyard. I don't need to worry about it. I'm going to worry about my trail, my
2361 watershed, my ecosystem, and that's going to be enough. I ultimately think if we can rise
2362 above that indifference, our existence as a tribe can actually have genuine meaning. Does
2363 anybody know the Margaret Mead quote that I'm about to drop on you right now? Can
2364 anybody guess what I'm about to say? "Never doubt that a small group of thoughtful,
2365 committed citizens can change the world; indeed, it's the only thing that ever has." So if
2366 we are in this moment and in this place that we're going to find our voice and our
2367 courage and our strength, ultimately, I think we're going to have to find those magical
2368 connections that drive that dialogue. So I'm going to end my ten minutes with a story. As
2369 was mentioned, I was someone that ran a Himalayan guiding company for about ten
2370 years, focused on guiding the seven summits and other mountains all over the world. It
2371 was an incredible time to run a business in some of the most iconic locations globally.
2372 And I want to share this story with you because I think it shares that the issues that we
2373 face are not ubiquitous to the United States or Europe. They're global in concern. So this
2374 friend of mine, Ang Tshering Sherpa, he was one of my very best friends, went with me
2375 on absolutely every single Himalayan expedition I had ever been on until he was killed
2376 two years ago in the big avalanche that hit Everest base camp, if any of you follow
2377 Everest lore. But after every single trip, I was really excited to go down to his village in
2378 Pame and talk to his father, who actually worked in Sir Edmund Hillary's trip in 1953 as
2379 a thirteen-year-old cook boy. He actually has a Coronation Medal that Hillary brought
2380 back from the Queen for serving on his trip. And I was always so excited to tell his father
2381 everything that we had done, successes, failures, all the things that were in front of us and
2382 the things that were behind us. And after every single time hanging out with him, he
2383 always asked me the same story with Ang Tshering translating. He would look me in the
2384 face and he'd say, "Lulu, it sounds like you had fun with my son and brought more
2385 money and white people to my country. Thank you."

2386
2387 [Laughter]

2388
2389 "But answer me this question. What is it that you do every single day that will make my
2390 grandchildren's world better? If this industry is so big, what is it that you do every single
2391 day that will make their world more extraordinary?" Getting a little bit older and
2392 hopefully a little bit wiser, I realize now that Ang Tshering's children, his grandchildren,
2393 represent our children. It's this journey, this moment, right now that we have the
2394 opportunity to capitalize on galvanizing that effort for them, not just for us. So in the face

2395 of all of that, which is ultimately, I think, the most important, let us not squander that
2396 opportunity. Thank you.

2397

2398 [Applause]

2399

2400 AK: Okay, I've got to stand up to keep the level. That was awesome-

2401

2402 LB: Thank you, Ashley.

2403

2404 AK: -I never thought you'd start with GAP. That was great. Thanks, everyone, for being here,
2405 and thanks to the Center for hosting this. It's a really important time and a really
2406 important topic. So, yeah there I was on Wall Street, dragging my bike or my skis out of
2407 the city every day and hating it. And in between Wall Street and becoming an outfitter, I
2408 ran a bicycle factory that manufactured titanium bicycles using the same tubing that
2409 Boeing uses and ordering it in the same quantities with the same lead times. That was
2410 challenging. As an outfitter, we work in- I have over- we're one of the largest holders of
2411 recreation permits on the public land system, because bike trips go over different
2412 jurisdictions. So in one five day trip you might- you might go through a national park and
2413 some BLM land and some forest all in one trip. During all of that, at some point I served
2414 as chair of IMBA, the International Mountain Bicycling Association, and when we first
2415 formed, we were really excited about hiring an executive director and we offered this guy
2416 the job, and when he found out that we only had 16 thousand dollars in the bank he
2417 turned us down. Can you believe that? And during the time that I was chair, IMBA then
2418 went to something like over 5 million dollars in the bank, it was very crazy and exciting
2419 time. So, I thought I was done. I'd served as the chair, I'd done what I could, right? I'm
2420 out. Going riding. And then I got this call at the beginning of the Obama administration.
2421 There were lots of bills, wilderness bills that would've possibly affected bike trails. And
2422 the bike industry really does not want- the bike industry wants to be the answer to all
2423 problems, from air quality to obesity to- the last thing the bike industry wanted was a big
2424 fight with the environmental community over some trails. And Peter always said,
2425 "Ashley, can't you just give up a few trails?" And I was like, "it's okay until it's your
2426 trail, right?" And that was the challenge. And so the bike industry- they raised 600
2427 thousand dollars in one night and they said, "Ashley's going to start this program to work
2428 on these 30 different public land bills around the country." And it was fascinating. I
2429 learned about- I saw how different staffers did it, I saw how different counties did it, I
2430 saw how different senators and congressmen did it, and everyone had a different way of
2431 trying to come to a compromise, trying to make it work. And one of my favorite quotes
2432 that I learned was actually from the timber industry and from one of the collaboratives,
2433 and it was, "you know you have a good deal when you have a vested interest in your
2434 opponent's success." So when you figured- so what does that mean, the opponent? In this

