

Michigan COMMENTARY

## State "War" Threatens Department of Natural Resources

By William R. Rustem and Steve Harrington

State government is at war with itself. In the latest skirmish, Governor John Engler was routed on an Ingham County Circuit Court battlefield by the legislature and a host of environmental interests headed by the Michigan United Conservation Clubs. To the victor will go the power to control the shape of state government, an important constitutional issue worthy of debate. Unfortunately, the Michigan Department of Natural Resources (DNR) is among the walking wounded in this conflict.

The primary issue is whether the governor has the authority to eliminate or create departments, commissions, grantmaking authorities, and other decision-making bodies in the executive branch established by state statute. Ultimately, this balance of power must be decided by state constitutional interpretations. As the governor and legislature battle over this power, however, the DNR has become an agency without direction, with leaders who are not permitted to lead, and staff uncertain about their futures.

The stakes are high in this battle. Michigan has more than 11,000 lakes, 36,000 miles of streams, and thousands of square miles of forests and recreational land and is the crown jewel of the Great Lakes ecosystem, the largest freshwater system in the world. Tourism, one of the state's largest industries, is heavily dependent on Michigan's natural resources. The DNR has approximately 3,500 employees who oversee management of these resources. The appointment of a new director, shifts in executive staff assignments, new Natural Resources Commission (NRC) members, and the battle between Governor Engler and the legislature has left the department in a state of dazed change and uncertainty. Some routine matters have become exercises in elaborate games of chance as supervisors try their best to do what is "politically correct."

The most fundamental problem is lack of vision for the DNR. Because of the constraints imposed by opposing political forces, the new director, Roland "Rollie" Harmes, Jr., has not been given a chance to lead a department mired in controversy about what it is and what it should become. Politicians have begun to listen to special interest groups, some of which want to keep the department in charge of resource management and environmental protection while others want to separate those duties. The DNR has become a reactive agency that responds to problems instead of anticipating issues and taking action before the issues become political prizes. The DNR is striving to hold ground, to survive as a department capable of protecting the state's valuable natural resources.

Some executive staff reassignments have been viewed as retribution for aggressive enforcement of environmental protection laws. Other reassignments are viewed as rewards for political savvy. True or not, this controversy is another disruptive factor at the DNR.

Another skirmish centers on recent NRC appointments made by Governor Engler. Candidate Engler said he would appoint individuals with strong environmental science and wildlife biology backgrounds to the NRC. Although competent people have been appointed to the NRC, Governor Engler has appointed special interest representatives to the commission. Environmental groups accuse him of stacking the NRC with pro-development neophytes who lack sensitivity and knowledge about resource management and environmental protection issues. This controversy, too, has undermined the credibility of the NRC at a time it can ill-afford such concerns.

Now, the battle between Governor Engler and the legislature has added yet another, and perhaps the most damaging, cause for political warfare. In January, Governor Engler issued three executive orders abolishing

the "old" DNR and creating the "new" DNR. The reason given for eliminating 19 boards and commissions is streamlining the permit process. Governor Engler identified these boards and commissions as bottlenecks where permit applications for dredging, oil and gas exploration, land development, and dozens of other issues were backlogged. Environmental groups and legislative Democrats were quick to charge that the executive orders went too far and eliminated an important opportunity for public input.

Lawsuits were filed and battle lines defined. On January 30, Ingham County Circuit Court Judge Peter Houk decided the first skirmish in favor of the legislature. Judge Houk ruled that the governor did not have the constitutional authority to override the legislature and use the sharp edge of executive orders to eliminate statutorily created boards and commissions. He also ruled that the governor lacks the authority to abolish singlehandedly the "old" DNR in favor of the "new." An appeal is pending.

In the long run, who wins is critical in sorting out the roles of the legislature and governor. The short-run loser is clearly the DNR. Staff morale is poor, programs that could go forward are languishing, and public confidence is waning.

Understandably, DNR staff find their lives are "on hold." Many are unsure if they will have jobs this summer, and those that do may be required to relocate to new jobs and communities. Staff reductions have caused remaining employees to cope with increasing workloads that are backlogged until supervisors divine politically correct actions.

Some programs that could be implemented are also put on hold until decisions are made and direction is found. Specifically, the *Michigan Natural Resources Magazine*, one of the nation's most respected outdoor publications, has seen its editor and several key staff leave. If the magazine cannot guarantee profitability it may become a casualty of the state government war, regardless of the benefits of educating readers about the value of Michigan's natural resources. The nongame wildlife program is another initiative that, despite direct funding from state income taxpayers, is left uncertain about purpose. At the same time important permitting functions are slowing down, and DNR staff continually wonder about the growing role of politics, both internal and external, in resource protection and management.

There is considerable room in the DNR for improvement. Permit applicants need certain and timely decisions to preserve large investments, and the public expects greater environmental protection and resource management from the department. With the closure of the Information Services Center and uncertain future of the *Michigan Natural Resources Magazine*, communication between the DNR and its constituents may disappear altogether.

Environmental groups reflect a growing public impatience with the political war. There are no guarantees that the environment is being protected, that fish and wildlife are being managed properly, and that recreational opportunities will be preserved. DNR funding cuts, however necessary, are only part of the problem. Leadership is required to pull the organization together, but that leadership cannot take hold during the current political war.

A moratorium—a cease fire—is needed. It is time for the governor, legislature, and special interests to let the dust settle long enough for Director Harmes to demonstrate leadership. It is time for the DNR to return full-time to the business of resource management and environmental protection. It is time for Governor Engler and the legislature to examine the high stakes at risk in their war and the importance of our natural resources to the state's economy and quality of life.