### Attaining 30x30 50x50 in Oregon ANDY KERR (ANDYKERR@ANDYKERR.NET; 503.701.6298 V/T)

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ASHLAND, OREGON AND HANCOCK, MAINE



#### Why I'm Qualified to Be Here Today

- Started my conservation career during the Ford Administration
- In all, through early 2019, I have been involved with the establishment or expansion of 47 Wilderness Areas and 57 Wild and Scenic Rivers, 13 congressionally legislated special management areas, 15 Oregon Scenic Waterways, and one proclaimed (and then expanded) national monument.
- Oregon Wild: Endangered Forest Wilderness (Timber Press 2004)
- Oregon Desert Guide: 70 Hikes (The Mountaineers Books 2000)

# What I'm Mostly Working on These Days

In no particular order of importance:

- Greater-sage grouse conservation
- Voluntary federal grazing permit retirement
- Elliott State Research Forest conservation
- Mature and Old-Growth Forest conservation
- Writing Beyond Wood: The Case for Forests and Against Wood Products
- Fortnightly posts to the Public Lands Blog
- ▶ <del>30x30</del> 50x50

#### Forty-Four Conservation Recipes for 30x30

A Cookbook of 22 Administrative and 22 Legislative Opportunities for Government Action to Protect 30 Percent of US Lands by 2030

> *February 2022* Andy Kerr The Larch Company Ashland, OR, and Washington, DC



#### For More Information

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Kerr. Andy 2021. Forty-Four Conservation Recipes for 30x30 A Cookbook of 22 Administrative and 22 Legislative Opportunities for Government Action to Protect 30 Percent of US Lands by 2030 (pdf). The Larch Company, Ashland, OR and Hancock, ME.

Kerr, Andy. May 13, 2023. Attaining <del>30x30</del> 50x50 in Oregon (slide deck). Available at: <u>www.andykerr.net/30x30</u>

#### Public Lands Blog Posts on <del>30x30</del> 50x50

- Biden's Bait and Switch
- ► <u>30x30: By the Numbers</u>
- ▶ <u>30x30: What "Conserved" Needs to Mean</u>
- Solution State State
- Toward 30x30: Using Presidential Authority to Proclaim National Wildlife Areas Within the National Forest System
- ► <u>30x30: Biden Administration Needs to Up Its Game</u>

#### <del>30x30</del> 50x50

▶ 30% 50% of the nation's lands and waters conserved by 2030 2050

- The best available science has set a goal of 50x50, with an interim goal of 30x30.
- Arose out of the Convention on Biological Diversity, an international accord that includes every nation in the world except for the Vatican City and the United States of America.
- President Biden has pledged the USA to 30x30.

#### What Does "Conserve" Mean To Biden?

► He did not elaborate in his executive order on what he meant by "conserving."

- Merriam-Webster's definition of *conserve*: "to keep in a safe or sound state"?
- *Merriam-Webster's* definition of *conservation*: "a careful preservation and protection of something"?
- ► The Endangered Species definition to apply to endangered nature?:

The terms "conserve," "conserving," and "conservation" mean to use and the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to this chapter are no longer necessary.

▶ In this case, "conserving" would mean using all methods and procedures necessary to bring any endangered or threatened ecosystem to the point at which the goal in his executive order has been met.

#### What Does "Conserve" Mean?

• What President Biden meant.

► How departments in his administration are interpreting it.

 What nature requires, based on international standards and the best available science,

#### Trigger Warning

The following images are areas that the Center for Western Priorities believes ought to count toward 30x30.

You may want to avert your eyes.

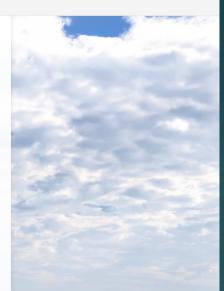




Introduction I

Urban conservation Case studies

In this series, we explore some of the protected places on the road to conserving 30 percent of America, celebrating past conservation efforts and considering how to move forward to protect our lands, waters, wildlife, and the communities that rely on them. In this storymap, we'll explore how conservation efforts in urban areas can help address environmental injustice and the nature and climate crises simultaneously, and put locallyled conservation efforts that benefit people as well as nature into practice.





