

Chapter 14

Conservation and the Free Market

To her dying day, my momma blamed the communist professors at the University of New Mexico (“Moscow on the Rio Grande,” as she called it) for my falling away from Jesus. The truth is that it wasn't Marxists who turned me into an atheist, but their supposed opposites: Libertarians. Some of my friends in Young Americans for Freedom were acolytes of Ayn Rand, gold-dollar-sign goddess of the highly individualistic strain of atheistic libertarianism called “Objectivism.” Being a very young American for freedom at the time, I was swayed by her black-and-white painting of the world. (*Atlas Shrugged* should be shelved in the Young Adult section of libraries.)

Soon, however, I understood that Rand's Objectivism, indeed any true-believer libertarianism, was a religion as much as was fundamentalist Christianity. Instead of the supernaturalism of Jehovah and Jesus, materialistic libertarianism is a religion that worships at the altar of the golden dollar sign. Its holy ghost is the invisible hand of the marketplace. Its golden rule is everyone-for-him-or-herself greed. Its heaven on Earth is the inexorable march of history to the free market.

Greedy libertarianism bases all on economics. Like other religions, it is wildly hubristic: “We understand the way the world works; here is the revealed truth. It is all you need.” Although it follows a crude Social Darwinism, it is biologically illiterate. No, it's even worse than that. When you get right down to it, materialistic libertarianism does not believe in biology.

This abiologism, I suppose, was what shattered my faith in my newfound religion. In the late 1960s, yes, even before Earth Day, Ayn Rand began to lash out at conservation. Her attack on those trying to keep safe my wild places led me to doubt her just as she had led me to doubt Jesus.

Nonetheless, just as Christianity has some good ideas if you toss the overarching supernatural cant, libertarianism has some good ideas if you toss the overarching supernatural cant. I suppose I became to libertarianism what a Unitarian is to Christianity: An agnostic who still thinks there are some good ideas in the discarded faith.

The liveliest political faction in America during the 1990s was a loony marriage of materialistic libertarianism and Old-Testament-style Christianity. Never mind that this marriage of convenience cannot last forever—it still runs the Congress and many state legislatures. The administration of Bush Junior is its high water mark. Materialistic libertarianism will be a driving force in American politics for some time to come, though, thanks to the inherent incompetence of Bush Junior and the corruption of Abramoff-Republicans, it has been weakened.

With the storming of the Bastille of federal regulations, the old-timey raiders of the public lands seek every opening to kneecap conservation. Federal money has become ever more tight for land managing agencies and other conservation programs, particularly with the carefree, budget-busting spending on Iraq and Katrina. Some national parks do not have basic funding, and Bush Junior, despite his promises, is not going to give it to them. Funding for the Endangered Species Act has been slashed. It is a raid on the commonwealth to make dear old Albert Bacon Fall grin in his grave.¹

While this raid is couched in terms of the free market, it is hugely hypocritical. Extractive industry and the traditional *users* of the public lands want only the rhetorical veneer of the free market. They want government to keep its hand in the market to help them loot the public's resources.

¹ Fall was a senator from New Mexico and then Warren Harding's Secretary of the Interior. In 1929, he was convicted of accepting bribes in the 1922-1923 Teapot Dome oil leasing scandal and went to prison. Dyan Zaslowsky and T. H. Watkins, *These American Lands* (Island Press, Washington, D.C., 1994), 119-121.

The challenge to conservationists is to try libertarian ideas where useful to shelter biological diversity and wilderness, to shield the public lands, and to halt pollution—without sidelining ethical arguments and values in support of wild things. Although libertarian arguments have been often used to fight conservation, I think thoughtful libertarianism can strengthen conservation. We really do need to listen to free-market conservationists like Karl Hess Jr. and Randal O'Toole. They are more our friends than is Ralph Nader.

Although I think the free market is a good idea, I do not believe in it like ayatollahs believe in Allah. Nor is private property a holy relic like a toenail of the Buddha under glass in a Sri Lankan temple. My ethical bottom line is not the free market, but Aldo Leopold's land ethic: "A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise."² I am, however, all for giving the market an early shot at fulfilling that ethic.

Before looking at free-market approaches for conservation, let's try to understand what is wrong with ideological libertarianism. First, it is based on a crackpot view of human nature (as are other political ideologies). As E. O. Wilson notes, the public intellectuals in America act as if the Darwinian revolution never happened. These Rip van Winkles include libertarians. Libertarianism has a view of human nature—"that human beings are perfectible, and that a system based exclusively on individual self-interest, *Homo economicus*, is self-perfecting," in Theodore Lowi's words³—based on ideology and theory, not on science. Rational choice theory is the libertarian view of human nature, which is "that above all else human beings are rational in their actions." E. O. Wilson writes dryly, "This is not an adequate picture of how people think."⁴

² Aldo Leopold, *A Sand County Almanac* (Oxford University Press, New York, 1949), 224-225.

³ Theodore J. Lowi, *The End Of The Republican Era* (The University of Oklahoma Press, Norman, 1995), 240.

⁴ Edward O. Wilson, *Consilience: The Unity Of Knowledge* (Vintage Books, New York, 1999), 224.

Current research in game theory and cognitive science are showing that people do not behave in their rational best interest in many circumstances.

Second, it is based on secular supernaturalisms of historical determinism and the “invisible hand.” Just like Marxism, it sees an endpoint to which history unstoppably trudges.

Third, in its shameful union with robber-baron corporatism, it has come to argue, as Carl Pope and Paul Rauber put it, “Winners are better than losers, not just luckier or more fortunate. They shouldn't be punished even if they cheated to win. Winning is everything: worrying about how you play the game is for losers.”⁵

I also think that libertarian economists share the postmodernist view that physical reality is a social construct. I'll get more into this in the next section when I discuss libertarian cornucopians' rejection of limits.

