

NACo and the Trust for Public Lands (TPL) 4th Annual County Leadership in Conservation Awards



Photo by Abigail Friedman

Carrie Gallagher, commissioner Suffolk County NY; William Gladden, director Chester County PA Open Space Preservation; Terence Farrell, vice chair Chester County PA Board of Commissioners; Doug Smith, chair Martin County FL Board of Commissioners; Heather Saucier, spokeswoman Harris County Flood Control District; John E. Tighe, chair Park County CO Board of County Commissioners.

The winning counties — Park County, CO; Martin County, FL; Chester County, PA; Harris County, TX and Suffolk County, NY — were honored at NACo's Legislative Conference for their leadership, innovation and excellence on local land conservation and park creation initiatives across America. In addition to national recognition, each county received a travel scholarship to promote countywide land conservation programs as effective solutions to thoughtful regional growth issues. Since 1996, 151 counties have prioritized land conservation with new or reconsidered conservation programs. In that time, these counties have

passed 260 ballot measures, generating \$14.3 billion for open space, parks, watersheds, recreational lands and wildlife preserves. More than 77 percent of all county conservation ballot measures in the last decade have won voter approval. These numbers show that, increasingly, both voters and counties are acting locally to address issues that really matter to them, such as the protection of land and water resources.

The County Leadership in Conservation Awards are presented annually by NACo and TPL in partnership with the National Association of County Planners and the National Association of County Parks and Recreation Officials.

Preparing for Climate Change

Global climate change is expected to have increasing impacts on the built, natural and human systems of our world, with social, economic and environmental consequences. A range of sectors may be vulnerable to impacts, including:

- o Snowpack, streamflow and water supply.
- o Wastewater treatment operations, especially those located in coastal areas.
- o Coastal parks, footpaths, roads and special landscapes, such as beaches and bluffs, with rising sea levels and more variable coastal weather.
- o Biodiversity and threatened and endangered species.
- o Public health, especially in communities under existing health stresses.

Preparing for climate change impacts: A process

Decision-makers in local and regional governments will be on the front lines of these impacts, but can start to prepare for climate change today. The following suggested steps to prepare are drawn from *Preparing for Climate Change: A Guidebook for Local, Regional and State Governments*, written by the Climate Impacts Group at the University of Washington and the office of King County (WA)

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Commissioner of the Month Speaks— Lynn Brownley, Westmoreland County VA

Today, those of us who live, work, or recreate in the Northern Neck region face various ecological threats. One of our biggest concerns is the increased amount of cutting of large tracts of mature forests. The large trees found in standing forests cost almost nothing in services and infrastructure, yet produce staggering benefits to society at large. Such benefits include carbon sequestration, improved air quality, surface and ground water protection, uptake of nutrients and fertilizer, percolation of toxins, temperature moderation, wildlife habitat provision, and vast recreational and spiritual uses (i.e., hunting, camping, hiking, and wildlife viewing). In addition, stands of older, larger trees constitute an important part of our rural frame of reference and increase the value and appeal of historical, recreational, and tourism assets as well as private property.

Unfortunately, some of these benefits are not valued adequately in the conventional marketplace. Lumber products manufacturing plays an important role in the local economy of the Northern Neck, and clear cutting presents obvious economic advantages to the industry. Alternatively, “high grading” (a type of select cutting) removes the most genetically superior trees and leaves the smaller specimens. Nationally, the biggest and best hardwoods are often shipped overseas as veneer logs, without any value-added production. Because it takes 75-125 years for regrowth of the more desirable and valuable hardwoods, most pine stands get regenerated while hardwood species often do not. The natural spe-

cies mix is changing each time a mature forest is felled. In this way, we are losing a practically irreplaceable resource since pre-harvesting techniques are not used routinely and no one truly supposes that any new forest would be left alone long enough to produce mature hardwoods in the future.