Introduction Urban conservation

Here are examples of urban conservation that use unique methods to benefit the regional environment and prioritize the local community:

**Case studies** 





As one of the first greenway systems in the United States, the Platte River Greenway has been a model for integrating river corridors and parks into cities. Introduction Urban conservation

an conservation Case studies



Once an abandoned industrial complex, Gas Works Park's beautiful views of Lake Union and downtown Seattle and wide variety of recreation opportunities make it a prime example of urban open spaces.



#### What Does "Conserve" Mean to Federal Agencies?

Notably, the President's challenge specifically emphasizes the notion of "conservation" of the nation's natural resources (rather than the related but different concept of "protection" or "preservation") recognizing that many uses of our lands and waters, including of working lands, can be consistent with the long-term health and sustainability of natural systems. The 30 percent goal also reflects the need to support conservation and restoration efforts across all lands and waters, not solely on public lands, including by incentivizing voluntary stewardship efforts on private lands and by supporting the efforts and visions of States and Tribal Nations. [emphasis added]

▶ US Department of the Interior et al. 2021. <u>Conserving and Restoring America the Beautiful</u> (pdf)

#### Rep. Haaland v. Sec. Haaland

- Rep. Haaland's 30x30 resolution she introduced in Congress correctly called out US Geological Survey's GAP 1 and GAP 2 lands as the only lands that qualify for 30x30.
- Sec. Haaland seems to have drank the American the Beautiful Kool-Aid®.

What Does "Conserve" Mean to Nature, International Standards and Best Available Science?

Target 3. Ensure that at least 30% globally of land areas and of sea areas, especially areas of particular importance for biodiversity and its contributions to people, are conserved through effectively and equitably managed, ecologically representative and well-connected systems of protected areas and other effective areabased conservation measures, and integrated into the wider landscapes and seascapes. [emphasis added]

Convention on Biological Diversity. 2021. "First Draft of the Post-2020 Global Biodiversity Framework" (pdf).

#### What is a Protected Area?

The CBD defines a "protected area" as follows:

A geographically defined area which is designated or regulated and managed to achieve specific conservation objectives (CBD Article 2).

The IUCN has a more detailed definition:

A clearly defined geographical space, recognised, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values.

The US Geological Survey defines a protected area (PA) as an area

**Dedicated to the preservation of biological diversity** and to other natural (including extraction), recreation and cultural uses, managed for these purposes through legal or other effective means." [emphasis added]

#### Other Effective Conservation Measures" (OECMs)

A geographically defined area other than a Protected Area, which is governed and managed in ways that achieve positive and sustained long-term outcomes for the in situ conservation of biodiversity with associated ecosystem functions and services and where applicable, cultural, spiritual, socio-economic, and other locally relevant values. [emphasis added]

WCPA Task Force, <u>Recognising and Reporting Other Effective Area-based Conservation Measures</u>.

#### BY THE NUMBERS US LAND

In mid-2021, 316,304,508 acres or 13 percent of the US (hereafter "13x21") is in adequately protected areas dedicated to the preservation of biological diversity. Adequate conservation is defined as permanently protected areas (PAs) that achieve GAP 1 or GAP 2 status as defined by the US Geological Survey. To attain 30x30, another 17 percent of the nation's land area—or 487,954,758 acres—must achieve GAP 1 or GAP 2 status by 2030.

#### Biden's Commitment

▶ 41,526,763 acres per Biden-year ► 3,463,564 acres per Biden-month ▶ 799,284 acres per Biden-week 114,183 acres per Biden-day ▶ 4,758 acres per Biden-hour ► 79 acres per Biden-minute 1.3 acres per Biden-second

#### USGS GAP CODES

Count Toward 30x30 and 50x50

- ► GAP 1
- ► GAP 2
- Do Not Count Toward 30x30 and 50x50
  - ► GAP 3
  - ► GAP 4
- Not Official GAP Classes, But Helpful for Nuance
  - ► GAP 2.5
  - ► GAP 1.5

#### GAP 1 (counts toward 30x30)

**GAP 1 status:** An area having permanent protection from conversion of natural land cover and a mandated management plan in operation to maintain a natural state within which disturbance events (of natural type, frequency, intensity, and legacy) are allowed to proceed without interference or are mimicked through management.

