



State lines, fire lines, and lines of authority: Rangeland fire management and bottom-up cooperative federalism

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ABSTRACT

Environmental governance on federal lands in the US West has been transformed by the increasing authority of state and local governments and nongovernmental actors in decision-making and policy implementation. Rangeland Fire Protection Associations (RFPAs), state-authorized volunteer fire response teams made up of resource users in remote rangeland landscapes, are emblematic of recent innovations in federal land management that involve enhanced authority and responsibility on the part of non-federal actors. RFPAs are a model of community-based fire management that meets local landowners' interests in property protection while providing fire control and conservation benefits to state and federal land management agencies. This study examines the role of state agencies and policies as mediators between communities and federal agencies by comparing the design and implementation of RFPA programs in the states of Oregon and Idaho. We find that small differences in these state programs led to potentially important distinctions in agency-resource user relationships and in the resulting patterns of policy implementation. The RFPA experience suggests that state policy design and institutionalization can strongly shape the evolution of intergovernmental and agency-community dynamics.

1. Introduction

Environmental governance of federal lands in the United States has traditionally emphasized top-down forms of authority based in the capacity and expertise of federal agencies (Babcock, 1996). However, new governance arrangements have created opportunities to incorporate authority based in local- and state-level actors and organizations. In so doing, they mirror patterns of environmental governance that have become more common globally, including those theorized as coproduction (Ostrom, 1996), network governance (Howlett and Ramesh, 2014), polycentric governance (Bixler, 2014), and multilevel governance (Jessop, 2013). A persistent dilemma in all of these models relates to the latitude for local autonomy, innovation, and discretion within nested systems where traditional centralized authority remains present to some extent (Charnley and Poe, 2007; Ekroos et al., 2017; Reed and Bruyneel, 2010). Although new environmental governance arrangements promise greater local responsiveness, legitimacy, and use of local knowledge, their implementation is often complicated by disputes regarding decision-making power within systems characterized by blurred boundaries of authority (Keast et al., 2006).

Federal land management in the United States has undergone a

transformation in recent decades as agencies such as the US Forest Service and Bureau of Land Management (BLM) have confronted new fiscal, political, and ecological realities (Coward and Fairfax, 1988; Koontz et al., 2004). Federal land managers increasingly rely upon non-federal actors (state and local governments, NGOs, resource users, and private-sector entities) to lend resources, expertise, and legitimacy to planning and project implementation (Fleming et al., 2015; Maier and Abrams, 2018; Scarlett and McKinney, 2016). These arrangements have resulted in noteworthy successes, but in some cases have reinvigorated longstanding tensions regarding the authority of non-federal actors on the federal domain—tensions borne of the outsized presence of federal holdings in much of the West (e.g., 62% of the territory within the State of Idaho and 53% of the territory within the State of Oregon is federal property) and of a broader movement toward “cooperative federalism” in U.S. public administration since the mid-twentieth century.

Although cooperative federalism in the US has historically taken the form of federal policies that use incentives to enlist non-federal actors as partners in policy implementation, there are also instances of “bottom-up” cooperative federalism in which local or state governments design policies that are then coordinated “upward” with federal agencies and authorities. An example of this comes from the Rangeland

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Fire Protection Association (RFPAs) programs that have emerged in some Western states. RFPAs are volunteer wildland fire teams organized as registered nonprofit organizations, with authority and responsibility to respond to wildfires on state and private lands within their boundaries (Stasiewicz and Paveglio, 2017). State laws authorize local ranchers, landowners, and other community members with livelihood interests in rangeland to manage fire on private and state lands that are otherwise unprotected by state or rural fire districts or other professional or volunteer fire crews. Although state-level governments cannot authorize RFPAs management of the abundant federal lands that are interwoven with state and private rangeland properties, the existence of the programs creates a set of actors and a supportive framework capable of coordinating with federal agencies on federal lands, and federal agencies have developed mechanisms for cooperation with individual RFPAs (Abrams et al., 2017). In some cases, putting these cooperative arrangements into practice has resulted in disputes regarding the limits of state and private authority on the federal estate.

The RFPAs model thus represents a somewhat novel institutional arrangement, given that it is designed and organized at local to regional levels with the intention of coordinating upward. To date, there has been relatively limited investigation into the dynamics of such models. Our purpose here is to examine the institutionalization of RFPAs programs in Oregon and Idaho as examples of a particular strain of new environmental governance models. We analyze RFPAs as operating in the “shadow of hierarchical power” (Whitehead, 2003, p. 11) within multilevel governance systems characterized by tensions between discretion and accountability (Rayner, 2015). Comparing adjacent geographies separated by a state line provides an opportunity to examine the evolution of federal-state-resource user relationships in ecologically similar but politically distinct contexts.