No one suggests that timber not be harvested. However, few tracts of large, older timber remain (called the “Second Forest”), and only solitary specimens or relic trees suggest what the woodland resource once looked like. Conservation of natural resources is the long-standing policy of this Commonwealth; nevertheless, state laws and regulations are currently insufficient to protect these trees. Noble efforts by families, who establish conservation easements and land trusts, help preserve some of our precious lands and landscapes, but citizens, individually and collectively, must demand more preservation initiatives at all levels of government. A dialogue among interested citizens, stakeholders, forest users, and plain tree admirers must begin in earnest.

Many nonprofit organizations and government agencies today extol the virtues of trees generally and have created programs for replanting and eventually restoring canopy. But the focus should be the retention of some existing forests, in whole or in part, especially in sensitive riparian areas and where important to

habitat or viewshed. If so much tree canopy had not been lost in the 64,000-square-mile Chesapeake Bay Watershed and riparian buffers of meaningful size had been left intact, many are confident the Chesapeake Bay and its tributaries would never have been so acutely degraded.

Truly the clarion call has sounded. All people must be quickly educated to appreciate the enormous societal value of living trees. Mature forests are not “wasted” just because obsolescence in timber value occurs.

Eastern Virginia has a plethora of tree types in its forests and the coastal plain where I live provides water. There are still some big, tall pines, oaks, and tulip poplars that flourish, but the logging trucks roll on. In my little Town of Montross (pop. 315), there are at least four varieties of maple. A conspicuous stand of black locust frames an autobody shop; a huge willow oak guards a local bank; one tall sycamore (and her “sister”) are the sentries for our venerable, columned courthouse. Here people are fortunate to survey saltwater, wetlands, and tree cover daily. Most of our roads are still visually appealing and commercial sprawl is attenuated. Nevertheless, viewsheds, ruralism, and “sense of place” are taken for granted by most.

Aesthetics are important, but are not the best argument for tree retention and forestal cover;

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GREENER TAX POLICY

This is another excerpt from “Greening Cook County” by Cook County Commissioner Mike Quigley.

Introduction

The tax system should complement environmental goals, not work against them. At best, most taxes currently levied at the federal, state, and local levels have a neutral effect on the environment.

At worst, tax policy directly undermines efforts to reduce air and water pollution and to conserve land resources. The federal tax code in particular has some egregiously bad elements. The few eco-friendly elements of the tax code are far overshadowed by enormous tax breaks for extractive industries like mining, oil and gas production, and timber. In addition, compared to other advanced nations, the US has low fuel taxes, which do very little to discourage driving.

Cook County cannot do much about the federal tax code. However, it can adapt its taxes to support environmental goals. For example, the County should levy its vehicle taxes on the basis of weight, which is a rough indicator of how damaging a vehicle is to the environment and to roads. In addition, the County should encourage private investment in green buildings by establishing a property tax classification and incentive for structures meeting green standards.

Create a new property tax classification and incentive for green buildings.

Cook County has established a number of special property tax classifications which provide incentives

for the construction of low-income housing, provision of low-income housing, historic preservation, and industrial development, among other things. Cook County should encourage the construction of green buildings by creating a property tax incentive for structures meeting Leadership in Energy and Environmental Design (LEED) for New Construction (LEED-NC) standards.

At present, commercial buildings are assessed at 38 percent of estimated property value and industrial properties are assessed at 36 percent. A green building incentive, by contrast, might reduce that assessment level by half for a specified period. Ideally, a property tax incentive would be structured so that the higher the LEED-NC standard achieved, the longer the property tax incentive would last. For example, industrial buildings meeting the LEED “certified” level could be assessed at 18 percent for 10 years, “silver”-level buildings for 12 years, “gold”-level buildings for 14 years, and “platinum”-level buildings for 16 years. The incentive would be non-renewable, because it is intended to provide savings in the first few years of the building’s existence in order to offset the higher initial costs of building to the LEED standards. Long-term relief is unnecessary and unwarranted, given that green buildings are often less expensive to operate and maintain than conventional structures on a long-term basis.

The advantage to using LEED standards as the criteria for property tax incentives is that the compliance

would be verified by the US Green Buildings Council rather than the County—sparing the County a major administrative task.