 [federal] Wilderness Area [the one and only GAP 1 example]

#### GAP 2 (Counts for 30x30)

**GAP 2 status:** An area having permanent protection from conversion of natural land cover and a mandated management plan in operation to maintain a primarily natural state, but which may receive uses or management practices that degrade the quality of existing natural communities, including suppression of natural disturbance (for example, wildland fire or native insect outbreaks).

Conservation Easement, National Monument, National Park, National Wildlife Refuge, Private Conservation, Research Natural Area, Wilderness Study Area, Wild and Scenic River, State Wilderness

#### GAP 3 (doesn't count for 30x30)

**GAP 3 status:** An area having permanent protection from conversion of natural land cover for the majority of the area, but subject to extractive uses of either a broad, low- intensity type (for example, logging, OHV recreation) or localized intense type (for example, mining). It also confers protection to federally listed endangered and threatened species throughout the area.

▶ BLM Area of Critical Environmental Concern, Forest Stewardship Easement, Forest Service Inventoried Roadless Area, Mitigation or Land Bank, National Forest, National Grassland, National Lakeshore or Seashore, National Recreation Area, National Scenic Area, National Botanical Area, National Volcanic Area, National Scenic or Historical Trail, Private Forest Stewardship, National Public Lands, Ranch Easement, Special Designation Area, State Resource Management Area, Watershed Protection Area

#### GAP 4 (doesn't count for 30x30)

**GAP 4 status:** There are no known public or private institutional mandates or legally recognized easements or deed restrictions held by the managing entity to prevent conversion of natural habitat types to anthropogenic habitat types. The area generally allows conversion to unnatural land cover throughout or management intent is unknown.

 Historic or Cultural Area, Historic or Cultural Easement, Local Park, Local Recreation Area, Military Land, Other Easement, Private Agricultural, Private Historical or Cultural, State Historic or Cultural Area, State Park, Native American Land

### GAP 3.5 (no official thing)

**GAP 3 status:** An area having significant but **inadequate** protection that while, still GAP 3, is a hell of a lot better than your run-of-the mill Forest Service clearcut or Bureau of Land Management cow pasture.

- USFS Inventoried Roadless Areas (IRAs)
- USFS Special Interest Areas (SIAs)
- USFS Research Natural Areas (RNAs)
- BLM Areas of Critical Environmental Concern (ACECs)
- BLM Lands with Wilderness Characteristics (LWCs)

### Converting GAP 3.5 Areas to GAP 2 Areas

Administrative Rule. Not merely a land and/or resource management plan designation) Forest Service IRAs, RNAs and SIAs already have a regulation, but it could be strengthened). BLM ACECs and LWCs have no administrative rule.

The only thing more difficult than doing an administrative rule (published in the Code of Federal Regulations) is to undo an administrative rule. Such rules are subject to both the National Environmental Policy Act and the Administrative Procedure Act, the latter of which is most important than the former.

FLPMA Withdrawal. The Federal Land Policy and Management Act of 1976 (as amended) authorizes the Secretary of the Interior to administratively "withdraw" BLM and USFS (if they ask) for up to 20-years areas <u>from</u> bad things (mineral location, leasing, and sale; sale, etc.) and <u>for</u> good things (nature conservation, watershed protection, wildlife, etc.)

BLM designates ACECs in RMPs, but then forgets to ever request the Secretary to withdraw them.

#### USGS GAP 1.5

Wilderness Areas, even though grazed by domestic livestock, are categorized as GAP 1.

All Wild and Scenic Rivers—whether classified as "wild," "scenic," or "recreational"—are GAP 2, even though "wild" segments are comparable to wilderness, and non-federal lands in scenic- or recreational-classified segments don't really qualify as GAP 2.

