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Fish & Game Politics

Why anglers, hunters and environmentalists need to join forces.

By Ted Williams

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Y'can never take the politics out of fish and wildlife management. But you can and must take the politicians out. Politicians, by their nature, will try to seize control of fish and game agencies, and they succeed wherever sportsmen and environmentalists remain apathetic and unengaged. Usually, the first step is stacking the agency's policy-setting commission, the members of which are generally appointed by the governor and sometimes confirmed by the legislature. When politicians control commissions (and, thereby, fish and wildlife decision making) they cater to the big money that underwrites their campaigns—large, extractive industries inconvenienced by the needs of fish and wildlife. "One of the big things that has led to politicization of fish and game agencies in the Northwest is the [ESA] listings of salmon and steelhead," says Bert Bowler, who retired as Idaho's salmon biologist last September and continues to defend the resources as native fisheries director for Idaho Rivers United. "The governors said, 'This is bigger than you fish and wildlife agencies. We need to get involved here because our constituents are at risk from the feds.' The sad part of all this is that the states aren't standing tall representing the needs of the fish. Oregon, Washington and Idaho have been neutered. I've never seen it this bad. The fish need strong agencies, and they don't exist."

Rod Sando, former director of the Idaho Department of Fish and Game agrees. "It's a generic problem particularly here in the West," he says. "I think it comes down to the transition that's going on from the extractive economy to the new economy of tourism and recreation. In the Idaho Fish and Game Commission and others--Wyoming, Colorado, Utah, to some extent Montana—you see commissioners who are not fish and wildlife advocates so much as advocates for ranching or timber or mining. In Washington the commission isn't bad on resources, but the department is in trouble with the legislature."

Indeed it is. Last February a bill was introduced in the state House of Representatives that would remove budgetary authority from the Fish and Wildlife Commission and let the governor appoint the Fish and Wildlife director. No case study more graphically illustrates what Sando is talking about than his own forced resignation on January 23, 2002. If there's one thing the threatened and endangered salmonids of the Columbia system needed, it was a strong, principled Fish and Game director in Idaho, a leader willing to stand up to the powerful commercial interests preventing recovery. Sando, who had distinguished himself as head of the Minnesota Department of Natural Resources for eight years, was just such a leader. When he arrived in Idaho on April 1, 2000 he found the department in shambles. The agency was hemorrhaging money; morale was at an all-time low. The mess had been created and left by Stephen Mealey, a director who displayed no commitment to anything save telling sportsmen, environmentalists, politicians and resource extractors what they wanted to hear. He promised the moon and the stars and the planets, then delivered glow-in-the-dark ceiling decals.

Eventually this modus operandi angered the resource extractors, and they had him fired. One of the things he promised was that he wouldn't let the commission come out with a statement of simple biological truth--that the best way to recover Columbia Basin salmon and steelhead was to remove the four lower dams on the Snake River. But at a hearing in May, 1998 overwhelming testimony in favor of dam removal forced the commission to do just that. The legislature was apoplectic. In retaliation it held hostage a desperately needed license-fee hike, offering to pass it only if the commission reversed itself and proclaimed that salmon and dams could coexist just fine. It tried to strip the department of salmon-management authority and tried to fire the head of the salmonid program and the chief of fisheries. The governor prevailed on the Fish and Game Commission to remove from state hatcheries all displays suggesting that a free-flowing river might be salubrious for salmonids.

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"I was at the hearing when our commission made its stand on salmon in 1998," says Bowler. "They didn't say go out and breach the dams. They just reported our science—that if you want to recover the fish, a free-flowing river is the way to do it. The governor's office had brought in all these tobacco scientists to try to counter it. That's how it always was. When we would put out the science, the governor's people would come out with tobacco science in an effort to convince the public that you couldn't trust us or our data: 'Well, gee, we just really don't know if salmon need water.' It got almost that ludicrous. They would counter with: 'No, the dams aren't a problem. They're actually better for the fish.' Idaho took the lead on this in the Northwest because the governor's office seemed so threatened by what these fish might do to the status quo. The status quo in Idaho is water and dams on the lower river for navigation to Lewiston."

To show how much he really loved salmon, Idaho Governor Dirk Kempthorne set up a September, 1999 photo op at Redfish Lake in which he released hatchery-bred sockeye adults while uttering such banalities as: "There's something spiritual about this. This is exactly what nature intended."

Really? Nature intended more sockeyes to reach their historical spawning habitat via governor than by swimming themselves? Nature intended that the entire natural run of sockeyes that year—the second highest return of the decade—would be seven fish? Nature intended that the lower river be transmogrified to a series of warm, predator-infested, silt-choked deadwaters where humans collect smolts in nets, tote them seaward in barges, and then pretend that it works? When nature was running the show, the Snake River rose and fell with the seasons, chilled out in tall forests and shaded canyons, rushed and tumbled and breathed in oxygen, picked up and spread gravel and dead wood. In those days the river produced almost half the chinooks spawned in the entire Columbia system. Combined runs of all salmonids are thought to have approached 8 million.