Randall O'Toole of the Thoreau Institute has tried for over twenty years to get conservationists to ponder free-market fixes for ecological ills. That the movement hasn't paid more heed to him is our loss. Nonetheless, he recognizes that not all who tout a free-market way are legitimate. He recently told me that he had learned from working with so-called “free-market environmentalists” that there were free-market ENVIRONMENTALISTS and FREE-MARKET environmentalists. In other words, a few of those libertarian groups wanted to protect Nature with free-market principles, while others didn't really care about Nature but saw free-market environmentalism as a way to privatize public wealth.

I think that conservationists have banked too much on federal law and regulation at times. Part of the reason we have is that many conservationists (and even more environmentalists) have come from an activist liberal background. There's a problem? Pass a law! Another reason is because business has been so thoroughly irresponsible.

⁵ Carl Pope and Paul Rauber, *Strategic Ignorance: Why the Bush Administration Is Recklessly Destroying a Century of Environmental Progress* (Sierra Club Books, San Francisco, 2004), 23.

By their lack of land stewardship and good citizenship, extractive industries (logging, mining, grazing, and energy), subdividers and developers, and polluting industries have created a screaming need for federal government action. Teddy Roosevelt understood this one hundred years ago when he took on the trusts and the “malefactors of great wealth.”

Let me sketch out a crude map of where conservation might head with some free-market ideas. I underline that this is a rough map and it is not the only path conservation (and environmentalism) should try. I spread it out to open some eyes and to get others thinking. These ideas fall into three general categories: Regulatory Reform, Free Market, and Incentives.

REGULATORY REFORM

Prohibition, Not Regulation

What do you do with really nasty things? Is the choice between bureaucratic regulation or market forces? There is another choice: prohibition. This is what we did with DDT. When a certain chemical or land-use practice is awful, do not try to regulate it with reams of detailed regulations that provide employment to dozens of lawyers and professional experts, simply outlaw it. Indeed, this is the path of the Wilderness Act—not to try to regulate the Forest Service, National Park Service, Bureau of Land Management, and Fish and Wildlife Service's road building and logging, or the motorhead public's use of dirt bikes and all-terrain vehicles, but simply to prohibit them in designated wilderness areas. Similar straightforward prohibition needs to be carried out on other public lands and for a sweep of noxious economic scams and recreational pastimes.

Set the Goals, Not the Way

Too often government regulations on toxics or public lands grazing practices lay out detailed, complex procedures on how to get to a desired goal. Free-market conservationists argue that it is better to set up wanted conditions or set specific goals or outcomes and then allow leeway on how someone gets there. I think this way better understands human psychology; it would also eliminate much bureaucracy and bureaucratic expense—which could then go to on-the-ground programs, and it would take away some of the mythical anecdotes anticonservationists use to cast themselves as victims. However, failure to achieve goals should be dealt with harshly.

Seek Alternatives To Federal Government Regulation

There is a true grassroots rebellion against what is seen as heavy-handed regulation by federal bureaucrats. Certainly, some rebels are driven by greed or by a crackpot “rugged individualism,” and clever demagogues have overstated antifederal feelings. Still, many well-meaning people (who are not necessarily against protecting wilderness areas and endangered species) feel that the federal government is a bully and is all present and inflexible. Landscalpers have cleverly and often successfully painted conservation and environmental organizations as special-interest groups wedded to big government bureaucracy and heavy-handed regulation.

Strong federal laws and regulations are often needed to protect the biological diversity and scenic beauty of the United States, and the health and happiness of its citizens. We should be steadfast in backing those laws and regulations and in working to strengthen them where necessary. However, in many cases there are other ways, such as voluntary agreements, market forces, “cap-and-trade,” or state and local laws and regulations. The conservation movement needs to be in the forefront of exploring these alternatives (but we must not allow it to be an excuse for compromising or for downplaying the inherent worth of Nature).

While some unfunded federal mandates are necessary and reasonable, others are an unfair, unwarranted burden on state and local government. The conservation movement must be careful in deciding which are necessary and which are not. We should also be strategic in weighing the impact of what appear to be justifiable rules—do they cause more bitterness and long-term political harm than the good they do? Government regulations and standards should be reasonable, user-friendly, and as non-bureaucratic as possible. The paperwork avalanche and petty demands on small businesses—generated by OSHA and other governmental bodies—are reasons for small business people being in the forefront of the right-wing revolution. The late Sonny Bono is a case in point. The pop-music performer never voted until 1983. But he turned into a political activist when the city of Palm Springs put him through the wringer about remodeling his Italian restaurant. As an antireg activist and later member of Congress, he fell into bed with foes of the Endangered Species Act because of the angle they used about unfair regulations. (I'm not defending him, mind you, I'm merely explaining part of why Bono was a foe to conservation.)

Countless examples of counterproductive social engineering can be cited. Dogooders need to know the limits of the good they try to do.

FREE MARKET

No Subsidies

While it is often thought that there is no socialist muscle in America and that “welfare as we know it” is dead, a powerful bloc of U.S. senators, representatives, and state governors push an agenda of socialist overtones, welfare handouts, and entitlement rights. They stay below the radar screen of public and media awareness because they cloak their Big Mother agenda with rhetorical claims of the free market, individual rights, and no governmental interference. I am talking about pork-barrel “conservatives.” Mike Smith, an assistant secretary of the Department of Energy in the

Bush Junior administration, explained their goal in one talk, “The biggest challenge is going to be how to best utilize tax dollars to the benefit of industry.”⁶

Anticonservation attorney Karen Budd-Falen claims that federal land agencies are required to “protect the economic or community stability of those communities and localities surrounding national forests and BLM-managed lands.”⁷ Then-Senator Frank Murkowski of Alaska (now governor), at a Senate Energy and Natural Resources subcommittee hearing on the Forest Service, January 25, 1996, said, “These people [loggers in southeast Alaska] are great Americans. Blue collar Americans. They work hard and look to us for help. We should be able to help them....I have constituents out there who are real people, and they are entitled to a job....These people rely on the government to provide them with a sustainable livelihood.”⁸ It might be fair for Murkowski to call on the federal government to guarantee his constituents jobs. I just think he should quit calling himself a conservative Republican and admit that he is a welfare socialist. (In many ways, Alaska is the most socialistic state despite its pretend rugged individualism.)