2435 whole conversation about public lands, what we're really trying to understand what is
2436 important to your opponent. So, when you think about what that means for how we get
2437 through the public lands conversation, I've kind of come to the conclusion that I'm done
2438 with the values thing. I don't really care about your values. I'm actually- what you see
2439 when everybody is so focused on their values, we end up painting ourselves into a corner
2440 and now we can barely talk to anybody who doesn't share our values. So instead, we've
2441 become really focused on shared desired outcomes. So how do we get to a place where
2442 you're getting what you need and we're getting what we need? How do we find that
2443 place? And what do those needs really mean, anyway? So we created public land
2444 solutions to help communities that are looking to supplement resource extraction revenue
2445 as part of- as an economic driver by adding recreation as an economic driver. So, you
2446 know, what we see with resource extraction, right, is that commodity prices are set by
2447 worldwide markets. Sometimes regulation has an effect, but mostly it is world-wide
2448 markets. So that puts these communities on a roller coaster. And right now with the drop
2449 in oil and gas and coal prices, there are lots of county budgets that are not going to
2450 balance. It's a big challenge. So what's the opposite of a commodity? It's a branded
2451 product, right? So when you think about a community choosing to develop a brand for
2452 itself, to be something that can only be- that is unique, right? There is nowhere like
2453 Stanley, Idaho. There's nowhere like Fruita, Colorado. Each community has an
2454 opportunity to develop a brand that is unique to them. Okay, so now I'm pausing for a
2455 short history of land, okay? 'Cause I think there's a lot of things that we kind of touched
2456 on today that we need to really get to the bottom of. So, what is land ownership, right? So
2457 probably it started, we were nomads, somebody planted a seed, that caused them to stay
2458 there to watch the seed grow, maybe there was ore coming out of the earth. They figured
2459 out that land ownership was a great way to generate wealth and protect themselves and
2460 their family. And really for most of the history of mankind, land ownership was one of
2461 the best ways to generate wealth. I mean, think about it, like if Luis was the duke and I'm
2462 the peasant, his family's getting richer and richer and I'm not getting anything, right?

2463
2464 [Laughter]

2465
2466 And then- but then we all move to America and it's this great opportunity because now
2467 we can all own land. And then we had the Homesteading Act. But the thing is, there was
2468 a bunch of land that was left, mostly because it didn't have water, or it was vertical, or it
2469 was just generally not a great place to live and farm. There was no way to grow
2470 vegetables there. And so that led to these vast tracks of public land. So now imagine if
2471 your grandparents, which some of yours were, were homesteaders, they were out here
2472 and they're making a living in the West, and they're doing it through self-sufficiency and
2473 living off the land, and by definition, they're basically badassess, right? I mean, they are
2474 tough. So then all of a sudden, these federal land managers show up, mostly college kids,

2475 right? The first group- and they show up in town and say, “we’re the man.” So the whole
2476 thing started off on a bad- on a bad note. So this idea- the moral value- to claim that it is a
2477 moral value to conserve the land, what I see out there is this other moral value that has to
2478 do with feeding your family, and until we sort this out, there’s going to be this tension
2479 between the right to use the land to keep yourself alive and the need to conserve it. And if
2480 you really- so what does that mean? Really, everyone is looking for sort of survival and
2481 prosperity, and those of us that are concerned about climate change feel that land
2482 protection is going to be a big part of survival and prosperity. But you know the coal
2483 miners in carbon county Utah? They don’t see it that way, and neither do their county
2484 commissioners. So, how do we solve this problem? Really, what’s happening is we’re
2485 pivoting from a time when private land-ownership was the best way to generate wealth to
2486 a moment when shared public land is actually the best way to generate wealth. And I-
2487 you know, when the county commissioner from Twin Falls, Commissioner Kramer, was
2488 telling his story about attracting the businesses to Twin Falls and how great it is, it was all
2489 I could do not to get up and do a little dance, because that is the story, that is the pivot
2490 that we’re making as- because shared public land is what is leading to prosperous
2491 communities. Healthy landscapes are leading to healthy economies. So that’s why we
2492 created Public Land Solutions, and we’re doing a lot of different things, from individual
2493 community consulting—we’re doing a big congressional briefing at the end of April
2494 called the Prosperous Communities Initiative; come to D.C., you’re welcome, we’ll get
2495 you in—and we’re also working on a conference where communities can share best
2496 practices, I’m totally recruiting Commissioner Kramer. But so what we’re working on is
2497 finding ways to use shared public land to attract both visitors and businesses, helping
2498 communities who were previously really dependent on resource extraction, see the value
2499 of keeping the public lands healthy, and using best technologies and best practices on
2500 those lands to basically protect our shared heritage.

2501
2502 [Applause]

2503
2504 PM: All right. Hey, good afternoon. It’s great to be in what Outside Magazine called “the best
2505 mountain town in America to live in,” Boise, and being here I can understand why it is.
2506 It’s a great mountain town with amazing recreational opportunities. So what I’m going to
2507 talk about in my ten minutes is to give you a little bit of insight into the evolution and the
2508 role of the outdoor industry in public land policy and advocacy. And I’ll focus
2509 particularly on the outdoor retailer trade show, since people seem to be very animated
2510 about that right now. And to accomplish this- and I’m going to do that also because it’s
2511 not the industry, it’s a small tip of the iceberg of the industry, but it is the most tangible
2512 tool, weapon, asset, vehicle, whatever you want to call it that we have had in times trying
2513 to effect policy. And then to accomplish this, I’m going to define some terms for you,
2514 who the industry players are, give you a little bit of historical context, and give you a few

