A REVERSAL OF FORTUNES
Reframing the Environmental Debate

ON OCTOBER 21, 2003, A SERIES OF FOURTEEN FIRES ERUPTED IN SOUTHERN CALIFORNIA. The following week, President George W. Bush declared Los Angeles, San Bernardino, San Diego, and Ventura Counties major disaster areas. On November 4, with Governor Gray Davis on his left and Governor-elect Arnold Schwarzenegger on his right,[1] the president appeared in El Cajon, California, an area affected by the Cedar Fire, the largest in the state's history, to thank fire fighters and volunteers. The California fires burned 750,000 acres, killed 24 people, resulted in 237 serious injuries, destroyed 3,719 homes, and cost roughly $123 million to suppress.[2] Although making precise estimates of fire costs is an inexact process, state agencies and local governments emerged from the fire facing whopping bills for their allotted share of fire costs. By the end of the year San Diego County's costs alone had already reached an estimated $38 million—and were projected to grow.[3]

Many credit the California fires with speeding passage of the Healthy Forests Restoration Act (HFRA), a legislative response to President Bush's Healthy Forests Initiative.[4] The initiative, which Bush announced in Oregon in August 2002 after visiting the sites of the state's Biscuit and Squire Fires,[5] sought to change the direction of forest policy and step up forest thinning to reduce the massive buildup

of flammable fuels that had accumulated in the nation's forests. The principal mechanism for policy change would be through regulatory reform. Although Bush declared that he remained committed to allowing citizens to have a voice, his Healthy Forests Initiative limited the use of environmental analysis, administrative appeals, and litigation. The president portrayed Forest Service administrative appeals (procedures available by law to those questioning activities proposed by the agency) and litigation as regulatory hurdles and red tape that kept forest managers from implementing high priority fuel reduction projects. Striking at the heart of administrative and legal mechanisms that had been effectively used for many years by citizens and environmental groups to press forward their environmental goals and objectives, the initiative would prove to be highly controversial.

In the time between the announcement of the initiative and passage of the legislation, Bush had made several visits to fire areas throughout the West and had devoted his weekly radio address to the subject of forest health. Even though it is questionable whether the healthy forests legislation or landscape-scale fuels reduction in the backcountry would have done anything to stop or prevent California's wind-driven fires from rushing through fire-prone chaparral vegetation,[6] the fires provided a critical push. There is no doubt that Bush exerted considerable leadership to gather political support and media attention in support of forest thinning, the Healthy Forests Initiative, and the Healthy Forests Restoration Act. Forest health became one of the most visible of the president's initiatives related to environmental and natural resource issues. And because, for the first time since the age of environmentalism began in the late 1960s and early 1970s, Republicans controlled the White House, both houses of Congress, and, with the election of Governor Schwarzenegger, twenty-eight of the fifty state governorships, the issue offered an opportunity for Bush and the Republicans to not only redirect the nation's forest policy but also reframe more generally the entire environmental policy agenda. This book tells the story of how administrative appeals and wildfires were strategically joined in the forest health issue, which facilitated the passage of the Healthy Forests Restoration Act and the changing of a multitude of administrative regulations related to the National Environmental Policy Act (NEPA), wildfire, and forest policy.

ISSUE DEFINITION, AGENDA SETTING, AND POLICY ADOPTION

Scholars traditionally have focused on two approaches to understanding the intricacies of the public policymaking process. One approach views policymaking as a series of rational, component steps that begin with the identification of a problem, followed by its appearance on the political agenda where alternatives for

addressing the problem are offered and policy formulated. Policy is then adopted, implemented, and evaluated.[7] A second approach describes the policymaking process as illogical, disorderly, and unstructured—a "primeval soup" where conflicts exist over the nature and extent of problems, and where policy is often based on compromise and limited information rather than the "best" solution.[8] We rely on both approaches, focusing particularly on how problems are identified and redefined by various stakeholders as they emerge on the political agenda and work themselves through various steps of the policy process.

Much has been written about the agenda setting process. Not all problems present in society receive governmental attention, and agenda setting can be thought of as the process by which selected problems rise to prominence in the political arena and are deemed worthy of governmental consideration and action. Several theoretical frameworks related to agenda setting are appropriate to a discussion of wildfires and forest policy.