Not only do these so-called conservatives back government employment programs and subsidies for resource extraction businesses, the subsidies they back help the worst players stay in business. Without government help, the ecologically most damaging ranchers and loggers on public lands would not be able to make it. Inherent to a free market is business failure.

However, Jared Diamond explains that in Australia and the United States, “rural people are considered honest, and city-dwellers are considered dishonest. If a farmer

⁶ Pope and Rauber, *Strategic Ignorance*, 25-26.

⁷ Karen Budd-Falen, “Protecting Community Stability and Local Economies,” in Philip D. Brick and R. McGreggor Cawley, eds., *A Wolf in The Garden: The Land Rights Movement And The New Environmental Debate* (Rowman & Littlefield Publishers, Inc., Lanham, Maryland, 1996), 73-74.

⁸ “Senate Hearing on GAO Report on Forest Service,” email from Bruce Hamilton, Sierra Club, January 28, 1996.

goes bankrupt, it's assumed to be the misfortune of a virtuous person overcome by forces beyond his control....”⁹ This Myth of Rural Moral Superiority has been used like a never-dying gunslinger to defend the interests of the economic elite in the West (and elsewhere).

One of the best and bravest public servants of our time was the late Mike Synar, a rancher and congressman from Oklahoma. Synar led the fight in Congress to reform public lands grazing. He told David Helvarg,

*These are a bunch of whining welfare cowboys and the next sound you hear is the nipple coming out of their lips.... These are the same people who come into their congressman's office and say, "I want the government to run like a business." So I say, "Okay, we're going to give you a dose of free enterprise. We're going to make you pay the fair market value of the assets you're using up on our federal lands, whether it's timber or grazing or minerals.”*¹⁰

A 2005 study by the Government Accountability Office shows that the Forest Service and Bureau of Land Management together “lose at least \$123 million a year keeping public lands open to livestock grazing.”¹¹ The costs of long-term damage to watersheds, water quality, wildlife, and so on were not calculated into the study. Even the pro-business British news magazine, *The Economist*, says the U.S. public land economic system “tempered rugged individualism with socialist infrastructure.”¹²

Karl Hess Jr., who was fired from the Cato Institute for being an honest libertarian, points out that resource extraction industries and Western boomers have

⁹ Jared Diamond, *Collapse: How Societies Choose to Fail or Succeed* (Viking, New York, 2005), 394.

¹⁰ David Helvarg, *The War Against the Greens* (Sierra Club Books, San Francisco, 1994), p. 33.

¹¹ Jennifer Talhelm, Associated Press, “Grazing Costs Feds Money,” *Albuquerque Journal*, November 2, 2005.

¹² “Last Round-Up for the Old West,” *The Economist*, March 6, 1993, quoted in Helvarg, *The War Against the Greens*, 63.

“been for over a century...the standard bearer of more, *not less*, government.”¹³ They “have been nurtured on a cornucopia of federal subsidies” and “are the nation's lingering link to socialism.”¹⁴ “Basically, whatever the West needed and wanted it got from big government.”¹⁵ “By every measure, the American West was built on federal dollars....hundreds of rural communities across the West would be nothing but ghost towns today were it not for the free flow of government dollars from the Forest Service, the BLM, the Post Office, and dozens of federally run or financed welfare programs.”¹⁶ Federal payments “bail out the worst of stockmen and they keep the most marginal—and commonly the most environmentally destructive—of ranches in operation, frustrating the efforts of the best and most dedicated federal-land managers.”¹⁷

But Caren Cowan, head of the New Mexico Cattle Growers, said of federal grazing permittees, “We are almost in a life-and-death situation here. It's getting tough to be a cowboy.”¹⁸ There is no denying that it's getting tough to be a cowboy. The range has been beat-up for over a century and the economics of the range livestock industry have gone south. What seems to be suggested by Cowan, however, is that the taxpayers are duty-bound to guarantee a tiny minority of people the fabled cowboy lifestyle, that ranchers and loggers have an entitlement to employment and profits from the American people simply because they are a quaint reminder of America's past, even though they are the ones responsible for their fix.

It's tough running other businesses, too. Owners and employees of small, eccentric bookstores, for example, are a group of Americans with a quaint lifestyle who really provide a service to the nation. Why have they not demanded taxpayer

¹³ Karl Hess Jr., “Wising Up to the Wise Use Movement,” in *A Wolf in The Garden*, 161.

¹⁴ Hess, “Wising Up to the Wise Use Movement,” 162.

¹⁵ Hess, “Wising Up to the Wise Use Movement,” 164.

¹⁶ Hess, “Wising Up to the Wise Use Movement,” 166.

¹⁷ Hess, “Wising Up to the Wise Use Movement,” 176.

¹⁸ Paul Rogers and Jennifer LaFluer, “The Giveaway Of The West,” *San Jose Mercury News*, November 7, 1999.

subsidies? My sister and I had a mail-order bookstore for several years. Because of market realities, undercapitalization, and our own failings as business managers, we faced a “life-and-death situation.” However, we did not expect taxpayers to bail us out or to guarantee us the lifestyle of owning our own business and allowing her, a single mother, to raise her family. We shut down Books of the Big Outside and found other ways to make our livings.

Other ranchers huff about the competitive advantage public lands cowboys get. Scott Dewald of the Oklahoma Cattlemen's Association says of the low federal grazing fees, “We consider it to be an unfair subsidy. The fee should be based on public auctions, high bidder takes it.”¹⁹ I agree.

Cutting subsidies to resource extraction industries is a big way the free market can protect the land and the wildlife it holds.