### The 800-Pound Bovine the the Room



#### Domestic Livestock Grazing and Protected Areas

- Few areas outright ban livestock grazing (national parks; part of Steens Mountain Wilderness)
- Some areas allow if "compatible" with purposes of area. (San Pedro Riparian National Conservation Area
- Some ban if incompatible with purposes (Wild and Scenic Rivers Act)
- Some grandfather it is, nature be damned (The Wilderness Act)

#### Voluntary Federal Grazing Permit Retirement Facilitation

- Usually in exchange for compensation, a federal grazing permit holder waives back their grazing permit and the area is never again grazed by livestock (best to have an Act of Congress).
  - **Ecologically imperative**. (Preaching to choir here.)
  - **Economically rational**. We should not subsidize bad things.
  - **Fiscally prudent**. Save taxpayer money.
  - Socially just. While public land grazing is not a right, the market recognizes a federal grazing permit has having financial value.
  - Politically pragmatic. In politics, the shortest distance between two points is never a straight line.
- ► It's just money.



# Oregon: ~7x23 (back of the envelope)

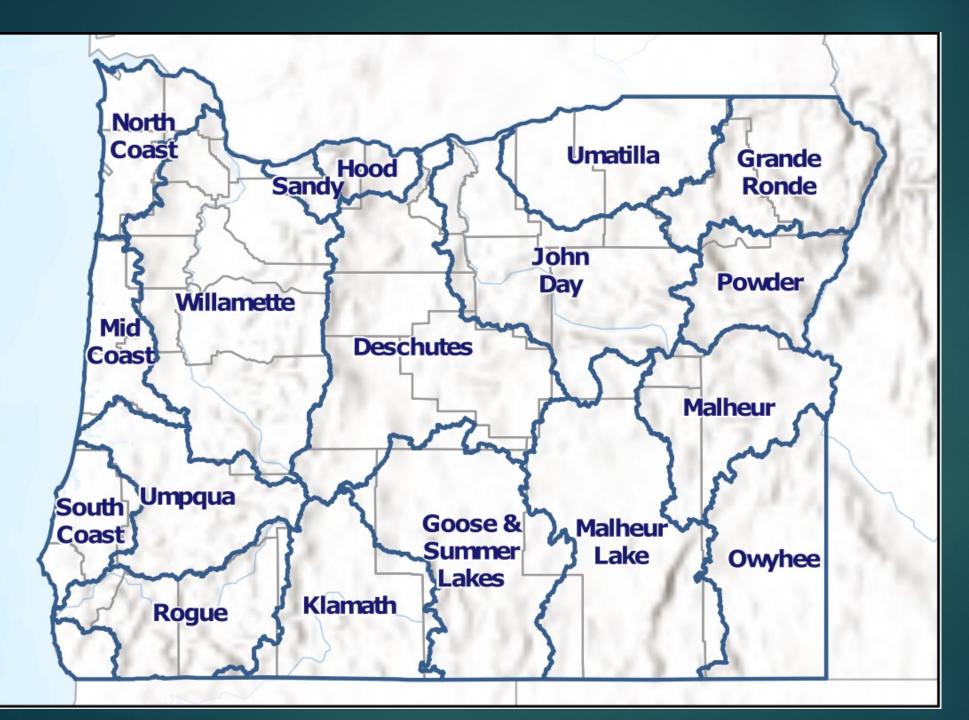
- Wilderness Areas (2,507,239 acres)
- BLM Wilderness Study Areas (2,645,122 acres)
- National Park System (203,385.37 acres)
- National Wildlife Refuge System (590,735.19 acres)
- National Wild and Scenic Rivers System (592,624 acres)
- The Nature Conservancy Preserves (98,271 acres)
- ► TOTAL 4,130,137 acres
- Land Area of Oregon: 62,962,176 acres
- ▶ USGS GAP 1 and GAP 2 Oregon: 6.56%