2515 facts on this industry. So let me just kick it off here. So as Luis said, it's a 650 billion
2516 dollar contributor to the GNP if you wrap up all aspects of outdoor recreation in America.
2517 I think the most important point that I want to make is that it is one of the few industries
2518 that America still dominates on a global basis. If you think about the iconic brands that
2519 are global in the outdoor industry, they're all American. And I would argue there are
2520 several reasons for this. Number one is that we, in America, have access to the most
2521 beautiful, wild, well-stewarded, pristine, accessible public lands- wild lands in the world.
2522 And at least as I think about BD, that I think about my competitors, their source of
2523 intimacy to what our customers need, that intimacy yields insight into our customer's
2524 need, and out of insight comes innovation, and we are the innovators of the world with
2525 our products, and I will credit the public lands for that. Secondly, the public lands, the
2526 landscapes that we have in America, they're iconic. They're iconic on a global basis. The
2527 last two years, visitation to our national parks have seen compounded double-digit
2528 growth. We have the most accessible wild lands- the safest, most accessible wild lands
2529 imaginable in the world that people from all over want to come visit, so when people
2530 from China or Japan or Europe or Australia think about wild places and think about
2531 brands, American brands are all associated with that. And these landscapes are certainly
2532 our answer to Europe's historical, iconic features like the Sistine Chapel or the like. And
2533 then, last and not least, at this point in time there's a number of lands being made. You
2534 know, what these landscapes can- this is America's competitive advantage. They can't be
2535 ripped off in China, they can't be done more cheaply in Bangladesh, they're right here.
2536 All we have to do is protect them and preserve them. So let me talk a moment about the
2537 industry, just to give you some insight, because it's talked about sometimes in amorphous
2538 ways. There are really four parts to the outdoor industry. The first one is the Outdoor
2539 Industry Association. It's a trade group like many other trade groups. It is made up of
2540 companies that consider themselves outdoor companies. It is a lobbying organization, it is
2541 a group that helps produce a trade show, it takes policy positions, it goes to D.C., but it's
2542 a trade organization. Secondly, there's Outdoor Retailer, that is a for-profit trade show,
2543 nothing to do with OIA other than the show is produced for OIA by for-profit corporation
2544 of which OIA gets a meaningful amount of revenue that funds it. Then we have the
2545 Conservation Alliance. The Conservation Alliance is made up of the same companies that
2546 are in OIA, and it was founded 25 years ago, and it's a tithesing group. If you want to
2547 join it, you give a certain percentage of your revenue to the organization, and a hundred
2548 percent of the money that we raise among the Board of Conservation Alliance that we
2549 raise, we give out twice a year to conservation slash wilderness organizations, groups that
2550 are advocating for, fighting for, and trying to champion preservation of some part of
2551 North America's fantastic landscapes. And last year, we gave out about 1.7 million
2552 dollars. In addition to that now in the changing times, we, as part of the Conservation
2553 Alliance, have funded an advocacy position and we do go to D.C. and we are picking up
2554 what we do in lobbying, advocating for those groups that we fund and help as well as

2555 now with the new position we've just created, working to engage the employees of our
2556 member companies, of which there are tens of thousands—that's sort of our army, it's
2557 going to be our missionaries, to work through social media, through lobbying, through
2558 letter writing, through joining the grassroots organizations, to advance an agenda. And
2559 that agenda, we feel, is integral to the continued vibrancy and growth of outdoor
2560 recreation in America, which is I said is a huge industry here. And then last and certainly
2561 not least, the newest organization is the Outdoor Alliance, which is an umbrella group of
2562 all the leading user-advocacy groups in America of whitewater enthusiasts, of climbers,
2563 mountaineers, mountain bikers, and the like. And that is an organization supported by its
2564 specific discreet user-advocacy groups, and it is building up quickly a social media
2565 following and direct customer support so that it can deploy in letter-writing campaigns, in
2566 social media campaigns, and at the regional basis, tens of thousands of people who can
2567 support advocacy for public lands for their protection, their preservation, and the like. In
2568 addition, it is working closely with land managers, with Forest Service, etc., in
2569 identifying, what are the gems for hiking, for climbing, for whitewater running, for
2570 mountain biking, and the like, to protect these areas? The goal being that the outdoor
2571 industry comes at conservation at- through the recreational lens. So let me, I think I've
2572 got only a few minute left, so I've about run the clock. But let me just say this is that the
2573 industry is small. It is young. And it wasn't until 1989, well, the late 80s, that it got
2574 engaged in any kind of public policy. Up until that point, there was no OIA, there were
2575 no user-advocacy groups. We were a part of actually a much larger trading group, very
2576 loosely affiliated, and then we had the big bang that hit the outdoor industry, which is
2577 what I call the confluence of several big mega forces that almost threatened to take the
2578 industry down. The revolution in tort law that made it very risky for land managers to
2579 allow people to come ski or climb or mountaineer are in public and private lands. It made
2580 it very difficult for companies that, like the company I was running, Chouinard
2581 Equipment, to make products and not get sued out of existence for failure to warn. And
2582 that was the demise of Chouinard Equipment. The industry also recognized that if it was
2583 going to continue, it needed to have its- a organization to advocate for it, and that's what
2584 gave me the opportunity to create Black Diamond, and quickly decide that I wanted to
2585 relocate that company to a town that- where a location would reside on the asset side of
2586 the balance sheet, and that was, in the end, Salt Lake City. And I chose that after a very
2587 systematic search of the West. I wanted a place with access to incredible public lands to
2588 inspire my employees, to inspire ourselves. And that's what we did. As far as the trade
2589 show goes, what I'll share with you is that the trade show's young. The Outdoor Industry
2590 trade show really began as a discrete entity in 1989. After getting to Salt Lake with Black
2591 Diamond in California in '91, I made a decision that I made the right choice, but like all
2592 of us that want to affirm that choice, because we're not sure if it was right when you're
2593 the only outdoor- only ski company in the whole region, there's no others, and you think,
2594 it'd be good to have other companies there in a show. So I spent a couple of years