Green Scissors

In the 1990s, a new alliance grew between budget hawks, taxpayer groups, and conservation/environmental groups. So often it is pork-barrel politics and subsidies to extractive industry that scalp public lands, endangered-species habitat, and wetlands. Beginning in 1995, the Green Scissors Campaign brought together groups as far-flung as Friends of the Earth and the National Taxpayers' Union to fight federal spending programs “that damage the environment and waste taxpayer dollars.” In 1998, the Green Scissors Campaign proposed cutting \$49.5 billion from the federal budget for boondoggles ranging “from tobacco subsidies to Forest Service commodity timber sales.”²⁰ However, the campaign seems to have faded during the Bush Junior administration, where Republicans who believe in fiscal responsibility and balanced budgets have been

¹⁹ Rogers and LaFluer, “The Giveaway Of The West.”

²⁰ Green Scissors Campaign News Release, January 21, 1998.

hounded out of the party or pounded into backing freewheeling spending and budget-busting tax cuts for the corporate rich. Now that a few Republicans are finding the grit to question the ballooning federal budget, it is time for the Green Scissors Campaign to come back hard.

No Externalities

In my admittedly limited understanding of economics, I know that some costs of doing business are internalized. In other words, those costs have to be incorporated in producing the product. Of course, they are then passed on to the purchaser in the price of the product. If such internal costs make the price of the product too high...well, that is where the alleged ingenuity and creativity of the market is supposed to come up with a fix. Bad operators are supposed to lose and go out of business if they cannot cover their costs of production, management, and distribution. However, in our phony free market, many costs are externalized. Such costs are not incorporated into the cost of producing the product and therefore into its price to the consumer. They are externalized to society as a whole. Sounds like the old rust-bucket Soviet system to me.

With industries that are allowed to pollute air and water and land with toxics, society pays the cost in health problems and falling quality of life. With resource extraction industries, cut-rate practices lead to water pollution, loss of wildlife habitat, erosion, degradation of recreation and scenery, and so. The logger, miner, or rancher does not pay these costs; he externalizes them to society as a whole. But he makes out like a bandit with the bucks he has squeezed out of the land and water.

Conservationists should insist that such industries not be subsidized by society and that all costs be internalized. Let's de-Sovietize the American economy. Let's try a dose of free enterprise. If a rancher cannot make a profit from his or her cattle except by causing erosion and killing wildlife, then that rancher should not be in business. If a

gold mine cannot profitably produce gold without causing pollution and land degradation that society has to pay for, then the market has ruled that gold mine will not operate. If logging cannot be done without blowing out hillsides, silting in streams, destroying wildlife habitat, and wrecking the salmon fishing industry, then it has proved it is economically noncompetitive.

A no-subsidies approach can also be taken for landowners who build in natural-fire habitats, floodplains, hurricane zones, and the like. The U.S. should pay no compensation for *predictable* natural catastrophes. If people are foolish enough to build in dangerous places, they—who enjoy the benefits of living in such scenic places—and not the public, should bear the risk. Too often Americans have a two-year-old's view of freedom—extreme self-centeredness with no sense of responsibility. They want to be free and have the government off their backs, but come calamity and they want to be taken care of. One of the best ways to protect barrier islands, wetlands, river bottoms, and forests would be for government to stop insuring the safety of foolhardy developments by not bailing out heedless people from hurricanes, floods, and forest fires. Such residents are now externalizing the true costs of living in ecologically sensitive places to society as a whole. This approach should go double for the shady developers who sold them the lots or condos. Unless they fully explained the risks to their customers, developers should be liable for flood, fire, and landslide damage. If Trent Lott wants to heroically sneer at hurricanes by rebuilding his small castle in their likely path, then let him be the one who gets punched in the wallet by wind and surge, not the taxpayer.

Am I a heartless bastard? No, I just believe in personal responsibility. But maybe in today's whiny world that does seem like being a heartless bastard.

Open Bidding

Among conservation groups, those most willing to try free-market approaches are, surprisingly, among the most uncompromising. In the Southwest, tough outfits like Forest Guardians and the Southwest Environmental Center have outbid ranchers on state grazing permits, offering to pay money to not graze cattle and to repair damaged streams. As of August 2005, Forest Guardians had over 3,000 acres of New Mexico State Land, 162 acres of Arizona State Land, and 100 acres of City of Santa Fe land under lease. These leases are along four different rivers, and none are being grazed by livestock now. Furthermore, Forest Guardians has organized volunteers, including high-school students, for hands-on ecological restoration, such as willow and cottonwood planting to heal past grazing wounds.²¹

In the Northwest, Andy Kerr, the conservationist most hated by the Oregon logging industry, and Mitch Friedman of the Northwest Ecosystem Alliance (NWEA) have pushed free-market solutions. NWEA has bid on Forest Service timber sales in an effort to keep ancient forests from being cut. These groups and others are saying, “You want fiscal responsibility? You want the free market? We'll outbid those who would damage the land so we can keep the habitat healthy.”

In a stunning move in 1999, NWEA offered to pay the Washington State Lands Department the value of ancient forests in the state-owned Loomis Forest to prevent it from being logged. The tab? Eighteen million dollars. Many conservationists thought Mitch Friedman had taken leave of his senses, but Mitch and his allies convinced some five thousand citizens that Loomis Forest was worth more standing than cut (it has the best lynx habitat in the lower forty-eight states). The wildlands philanthropists ponied up. NWEA paid the state.

²¹ See www.fguardians.org for updated information.

Loomis Forest still stands for the lynx and other critters needing a wild ecosystem.²² (NWEA is now named Conservation Northwest.)

Cost-Benefit Analyses

If they do not allow economics (and particularly narrowly defined business-profit considerations) to lord over decisions about land management or pollution control, cost-benefit analyses are sometimes useful. In many cases, they back conservation. Had fair cost-benefit analysis been done, many dams choking our rivers would never have been built. Honest cost-benefit analysis would block most logging and grazing on public lands. Cost-benefit considerations would scream for radical reform of our mining laws. Thorough cost-benefit analysis would kill much development—consider the infrastructure cost to bring another 100,000 residents to Albuquerque, for example. How much does increased crime, pollution, sprawl, sucking up the Rio Grande, and such from new development cost current residents? What are the health costs of pollution?