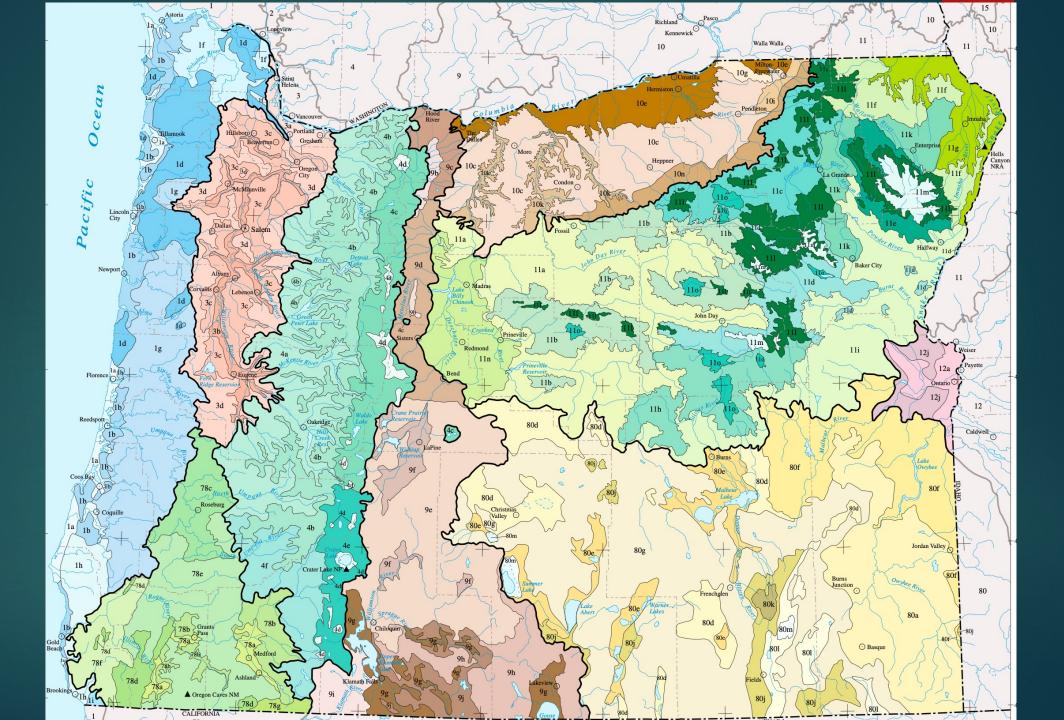
#### Need 23.44% More of Oregon Conserved by 2030

- 23.44% \* 62,962,176 acres = 14,758,515.80 acres
- ▶ Let's assume the end of 2030.
- $\blacktriangleright$  ~7 years between now and the end of 2030.
- ▶ 2,108,359.40 acres per year
- ▶ 175,696 acres per month
- ▶ 5,856.55 acres per day. (Table Rock Wilderness, est. 1984: 5,784 ac.)
- ~3.6x what has been done in Oregon in the last 120 years since what would become the oldest qualifying protected area, Crater Lake National Park in 1902. (Progress is not linear.)

#### Getting to 30x30 50x50 for Oregon: At What Scale?

- ► X% of what?
  - ► State (N=1)
  - County (N=36)
  - Congressional District (N=6)
  - OWRD Drainage Basins (N=18)
  - EPA Level III Ecoregions (N=9)
  - EPA Level IV Ecoregions (N=64)





### Two Paths Toward <del>30x30</del> 50x50: Administrative or Legislative

- Administration actions authorized by Existing Congressional delegations of authority.
- Acts of Congress

## Administrative Opportunities (Part

- Recipe 1: Proclaim New BLM Wilderness Study Areas
- Recipe 2: Strengthen Protections for Existing BLM Areas of Critical Environmental Concern
- Recipe 3: Quadruple the Acreage of BLM Areas of Critical Environmental Concern
- Recipe 4: Establish a Sagebrush Sea Conservation Reserve System Recipe 5: Establish a Federal Land Carbon Reserve System on BLM Lands
- Recipe 6: Triple the Acreage of BLM National Monuments
- Recipe 7: Do a Comprehensive Mineral Withdrawal for All BLM Wild and Scenic Rivers
- Recipe 8: Triple the Acreage of National Wildlife Refuges
- Recipe 9: Quadruple the Acreage of Waterfowl Production Areas
- Recipe 10: Create New National Wildlife Refuges from ESA Critical Habitat on BLM Lands
- Recipe 11: Protect Inventoried Roadless Areas Against Mining and Close Loopholes