2595 working to recruit the trade show there for the same reasons I moved my company, Black
2596 Diamond, there. But it was not until 2002 when then Governor Leavitt cut a deal with
2597 then Secretary Norton in the Bush administration to end litigation in RS 2477 claims and
2598 the wilderness inventory areas that were being protected in Utah, like wilderness study
2599 areas. And at that point in time I thought, you know, this is kind of crazy. Here's an
2600 industry that has grown up in this state since BD came here over a decade earlier. We
2601 have the largest trade show in the state. We haven't asked for government largesse
2602 handouts or any other kind of favors. All we want to do is have a government that doesn't
2603 work at cross-purposes with the fastest-growing industry in the state, and here we have
2604 the governor working to basically take down the industry by beginning to dispose of the
2605 lands, to ruin the wild areas that are so integral to the vibrancy of this industry. So at that
2606 point, I penned an op-ed piece basically threatening to take the show out, since I had
2607 basically brought the show there. And it caught the imagination of the industry. The
2608 industry got behind it very quickly. And it began a period of long engagement by the
2609 industry that continues to this day in public policy. It was the catalyst to the creation of
2610 the recreational economy study we do. It was really the forerunner to the Rec Act. But it
2611 was the recognition at that time that we as an industry are the people we had been waiting
2612 for. We can't just be a side-kick to the conservation community. We have to be a third
2613 column. We have to act like any other industry and talk about jobs, talk in the universal
2614 Esperanto, the almighty dollar, and talk about what kind of economy do you want, a
2615 boom and bust extractive industry economy run by the man, or do you want to pull
2616 yourself up by the bootstraps and be the rugged individual and have more of an
2617 entrepreneurial culture that comes with outdoor recreation, which is what it really is. It's
2618 an entrepreneurial culture. So it's not the snail daughter versus the jobs, it's a debate over
2619 jobs versus jobs, just what kind of jobs, what kind of economy. And I think we've gotten
2620 pretty far in that. What I will share, and I know I'm out of time, but I'll wrap it up with
2621 the last tradeshow, was that because of the Obama administration and the focus on D.C.
2622 and frustrations in Utah, I think as an industry, we were really focused on the Monument
2623 Campaigns working nationally on how to help to get some of those across the finish line.
2624 And it wasn't really until in the last year that I began to recognize, really it was summer
2625 of 2016, that Utah was turning more and more- I hate to say against the industry, but was
2626 ignoring our policy, our positions, what was important to us. And as it got worse and
2627 worse I began to realize, okay it's 2002 all over again. It is time to really organize the
2628 industry, galvanize them over a set of policy issues, and move to choreograph this to a
2629 crescendo at the January tradeshow because it's a media event without an event. So far
2630 more interesting than talking about the latest Gore-Tex is to set up the situation for a
2631 mighty conflict with the leadership of the state. And it worked. And the industry stood
2632 strong and we went toe-to-toe over a set of what I would call the most egregious anti-
2633 public lands policies in America—I think Utah has been the birther state of these policies
2634 that have metastasized and grown nationally—and we were able to get the industry to

2635 stand strong, go toe-to-toe with the leadership—not that we wanted to move the show, we
2636 want to change the policy. And clearly in the end what we learned was what we brought
2637 there with 50 million dollars in direct spending another trade show, bike show on its way,
2638 a large industry segment, it didn't matter and it was time to not only make a point but
2639 make a difference by making the decision to go. And with that, thanks for indulging me,
2640 as it ran over time.

2641
2642 [Applause]

2643
2644 S1: One of the things that I think is important about the outdoor recreation industry is I think
2645 a lot of folks think of it as a little service provider, the small shop in town that it doesn't
2646 really add up to much or that it's not real business. Peter's a member of the Federal
2647 Reserve. I mean, he's taking this stuff seriously. This is a big industry, 50 million-
2648 imagine Boise having an event that brought 50 million dollars in direct spending from all
2649 these people who came from out of state to leave their dollars in your state. And as he
2650 said, some of the things that we've been doing here in this state to build support for
2651 public lands, to build the collaboratives, to have 26 hundred people at the State House,
2652 gathering to support public lands, all those different things hopefully will keep our state
2653 from going down the paths of what happened in Utah. But in terms of the questions, I
2654 think with Ashley, one that I'd like to ask you is just the personal journey. We're talking
2655 about industry on one level, but I think that a little bit of the personal, going from Wall
2656 Street to a business to personal advocacy and really getting into this. I'd like to hear a
2657 little bit about that.

2658
2659 AK: Well, when I graduated from business school, the dorkiest job was to work for Regional
2660 Investment Bank. Like, that was not cool. Today, one of the coolest jobs is to work for
2661 Goldman Sachs in Salt Lake City because of all the access to the outdoors. So, it just- I
2662 mean, my journey sort of parallels what I think is happening in the country, that people
2663 are ready- quality of life is becoming more and more important than getting ahead. And
2664 you know, Google just set up a campus- is in the process of setting up a campus in
2665 Boulder, Colorado. We've already bashed New York and Texas, just close your ears for a
2666 sec. No- no but I mean the reality is that Boulder- they're going to get to Boulder, they
2667 think they're moving to the Hinterland, right? They're going to get to Boulder and find
2668 out that it kind of has kind of like California, right? So what does that mean? It's going to
2669 start to spill. And it's happening here already, but it's also going to happen in, I mean-
2670 and it's happening in Twin Falls, for crying out loud, right? So it's going to be happening
2671 in Green River, Utah, it's going to be happening in Delta, Colorado. And these are
2672 places- Delta is a place where a coal mine, you know, has recently- or coal operation has
2673 recently closed, so these communities are looking for the next wave, and we need to be
2674 there and help make that happen. Now, you know, Uintah County, Utah is trying to

2675 attract- I know I'm way off topic now- is trying to attract Lockheed to their- Lockheed
2676 Martin to build in Uintah County, and I don't know, I just don't think you're going to
2677 build a billion dollar facility in a community that's kind of fighting to keep their air bad.
2678 So, the results on what happens- how these macroeconomic trends about what people
2679 want are going to affect our ability to protect the land and the resources is significant.
2680 And that's where, I think, a real opportunity is, and that, I think, is also kind of what
2681 happened to me.