Likewise, it is sometimes fair to consider costs before calling for the cleanup of past pollution or toxics—asbestos in groundwater and certain Superfund sites, for example. We must honestly ask such questions. We *are* in an age of limits. Limits, after all, are a keystone of the conservation message. Dollars available for cleaning up past mistakes or for conservation purposes are limited.

While cost-benefit analysis may sometimes be useful or unavoidable, conservationists must make clear that we cannot measure natural values in dollars, and that economics are not the most important standard for decision-making. We must not

²² Mitch Friedman, "A Checkerboard Conundrum," *Wild Earth*, Summer 2001, 34; Mitch Friedman, "Forest Green: How Private Money Saved Loomis Forest Wildlands," *Wild Earth*, Fall 1999, 25-27.

get into a situation where the only endangered species we try to keep are those with an economic value.²³

Wildlands Philanthropy

I will take a back seat to no one in defending American public lands, but conservationists (except for groups like The Nature Conservancy and The Wildlands Project) have too often overlooked the crucial role private lands can play in conservation. Whether or not I can visit their lands, responsible private landowners such as Ted Turner, Drum Hadley, Jim Winder, Joe and Valer Austin, and Doug and Kris Tompkins protect biological diversity. What they practice has come to be called *wildlands philanthropy*—buying land to protect its natural values.²⁴

On these private lands, innovative ecological restoration is being worked out on the ground. Jim Winder has brought back riparian areas and has reintroduced an endangered fish, the Rio Grande chub, on his Lake Valley Ranch in New Mexico. On Ted Turner's huge Vermejo Ranch in northeastern New Mexico, former ranch manager Dave Vacker used fire and ecologically designed logging to put tens of thousands of acres of previously degraded ponderosa pine back on the track to old-growth conditions. The Turner Endangered Species Fund, under the direction of wolf biologist Mike Phillips, coordinates captive breeding and recovery of endangered species on Turner's million-and-a-half acres of ranches. These species include black-tailed prairie dogs, black-footed ferrets, gray wolves, Mexican wolves, California condors, aplomado

²³ David Ehrenfeld, "The Conservation Dilemma," *The Arrogance Of Humanism* (Oxford University Press, New York, 1981), 176-211.

²⁴ John Davis, "Wildlands Philanthropy: Private Wealth Protecting Public Values," *Wild Earth*, Summer 1998, 19-22; Doug Tompkins, "On Philanthropy, Cultural Decadence, and Wild Nature," *Wild Earth*, Summer 1998, 14-18; Daniel Imhoff, *Farming with the Wild: Enhancing Biodiversity on Farms and Ranches* (Sierra Club Books, San Francisco, 2003).

falcons, and desert bighorn sheep—and now the bolson tortoise.²⁵ Joe and Valer Austin have built some 20,000—that's *twenty thousand*—loose rock grabens to heal washed-out stream channels on their El Coronado Ranch in Arizona. The restoration of the watershed and watercourses is nothing short of phenomenal. When Drum Hadley bought the Guadalupe Canyon Ranch—home of some of the rarest birds in the United States—thirty years ago, much of it was bare dirt and rocks. Now the sideoats grama waves above Drummy's knees.

In Chile and Argentina, Doug and Kris Tompkins have protected more than one and a half million acres as wilderness wildlife habitat through their Conservation Land Trust. Their flagship Pumalin property in southern Chile is some 800,000 acres of fjords, temperate rainforest, and snow-capped volcanoes. While much of it will remain inaccessible except to native wildlife, they have built national park-style visitor facilities of campgrounds, trails, a restaurant, cabins, picnic sites, and two visitor centers. A boardwalk trail takes visitors to a soaring stand of Chile's national tree, the alerce—the Southern Hemisphere's equivalent of the redwood. Before Tompkins's Pumalin project, Chileans had little opportunity to ever see alerces. Kris Tompkins, Doug's wife and the former CEO of Patagonia, has joined with Yvon and Malinda Chouinard, the owners of Patagonia, to create the Patagonia Land Trust, which buys new national parks for Argentina (see www.conservacionpatagonia.org).

User Pays

²⁵ The bolson tortoise is a Pleistocene relict that ranged throughout the Chihuahuan Desert. A tiny population of this endangered species was found in a remote area in northern Mexico. It is by far the largest tortoise in North America, tipping the scales at over 100 pounds! It is being reintroduced to Turner ranches in southern New Mexico. See Josh Donlan, Harry W. Greene, Joel Berger, Carl E. Bock, Jane H. Bock, David A. Burney, James A. Estes, Dave Foreman, Paul S. Martin, Gary W. Roemer, Felisa A. Smith, and Michael E. Soulé, "Re-wilding North America," *Nature*, Vol. 436, 18 August 2005, 913-914.

A user-pays approach has long been used for hunting and fishing. Because hunters and fishers are willing to pay for licenses, there has been money to buy wildlife habitat, run hatcheries, fund state game and fish agencies, and so on. The hook and bullet crowd has been able to claim the boasting high ground. “We pay for our outdoor recreation. The reason we have wildlife is because of hunting and fishing license fees.” Despite the agricultural emphasis on game species like white-tailed deer, exotics like pheasants, and planting non-native fish, the good ol' boys have a legitimate point. It is time for hikers, birders, river runners, backpackers, and those who just like the idea of wilderness and wolves to learn from their sporting brothers and sisters. If we want national parks properly run, if we want endangered species protected, if we want places to hike without dirt bikes and clear cuts and cow pies, we may need to pay for it (I'm not talking about how things should be, I'm talking about how they are). We also need to look long and hard at unnecessary costs and work to eliminate them, and study how to make any user fees we pay go toward truly beneficial activities (reducing erosion from hiking trails, for instance—*not* building more motor-vehicle trails, as conservationist critics of user fees warn could happen).