The first framework used to understand agenda setting is the concept of ownership and the ways in which issues are framed. It is important that issues be framed in such a way that they are considered legitimate for governmental attention. How a particular issue is framed may also determine which particular institutional structures or groups of individuals are considered legitimate for addressing it.[9] Ownership establishes the boundaries of debate and conditions political relationships.

Social images that are expressed in symbols, linguistic forms, stereotypical metaphors, models, and myths are important components of framing, as is an appeal to public values.[10] Rhetoric, the use of words by human agents to form attitudes or to induce actions in other human agents, is "rooted in the use of language as a symbolic means of inducing cooperation in beings that by nature respond to symbols."[11] Specific terms that relate to emotional appeals, allusions, metaphorical substitutions, and repetitions are used to frame and define problems. How the targets of proposed policy actions are socially constructed is also a powerful factor.[12] Reductions in welfare programs, for example, become more palatable when targets of the policy are socially portrayed as "welfare queens" and not the deserving poor; and protection of old-growth forests becomes more desirable when those forests are defined as virgin forests rather than "biological deserts." Policy reversals are facilitated when the good guys become the bad guys (an event common in foreign affairs as dictators fall in and out of favor depending on diplomatic objectives), or when groups of people (for example, gays) are reclassified as individuals deserving of rights rather than as deviants.

A second pertinent framework is what several theorists call the mobilization model of agenda setting. This takes place when political leaders formulate a policy

change, then seek support for the change by appealing to public biases.[13] Mobilization of bias inherently involves conflict, which causes different leaders seeking different policy outcomes to struggle against one another. "Advocates for change work to convince more people that they will be positively affected by the new policy. Defenders of the status quo will fight to narrow the scope of the issue."[14] As an issue becomes more controversial, stakeholders compete for a role in the policy venue. "The implication here is that the public believes that the status quo is not adequate. Policy changes are needed. Responding to public demands, new agents struggle for a policymaking role."[15] Congress, for example, has become increasingly and more frequently involved in Forest Service activities and decision making, as evidenced by the growing number of requests for agency testimony in hearings and Forest Service–related bills and amendments introduced and enacted.[16] Sometimes, agenda setting is paired with agenda denial as opponents of change use cultural strategies such as avoidance, attack, and redefinition to impede and defeat policy initiatives.[17]

Much of agenda setting, policy formulation, and policy adoption is about issue definition and redefinition and involves elements of both frameworks. Those supporting smoking bans define the issue as a health concern, while opponents attempt to define the issue as one of individual rights. How an issue is defined may even determine if it is a problem worthy of serious governmental attention. Obesity may be recognized as a growing national health problem by many experts, but it is not one that policymakers have addressed broadly by laws or regulations yet. The targets for any policy action are too numerous, most options offered to date require a change in individual behavior and are likely to be perceived as punitive, and powerful interests, such as the fast-food industry, are hard at work to ensure agenda denial.

How problems are framed affects the kinds of solutions offered.[18] For example, defining Arizona's water problems as a lack of adequate supply favors solutions aimed at finding additional water sources. When the problems are defined as a matter of allocation, solutions center around water conservation or moving water from farming to industrial and municipal uses. The fate of proposed solutions also depends on the way problems and causes are framed.[19] Solutions to pollution problems, for instance, can deal with immediate or proximate causes, such as visible smokestack emissions, or with societal conditions far removed from actual pollution, such as population growth rates or affluence and consumption. Solutions related to societal conditions are more difficult to achieve and less comprehensible to the average citizen.[20]

Many times solutions lie dormant, waiting for an opportunity to attach themselves to a problem—a focusing event.[21] For example, reducing speed limits

may not be feasible as a safety issue, but a crisis in energy supply may prompt decision makers to adopt the solution once it is defined as energy conservation. If issues can be reframed, once-favored solutions to problems may become defined as problems, and solutions thought infeasible may gain favor. For example, dams, once seen as multipurpose solutions for controlling floods, providing secure water supplies, furnishing cheap electric power, and providing recreational opportunities, are now seen as major environmental problems. Dam removal—once unthinkable— is now a feasible policy action.[22] Some problems continually alternate between being problems or solutions, as is the case with deficit spending.