In addition, there should be a way to encourage investments in energy-saving and environmentally friendly building technologies that do not rise to the level where they would qualify for LEED certification. To encourage the building of “green” single-family homes and small multi-unit residential buildings, the state of Illinois could initiate a program similar to the historic preservation property tax freeze currently in place. Under that program, owner-occupants of single-family houses or multi-family buildings of six or fewer units who invest at least 25 percent of the value of their National Register-listed or locally-designated historic property in rehabilitation and restoration work are eligible to have the assessed value of the property “frozen” at the pre-rehab level for eight years and gradually returned to market value over an additional four-year period.

A program designed to encourage homeowners to invest in energy-saving, water-saving, and/or other environmental technologies could be designed to function similarly. For example, owners who invest 10 percent of the assessed value of their property in approved environmentally beneficial technologies could receive a property tax freeze lasting three to four years with an additional period of several years to gradually return the property to market value. (The short lifespan of the freeze reflects the lower percentage investment required.)

1000 Friends of Hawaii



Hula about Kawainui Marsh performed by Halau Mohala Ilima at historic transfer of Kawainui from the city to the state.

Hawaii's Thousand Friends (HTF), established in 1980, is a statewide non-profit land use organization dedicated to responsible land and water use planning and management in Hawai'i and believes that all land and water use decisions and actions are a process in which the entire community should participate. HTF is committed to acting with foresight and strength on behalf of our citizenry. Over the years, the organization has been involved with and supported numerous community-based and government efforts focused on protection natural and cultural resources and improving land and water use management.

Issues that HTF has been involved in through out our twenty-eight year history are: inappropriate uses on agricultural land, reduction of agricultural land, proposals to weaken or eliminate Hawaii's State Land

Use Law and Water Code, loss of public access to coastal and mauka (mountain) areas, impacts from increased tourism numbers and activities and weakening of public participation in planning processes.

As an island state, dependent on the ocean for food and recreation, a clean, safe and healthy ocean environment is critical. To prevent untreated sewage from flowing into streams and the ocean, HTF brought several Clean Water Act lawsuits against the City and County of Honolulu to protect the island's ocean, coastal and marine resources. Our efforts have resulted in the development of facilities to treat 1.3 million gallons of water per day for reuse and disinfecting outflows, improvements to prevent leaching and discharging sewage into streams and upgrading operations at City Wastewater Treatment Plants.

Since 1994, HTF has argued the *Public Trust Doctrine*, engrained in

Hawaiian history through the Hawaiian Kingdom, that held land and water in trust for the common good and a modern day judicially created body of law that protects Hawaii's natural resources, in the Waiahole Ditch Water Contested Case. The case was brought to ensure that adequate water for native stream life survival and taro farming remained in several Windward Oahu streams and was not diverted to the other side of the island for urban uses. Our involvement has resulted in more water being returned to the streams and a landmark Hawai'i Supreme Court decision that embraced the *Public Trust Doctrine*, described the scope of the trust and declared "the essential feature of the public trust is the right of the people to have the waters protected for their use."

One of HTF's longest running efforts has been the protection of the 405-acre Kawainui Marsh, Hawaii's largest remaining emergent wetland on the Windward side of the island of Oahu. Kawainui Marsh contains archaeological and cultural resources and provides habitat for four of Hawaii's endemic and endangered waterbirds. Since the early 1960's, citizens have been fighting, and prevented, various development proposals, from a shopping center to housing around the rim of the marsh. As the result of an HTF and National Audubon Society two-year application process, one of HTF's proudest accomplishments is the 2005 declaration of Kawainui-Hamakua Marsh as a *continued on page five*

From the Director . . .



Executive Director Peg Reagan

Since we issued our last newsletter, we've worked with almost 100 county commissioners from across the country who signed on to a letter to James Oberstar, the Chair of the House Transportation and Infrastructure Committee, in support of the Clean Water Restoration Act. They said:

"We are writing today to urge Congress to act swiftly to ensure that the nation's streams, rivers, lakes, wetlands, and other waters that have long been protected from pollution by the Clean Water Act of 1972 do not lose those safeguards. Specifically, we endorse legislation to reaffirm and restore – but not expand – the scope of the federal Clean Water Act known as the Clean Water Restoration Act (H.R. 2421/S. 1870).