## Administrative Opportunities (Part 2)

- Recipe 12: Protect Other Forest Service Large Roadless Areas
- Recipe 13: Protect Forest Service Small Roadless Areas
- Recipe 14: Elevate the Conservation Status of Forest Service Special Areas
- Recipe 15: Quadruple the Acreage in Forest Service Special Areas
- Recipe 16: Protect ESA Critical Habitat as Forest Service Special Areas
- Recipe 17: Protect Existing Forest Service Research Natural Areas from Mining
- Recipe 18: Round Out Research Natural Areas in the National Forest System
- Recipe 19: Triple the Acreage of Forest Service National Monuments
- Recipe 20: Strengthen and Expand National Wildlife Areas Within the National Forest System
- Recipe 21: Establish a Federal Land Carbon Reserve System within the National Forest System
- Recipe 22: Do a Comprehensive Mineral Withdrawal for All USFS Wild and Scenic Rivers

### Legislative Opportunities (Part 1)

- Recipe 23: Elevate BLM Wilderness Study Areas to Wilderness
- Recipe 24: Designate BLM-Identified Lands with Wilderness Characteristics as Wilderness
- Recipe 25: Establish Wilderness Areas Within National Wildlife Refuges in Alaska
- Recipe 26: Establish Wilderness Areas Within Units of the National Wildlife Refuge System Outside Alaska
- ▶ Recipe 27: Establish Wilderness Areas within the National Park System
- Recipe 28: Designate Forest Service Inventoried Roadless Areas as Wilderness
- Recipe 29: Establish All Other Large Forest Service Roadless Areas as Wilderness
- Recipe 30: Establish All Small Forest Service Roadless Areas as Wilderness
- Recipe 31: Triple the Mileage of BLM Wild and Scenic Rivers, Including Full Mineral Withdrawal
- Recipe 32: Triple the Mileage of FWS Wild and Scenic Rivers, Including Full Mineral Withdrawal
- ► Recipe 33: Triple the Mileage of NPS Wild and Scenic Rivers

### Legislative Opportunities (Part 2)

- Recipe 34: Triple the Mileage of USFS Wild and Scenic Rivers, Including Full Mineral Withdrawal
- Recipe 35: Do Mineral Withdrawals for Existing Wild and Scenic Rivers Open to Mining
- Recipe 36: Expand Existing and Establish New BLM National Conservation Areas, National Monuments, and Similar Designations
- Recipe 37: Include BLM Areas of Critical Environmental Concern in the National Landscape Conservation System
- Recipe 38: Triple the Acreage of National Wildlife Refuges
- Recipe 39: Triple the Acreage of the Parks, Preserves, and Monuments in the National Park System
- Recipe 40: Triple the Acreage of Congressional Special Protection Areas in the National Forest System
- Recipe 41: Codify the Roadless Area Conservation Rule into Statute
- Recipe 42: Include Other Large Roadless Areas in a Codified Roadless Area Conservation Rule
- Recipe 43: Include Small Roadless Areas in a Codified Roadless Area Conservation Rule
- Recipe 44: Establish a National Wildlife Corridor System

### Oregon Forest Wilderness Resource

Table 3. The Oregon Generally Forested Wilderness Resource			
Oregon Forest Wilderness Resource	Acreage	Percentage	
Wilderness Areas	2,530,000	35%	
Forest Service Inventoried Roadless Areas	1,967,000	27%	
Additional Oregon Wild-Identified Roadless Lands >5,000 Acres in Size or Smaller	1,330,973	18%	
if Contiguous with a Wilderness Area			
Additional Oregon Wild-Identified Roadless Lands >1,000 to 4,999 Acres in Size	1,474,503	20%	
Total Oregon Forest Wilderness Resource	7,302,476	100%	
Source: Erik Fernandez, Oregon Wild, 3/26/19			



### Oregon Desert Wilderness Resource

Table 4. The Oregon Generally Tree-Free (Sagebrush Steppe, Grassland and Desert) Wilderness Resource			
Oregon Desert Wilderness Resource	Acreage	Percentage	
Wilderness Areas	205,867	2%	
BLM Wilderness Study Areas (WSAs)	2,645,122	30%	
Additional BLM-Identified Lands With Wilderness Characteristics (LWCs)	3,792,707	43%	
Additional ONDA-identified Potential Wilderness Study Areas (pWSAs)	1,810,000	20%	
Potential Wilderness on National Wildlife Refuges	365,653	4%	
Roadless Natural Areas on State of Oregon Lands	62,244	1%	
Total Oregon Desert Wilderness Resource	8,881,593	100%	
Source: Craig Miller, Oregon Natural Desert Association, 15 March 2019			