2682

2683 S1: Mhm. Good close, you brought it back.

2684

2685 [Laughter]

2686

2687 Luis, the whole issue of what you said about the founder of Outward Bound really
2688 resonated to me and just the challenge. I know that a lot of people in this room are
2689 concerned about the kids sitting there looking at the phone all the time and not getting
2690 outside. How do you connect your personal journey to the- of leadership, of climbing, of
2691 this sort of exceptional pursuit of outdoor experience to our future?

2692

2693 LB: Well, I mean for mean personally, it was about getting healthy. I was a really sick,
2694 asthmatic, wheezy little kid with a dad from Latin America and a mom from the Midwest
2695 and found a National Geographic magazine talking about the first American expedition to
2696 climb Everest, and turns out Jim Whittaker also has asthma and allergies. So I remember
2697 being eight years old, dragging this magazine into my parents' bedroom and saying, "this
2698 guy has what I have. When I grow up, I want to be a mountain guide. I want to climb
2699 Mount Everest." That's all I ever told anybody that asks me, little boy what do you want
2700 to do when you grow up? That's what I would say, and then I'd take a puff off my inhaler
2701 and I'd go wheezing down the road.

2702

2703 [Laughter]

2704

2705 So I think the outdoor industry teaches you the art of impossibility. I think that's what
2706 we're good at. I think if you give us some of those instances that where you say can't be
2707 done, shouldn't be done, bad idea to even try, that's where we rise above. I think that's
2708 part of being out of your comfort zone. And I would say for this generation and moving
2709 forward, there are still opportunities there but you have to look at them through a very
2710 finite lens. So I'll give you a really quick story as a closing example. I was in Seattle for a
2711 meeting a couple of months ago, and I love to take evening runs down on the waterfront.
2712 It's just, you know, being in Colorado, we'd love to have an ocean. We don't. So it's nice
2713 to get that sea air. And when I was down on the waterfront running, I saw this young
2714 woman who had a black hoodie sweatshirt pulled over her head, she was looking at her

2715 screen, clearly by her complexion, did not see the light of day very often, and nose into
2716 the screen. But I could hear the noises coming from her phone and I knew what game she
2717 was playing. Anyone here play Pokémon Go? Don't be ashamed. Come on.

2718

2719 AK: My son.

2720

2721 LB: Anybody know what it is?

2722

2723 AK: Oh yeah.

2724

2725 LB: So it's kind of like a geotagging game where you walk around with your phone and,
2726 ping! There's a point, and 20 meters over here, ping! There's another point. And so I saw
2727 her doing this and she was clearly looking for one of the markers. She got one, and five
2728 seconds after she got one, she stopped and she looked up out at the ocean and just stood
2729 there for five seconds. And I counted in my head, one one thousand, two one thousand,
2730 three one thousand. And I think our journey forward right now is to capture those five
2731 seconds and turn it into five minutes, turn the five minutes into a chosen five hours in the
2732 back country. Because it's not like the door's not there, we just have to figure out how to
2733 define what walking through it now looks like. So that intersection between technology,
2734 the current generation, how we can capture some of those pieces, the opportunity's there,
2735 we just have to continue being innovative and thinking out of the box.

2736

2737 S1: That's great. Peter, you're obviously a businessman. You've been very serious about
2738 business. Yet at the same time, the times I've seen you most is walking around
2739 Washington D.C. lobbying. And you're doing the same thing I'm doing, which means
2740 you're not doing business. You put an incredible amount of time into conservation, and
2741 how do you- talk about that balance and why you do it.

2742

2743 PM: that's a great question, and I should begin by saying I did retire out of Black Diamond a
2744 year ago, so I'm devoting my time to a split between some consulting business and a lot
2745 of nonprofit work in trying to make more time to play. I do think it is a very- I mean, but
2746 up until this point- that point I did run BD, and I mean to me it's- I guess I'll say it a
2747 couple of different ways. The first one is that for a business like Black Diamond, if we're
2748 going to have a sustainable future, it's because we're creating a sustainable
2749 environmental situation. The outdoor industry in America is very dependent on these
2750 public lands, that they are protected, that they exist, that they are well-stewarded, that
2751 they're well-funded, and it is just having that discipline to understand you cannot do this
2752 just for the short-term, you have to do it for the long-term. Secondly, I think that if
2753 you've heard of BD—it's a company I am proud of even though I have now pretty much
2754 departed—but what I will say is that I think the- its brand footprint is exponentially larger

