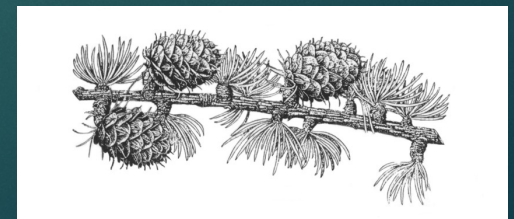


# Attaining ~~30x30~~ 50x50 in Oregon

ANDY KERR ([ANDYKERR@ANDYKERR.NET](mailto:ANDYKERR@ANDYKERR.NET); 503.701.6298 V/T)

THE LARCH COMPANY ([WWW.ANDYKERR.NET](http://WWW.ANDYKERR.NET))

ASHLAND, OREGON AND HANCOCK, MAINE



# Who the Hell is Andy Kerr?

- ▶ 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)

# *Forty-Four Conservation Recipes for 30x30*

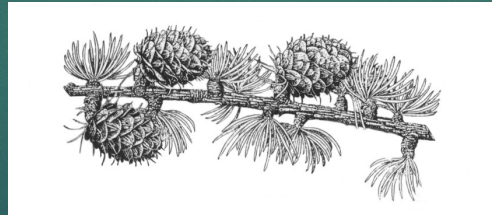
*A Cookbook of 22 Administrative and 22 Legislative Opportunities for Government Action to  
Protect 30 Percent of US Lands by 2030*

*February 2022*

Andy Kerr

The Larch Company

Ashland, OR, and Washington, DC



# 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

# Administrative Opportunities (Part 1)

- ▶ 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

# For More Information

Andy Kerr

The Larch Company

Ashland, OR and Hancock, ME

[andykerr@andykerr.net](mailto:andykerr@andykerr.net)

[www.andykerr.net/30x30](http://www.andykerr.net/30x30)

503.701.6298 v/t

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. March 3, 2024. Attaining ~~30x30~~ 50x50 in Oregon (slide deck). Available at: [www.andykerr.net/30x30](http://www.andykerr.net/30x30)