2. New environmental governance and wildfire

New models of environmental governance, with their related modes of public administration, are replete with questions regarding authority, legitimacy, and knowledge within the multi-stakeholder networks typical of these approaches (Fleming et al., 2015; Kettl, 2000; Reed and Bruyneel, 2010; Skelcher, 2005). In many cases, the effectiveness of multilevel and decentralized models is hampered by a failure to devolve sufficient authority and latitude for decision-making to local actors (DeCaro et al., 2017; Ekroos et al., 2017; Reed and Bruyneel, 2010). At the same time, insufficient upward accountability and inadequate resource provisioning by higher-level government actors can also undermine the success of lower-level actors and organizations (Eckersley, 2017; Gunningham, 2009). Under both of these scenarios, local-level governance processes operate in the shadow of hierarchy as outcomes are highly influenced by the action (or inaction) of traditionally powerful governmental actors. The structure of governance networks themselves (including, for example, the strength of vertical and horizontal linkages) may influence how particular policies evolve when they reach the ground. For example, a tendency toward ideological and geographic insularity in social networks can reduce adaptive capacity, including of complex wildfire scenarios (Fischer and Jasny, 2017). The institutionalization of policies promoting multilevel governance thus reflects network structure as well as the capacities and interests of actors influenced by their respective institutional frameworks (Moseley and Charnley, 2014).

2.1. Cooperation and conflict on the federal estate

The RFPAs model is an example of recent innovations in policy and practice with relevance to the extensive federal estate in the U.S. West. Emerging network governance approaches include the institutionalization of intergovernmental and governmental-civil society collaboration in resource planning (Simon and Dobra, 2003), an increased reliance on creative funding mechanisms dependent upon

demonstration of agency-community collaboration (Schultz et al., 2012), the implementation of management projects that cross ownership and jurisdictional boundaries (Charnley et al., 2017), and movements toward a “coproduction” model (Abrams et al., 2017) in which resource users participate in the policy process and in service delivery. These innovations have arisen both from a general diminution of agency capacity and authority and from a need to build local legitimacy in an era of countervailing political and social pressures and increased ecological complexity (Goldstein and Butler, 2009; Koontz et al., 2004; Maier and Abrams, 2017; McCarthy, 2006).

Evidence of a “bottom-up” approach to cooperative federalism in natural resource management is found in recent governmental and non-governmental efforts under the Endangered Species Act of 1973 (ESA) to conserve the Greater Sage-grouse (*Centrocercus urophasianus*). In Oregon, intermediary organizations such as Soil and Water Conservation Districts and local Natural Resource Conservation Service offices made state and federal financial resources readily available to landowners for achieving Greater Sage-grouse conservation on their private lands. In this arrangement, state and federal partners provided oversight, coordination, and financial support, while local actors were able to interactively determine how they would achieve US Fish and Wildlife Service objectives (Wollstein and Davis, 2017). This arrangement, and others like it across the West, collectively contributed to the federal decision not to list the species under the ESA in 2015 (Federal Register, 2015).

Although the details of recent bottom-up initiatives in cooperative federalism are new, the notion of a place for states and communities in federal land management is not. Because of the nature of American federalism, states have long had a complex position vis-à-vis the federal government and the latter’s extensive landholdings in the West. States play roles as “managers of their own resources, as recipients of federal revenues, as landowners affected by federal wilderness and other environmental regulations, and as political organizations that pursue greater control of federal lands” (Davis and Davis, 1997, p. 14). At the same time, the federal land management agencies have complex histories of engagement with—and insulation from—communities of place. The US Forest Service began its tenure with an ethos of professional independence from outside influences, including local communities (Kaufman, 1960), yet has also recognized an obligation to support local community development and support local industries (Quirke et al., 2017; Schallau and Alston, 1987). The BLM, conversely, was historically more devolved than the Forest Service and was a weaker agency with greater dependence upon local ranching interests; it grew somewhat more independent following enactment of the Federal Land Policy and Management Act in 1976 (Skillen, 2009). The authority of both agencies over their vast domains has been and continues to be challenged by resource users, resource-oriented interest groups, local elected officials in rural communities, and occasionally by the states themselves (Coward and Fairfax, 1988; Fischman and Williamson, 2011; Simon and Dobra, 2003).

States have historically had a relatively limited scope of authority on the federal estate (Babcock, 1996), even as they have increasingly been enrolled in other modes of federal policy implementation—particularly since passage of the suite of environmental policies of the 1970s that relied upon arrangements of cooperative federalism (Babcock, 1996; Fairfax and Cawley, 1991). There are many examples of states attempting to assert authority over the federal lands within their borders, such as New Mexico’s attempt to round up federally protected animals on public lands (Fischman and Williamson, 2011), or Nevada’s proprietary claims over federal land during the era of the “Sagebrush Rebellion” in the late 1970s (Coward and Fairfax, 1988). Such antagonistic policies are closely tied to the frustrations of resource users, resource industries, and rural counties regarding access to goods such as forage, minerals, and timber on federal lands and the consequent generation of economic activity and employment (Hage, 1990; McCarthy, 2002; Simon and Dobra, 2003). As a matter of

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