The National Parks Pass sells for \$50. It gives you unlimited, free-entrance access to all national park units and wildlife refuges for a year. It is the biggest bargain in America. Conservationists should ask that it be increased to at least \$100 a year. All money from it should go to the National Park Service and the National Wildlife Refuge System for national conservation programs. Entrance fees for individual national parks and refuges should be jacked up so that the fees are enough to fund protection and restoration of the particular unit. Entrance fees should stay with the park (those park units that get very few visitors should be adequately funded anyway). Senior citizens now get a discount on entrance fees. This is unfair since senior citizens generally have more disposable income than other groups. Senior discounts should be ended, although I am getting close to being able to claim them. Campground fees should be

high enough to cover all costs of building and operating the campground, including personnel costs.

I have found wild rivers, formally designated or not, to be the best-managed public lands for primitive recreation and for biodiversity. Most wilderness rivers I float charge per person and sometimes per day. River rangers inspect equipment, check permits, and give etiquette and safety lectures at the put-in. Southeastern Utah rivers managed by the Bureau of Land Management are standouts for wilderness protection—those in charge of Desolation and Gray Canyons on the Green River and the San Juan River manage recreation as well as anywhere I know. River campsites are cleaner and less hammered than many campsites in wilderness areas. These are some of the benefits of user fees. River-use fees should even be upped to keep river rangers on the river and to fund ecological restoration—such as control of exotic species—and cleanup.

Wilderness areas could charge for recreational use on the wild-river model—for each entry. On the other hand, wilderness-area use could be handled on a National Parks Pass model—buy your pass and you can enter any wilderness area in the country for one year. All fees should go toward wilderness (backcountry) rangers, patrolling against motorized trespass, administering recreational use, and ecological restoration—including buying out grazing permits. Because of the severe lack of enforcement rangers, many wilderness areas are wide open to illegal invasion by snowmobiles and dirt bikes.

There should be a national sales tax on backpacking and river running equipment. Money collected should be used to buy private inholdings in wilderness areas and wild rivers. It should also be used to buy out grazing permittees in wilderness areas, national parks, wildlife refuges, wild rivers, and other reserves. I have become convinced that butting-heads battles with ranchers over grazing in wilderness areas are bad news for all. The most practical (and fair) way to reduce or end grazing in

wilderness is to buy 'em out. Similarly, this money could be used for voluntary retirement buy-outs in wolf recovery areas. The Rewilding Institute and I are actively supporting a buyout of grazing permits in the Gila National Forest where ranchers oppose Mexican wolf recovery.

There should also be a national sales tax on birdseed, binoculars, and other wildlife-watching gadgets. Money collected should go to fund Endangered Species programs. Some money from entry fees for wildlife refuges should also go for ESA costs. In Virginia, the state wildlife agency gets the portion of the state sales tax estimated to have been spent on outdoor recreation gear. One third of the agency's budget (\$12.3 million) comes from their share of the sales tax. It is earmarked for nongame programs. Rupe Cutler, a former Assistant Secretary of Agriculture in charge of the Forest Service, tells me, "Now that these 'nonconsumptive users' help support the game department, they have a vested interest and a voice in its policy decisions. That's good for biodiversity."²⁶

Concessionaires in national parks are getting a cheap ride on the NPS's shoulders. Fees for all commercial operations in national parks and for outfitters operating on public lands should be increased. The use of private automobiles in national parks should carry an additional fee because auto-based recreation is more expensive and more harmful for the park. Campground fees for RV users should be higher than those for tent campers, again because the costs to the manager and the area are higher.

There are arguments against what I propose. If you have to pay to use wilderness areas, it takes away the sense of pioneer freedom to freely explore the land. This is true. However, we are no longer a nation of few people and much wildland.

²⁶ Rupert Cutler, personal communication to author, March 30, 2000. Cutler was President Carter's Assistant Secretary of Agriculture and conceived RARE II on the National Forests. He was later executive director of Defenders of Wildlife and remains an active conservation leader and friend of mine.

Times have changed. Far more important than our recreational fantasies of the unlimited right to roam is the need to keep the land public and to keep it ecologically intact. By demanding the privilege to pay for wilderness and wildlife, we elevate ourselves in the debate. We are responsible. Anyway, this problem was solved in the early twentieth century. Free hunting and fishing were considered fundamental American birthrights. Hunters and fishers finally came to see that hunting and fishing had to be limited because there were too many people vying for too little wildlife. This is like what we now face with other outdoor uses. When asking if user fees are workable, keep in mind that fees for river-running permits are not controversial among boaters.

There is also the fear that if the agencies are funded through recreational income, they may overdevelop parks and wilderness for recreation at the expense of biodiversity. Although this has not happened with river fees (the number of permits is tightly controlled to limit overuse), safeguards will have to be built-in to prevent this problem. Many conservationists are also legitimately worried about privatizing campground management to private companies in national forests and other public lands. The Bush Junior Administration seems to be trying every front-door and back-door way to privatize public lands. This scandal derails efforts by me and others to get conservationists to consider user fees.

Nonetheless, unless we take more of a user-pays path to public lands and wildlife, we will see a steady decline in funding for land management agencies and the Endangered Species Act. The first rounds of draconian cuts have already happened. It will get worse. Given this political climate, the only way to insure adequate funding for conservation is for users to pay more and then earmark that money for conservation and public lands protection. A user-pays approach will also redirect the conservation agenda and undercut some of the most powerful arguments against conservation programs. Someday our nation may return to a sense of pride and responsibility for our

natural treasures and public lands will be well funded. I'm not willing to count on that or wait for it. I want public lands well protected and funded now.

However, we must remember that Nature is the source of all value—the economy isn't—and wilderness must be preserved. Wildlife habitat has great social as well as ecological value, and an intelligent society would willingly pay for its preservation.