Once a precedent is set in one area, it has spillover effects and can be used as a template to foster changes in another similar area.[23] Succeeding increments of policy build upon the established principle. After deregulation of the airline industry set a precedent, for example, deregulation was able to spread from airlines to other transportation modes and then to communications. The potential for spillover effects increases to the extent that widely varying problems, such as passenger screening and prisoner detention, can be lumped into the same category and perceived as parts of an overall policy, such as the war on terrorism.

REDIRECTING FOREST POLICY: REDEFINING PROCESSES, PARTICIPANTS, PROBLEMS, AND PRODUCTS

President Bush's redirection of forest policy involved a redefinition of processes, participants, problems, and products. First, this redefinition involved reframing traditionally important public participation processes, such as administrative appeals, not as opportunities for citizen involvement but as obstacles to needed action. Much of the environmental movement had been built upon the assumption that more participation meant better environmental decisions. NEPA, for example, broke apart the traditional iron triangles of agencies, user groups, and their allies in Congress, who promoted environmentally damaging timber, mining, grazing, and water development projects, and made it law that agencies examine and publicly disclose the environmental consequences of their actions. Administrative appeals evolved from their origins as largely vehicles for resolving business claims to broad mechanisms for providing additional points of access for a wide variety of individuals or groups displeased with agency plans and projects. Increased access to courts provided a venue for individuals and groups who felt disadvantaged because their access to legislative and bureaucratic arenas and their influence paled in comparison to that of business and commodity interests. NEPA can indeed be criticized for formalizing participation, focusing participation on process rather than substance, and inhibiting agency capacities to work in more informal

and collaborative relationships.[24] Nonetheless, NEPA, appeals, and lawsuits have been major forces in stopping or delaying questionable projects—from massive coal-fired power plants on the Colorado Plateau to economically and environmentally questionable dams to rapid conversion of old-growth forests to meet ecologically unsustainable timber targets. In the healthy forests debate, the benefits of these processes would now be seriously questioned.

Second, redefinition of problems occurred. Following World War II the level of federal timber harvests dramatically increased. By the late 1970s and early 1980s, however, it became increasingly apparent that such levels of cutting were not sustainable, and forest policy began to focus on ameliorating the negative impact of timber harvesting on biodiversity, old-growth resources, and wilderness values. New ecological approaches such as ecosystem management emerged and emphasized the need to repair damaged ecosystems resulting from well-intentioned, but misguided nevertheless, forest policies.[25] But the forest health issue reversed the process. Failure to harvest trees was a problem and increased cutting a solution. Logging became linked to beneficial processes of fuels reduction and forest restoration.

Third, a redefinition of participants occurred. This involved a new social construction of environmental groups, not as trustees of valuable resources but as threats to those resources as well as to public safety. For years, many Americans have counted themselves environmentalists and have favored governmental intervention to protect environmental values. Traditional economic interests, such as energy companies, ranchers, and developers, had long viewed environmentalists as a threat to their economic interests, but the public generally saw environmentalists as the protectors of environmental health, fighting industry over issues of toxic waste, pollution, occupational health and safety, and damaging land and water developments. The wildfire issue provided the opportunity to recast environmentalists as threats to the public interest and whose actions damaged environmental health, compromised occupational health and safety, and destroyed natural resources.

Finally, the desired outcome (product) of the policy process was strategically defined as forest restoration rather than regulatory rollback, which had several advantages. It enabled policymakers with strong environmental records to join the coalition in favor of policy action because outcomes were portrayed in positive environmental terms, namely, forest health and forest restoration. Using the terms "health" and "restoration" offered hope to land managers and scientists who had long argued that past forest management actions had created crisis conditions necessitating a strong, proactive program of forest restoration. It also disarmed critics, since no one wants to appear to be against healthy forests. Opponents of

the Bush approach argued that the Healthy Forests Initiative was more about regulatory rollback than fire policy and forest restoration, but those who wondered if the solution matched the problem went largely unheeded.

These redefinitions of processes, participants, problems, and products, are having significant spillover effects on other areas of environmental policy.