2755 than its revenue footprint. It's really a pretty big fish in a small pond. But the reason that
2756 its brand footprint is what it is, is because- and it did well is because the customers
2757 rewarded us for doing good by allowing us to do well. Meaning, if your brand stands for
2758 something, if you champion the issues of great importance that are important to your
2759 customers, it becomes an integral component and part of your brand, and customers today
2760 more than ever, I do think, make very deliberate decisions on what brands stand for, and I
2761 think that's never been more important. So that's part of the way you have to make time
2762 to carve that out. And then one thing you didn't ask, but I wanted to just jump on this and
2763 to share is that I recognize that there is a lot of this vocation, too, in rural America as the
2764 extractive industries wane and the recreation economy moves in. It's hard, but I think one
2765 of the things we have to recognize is that—I'm going to make an analogy here—is that
2766 who here has got an- a lot of people here have smart phones. I want to see a show of
2767 hands of who, ten years ago, had a Blackberry. Who here today still has a Blackberry?
2768 Son of a gun. The point I'm going to make is that iPhones replaced Blackberries because
2769 they had become anachronistic. And I look at our leaders and our legislators, at least in
2770 Utah, and what they're championing. They're championing the legacy industries of the
2771 late 1800s and early 1900s as opposed to embracing the industries that are driving Boise
2772 forward and the Wasatch Front forward, and the Moab area forward and whatnot, and if
2773 we- if- this is a call to our elected officials to look out the windshield, quit looking in the
2774 rearview mirror, embrace the future, and don't try to keep alive things that are dying. And
2775 in Utah, I've made the joke that Utah- if the state of Utah owned Blackberry, iPhones
2776 would be outlawed or you could only get them at the state liquor stores-

2777

2778 [Laughter]

2779

2780 -if you are a state employee you'd have to carry a Blackberry and we would have wasted
2781 probably a billion dollars of taxpayers' money keeping Blackberry alive. But we don't do
2782 that in capitalism. And likewise, our public leaders, in conjunction and in partnership
2783 with Outdoor Industry and other companies, need to help communities transition to the
2784 future, and they need to embrace it with excitement and gusto because there's an
2785 incredibly bright future out there for rural- the rural West, and we're seeing it here in
2786 Boise. We're seeing it in Escalante Grand Staircase, we're seeing it in many places, and it
2787 could happen all over if we can get the leadership to understand how business can partner
2788 with them by being honest and being bold.

2789

2790 S1: Okay, John. Some questions.

2791

2792 JF: We'll go a little bit longer because I've got the summation of the whole thing, and I don't
2793 need a half an hour, and I've got people watching the bar to tell me when everything gets
2794 set up up there, and rule number one when you close is you don't go into that, all right?

2795 But let's- let's ask some hard questions here. Prefacing that I was a National Park Service
2796 ranger in the Red Rock country in the 70s, Glen Canyon, and I went to Moab, so- here's
2797 the question, and it's probably the downside or at least what's the creative answer to this.
2798 Can- what happens when we get a Moab of the year 2016 that's hyper-crowded and
2799 uncomfortable to a lot of people? In other words, what we used to say about the national
2800 parks being love to death. What do we do about that, according to this question here?
2801

2802 AK: So, our organization Public Land Solutions is grappling with just that, and part of the
2803 work that we're doing is- well let me back up for one second. You have to protect the
2804 quality of the experience. So if you let it- like right now, it's pretty much- if we were
2805 hiking to Delicate Arch, I would be this close. I mean it's- there's - it's so crowded- the
2806 quality of the experience is suffering. So when you put the business lens on the problem,
2807 you can't let- you can't let the ex- that's what we're selling, so if the quality of the
2808 experience is decreasing, we have to take steps to fix that. And one of the things we're
2809 looking at is front country versus backcountry recreation, and one of the great things is
2810 small great thing, very small great thing about the youth knowing how to use their
2811 phones, is that they do know how to make reservations. So when you think about- so
2812 there's the front country backcountry distinction, so you're creating front country
2813 recreation that's accessible to a lot of people, that's easy to get to, that's sort of short-
2814 term and you manage that for some volume, and then you have backcountry recreation
2815 that is aspirational, more challenging, and that's managed by permit. So- and there is a
2816 huge opportunity to spread the love. There are so many communities around the West
2817 that have incredible public land where we need to get away from just the anchored
2818 tenants at the mall like Arches and Canyonlands and Jackson and Aspen and that kind of
2819 thing. So I think that we have some space.
2820

2821 PM: I'll just jump in and say that I agree with all that Ashley's saying but I'll just add one
2822 point to it or emphasize it and that is why we need the new national monuments; that is
2823 why we need to protect these last great landscapes, because they give us that overflow.
2824 The population is growing, interest in active outdoor recreation is increasing, and we
2825 have- we have the landscapes here. Let's protect them, let's steward them, let's fund
2826 them, 'cause they are our future.
2827

2828 LB: Yeah, I'll just- I'll just share one thing, and it comes in a really quick story. So I have a
2829 good French friend, I call him my French friend because we went through guide school
2830 together and he smokes- chain smokes cigarettes. He loves blowing the smoke in my face
2831 and saying, "ha-ha, American, I kill you with secondhand smoke," 'cause he loves all the
2832 American statistics and thinks that we live or die by metrics and measurement and he's a
2833 crazy guy. But he lives in Chamonix, and he always says, "you Americans with the
2834 Wilderness Act. You live life through the Wilderness, with a big W. Don't touch it, just