INCENTIVES

Economic Incentives

With a foot planted squarely in liberalism, many conservationists and environmentalists believe that the way to get people to behave properly is to expect them to do the right thing out of the goodness of their hearts (“You should protect the endangered species on your land because it's the right thing to do.”). If that does not work, then gentle persuasion leads to moralistic browbeating (“Don't drive sport utility vehicles! They're wicked!”) is tried. Finally, comes the command and control of laws and regulations. All of these may be valid under certain conditions, but they are not always the best ways to change behavior.

Devotees of the market, like Randal O'Toole of the Thoreau Institute, believe that the best way to change behavior is through economic incentives. I sometimes think that my friend Randal has embraced incentives with the fervor of a born-again Christian, but I also think that in many cases, economic incentives (and disincentives) are a fair and effective way to get private landowners to protect endangered species, to get the Forest Service to stop pushing timber sales, to get industry to quit polluting, and to get Americans to drive cars with better gas mileage.

Incentives advocates have a different view of human nature than do liberals. They believe that most people operate out of selfishness and self-interest. As I've pointed out, I think the evidence shows that this “rational player” theory is vastly

exaggerated. Nonetheless, playing to economic self-interest bears fruit in certain circumstances. The trick with incentives is to reward good behavior with lower taxes, secure budgets for bureaucrats, and so on.

Certainly, the Endangered Species Act should be more landowner friendly. Let's admit, though, that the horror stories about ESA agents running roughshod over property owners are as true as the story about the lady who put her poodle in the microwave to dry it off. It is hard to work out a solution when one side's stock in trade is a pack of lies—or argument by “mythical anecdote.”²⁷

Minor changes in ESA regulations and implementation may be needed so that a landowner can be proud that an endangered species lives on his or her land.²⁸ Financing for land-owner-friendly programs could come from the sales tax on birdseed and binoculars. Paul Ehrlich and his associates at Stanford University suggest incentives such as “providing tax credits to landowners for habitat maintenance or improvement.” They write, “Other incentive strategies would be to reduce corporate and personal income taxes, or capital gains and estate taxes, when a landowner maintains essential habitat for imperiled species.”²⁹

Another positive incentives approach is the Defenders of Wildlife compensation fund for those who lose livestock to predation from reintroduced wolves or from grizzly bears. Defenders also rewards landowners who are honored with wolves denning and raising young on their lands. This is fair and it is good public relations. Between August 1987 and July 2005, Defenders paid

²⁷ Glenn Sugameli deserves credit for coining “argument by mythical anecdote.” Glenn P. Sugameli, “Environmentalism: The Real Movement to Protect Property Rights,” in *A Wolf In The Garden*, 68.

²⁸ David S. Wilcove, Michael J. Bean, Robert Bonnie, and Margaret McMillan, *Rebuilding the Ark: Toward a More Effective Endangered Species Act on Private Land*, Environmental Defense Fund, Washington, D.C., 1996.

²⁹ Lynn E. Dwyer, Dennis D. Murphy, and Paul R. Ehrlich, “Property Rights Case Law and the Challenge to the Endangered Species Act,” *Conservation Biology*, Vol. 9, No. 4, August 1995, 737.

423 ranchers a total of \$535,224 for livestock depredations by wolves in Montana, Idaho, Wyoming, Arizona, and New Mexico. Defenders of Wildlife writes, “Our goal is to shift economic responsibility for wolf recovery away from the individual rancher and toward the millions of people who want to see wolf populations restored. When ranchers alone are forced to bear the cost of wolf recovery, it creates animosity and ill will toward the wolf. Such negative attitudes can result in illegal killing.”³⁰ Although this depredation fund has not done away with opposition to wolf recovery, it shows that conservationists do not expect livestock producers to bear the cost of wolf recovery. Some dishonest ranchers who collect money from the Defenders fund go on to claim preposterous losses from wolves and then damn Defenders for not lavishly compensating them. Such ranchers simply refuse to live with wolves and will do just about anything they can get away with to kneecap wolf recovery programs. Grazing permit buy-outs are the only solution for these hard cases.

Voluntary Retirement Option

Commercial livestock grazing has caused great harm to the ecological integrity of the public lands in the West. Struggles over livestock grazing have been among the fiercest issues in conservation. Few things would do more to restore the flowering of ecological functionality to the public lands than removing livestock. But how to do it in a fair and practical way? Andy Kerr has proposed the Voluntary Retirement Option. He writes,

It would be easier—and more just—for the federal government to fairly compensate the permit holders as it reduces cattle numbers. Since the government spends substantially more than it receives for grazing, in a few years

³⁰ Defenders of Wildlife fact sheet.

the savings realized by reducing livestock numbers can pay for the compensation.

It would be less expensive—fiscally and politically—for the agency to simply buy out the problematic grazing permit and save extensive planning, monitoring, research, public involvement, appeal, litigation and political costs.³¹

Kerr is now heading up a campaign to pass legislation authorizing and funding such an approach. Details are quite simple. A public lands permittee would be paid a very generous amount for each AUM he or she is permitted (\$175 is what Kerr and company propose). In return, the rancher would remove all livestock and the federal agency in charge would permanently retire the grazing allotment from availability for grazing. An AUM, or Animal Unit Month, is a cow and a calf grazing on federal lands for one month. For example, a permit authorizing 100 cows for seven months would be for 700 AUMs. With the \$175 formula, the rancher would be paid \$122,500.

Congressman Raul Grijalva of Arizona has introduced a national pilot bill with this formula with an appropriation of \$100 million. Other bills targeting specific areas are also being considered, for example, one that would apply only to the Tonto National Forest in Arizona. The Rewilding Institute has proposed a voluntary buyout on the Gila National Forest in New Mexico for allotments where ranchers do not want to live with Mexican wolves. Funds to pay for the buyout could come from federal appropriations, state appropriations, or from private groups. Although big livestock groups oppose this approach, many individual ranchers endorse it and are lobbying their members of Congress in favor of it. I think the voluntary retirement option would lead to removing cattle and sheep from many of the most sensitive public lands where livestock are incompatible

³¹ Andy Kerr, "The Voluntary Retirement Option for Federal Public Land Grazing Permittees," *Wild Earth*, Vol. 8, No. 3, Fall 1998, 63-67.

with land health or the recovery of wolves and other carnivores. Go to the National Public Lands Grazing Campaign website (www.azbuyout.org) for more details and up-to-date information.

