



GREAT BIRDING PROJECTS



An approach to bird-related editing, education, tourism, and marketing 13 March 2012

An LWCF Opportunity

A chance for bird and wildlife advocates

Last week, a Gulf restoration and Land and Water Conservation Fund (LWCF) Amendment was successfully added to the Transportation Bill being discussed on the floor of the U.S. Senate. With Senate passage, this moves both Gulf restoration and LWCF closer to reality.

For the Gulf, it advances the RESTORE the Gulf Coast Act. The RESTORE Act dedicates 80 percent of Clean Water Act penalties associated with the April 2010 Deepwater Horizon blowout to the restoration of Gulf Coast resources and economies. This trust fund for the Gulf would help the challenged and fragile Gulf area to regain its economic footing and restore its ecological integrity.



The Land and Water Conservation Fund language was added to the bill to help broaden the support for Gulf restoration. Under this LWCF provision, the Fund will receive \$700 million in mandatory funding in fiscal

year 2013 and 2014.

This is very big news. What this means is that the \$700 million for conservation per year would be guaranteed and would not have to be appropriated later.

Created in 1965, LWCF designates a small portion of the federal royalties from oil and gas companies drilling offshore to be used for the conservation of special places, federal as well as "stateside." It was a simple concept: use revenues from the depletion of one natural resource - oil and gas from the Outer Continental Shelf (OCS) - to sustain the conservation of another precious resource - our land and water.

But the LWCF has very rarely been funded at its maximum level - officially authorized at \$900-million annually since 1977. Since the creation of LWCF, well over \$17 billion from oil and gas revenues designated for the fund have been diverted and used for non-conservation purposes.

But last week's Senate conservation vote - to restore the Gulf Coast and to significantly fund LWCF - stands as a fine example of how effective conservation policy can be innovative *and* bipartisan. The vote was 76 to 22.

There are **three additional aspects** to the LWCF vote that deserve attention.

First, LWCF's authorization would be extended for another decade, through 2022. (The original law and the first extension were each for 25 years.) This new extension can keep this essential "conservation royalty" on oil and gas drilling going for another 10 years.

Second, an additional feature of the LWCF action requires that 1.5 percent of LWCF funding be set aside each year to secure public access to existing public lands (specifically pertaining to Forest Service, BLM, and Refuge System lands). Such action is needed to acquire small parcels, easements or rights of way that open access to inaccessible or significantly restricted federal lands. A report on this problem to the House Appropriations Committee a few years ago concluded that more than 35 million acres of BLM and U.S. Forest Service land provided inadequate access.

While this crucial access issue was advanced by hunting and fishing interests, the benefits reach other outdoor users, from birders, to wildlife photographers, to hikers. The thrust of the access question, *an issue that won't go away*, is in harmony with the first purpose of the LWCF Act which is "to assist in preserving, developing and assuring accessibility to outdoor recreation resources."

Third, the amendment was silent on a specified percentage allocation for the "stateside" portion of LWCF. (Under current law, a minimum of 40 percent of total LWCF funding must go to the federal land acquisition program. It usually receives a lot more than the required 40 percent, and the state and local funding is often left with little, or even nothing.) Sufficient funding for the stateside LWCF is certainly not assured.

Nor is the eventual passage of these conservation elements in the Transportation Bill.

While the Senate adopted this forward-looking amendment, there are many steps that must be completed. The Senate must pass its version of the transportation reauthorization bill. (And the discussion is going on today.) The House of Representative may simply take up the Senate-passed transportation bill. In any case, the House would still have to retain the Gulf and LWCF provision in its version of the bill.

This could be a challenging task. But significant funding for LWCF hasn't been this close to reality in a long time. *Those in favor of wildlife, wild places, and the expansion of sustainable ecotourism should take note.*

More Transportation Bill Chances

Here is one more note on the Senate Transportation Bill. It is likely that the bill will include two amendments that restore the integrity of trails, walking, and bicycling

programs.

When the Senate Environment and Public Works Committee took up the draft bill last November, the absolutely essential Transportation Enhancements (TE), Safe Routes to School (SRTS) and the Recreational Trails Program (RTP) were severely crippled.

But the incorporation of two late amendments to the Transportation Bill is a huge step forward for trails and active transportation. All folks who enjoy the outdoors should be hopeful. This effort would ensure greater local access to funds and a fair shot at approval for the most beneficial projects. Moreover, it preserves decision-making structures that enable public participation and well-balanced trail systems.

Again, it is not known whether the House will take up the Senate's bill, move on its own bill, or simply extend funding under existing law. Whatever happens, it must happen quickly, as the clock is ticking on the current transportation law, set to expire on March 31.

Words to Consider:

"Birds should be saved for utilitarian reasons; and, moreover, they should be saved because of reasons unconnected with dollars and cents. . . [T]o lose the chance to see frigate-birds soaring in circles above the storm, or a file of pelicans winging their way homeward across the crimson afterglow of the sunset, or a myriad of terns flashing in the bright light of midday as they hover in a shifting maze above the beach - why, the loss is like the loss of a gallery of the masterpieces of the artists of old time."

- President Theodore Roosevelt, 1916

For contact and more information:

If you wish, you can contact me concerning your avitourism interests, site and trail/byway evaluations, and group presentations. (A list of my standard 2012 talks can be sent to you on request.) I can be reached at the e-mail and/or P.O. Box address below:

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