WHAT FOLLOWS

Chapter 1 places the redirection of forest policy, as exemplified by the healthy forests debate, in the social and political context of the development of U.S. environmental policy during the past forty years, up to and through the first term of President George W. Bush. It demonstrates Bush's approach to environmental policy through his executive and judicial appointments, policy actions he has taken and not taken, and strategies of timing and rhetoric used by his administration to advance his environmental agenda. It also shows how the Healthy Forests Initiative would inevitably become entwined in 2004's election-year politics.

Chapters 2 and 3 focus more specifically on Forest Service administrative appeals. Chapter 2 places Forest Service administrative appeals within the context of the growth of public involvement processes generally. It details the historical development of appeals, showing how they increasingly grew to be politically valued as an opportunity for achieving access to agency decision processes. It also demonstrates that the Forest Service has long viewed the appeals process as an impediment to achieving its management objectives—a perspective or issue definition that did not gain broad support and was specifically rejected by congressional policymakers until just recently. Building upon a database of appeal records that we created, this chapter also provides background information on just how many appeals are filed, who files appeals, what types of projects are appealed, and the types of decisions the Forest Service renders.

Chapter 3 continues to focus on Forest Service administrative appeals and provides a more in-depth examination of appellants. Although environmentalists as participants in the appeals process have been the principal target of policy change, our study found diverse groups and individuals use the appeals process. Their motivations, strategies and tactics, and expectations vary widely. This chapter also suggests that many issues surrounding the impact of appeals—such as harmful delays—are far more complex than the healthy forests debate has yet to fully acknowledge.

Chapter 4 then turns to examine how appeals and wildfires became conjoined, zeroing in on the agenda setting process as part of policy change. After providing a brief overview of the evolution of fire policy, this chapter illustrates how the

2000 and 2002 wildfires provided focusing events that propelled the issue of fire and appeals to the forefront of public consciousness. Forest ecologists have long warned that decades of fire exclusion, high-grade logging, domestic livestock grazing, and some forms of recreation have had detrimental environmental consequences, creating conditions ripe for catastrophic crown fires. Likewise, scientists and managers increasingly worry about the dangers of mixing people and flammable vegetation as people continue to build and live in areas within, or adjacent to, forested areas (the wildland-urban interface). It was not until the occurrence of several large and spectacular wildfires within a relatively short period of time, however, that widespread public concern about a nationwide problem of forest health emerged, enhancing opportunities for new policies to be formulated and adopted. This chapter examines the role of two critical factors in framing and defining the problem: the role of rhetoric and the use, misuse, and non-use of empirical data for influencing the agenda setting process. These two factors enabled environmentalists to be recast from the role of trustees to the role of threats and also paved the way for the agency's characterization of appeals as obstacles rather than opportunities to be politically accepted. The agency's long sought after solution—reducing the role of administrative appeals in agency decision making—effectively became attached to the wildfire problem.

Chapters 5 and 6 focus on the process of policy adoption. These two chapters examine the Bush administration's successful strategy of simultaneously pursuing policy change in both legislative and administrative venues. Chapter 5 documents the legislative history of the 2003 Healthy Forests Restoration Act, which put into law significant portions of the president's Healthy Forests Initiative and gave Bush a significant legislative victory just before the 2004 election year. The legislation authorizes an additional $760 million per year for fuels reduction projects on twenty million acres of federal lands managed by the Forest Service and the Bureau of Land Management. For qualifying hazardous fuels reduction projects, the act limits the number of alternatives that needed to be considered under NEPA, replaces post-decisional appeals with a pre-decisional appeals process, and places limits upon judicial review.

Legislative history shows how framing issues as forest health and restoration provided cover for politicians who might otherwise have rejected legislation that appeared environmentally hostile and also provided opportunities for areas of the country not as concerned about fires on public lands to attach their concerns about forest insects and disease in exchange for their political support. As debate over the proposed legislation proceeded, environmentalists found themselves in a quandary. They could not be against restoration, which they of course support. Cast as villains in delaying fuels reduction projects and increasing the prospects

of catastrophic wildfires, they had a hard time advancing the case about how NEPA analysis, appeals, and litigation were core tools in the kit of public involvement and important as instruments for ensuring public accountability. Public safety trumped public involvement. Framing the issue as forest health blurred distinctions among the goals, objectives, and outcomes of restoration versus those of traditional timber and fire management.