The Federal Water Pollution Control Act of 1972, later known as the Clean Water Act, is one of the nation's most important environmental protection laws. Investments in money and efforts over the last three decades by federal, state, and local officials have resulted in waters that are much

cleaner today than they were 35 years ago. There is still much to be done; 40 percent of the nation's rivers, lakes, streams, and coastal waters still do not meet all water quality standards. Nonetheless, it is hard to consider the Clean Water Act anything but a success overall.

The United States Supreme Court decisions in *SWANCC* and *Rapanos* threaten that progress. These fractured decisions removed categorical Clean Water Act protections from seasonal streams, headwaters, and wetlands that do not meet new and undefined judicial tests for a 'significant nexus' or 'relatively permanent' flow. These complex legal tests have created significant administrative hurdles and costs, including longer waits for permit applicants, increased workloads for local governments and states, more detailed federal agency review, and delays and uncertainty in project planning.

More importantly the new legal tests do not protect the integrity of the nation's waters as a whole. Traditionally navigable waters are, in fact, only a very small fraction of all the waters of the United States, and a Clean Water Act focused only on those waters will not provide clean water for the nation."

Unfortunately, the National Association of Counties has opposed the Clean Water Restoration Act and even joined what's

known as the "Dirty Waters Coalition" with polluting industries. We hope to help county officials show the Association that counties are NOT united behind polluters and to help them protect the nation's waters for the benefit of all Americans.

In addition, we've been working on getting ready for the Association's annual conference in Kansas City in July, opposing the Bureau of Land Management's Western Oregon Plan Revisions, advocating for marine reserves, and trying to get funding so we can continue to work on climate change.

Peg Reagan

1000 Friends of Hawaii

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Wetland of International Importance under the Ramsar Convention. This is the first such recognition in Hawai'i and the Pacific region. Kawainui Marsh has always been steeped in controversy, including, ownership divided between the City and County of Honolulu, owning the wetland, and the State, owning the dry-land rim. This has made restoration and management difficult. On June 30, 2007 the Governor signed a historic agreement transferring the entire marsh to the State of Hawai'i. Now we can move forward and conserve this most important cultural and natural resource.

Restore Montana: Building a Restoration Economy

By Marnie Criley

The restoration of damaged lands and waters and the revitalization of deteriorating community assets across Montana present multiple opportunities to benefit businesses, workers, communities, wildlife, and water quality. Montana is in a position to lead the West in developing a restoration economy that attracts investment and creates “green-collar” jobs with local employers while enhancing our land, water and communities.

Combining restoration of the natural environment in the same effort as revitalization of the built environment provides an innovative and holistic model that incorporates diverse interests. These interests are coming together as the Restore Montana network. To date, the network includes Wildlands CPR along with 30 other community leaders representing business and industry, labor, state universities, government, sportsmen and conservation interests.

Successes

Based in part upon public support from Restore Montana and the network’s unique range of leaders, the Montana legislature in its recent session established a new Restoration Office. The office will be staffed by a coordinator and provided with funding for database development and project coordination. Last summer, the Western Governors’ Association

put forth a policy resolution entitled “The Restoration Economy.” This resolution acknowledges the importance of restoration efforts across the West and calls on Congress to improve funding for restoration projects, including the establishment of a multi-year appropriation formula similar to the Highway Bill.

Vision

Restore Montana’s vision for building a restoration economy focuses on new approaches to economic development that aim to create financial, social, and environmental returns on investment. To achieve the vision, restorative development projects require cross-disciplinary collaboration at an unprecedented scale.

Our vision includes:

- An integrated approach to restore the natural environment and revitalize the built environment, creating high-skill, high-wage jobs in rural areas and in towns and cities;
- State-level coordination to identify and implement needed policy changes that create incentives for private and public investment in restoration;
- Common interests that bring together the industry, labor, conservation and education communities; and
- Investment at the university

level both to train a new, local work force, and to create a national intellectual center for restoration research and technology.