### Oregon Wild and Scenic River Resource

► An estimated 292,000 miles of streams flow in Oregon. Most do not qualify for inclusion in the National Wild and Scenic Rivers System and/or the Oregon Scenic Waterways System as they have been dammed, dewatered, ditched, denuded, and/or otherwise degraded, if not destroyed. Today, 0.7 percent of Oregon streams are in the National Wild and Scenic Rivers System. A lot more eligible streams could be.

Wyden Merkley River Democracy Act (a couple of million-acre footprint)—if enacted into law

# One Path Offered for Magnitude of Challenge for Oregon 30x30

- Every Acre of Qualifying Forest Wilderness (7.58%)
- Every Acre of Qualifying Desert Wilderness (13.78%)
- Every Acre of Qualifying Wild and Scenic River (7.94%) [5 mm ac.]
- ▶ Total 29.30%
- Oregon Now: 6.56[%]x23
- Overshoot!: 35.86%! by 2030
- Less to Do to Reach 50x50

### Getting to <del>30x30</del> 50x50 for Oregon: Wedge by Wedge

- Look first to public lands as they are politically the easiest and contain.
- Make more public lands. Private land conservation suitable for X0xX0 will never scale.
- Reconvert private timberlands and rangelands to public forestlands and deserts and grasslands

### Adding At Least Three Zeros to Every Effort

Size of the political bite:

- Magnitude 10,000 acres (a traditional wild and scenic river 30 miles long)
- Magnitude 100,000 acres (recent legislative bills that became law)
- Magnitude 1,000,000 acres (pending River Democracy Act)
- Magnitude 10,000,000 acres (scale needed to achieve 50x50)

#### "If a Problem is Unsolvable, Enlarge It"

#### -GENERAL AND PRESIDENT DWIGHT DAVID EISENHOWER

- At the current pace of congressional conservation in Oregon, we'll never make it.
- Political difficulty is not linear to scale of ask.
- Larger bills somewhat add to our political support (of which we have a strong majority of Oregonians on our side already)
- Larger bills will not significantly add to political opposition.
- Rather than nickel-and-dime campaigns let them be in dollars
- Pick your battle and the battleground.
  - Statewide not local.
  - Long-term public interest, not short-term private interest.

### A Big Wild Oregon Campaign

- Those advocating for local conservation proposals have a better chance of success adding their proposal(s) to <u>one</u> big-ass bill than going it alone.
- Multiple legislative titles:
  - National Forest System in Oregon
  - National Park System in Oregon
  - National Wildlife Refuge System in Oregon
  - National Landscape Conservation System in Oregon
  - National Heritage Areas in Oregon
  - Mature and Old-Growth Forest Protection and Restoration
  - Voluntary Federal Grazing Permit Retirement Option

### One Sample Title

- National Forest System Title
- ► I. National Forest Expansions
- ► II. New National Forests
- ► III. Special Areas
  - National Recreation Areas
  - National Protection Areas
  - National Scenic Areas
  - ► Wilderness
  - ▶ Wild and Scenic Rivers
  - Special Interest Areas Mineral Withdrawal
  - Miscellaneous Provisions
    - ► Repeal O&C and CBWR Acts

In Arlington National Cemetery, across the Potomac River from our nation's capital, is the National Seabee Memorial. The Navy's Construction Battalion (CB, phonetically and punetically "seabee") was instrumental in America's success in World War II. Prominently inscribed on the memorial is: "With willing hearts and skillful hands, the difficult we do at once. The impossible takes a bit longer!"

In that time, nothing was more important than winning World War II. In this time, nothing is more important than saving nature and the climate. If you have built castles in the air, your work need not be lost; that is where they should be. Now put the foundations under them.

### Henry David Thoreau