Receiving far less public attention, however, but moving in tandem with the legislative proposals were a series of regulatory changes that clearly show how prominently regulatory rollback figured into the Healthy Forests Initiative and the president's environmental agenda. Chapter 6 examines four rulemakings that involve significant changes in agency decision making processes: (1) revisions of regulations guiding Forest Service land management planning that delete the use of administrative appeals in the planning process; (2) revisions of regulations governing Forest Service appeals related to NEPA project decisions that place additional limits on the use of appeals; (3) administrative guidance applied to both the Forest Service and Department of the Interior agencies that expand the types of projects that can be categorically excluded from NEPA's environmental impact statement procedures; and (4) new appeals regulations that add limits to the appeals process of the Bureau of Land Management. This chapter also discusses three other administrative actions that the administration linked to the fire problem and that demonstrate its commitment to increased timber harvests as a solution: (1) new consultation rules under the Endangered Species Act for actions related to the National Fire Plan; (2) changes to the Northwest Forest Plan; and (3) revision of the Sierra Nevada Framework.

The concluding chapter focuses on the spillover effect, viewing Bush's Healthy Forests Initiative as a template for broader environmental change. To illustrate this spillover, it examines the administration's initiatives in two other areas of environmental policy—energy and mining policy, and grazing—that also modify appeals and litigation, limit the role of the public in environmental policymaking, reduce the power and influence of environmental groups, and develop policies favoring the development and use of natural resources.

As a template for change, the success of President Bush's forest policy and its redefinition of process, participants, problems, and products delivered a severe blow to the environmental movement. Redirection of forest policy, as well as other areas of environmental policy, is being controlled and expedited through the use of certain tools and strategies that have confounded efforts of environmental organizations and advocates to stop or slow down the outcomes. The legacy of the first four years of George W. Bush's presidency will be remembered for its aggressive pursuit of a conservative, pro-industry, and pro-business policy

agenda more in line with traditional political approaches for managing the nation's public lands.

NOTES

1. Austrian-born body builder, movie actor, and political novice, Republican Arnold Schwarzenegger had defeated Democratic governor Gray Davis in a high-profile California recall election amid continuing voter disapproval of Davis's handling of the state's budget problems. The election occurred two weeks prior to the outbreak of the fires.

2. For a detailed description of the 2003 Southern California fires see Jake A. Blackwell and Andrea Tuttle, *California Fire Siege 2003: The Story* (Sacramento, CA: California Department of Forestry and Fire Protection, and Washington, DC: USDA Forest Service, 2003).

3. Jeff McDonald, "Recovery Likely to Cost Billions; Agencies Face Huge Bills," *San Diego Union* (December 28, 2003) at www.signonsandiego.com/news/fires accessed February 9, 2004.

4. President George W. Bush, *Healthy Forests: An Initiative for Wildfire Prevention and Stronger Communities* (Washington, DC: White House, 2002); Healthy Forests Restoration Act of 2003, Public Law 108–148, December 12, 2003.

5. The White House, "President Announces Healthy Forest Initiative. Remarks of the President on Forest Health and Preservation," news release (August 22, 2002); and "President Thanks Work Crews and Firefighters," news release (August 22, 2002) at www.whitehouse.gov/news/releases/2002 accessed August 23, 2002.

6. Letter from the San Diego Fire Recovery Network to Walter Ekard, Chief Administrative Officer of the County of San Diego, February 5, 2004; also, letter from Jon E. Keeley, Station Leader, Western Ecological Research Center, U.S. Geological Survey, to the San Diego Fire Recovery Network, January 17, 2004. The Steering Committee of the San Diego Fire Recovery Network is chaired by the forest supervisor of the Cleveland National Forest. Members include professionals, scientists, and citizen representatives from both governmental and nongovernmental organizations. See also "Age-Patch Mosaics May Not Reduce Fire Risk, Intensity in California Shrublands," *The Forestry Source* (May 2004): 11; and Jon E. Keeley, C. J. Fotheringham, and Max A. Moritz, "Lessons from the October 2003 Wildfires in Southern California," *Journal of Forestry* 102:7 (2004): 26–33.