Goals

Restore Montana will create and develop the network of interests that can act effectively to realize this vision.

Our goals include:

- 1) Spurring coordinated public and private investment in restoration and community revitalization. Sustained funding is the biggest obstacle to realizing the economic potential of restoration work. Restore Montana is exploring different public and private investment opportunities and policy changes that could jumpstart this economic revolution.
- 2) Working with Montana universities and technical colleges to train a restoration workforce and to develop and assess new restoration technologies. Montana’s state universities and technical colleges can contribute innovative research, restoration technologies and training programs that can be exported across the nation and even internationally.
- 3) Building a dynamic, multi-faceted online knowledge management system that will serve as an ongoing repository for Montana’s restoration economy. Restore Montana’s online network

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Preparing for Climate Change

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Executive Ron Sims, in association with ICLEI - Local Governments for Sustainability.

Ask the climate question. Inquire “How could climate change affect our community? Do these impacts pose a risk to our government services, property, health and natural resources?” Collect and review important information from experts at your local universities or broadly respected scientific institutes about regional climate changes. Find out the existing trends of temperature, precipitation, sea level and other relevant climate variables in your region.

Raise public awareness. Consider holding workshops, “brown bag” lunch presentations and other outreach events with a focus on how climate change is expected to affect your community, to raise public and institutional awareness.

Build technical capacity to prepare for climate change, and strengthen long-term relationships between regional scientists and municipal decision-makers. Try to identify an established and trusted source of information in your region, such as a university or other respected institute. Consider training or hiring qualified staff to serve as internal advisors.

Assess the vulnerability of built, natural and human systems to climate change impacts. King County’s climate team is looking at how public and private assets will be vulnerable to increased

flooding and sea level rise that are expected to occur. The team has also identified the ways in which the region’s natural resources, such as water supply and biodiversity, are vulnerable, and is beginning to study the impacts of climate change to public health.

Seek solutions that build the adaptive capacity of built, natural and human systems to cope with climate change -- and reduce greenhouse gas emissions.

Adaptive capacity is the ability of built, natural and human systems to accommodate changes in climate with minimum disruption or additional cost. King County has pursued solutions that simultaneously support adaptation and reduce greenhouse gas emissions -- such as green buildings. Certain green building elements can provide natural stormwater drainage in times of heavy rains, stormy weather or flooding, while also reducing building energy consumption and therefore greenhouse gas emissions. Such solutions reflect that climate change adaptation and mitigation can go hand-in-hand.

Conclusion

We must continue to limit the worst future harms of global climate change by reducing our collective greenhouse gas emissions now. For local and regional communities, however, some impacts will be inevitable. Starting to prepare for them now is imperative.

Preparing for Climate Change: A Guidebook for Local, Regional and State Governments can be downloaded at <http://www.cses.washington.edu/cig/fpt/guidebook.shtml>.

Restore Montana

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strategy uses the power of information technology to accelerate the new relationships and knowledge transfer necessary to realize the vision for Montana’s restoration economy.

Restore Montana is working to turn the idea of a restoration economy into reality. With investment and coordination, Montana can create a locally-based, sustainable sector of the economy, creating a model that can benefit efforts across the Rocky Mountain West.

Reprinted with permission,, Wildlands CPR.

Commissioner of the Month Speaks

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rather, ecology is. We must force our governments at all levels to properly value standing forests, species diversity, watershed protection, and air quality. The “public economics” involving trees may be imprecise by conventional measures; however, nothing is better for the landmass and ultimately for our own human survival.