Leaned on by Kempthorne and the legislature, Mealey issued a gag order to department personnel, forbidding them to talk publicly about Snake River salmon recovery. (Immediately thereafter wads of toilet paper appeared in the mouths of all the mounted fish on display at the Boise headquarters.) When reporters asked questions about salmon and were told that it was verboten to speak of such things, First Amendment removal became a bigger story than dam removal. Mealey had been brought in by Kempthorne's predecessor, Phil Batt, to restrain what Batt perceived to be a rogue agency. Kempthorne found Mealey useful for that purpose, also. But after Mealey's dismissal by the commission, the legislature gave Kempthorne a more reliable device—a new bureaucracy called the Office of Species Conservation that stripped the department of management authority for all threatened and endangered species and placed it with the governor.

Kempthorne—who, as a US senator, led Western Republicans in a failed jihad against the Endangered Species Act—is using the Office of Species Conservation not to recover Snake River salmonids, bull trout, wolves and the like, but to filter professional science coming out of the Fish and Game Department so that special interests won't be inconvenienced by the Endangered Species Act. Not only does the office bleed \$500,000 a year from the state budget—a huge amount in Idaho—it shortstops federal dollars and decides how Fish and Game will spend them. Running the office is Jim Caswell who, as supervisor of the Clearwater National Forest, presided over the destruction of its fragile soils, forests and trout streams while fighting the roadless initiative offered by his enlightened boss, Mike Dombeck.

Sando was just the prescription fish and wildlife needed—a smart, tough pro who said what he meant, never showed his back in a fight, and stood up for the resource and his fellow biologists. Staff and sportsmen adored him. He rebuilt morale and got the department out of the red and well into the black. It wasn't long, however, before he got crosswise with the legislature and governor. Kempthorne had instructed state employees that, when discussing salmon management, they were to speak with "one voice"—his voice. But, unlike Mealey, Sando couldn't do that. His written mandate was to follow fish and game policy, and the commission, not the governor's office, sets it. Until he heard otherwise from the commission, the department's policy was going to

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be that a free-flowing Snake River is what salmon needed. Two months before the governor forced him out the commission gave him a raise.

Under Sando the department moved aggressively to protect and restore fisheries resources, both resident and anadromous. His main priority was instream flows. But, although water rights were purchased from willing sellers, this displeased irrigators, particularly the Idaho Farm Bureau Federation. There's a lot of trout habitat in Idaho that has been dried up by irrigators--on the Big Wood River, the Lemhi, the Little Lost, the Pahsimeroi, to mention just a few. Sando wanted to restore dewatered trout habitat, and he would have if he'd had the chance.

While the department doesn't own or manage much land, it tells federal agencies such as the Forest Service and BLM what they need to do to protect and restore fish and wildlife. For example, cows shouldn't be allowed to wallow in trout streams and rip up their banks as they currently do throughout Owyhee County and on such waters as the East Fork of the Salmon River, the Pahsimeroi, Bear Valley Creek and Marsh Creek, one of the most important spring chinook producers on the Columbia system. The Idaho Cattlemen's Association deeply resented this advice, even when it was ignored. What also incensed the Idaho Cattlemen's Association, its allies in the legislature and a small but shrill group of elk hunters in the Clearwater country was Sando's alleged softness on predators. In the Clearwater National Forest elk are way down because the winter range can no longer support them. Huge fires in the early 1900s created massive brush fields and, in turn, an explosion in the elk population. But as trees matured, the elk faded away. "A lot of the winter range there is probably on a 500-year [growth-burn] cycle," says Lonn Kuck, Fish and Game's former big-game manager who retired last July after 32 years with the department. "There is an element out there that is convinced that predators are the limiting factor. That element simply can't comprehend that habitat isn't always constant; it thinks that if you kill the predators, we'll have elk coming out of our ears."

Helping me understand what Kuck meant was one Ed Lindahl, board member and past president of the Concerned Sportsmen of Idaho—as far as I can determine, the only hunting-and-fishing outfit that was glad to see Sando go.

"Sando was an embracer of wolves," Lindahl declared. "That put him at odds with us. We're dead set against wolves. What our forefathers did to them should have remained so. Reintroducing wolves was the most extreme of environmentalism. I'm a retired Army officer, and I take the same view of militant Marxism throughout the world."

According to Lindahl, the elk that get away from the wolves are eaten by bears and cougars. Almost as bad as predators are trout fishermen, with their preservationist mindset against clearcutting and roading: "I bump up against the Orvis men of the world who don't want to see the forest opened up," he declared. "You know, the purists who want only wild fish--groups like Trout Unlimited that file knee-jerk appeals and lawsuits on any timber sale that may help elk." And, of course, there's the "extreme environmentalism" pushed by the Rocky Mountain Elk Foundation which "embraces the roadless initiative that the Clinton administration rammed down the West's throat." Such talk makes eminent good sense to a lot of Idahoans.

