

## **The Northern Rockies Ecosystem Protection Act (NREPA)**

### **Introduction**

The Northern Rockies Ecosystem Protection Act (H.R. 1975) was reintroduced on April 20, 2007 by Representatives Carolyn Maloney (D-NY) and Chris Shays (R-CT). NREPA, the largest wilderness bill in the lower 48 states, would designate 24.3 million acres of National Forest System lands and public lands in Idaho, Montana, Wyoming, Oregon, and Washington as wilderness.<sup>1,2</sup> NREPA also designates 1,800 miles of waterways as wild or scenic, establishes 8.5 million acres as “biological connecting corridors,” and calls for the removal of 6,000 miles of damaged or unused roads.<sup>3</sup>

This controversial bill has been introduced nine times in the House of Representatives, but it has reached subcommittee only twice.<sup>4</sup> During NREPA’s sixteen-year history, the battle lines of the controversy have not changed: East versus West, federal versus state, and conservation versus development. The dispute revolves around how land is used and how much influence local officials should have in managing those lands. Whereas public lands in the west can be used for grazing, logging, mining, and gas and oil extraction, wilderness designation prevents these activities, ensuring the land will be kept as pristine as possible.<sup>5</sup>

Although NREPA hasn’t changed significantly over time, a change in the political climate has altered the bill’s chances for success. Given the Democrat majority in Congress and Speaker Nancy Pelosi’s endorsement of the bill,<sup>6</sup> proponents and opponents are watching Capitol Hill closely as NREPA is considered in the 110<sup>th</sup> Congress. The analysis below includes a description of the actors involved in this controversy—their interests, motivations, and stakes—and a discussion of the action channel through which these actors will attempt to influence NREPA’s future.

## Actors

### *Congressional Advocates*

NREPA's Congressional sponsors, Reps. Maloney and Shays, are currently joined by 115 bipartisan cosponsors.<sup>7</sup> Maloney explains that she decided to sponsor NREPA after being approached by the Alliance for the Wild Rockies (AWR)—a grassroots group in Montana who drafted the legislation based on regional concerns. According to Maloney and AWR, residents in Montana, Idaho, Wyoming, Washington, and Oregon received little response from their Representatives, so they had to seek help from an “outside” legislator.<sup>8</sup>

Maloney and Shay's voting records (their average LCV scores are 93% and 85%, respectively)<sup>9,10</sup> and Congressional websites make it clear they care about environmental protection. But the politicians would only sponsor the bill if it were in their best interest politically. Maloney's district—which includes Manhattan—is characterized by affluent, educated, liberal individuals who most likely support the idea of conservation. Maloney improves her image among these constituents by giving a voice to the environmental underdogs of the West, and she is buffered from criticism because the legislation does not directly affect New York residents. It is also possible that these urban Easterners, in general, view Westerners in a stereotypical way: concerned more with resource exploitation than conservation. Easterners show a history of vacationing in the scenic public lands of the west and supporting legislation to protect it from local development interests.<sup>11</sup> Representative Shays also has political reasons to please liberal-minded constituents. His educated, affluent Connecticut district is primarily composed of Democratic and independent voters, and in his last election, he won by a very narrow margin.<sup>12</sup> Supporting environmental legislation like NREPA shows Shays's effort to please non-GOP voters.

Maloney and Shays have sponsored NREPA eight times, suggesting that they will continue to sponsor the bill if it is not successful in the 110<sup>th</sup> Congress. However, the stakes may now be higher than ever, given the favorable conditions: a large number of cosponsors, the Democrat majority, and Speaker Pelosi's endorsement. If the bill fails in this session, opponents

will gain credibility in arguing that even under the best circumstances, NREPA is not viable legislation.

### ***Congressional Opponents***

The strongest congressional opponents, as expected, are those from the affected states, and the most outspoken are Representatives Denny Rehberg (R-MT) and Barbara Cubin (R-WY). Rep. Rehberg, who represents Montana at large, argues that the bill is top-down management that ignores the input and interests of the local residents. Similarly, Rep. Cubin states that NREPA is an “assault on our Western way of life.”<sup>13</sup>

Rehberg and Cubin’s position on NREPA is understandable, given their electoral base and the extreme political costs of not publicly fighting the bill. Rehberg is a fifth-generation Montana rancher; therefore, he has reason to oppose legislation that would be perceived as infringing on ranchers’ rights. In Western states, most public land is open to ranchers for grazing purposes. Wilderness distinction, however, prohibits grazing. In his last election, oil and gas companies, electric utilities, and livestock industries provided significant financial support.<sup>14</sup> Therefore, Rehberg is also considering their interests in securing future access to resources. His top contributor in 2006 was MSE Inc, a manufacturer of road support equipment.<sup>15</sup> Legislation that would prevent the development or restoration of roads would clearly be in conflict with this contributor’s interests.