...thinking globally, acting locally

A Greenprint for Travis County



Golden Cheeked Warbler; U.S. Fish and Wildlife Service, Steve Maslowski

Travis County TX is blessed with a mild climate, a healthy economy, and abundant natural beauty. The Colorado River flows from rolling hills—famous for spring wildflowers—through the booming city of Austin, home to high-tech businesses, the Texas state capital, and the University of Texas. East of Austin, cedar-blanketed hills soften to meet the fertile Blackland Prairie, where the rich soils established a wealthy heritage of ranching and agriculture. West of the city lie the terraced uplands of the Balcones Canyonlands National Wildlife Refuge. This complex of woodlands, wetlands, and grasslands overlies a honeycomb of caves, sinkholes and springs. And below those lies the Edwards Aquifer, source of drinking water for 1.5 million county residents.

Given Travis County's environmental and cultural advantages, it is not surprising that its population is growing—by more than 40 percent in the last decade. Like residents of many fast-growing counties, people here are concerned

that they may lose much-loved open space and irreplaceable natural resources to development.

Last year, TPL-Texas and the Trust for Public Land's conservation Vision service launched a greenprinting process to help decision makers in Travis County understand which natural lands were most important to conserve in anticipation of growth. Participants in the effort eventually included more than two dozen governmental, environmental, and nonprofit stakeholder groups.

Like all TPL greenprinting efforts, this one started with a simple question from TPL: "What do you believe is important to protect here?"

During a series of meetings, four conservation goals eventually rose to the top. Stakeholders wanted to protect water quality—in the Edwards Aquifer, the Colorado River,

and other sources; create equal access to recreation; protect endangered-species habitat and other scarce environmental resources; and conserve historic, scenic, and agricultural lands.

TPL then used GIS mapping to display which lands should be protected to meet these conservation goals.

Published in July, TPL's Travis County Greenprint for Growth will serve as a guide for agencies and governments as they establish their conservation programs. Funding for the Travis County greenprint came from several grants from public and private entities, including a lead gift by Advanced Micro Devices.

In addition to its work in Travis County, TPL-Texas has completed a greenprint for Armand Bayou in Houston and is working on greenprints for four more central Texas counties, as well as for Chambers County on the Gulf Coast; for the north-central Texas region, which includes the Dallas-Fort Worth Metroplex; and for Galveston Island.

For more information on TPL's work in Texas, go to www.tpl.org/texas.

To learn about TPL's greenprinting services, go to www.tpl.org/services.

"A Greenprint for Travis County," Land & People Fall 2007, reprinted with permission from The Trust for Public Land. To learn more about TPL, please visit www.tpl.org or call (415) 495-4014.

The Economic Value of Healthy Fisheries in Wyoming



U.S. Fish and Wildlife Service

Part two

Economic impact of tourism

Research commissioned by the Wyoming Business Council found that tourism accounted for 28,000 jobs and \$488 million in personal income in Wyoming in 2003. Researchers also found that employment in travel-related industries, which include accommodation and food services; art, entertainment and recreation; retail; ground and air transportation; and travel arrangement services, increased by 1.5 percent annually and travel-related earnings increased by 5.2 percent per year between 1997 and 2003.

In 2001, Wyoming sportfishing generated over \$227 million in retail sales, \$63 million in salaries and wages, and 3,500 jobs.

The employment and earning gains in travel-related industries, which are primarily in the retail and services sectors, compare favorably with other sectors of Wyoming's economy during the 1990s. Between 1990 and 2000, employment in Wyoming increased by 1.9 per-

cent annually and real earnings increased by 2 percent per year. Non-farm industries account for nearly all of this growth. The services, government and retail sectors continue to account for most of the jobs in Wyoming, and industry earnings remain highest in the government services and mining sectors. Although the number of jobs in the farming sector remained relatively stable between 1990 and 2000, farm earnings fell 5 percent.

Through job creation and business earnings, tourism impacts the economies of each of Wyoming's counties differently. Overall, in 2002, tourism accounted for 8.1 percent of all jobs and 4.3 percent of total industry earnings in Wyoming.¹⁵ As a portion of total employment, tourism-related employment ranged from 4.5 percent in Campbell and Goshen counties to 21.3 percent in Teton County. As a portion of total industry earnings, travel-related earnings ranged from 1.5 percent in Campbell County to 14.1 percent

in Teton County.