7. See, for example, James Anderson, *Public Policymaking: An Introduction,* Fourth Edition (Boston, MA: Houghton Mifflin, 2000).

8. See, for example, John W. Kingdon, *Agendas, Alternatives, and Public Policy,* Second Edition (New York: NY: Longman, 2003).

9. David A. Rochefort and Roger W. Cobb, *The Politics of Problem Definition: Shaping the Policy Agenda* (Lawrence, KS: University Press of Kansas, 1994); and Roger W. Cobb and Charles D. Elder, *Participation in American Politics: The Dynamics of Agenda-Building* (Baltimore, MD: Johns Hopkins University Press, 1983).

10. Larry D. Spence, *The Politics of Social Knowledge* (University Park, PA: Pennsylvania State University Press, 1978); Frank R. Baumgartner and Bryan D. Jones, *Agendas and Instability in American Politics* (Chicago, IL: University of Chicago Press, 1994).

11. Kenneth Burke, *A Rhetoric of Motives* (Berkeley, CA: University of California Press, 1969). On the role of language see also Murray Edelman, *Political Language: Words that Succeed and Policies that Fail* (New York, NY: Academic Press, 1977); and Mark P. Petracca, "Issue Definitions, Agenda-building, and Policymaking," *Policy Currents* 2:3 (1992): 1, 4.

12. On the social construction of policy targets, see Anne Larason Schneider and Helen Ingram, *Policy Design for Democracy* (Lawrence, KS: University Press of Kansas, 1997).

13. Roger W. Cobb, J. Ross, and M. H. Ross, "Agenda-Building as a Comparative Political Process," *American Political Science Review* 70:1 (1976): 126–138; E. E. Schattschneider, *The Semisovereign People* (Fort Worth, TX: Holt, Rinehart and Winston, 1983). See also Edward G. Carmines and James Stimson, "On the Structure and Sequence of Issue Evolution," *American Political Science Review* 80:3 (1986): 901–920.

14. Michael A. Smith, "The Interpretative Process of Agenda-Building: A Research Design for Public Policy," *Politics & Policy* 30:1 (2002): 9–31, at 16.

15. Ibid.

16. Elise S. Jones and Will Callaway, "Neutral Bystander, Intrusive Micromanager, or Useful Catalyst? The Role of Congress in Effecting Change Within the Forest Service," *Policy Studies Journal* 23:2 (1995): 337–350.

17. Roger W. Cobb and Marc Howard, eds., *Cultural Strategies of Agenda Denial: Avoidance, Attack, and Redefinition* (Lawrence, KS: University Press of Kansas, 1997).

18. Roy J. Lewicki, Barbara Gray, and Michael Elliott, eds., *Making Sense of Intractable Environmental Conflicts: Concepts and Cases* (Washington, DC: Island Press, 2002).

19. Petracca, "Issue Definitions, Agenda-building, and Policymaking."

20. Lettie McSpadden Wenner, *One Environment Under Law: A Public-Policy Dilemma* (Pacific Palisades, CA: Goodyear Publishing, 1975), 114.

21. Tom A. Birkland, *After Disaster: Agenda Setting, Public Policy and Focusing Events* (Washington, DC: Georgetown University Press, 1997).

22. See Brad T. Clark, "Agenda Setting and Issue Dynamics: Dam Building on the Lower Snake River," *Society and Natural Resources* 17 (2004): 599–609; and William R. Lowry, *Dam Politics: Restoring America's Rivers* (Washington, DC: Georgetown University Press, 2003).

23. Kingdon, *Agendas, Alternatives, and Public Policy.*

24. William E. Shands, "Public Involvement, Forest Planning, and Leadership in a Community of Interests," in *American Forestry: An Evolving Tradition. Proceedings of the 1992 Society of American Foresters National Convention* (Bethesda, MD: Society of American Foresters, 1992), 364–369. On NEPA more generally, see Matthew J. Lindstrom and Zachary A. Smith, *National Environmental Policy Act: Judicial Misconstruction, Legislative Indifference, and Executive Neglect* (College Station, TX: Texas A&M University Press, 2001).

25. Hanna J. Cortner and Margaret A. Moote, *The Politics of Ecosystem Management* (Washington, DC: Island Press, 1999).