2835 look at it through glass, don't experience it, but if you experience it only experience it
2836 this way." He says, "we in Europe- look at Chamonix, look at everything that we do. We
2837 charge money to come here and play, for permits, for everything, people can base jump,
2838 climb, ski, bike, hike, boat, fish, hunt, do all of these things in a very dense urban
2839 corridor, but there is no management by closure. There is management by inclusion, but
2840 you pay for it." Now, we have things in the United States that are sacrosanct. When you
2841 talk about the Wilderness Act, when you talk about the Antiquities Act, when you talk
2842 about some of these things that when you look at the evolution of a highway, right, and
2843 how the transportation system in our country evolves. In Colorado we have this thing
2844 with I-70 that the joke is it's a highway that was built in the 1950s that was finished for a
2845 1970s population that could ultimately handle a 1980s growing population, and that's
2846 where the conversation stops. So when you start looking at greenbelts, when you start
2847 looking at monuments and how we permit some of these things, pay to play has always
2848 been a dirty word in the outdoor industry. I don't need to pay for it, my tax dollars pay
2849 for access to trails, maintenance of trails, maintenance of our forests, and all of these
2850 things. We have to get to the place where we can have the conversation where we
2851 understand that management by closure doesn't work for forests or for recreation, and if
2852 the monument is the vehicle to carry that forward, fantastic. Let's have that dialogue. But
2853 to have preservation with a growing population, yes. Google moved to Boulder for that
2854 dream, for that idea that I'm going to be able to hike and do these things. Whether it's
2855 reservations or something else, we have to get out of the habit of saying that you can't
2856 touch it unless you do certain things. That "certain things" part of the conversation needs
2857 to evolve.

2858
2859 JF: Okay, this next question wraps up a couple of things. Many small communities, rural,
2860 still strongly believe that ranching, timber, mining, will always be the dominant
2861 economic drivers, and there's some fear there of course that recreation jobs don't pay as
2862 much. Give us your best arguments to counter that kind of attitude in places like in Idaho,
2863 Challis, or Grangeville, for example.

2864
2865 AK: I have a vision for Challis. So, first of all, it's changing. Recreation is paying better all
2866 the time. All the bike shops have managers. There are entrepreneurs that are doing really
2867 well on recreation jobs. So, but- the problem is not so much the pay, the problem is this-
2868 it goes back to this idea that the only truly honest way to make a living is to own land and
2869 pull something out of it or take something off it, that everything else is kind of fluff. And
2870 I had a big fight one time with Heidi Redd in front of Senator Bennet where she said, "I
2871 don't want to be in their service industry. I own a ranch and I sell beef and I don't owe
2872 the bank a dime and this is," you know- and I said, "wait a minute. I am in the service
2873 industry, and everyone who goes on my bike trips, they come back and they are glowing.
2874 And it's not just the dirt or the sunburn. They have had an experience that they are going

2875 to remember for the rest of their lives, and I just don't think they're going to remember
2876 that steak for the rest of their lives." So, there is honor in sharing your heritage and your
2877 landscape and making a living from doing that, but we just need to- and we need to honor
2878 traditional lifestyles, too, and I think that really good planning is the best way to make
2879 sure that you are incorporating those. It's not an either or kind of thing.

2880

2881 LB: Yeah. I would just add that in Colorado, and these are 2014 numbers that I'm quoting, the
2882 outdoor industry represents 34 billion in consumer spending, over 300 thousand Colorado
2883 jobs, over 4 billion in wages and salaries, and people say, "well, yeah, you have the ski
2884 industry. You have a lot of the ski industry there." Out of that 34 billion, that's only five
2885 billion. So the collection of all the smaller organizations—guide services, outfitters,
2886 independently owned retail stores—that's what makes up the ecosystem. And when you
2887 look at how towns evolve and change, at least in Colorado, it's the belief in the
2888 connection of the natural resource, the utilization of that natural resource, with main
2889 street development. So the whitewater park goes in, the mountain biking trail gets
2890 established, the climbing area gets preserved from a nonprofit like the access fund,
2891 businesses start to want to move to main street because this is where everybody is coming
2892 through to go recreate, all of a sudden you start to see more economic development on
2893 main street that allows you to have a bigger tax base to start doing the improvements that
2894 you want to. So it's this cycle that you have to start somewhere. And to think that a 500-
2895 person company will fall out of the sky and replace all those things, I think those
2896 companies are few and far in between. I think where it starts is that 20-person company
2897 thinking and inspiring that that 30-person company that will come in and that five-person
2898 shop will go here, and that ten-person coffee shop will go there. That's how we get to that
2899 level of change, in my opinion.

2900

2901 PM: Utne said that last week in Utah in Garfield county, for those of you who don't know
2902 where Garfield county is, it's right adjacent to Grand Staircase-Escalante National
2903 Monument, and the county commission was having a vote on should they pass a
2904 proclamation to shrink or take down Grand Staircase or not. And some of the ranchers
2905 spoke and some of the longtime locals spoke in support of that, but 50 business owners
2906 showed up at that hearing, and of that 50 I think 48 said, "our businesses are doing better,
2907 are dependent on this monument, and don't take it down, and this area is doing very well
2908 economically, it's ahead of the other surrounding counties." And my point here is that
2909 monument was created 20 years ago, and there was a transition that occurs, and the future
2910 of Grand Staircase-Escalante and that area of Utah, it's not in mining. I mean, mining
2911 jobs- mining is being automated, coal is going to die regardless, ranching I hope will and
2912 can be sustainable on a very limited basis, but it's not really going to fuel the economy. I
2913 think the challenge is what I said earlier, it is acknowledging that transitioning from what
2914 has been a very rural, extractive ranching-based economy with relatively modest number

2915 of people to a more, what I call, modern or knowledge based or recreation based
2916 economy, it takes a generation. And that is a painful transition, because those who were
2917 working in the mines are not going to see the entrepreneurial opportunities to open to
2918 new businesses and that's where government needs to come in and help with these kind
2919 of transitions and help with all the entrepreneurs who are coming in and seeing these
2920 incredible opportunities in front of them and beginning to transform a community and in
2921 the area and turning it into a really vibrant economic place. But there's a generation that
2922 is hurt in that process.

2923
2924 JF: Sounds like you're also making a case for investing more in education for everybody.

2925
2926 LB: Yeah.