Healthy fisheries that support thriving fish populations on rivers are essential to keeping anglers, and their dollars, in Wyoming.

Reprinted with permission from The Economic Value of Healthy Fisheries in Wyoming—A Trout Unlimited Wyoming Water Project report.

It Pays to Save

Six reasons why land conservation makes good economic sense:

1. Parks and open space often increase the value of nearby properties, along with property tax revenue.
2. Parks and open space attract businesses and trained employees in search of a high quality of life.
3. Parks and open space attract tourists and boost recreation spending.
4. Parks and open space reduce obesity and health care costs by supporting exercise and recreation.
5. Working lands, such as farms and forests, usually contribute more money to a community than the cost of the services they require.
6. Conserved open space helps safeguard drinking water, clean the air, and prevent flooding—services provided much more expensively by other means.

For more information on the economic benefits of parks and open space, go to www.tpl.org/benefits.

"It Pays to Save!" Land & People Spring 2007, reprinted with permission from the Trust for Public Land. To learn more about TPL, please visit www.tpl.org.

More on the WOPR

By Kristin Boyles

The Bureau of Land Management has proposed sweeping changes to the land management scheme that has governed its Oregon public lands for almost 15 years. Known as the Western Oregon Plan Revisions, it is a transparent attempt to return to the days of cut-and-run logging. The BLM contends that it must make these changes due to specific legal requirements in the Oregon and California Lands Act of 1937. In an April 18 guest viewpoint, William Wynkoop repeated this claim. Both the BLM and Wynkoop should seek better legal advice.

As part of the settling of the West, a large amount of land was granted to the railroads. When the railroads breached their duties with respect to these lands, Congress ultimately passed the O&C Act, revesting the lands in the federal government. These lands are now managed by the BLM. Congress sought to put an end to wasteful and destructive logging practices that clear-cut large areas for short-term gains without safeguarding the forests and other resources.

The actual language of the statute makes it clear that the O&C Act does not simply direct the BLM to manage these lands for the production of timber:

"[O&C lands] shall be managed for permanent forest production, and the timber thereon shall be

sold, cut and removed in conformity with the principal [sic] of sustained yield for the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities."

The law instituted a conservation ethic, making it the first federal statute to impose sustained-yield constraints on timber cutting, to protect streams and watersheds, to view the economic stability of local communities as more than boom-and-bust cycles, and to consider recreation a purpose of these lands.

The BLM now claims that the O&C Act requires logging to take precedence over all other uses. Sustainable forestry seems to have disappeared from the BLM's position, despite a legal interpretation from almost 30 years ago clarifying that "permanent forest production" is not the same as commercial logging and includes watershed and streamflow protection and recreation.

When Congress passed the O&C Act, it sought to curtail the type of boom-and-bust logging frenzies that had generated instability for rural communities in the past. Congress did not support maximizing timber production for short-term economic gain; instead, it sought long-term sustainability.

To comply with the O&C Act, the BLM must consider alternatives that promote such economic stability, even if they favor thinning over clear-cutting and even if they shift some forest areas to activities other than logging. Similarly, the BLM must manage the O&C lands to protect high-quality recreational opportunities valued by all Oregonians.

Wynkoop is correct that one decision from the 9th Circuit Court of Appeals found a timber emphasis in the O&C Act, although he may not know that a later 9th Circuit decision held that the BLM had plenty of discretion to protect the lands entrusted to its care. But no matter: BLM has drunk the Kool-Aid served by the timber industry, which, contrary to the O&C Act itself, seeks indiscriminate logging from these lands - sustainability, clean water, economic stability and recreation be damned.