Other Buy-outs

In some cases, the best solution for conservationists is to simply buy a ranch or base property that holds a federal or state grazing lease. For example, the Grand Canyon Trust “negotiated the retirement of 200,000 acres of grazing allotments around the Grand Staircase/Escalante National Monument. We negotiated buy-outs with ranchers, then worked with the Bureau of Land Management to assure the agency amended its resource management plans, canceling grazing permits.”³² The Conservation Fund has used buy-outs to retire grazing in Canyonlands National Park.³³ Conservation Fund buy-outs also have removed cattle from Great Basin National Park in Nevada (2,432 cattle were removed from 70,019 acres for \$242,900).³⁴ Unfortunately, radical resourcists in the Forest Service and Bureau of Land Management have stabbed some of these groups in the back and now demand that they graze cattle on their permits or lose them. Legislation is needed to provide for permanent retirement of such grazing allotments.

Another kind of buyout is the purchase of private inholdings in wilderness areas. The Wilderness Land Trust raises private funds to buy inholdings and then transfers the land to the Forest Service or other federal agencies. In 2004, they bought 1,360 acres of private land in California's Trinity Alps and Marble Mountains Wilderness Areas,

³² Geoffrey S. Barnard, undated membership solicitation letter for Grand Canyon Trust, around 2000.

³³ Lisa Church, “Fun hogs to replace cows in a Utah Monument,” *High Country News*, February 1, 1999.

³⁴ Conservation Fund, 1999.

thereby stopping development in the wilderness. For more information see their website: www.wildernesslandtrust.org.

Water Markets

In the arid West, many streams dry up during summer because all the water is diverted for irrigation. How do we keep enough water in streams to maintain fish and other native species? One promising solution is for conservationists, sportfishers, commercial fishers (in the case of salmon), and river runners to form nonprofit water trusts to pay farmers or ranchers to leave the water to which they have “rights” in the stream. Oregon, Washington, and Nevada are already trying this market approach. In some Western states, state water law would have to be changed for water trusts to work because “instream flow” is not considered a “beneficial use” of one's water rights. In such states if you do not divert your share of the water and use it out of the stream, you can have your valuable water rights taken away. However, if instream flow is legalized, then you could leave the water in the stream and be paid by a water trust for more than you could make using the water for irrigating alfalfa or other cheap crops.³⁵

Victimization

Film director Edward Zwick (*Glory, Legends of the Fall*) writes:

In what a friend of mine calls the new American hurt game, if you're not offended by somebody, you're nobody.

*These days, it seems, people wake up in the morning not only waiting to be offended, but also hoping to be offended. Central to any multicultural orthodoxy is the notion that, unless you are offended, you have no ontology.*³⁶

³⁵ Clay J. Landry, “Trusting Water Markets,” *PERC Reports*, March 1999, 12-13.

³⁶ Edward Zwick, “In the Hurt Game, Honesty Loses,” *The New York Times*, Nov. 10, 1998.

Throughout this book, I have picked on the left and politically correct liberals. Some of my carping, such as for group identity and victimization, may seem irrelevant to a discussion about conservation. There is a method to my crankiness, though. I am not just showing off as a redneck or as an insensitive white male. I am after something else.

I particularly frown on entitlement rights. Unlike traditional American rights, such as those in the Bill of Rights, which are limitations on government, there is a host of new rights which are really entitlements, such as a right to a job with a minimum wage, a right to health care, a right to housing, and so on. The old notions of rights were limitations on government's powers over the individual: "government shall establish no law, etc."

However, when do-gooders claim that people have a right to health care or to a job with minimum wage, they are forgetting that someone has to pay for the entitlement. If you have a right to health care, that means someone has the required duty to provide you with that health care. Now, I think we can make a good argument that it leads to domestic tranquility and to a better society if society tries to make health care, housing, jobs, decent wages, etc. available to all its citizens. But that is different from saying that everyone has a *right* to such things.

I've defined multiculturalism as "persons are not taken as individuals, but by their group identity" and victimization as "the world is divided into an oppressor class and the oppressed class." The excesses of multiculturalism and victimization are generally laid at the doors of nonwhites, homosexuals, or women. In truth, the group that most uses the notion of group identity and victimization is white males. Much—perhaps most—populist-anticonservation rabble-rousing is based on group identity and victimization. Whine, whine, whine. Ranchers, loggers, dirt bikers, and real estate agents see themselves as

embattled minorities victimized by society. Rush Limbaugh has built his career on being their cryleader. Hispanic intellectuals puffing about the *reconquista* in Los Angeles, welfare mothers in East St. Louis...why I'll put the New Mexico Cattle Growers Association or New Mexico Farm Bureau up against them anytime in a whine festival. It is not conservative, it is not manly, it is not rugged individualism, it is not free enterprise to be a crybaby, to demand the guaranteed right to succeed, to be bailed out by government.

Columnist Thomas Sowell writes, "Few skills are so well rewarded as the ability to convince parasites that they are victims."³⁷ Sowell should know since he has been well rewarded as a writer convincing right-wing crybabies that they are victims of government bureaucrats or elitist environmentalists.

John Humbach, a law professor at Pace University, in 1993 wrote, "The Constitution does not guarantee that land speculators will win their bets."³⁸

Victimhood is not a pretty outfit to wear. Even when it is accessorized by high-heeled boots and big belt buckles.

³⁷ Thomas Sowell, "Left, right and the muddle both have made," *The Albuquerque Tribune*, March 10, 1999.

³⁸ Helvarg, *The War Against the Greens*, p. 302.