Last October a golden ax, in the form of gross "predator coddling" by Sando, fell into the laps of the Concerned Sportsmen of Idaho, the governor, the Idaho Cattlemen's Association, the Idaho Farm Bureau Federation and the legislature. According to the report filed by conservation officer Bob Sellers, this is how the incident went down: The wife of a caretaker at a ranch near Mountain Home, an area where cougars have co-existed with people and livestock for decades, saw a small lioness and her two cubs at one end of a pasture. They seemed to be looking at some horses at the other end—hungrily, she thought. Neither she nor anyone else saw the cats chasing the horses. But guessing what they had in mind, she phoned a local hunter, Bob Corbus. When Corbus arrived the cougars were nowhere to be seen, so he drove around in his truck until he found them, then shot all three. The mother and one cub died quickly. The other cub, unable to move, lived for another day until Corbus got around to shooting it again. In Idaho you can only kill cougars if they're attacking your livestock. So, after getting clearance from his supervisor and the local prosecutor, Sellers cited Corbus for game-law violations. Although Corbus wasn't a member of the Idaho Cattlemen's Association, president-elect Ted Hoffman wrote a letter to Sando, demanding that he fix the ticket.

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A heavy predator-control element in the commission left Sando with only a one-vote margin, and one of his supporters—Nancy Hadley, who had cast the tie-breaking vote for his raise—was coming up for reappointment. Clearly, Sando was toast.

When Sando left the department Kempthorne expressed astonishment. But Don Clower, one of the governor's own appointees to the commission, set the record straight. "I watched on TV as the governor said that neither he nor his staff had anything to do with Rod's forced termination," he told me. "That just wasn't true. They took us into little groups of twos and threes so they didn't violate the open meeting law. They spent 45 minutes telling us all the bad things Rod had done and to go fix the problem." Clower reports that the governor himself showed up for one of the meetings.

Kempthorne sees Clower, whose term is up June 30, as a major mistake. But Clower has built an enormous following among sportsmen, and it's not clear that they'll let the governor replace him. I asked Clower what sportsmen in other states needed to do to keep the politicians out of wildlife decision making. "Get involved," he said. "As a group, we're an apathetic bunch. The only time we rise to anything is when we're directly threatened."

While Idaho hunters, anglers and environmentalists were contemplating their navels the state legislature was eroding the Fish and Game Commission system, doing away with staggered terms and shortening term length from six years to four so that new governors could bring in more new members. Kempthorne, for example, brought in four.

But now that Idaho's sportsmen have lost the director they so badly needed, they've joined with environmentalists in a 22-group coalition and are fighting back. As former US Interior Secretary and former Idaho governor Cecil Andrus aptly puts it, Kempthorne and the legislature "have jabbed an old hibernating bear in the fanny with a stick." The coalition is circulating a petition for a ballot initiative in November that would reduce the number of commissioners from seven to five, strip the Senate of confirmation power and require the governor to appoint members from candidates elected in caucuses around the state.

A good measure of the initiative's worth is the reaction it is eliciting from the governor and Farm Bureau Federation. In March the coalition summarily dismissed a "compromise" offered by Kempthorne in the form of a five-man commission in which sportsmen supplied two members, the Farm Bureau supplied two and the governor appointed the fifth. Andrus accurately defined it as "three to two against wildlife." Showing its first-ever concern for sportsmen, the Farm Bureau refers to the "unholy alliance" between sportsmen and environmentalists and warns that "if true sportsmen go for this ruse, the hunter, fisherman and outfitters will be out of business."

"The current situation is forcing the public to take this kind of action," says Lonk Kuck. He speaks of "this subtle pressure" that made it impossible for him and his fellow professionals to do the work they were hired for. "It was very difficult to make hard decisions," he says. "No one said I couldn't do something, but lots of times my recommendations weren't carried out. If you don't agree with the direction, you're slowly and insidiously ostracized from the decision-making process to where you become ineffective. That happened to me. It reached a point where I didn't even participate in the last round of big-game season-setting."

Maybe the coalition can pull the State of Idaho up by its bootstraps. I doubt that it realizes its own power. "Whenever sportsmen combine with environmentalists, you have 60 to 70 percent of the population, an absolutely irresistible coalition," remarks Chris Potholm, founder of the Potholm Group, a polling and strategic advice company that has engineered 60 environmental referenda victories in 30 states.

I'd hate to think that men like Sando are too good for states like Idaho. Maybe there's a state that deserves Sando now, but he's 60 and tired of directing (or trying to direct) resource agencies. He's flat-out not going to do it anymore.

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So what is he going to do? Well, at this writing he's off to a place about as far as you can get from Idaho politicians and Idaho resource extractors—New Zealand. For a full month he's going to fish for non-threatened steelhead.