2927
2928 JF: Luis, you inspired me to just ask this question, you know what this is, right? This is the
2929 62-year-old America the Beautiful National Parks and Federal Recreation Pass. This is a
2930 lifetime pass to the national parks and half on camping, and it's the cheapest goddamn
2931 thing you can buy.

2932
2933 LB: Amen.

2934
2935 JF: Why are we only charging that much for this? Luis, you- I know that you've thought
2936 about this.

2937
2938 LB: Yeah, well- and that gets back to my original point. I think one of the things that, you
2939 know, with this pay to play construct that we're really looking at is you know, it's
2940 starting to intersect in a couple of really interesting ways. So you have the motorized
2941 community, right, that actually stickers all their vehicles, puts a lot of that money back
2942 into conservation and stewardship believe it or not. You have the hook and bullet
2943 community, the hunting and fishing community that does the same thing with hunting
2944 and fishing permits, but now you start to see things blend and cross over. So in Colorado,
2945 when you buy a fishing license, you also get search and rescue insurance. Over 30
2946 percent of the licenses that we sold last year, nobody was dropping a line in the water.
2947 They got it for the search and rescue insurance for going hiking or climbing. So there's
2948 that intersection. Now the motorized community is saying they've always had an issue
2949 with mountain bikers. You access trails, all you do is sweat equity bringing groups back
2950 out to work on them, why don't you pay to put your vehicles on those trails? The
2951 argument is motor, not motor? Now look at the advent of e-bikes that are coming on
2952 strong. Battery-powered, pedal assist, full suspension mountain bikes that are big in
2953 Europe, big in Asia, as a matter of fact the headquarters of the largest e-bike
2954 manufacturer in Europe just moved to Denver, and one of the reasons why they did is

2955 because we're trying to have that dialogue about what access and payment for that access
2956 looks like, not just on pavement but on dirt. So the rafting community, nobody has to pay
2957 a permit to have a boat necessarily on the water, but if you're a guide or outfitter, you
2958 have to pay to actually put your boats down river. Look at the standup paddleboard
2959 industry emerging out of nowhere. If I would've told you five years ago that with 500
2960 bucks and no swift water rescue training you could go to Costco and buy an inflatable
2961 surf board and tootle down any river you wanted to, you probably would've told me I
2962 was nuts. Yet I guarantee you can go to Costco tomorrow and buy a standup paddleboard
2963 and go do whatever you wanted to do. So these industries will start to impact the access
2964 that we have. We have the opportunity right now to have this dialogue about e-bikes,
2965 about standup paddleboards, about integrated shared mixed-use trail systems, what that
2966 looks like and what that fee structure looks like. I think if we miss it, it's not a question of
2967 if these things will continue to happen, it's just a question of when and how. So the
2968 opportunity to seize the moment, to start talking about fee structures and how to keep that
2969 money in your state using it for those effective programs, it is something that we're trying
2970 to look really closely at in Colorado.

2971

2972 JF: So I've been told that the food and other stuff is ready. I know a lot of people would like
2973 me to ask you about mountain bikes and wilderness, but I won't. Go up to them one on
2974 one and ask them. But Peter, I've got about five questions: where are you going in 2018
2975 with the show? Maybe we'll end on that question.

2976

2977 PM: Yeah, that decision doesn't rest with me, that rests with the for-profit commercial
2978 producers. However, there is a tight dialogue with the industry over what we're seeking
2979 in the way of both a state and a community that shares the same sympathetic values. Know
2980 that there's no state or community that has been immaculately conceived, but we don't
2981 want to be in the birther state. And secondly it has to be a community and town that has
2982 the logistical infrastructure to bring in, you know, 40 thousand hotel rooms, an airport
2983 that is a reasonable hub, mass transit, I mean I will share with you that—and Pat probably
2984 remembers this—when the outdoor retailer show showed up before the Olympics in the
2985 mid-90s, we know they crushed Salt Lake, and that show was a half the size it is now. So
2986 just that combination. But as to where will it go, I really don't know. I will bet- I can give
2987 you odds of where I think it will go, but I shouldn't say that. And that decision would be
2988 announced probably within 30 days.

2989

2990 JF: Okay.

2991

2992 AK: I want to add just one thing about the show, too, that the technology about how we buy
2993 and sell stuff is changing, but people still want to gather. And one of the things they want
2994 to do is gather just like we did today to talk about these issues. So I think any future of

2995 the show is going to have to have a bigger conversation about advocacy and public land,
2996 and that could be a really positive development that could really help as well. So we'll
2997 see what happens.

2998

2999 PM: And I would just add to that Steve Bullock's idea of sharing the good, so to speak. I think
3000 that perhaps—and as Ashley was just saying—the structure of the show in the coming
3001 years may change and there may be more regional events and that sort of thing because it
3002 doesn't perform the transactional purpose it did at one time.

3003

3004 JF: So before we thank the panel, I was supposed to close it out. I'm not going to do that, I'm
3005 simply going to say that what we're going to do at the Andrus Center is write a white
3006 paper based on everything we heard today on the theme of Why Public Lands Matter.
3007 They matter for lots of different reasons for lots of different people, but I didn't hear too
3008 much today that they didn't matter, and that a lot of people are nervous about anything
3009 changing about them that would take away why we cherish them for all those different
3010 reasons. So that'll be coming. It'll take a little while because I am partly an academic.
3011 But we'll get it done fast for everybody. With that, join me in thanking our last panel of
3012 the day.

3013

3014 [Applause]

3015

3016 AK: Thank you for [unintelligible].

3017

3018 JF: With that we'll declare the conference over. The reception's around the corner. Please go
3019 meet each other and keep things going.

3020

3021 [End of transcript]