The BLM's legal misinterpretation of the O&C Act dooms WOPR, and that's without considering its lack of scientific integrity. As Rep. Peter DeFazio has pointed out, the BLM's own scientists have flunked it. The U.S. Environmental Protection Agency publicly voiced concern over WOPR's impact on the drinking water of 1 million Oregonians and 113 community water systems, and the National Marine Fisheries Service pointed

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Marine Reserves

In March, the Governor issued an Executive Order directing the Oregon Department of Fish and Wildlife (ODFW) to serve as his representative to OPAC (replacing Jessica Hamilton from the Governor's Natural Resources office) and that they "provide OPAC with administrative staff and technical support." More importantly, the Executive Order directed the ODFW to work with OPAC to prioritize OPAC "activities directly related to implementing an effective public nomination and recommendation process for marine reserves until January 1, 2009, when the process is complete." Consistent with what the Governor has stated in the past, the Executive Order asks for a recommendation for "not more than nine sites for consideration as marine reserves that, individually or collectively, are large enough to allow scientific evaluation of ecological benefits, but small enough to avoid significant economic or social impacts, on or before January 1, 2009."

The Order directs that priority consideration be given to "marine reserve designation nominations developed by coastal community nominating teams . . . Comprised of coastal community members, ocean users and other interested parties."

The Order outlines a specific timeline as follows:

By July 1—publish a marine reserve nomination form
By November 1—submit a pro-

posal to the Governor's Office for financing, budgeting and implementing OPAC's marine reserve recommendation process
By December 1—use the nomination criteria as a coarse filter to review nominatives for more thorough, evaluation by state agencies
By January 1—state agencies to conduct a secondary review process, using scientific and technical expertise

The Executive Order also directs ODFW to continue collaborating with Sea Grant in its outreach and public education efforts. Sea Grant currently has no funding, however, to do additional work on this.

Sea Grant's earlier work consisted of outreach in an effort to educate the public with information about marine reserves and the OPAC process and to get their input. Although they had originally proposed to do statewide and coastal outreach, only coastal communities with ports were included. The comments mainly consisted of general opposition from the fishing industry, but there were a few useful pieces of information about sites to select and sites to avoid.

The Conservation Leaders Network is part of a small group that will review the comments (all 475 pages of them!), as well as other public comment, to determine whether OPAC's current goal and objectives should be revised.

OLCV Dinner

We hosted a "County Commissioner" table at the recent Oregon League of Conservation Voters' annual dinner. Benton County Commissioner Annabelle Jaramillo, Washington County Commissioner Dick Schouten, Clackamas County Commissioner Martha Schrader, Benton County Commissioner Linda Modrell, Hood River County Commissioner Maui Meyer, and Lane County Commissioner Pete Sorenson all attended the event. Lincoln County Commissioner Bill Hall was ill and could not be present. Clackamas County Commissioner Lynn Peterson hosted her own table.

In all, there were a total of 82 elected officials or candidates at this year's dinner, with a record-breaking crowd of 870 guests.

WOPR

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to numerous problems for salmon and steelhead.

In addition to economic stability, our public lands deserve forestry that does not sacrifice remaining old growth forests, clean water, or chances to hike, hunt, fish and camp. More than 70 years ago, the O&C Act started us down just that path. There's too much at stake with WOPR to talk in sound bites about legal mandates.

Permission to reprint granted by Kristen Boyles, Earthjustice.



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PO Box 46
Wedderburn OR 97491

YES! I want to join the Conservation Leaders Network, the only nonprofit organization in the country which focuses on providing support to and forging ties between county commissioners and environmental leaders to protect America's natural resources. Together we must work to encourage ethically and economically responsible decisions that will help protect the natural treasures that complement and complete our communities. *Individual and county memberships are now available. Individual memberships start at \$45/year; county memberships start at \$250/year*

With my membership, I will get:

- * four issues of the Conservation Leaders Network's quarterly newsletter "Networker"
- * access to the Network's email discussion list, where I can discuss environmental issues with other county leaders and environmental advocates
- * priority access to the Conservation Leaders Staff for information and support
- * email notification of conservation and restoration funding opportunities for counties.

Name: _____

Address: _____

City: _____

State: _____ Zip code: _____

Phone: _____ Fax: _____

Email address: _____

Membership contribution

Please make your check payable to the \$45

**Conservation
Leaders
Network** \$100

PO Box 46 \$250
Wedderburn OR 97491