Rep. Cubin’s political motivations are similar to Rehberg’s. Considered a legislative expert on energy and minerals,<sup>16</sup> she has received significant financial support from oil, gas, and mining industries.<sup>17</sup> Despite analysis showing that NREPA lands possess little potential for energy development,<sup>18</sup> Cubin has reason to oppose any apparent threat to Wyoming’s energy- and mineral-based economy.

### ***Local Support***

A number of regional environmental groups strongly support NREPA. The Alliance for the Wild Rockies (AWR)—based in Helena, Montana—is the prominent advocate and original architect of the bill.<sup>19</sup> With reputable scientists as advisors,<sup>20</sup> the organization prides itself on its

application of conservation biology, sustainable economics, and environmental law.<sup>21</sup> Other regional groups organizing support for NREPA include Friends of the Clearwater (Idaho), Missoula chapter of the Montana Wilderness Association, and the Oregon Wildlife Federation.

Implementing sweeping legislation such as NREPA would be a major success for these groups, both in terms of their organizational legitimacy and the bill's ecological benefits. Without NREPA, the groups will face numerous, piecemeal conflicts to protect the lands they consider ecologically important.

The level of support from local residents is difficult to ascertain, as no formal polls have been conducted.<sup>22</sup> An informal sampling of regional blogs, editorials, and postings on newspaper websites shows that many local residents support NREPA.<sup>23,24,25</sup> While this sampling does not indicate the magnitude of support, it does reveal that Congressional opponents are oversimplifying the conflict when they say NREPA is an affront to the Western way of life.

### ***Local Opposition***

The most local opposition to NREPA comes from Montana-based organizations that protect multiple-use rights: mining, timber harvest, oil and gas exploration, and motorized recreation. Montanans for Multiple Use (MFMU), Save the West, and Montana Multiple Use Association oppose NREPA because it would limit the way in which Montanans use public lands. MFMU's website, for example, expresses concern over how wilderness designation will affect access, local economies, wildfire suppression, forest health, and increasing fees for recreation.<sup>26</sup> Certain local businesses also oppose NREPA; one vocal opponent, the Snowmobile Alliance of Western States (SAWS), represents snowmobile businesses and clubs who feel threatened by wilderness legislation that would prohibits motorized vehicles.<sup>27</sup>

To some extent, Westerners' arguments exaggerate the effect NREPA would have on locals' access to lands; there are millions of acres of public lands not affected by NREPA. However, the animosity felt by these opponents is not exaggerated. Many westerners truly feel threatened by the federal government lacking understanding of local circumstances. The fight against NREPA is symbolic. It stirs up long-held animosity toward the federal government and

Easterners who, some believe, infringe on Westerners' freedoms. At stake for these Westerners is their sense of autonomy—their ability to manage and enjoy their land in the way they see fit.<sup>28</sup>

### **Actors' Influence in the Congressional Action Channel**

The key channel for action in this controversy is Congress. NREPA's success depends on decisions by the subcommittee, the full committee, and the full House to advance the bill. Actors will have influence in this channel by gaining Congressional allies, offering testimony that addresses the bill's costs and benefits, and building/demonstrating constituent support.

The Congressional advocates and environmental groups have an important advantage in this action channel—the number of allies they have on the Committee on Natural Resources and the Subcommittee on National Parks, Forests and Public Lands. Eighteen NREPA cosponsors are committee members (including Chairman Nick Rahall (D-WV)), and eight of those are on the subcommittee (including Chairman Raul Grijalva (D-AZ)).<sup>29</sup> This type of support suggests NREPA will most likely be advanced through the committee.

Both supporters and opponents offer technical expertise, which was shared during the subcommittee hearing on October 18, 2007. Environmental groups benefit from the support of reputable scientists and substantial data that address and negate many of the concerns typically raised by opponents of conservation: loss of jobs, reduced access to resource extraction, and other economic disadvantages.<sup>30</sup> This technical expertise will be important in persuading, if possible, local Representatives who oppose NREPA on economic grounds. Opponents also provided expertise; directors of the Bureau of Land Management and the National Forest System argued that NREPA would conflict with ecosystem management efforts, which incorporate local input, already underway.<sup>31,32</sup> However, testimony from these agencies—which tend to reflect the administration's views—may hold less weight among Democratic Representatives.

Opponents and supporters must continue the race for demonstrating constituent support. NREPA's chances for passing in the House will most likely hinge on the Representatives from the affected states. If NREPA is to succeed, local groups must demonstrate that the political benefits of supporting NREPA outweigh the political costs.

## References

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