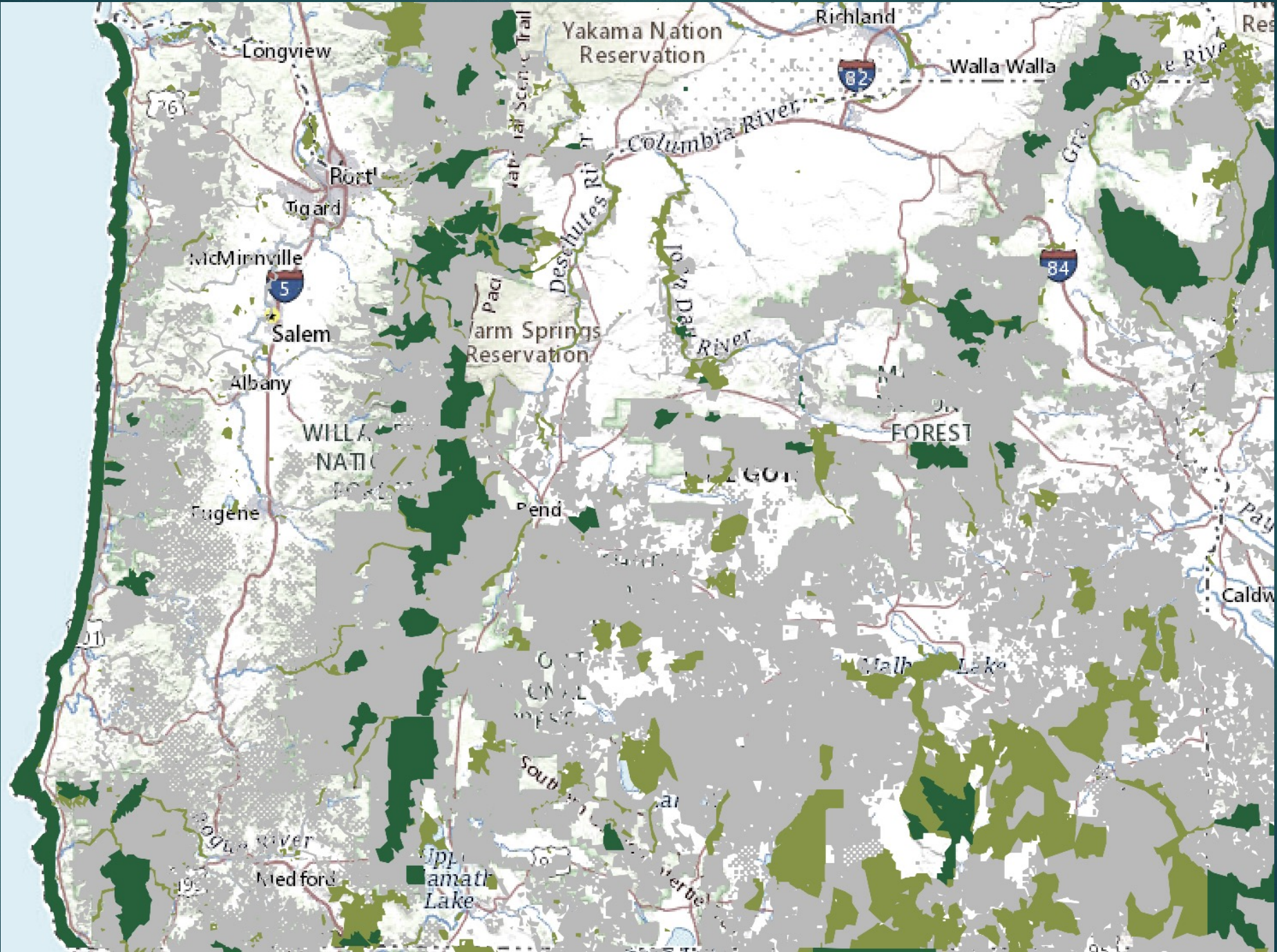


# Public Lands Blog Posts on ~~30x30~~ 50x50

- ▶ *Biden's Bait and Switch*
- ▶ *30x30: By the Numbers*
- ▶ *30x30: What "Conserved" Needs to Mean*
- ▶ *30x30: 44 Tasty Conservation Recipes One Can Make at Home—If One Lives in The White House*
- ▶ *Toward 30x30: Using Presidential Authority to Proclaim National Wildlife Areas Within the National Forest System*
- ▶ *30x30: Biden Administration Needs to Up Its Game*

# ~~30x30~~ 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.



# Oregon Officially (According to USGS: 13x24 (12.7%**x**TODAY)

▶ <b>GAP</b>	<b>%</b>	<b>Acres</b>
▶ 1	5.5%	3,492,470
▶ 2	7.2%	4,610,737
▶ 3	43.9%	27,665,347
▶ 4	43.3%	27,293,735
1&2	12.7%	8,003,207

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

- ▶ 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%, let's just say ~7% to account for some other small conservation designations.

# Inflated GAP 1 & GAP 2 in Oregon

- ▶ **Lazy Mapping:** Oregon Island NWR with 791,107 acres (1.3% of OR). In my dreams. Oregon Islands and Three Arch Rocks Wildernesses combined is 950 acres *total* (0.0015% of OR)
- ▶ **Double Counting:** Eg., Cascade-Siskiyou National Monument 127,705 acres and Soda Mountain Wilderness 24,686 acres (the latter is entirely within the former).
- ▶ **Inappropriate Classifications:** Eg.
  - ▶ Applegate Dam & Reservoir Water Reserve Withdrawal 2,104 acres
  - ▶ Gilchrist State Forest 20,261 acres.
  - ▶ Zumwalt Prairie TNC Preserve (32,184 GAP 2 Acres)

# Need 23% More of Oregon Conserved by 2030

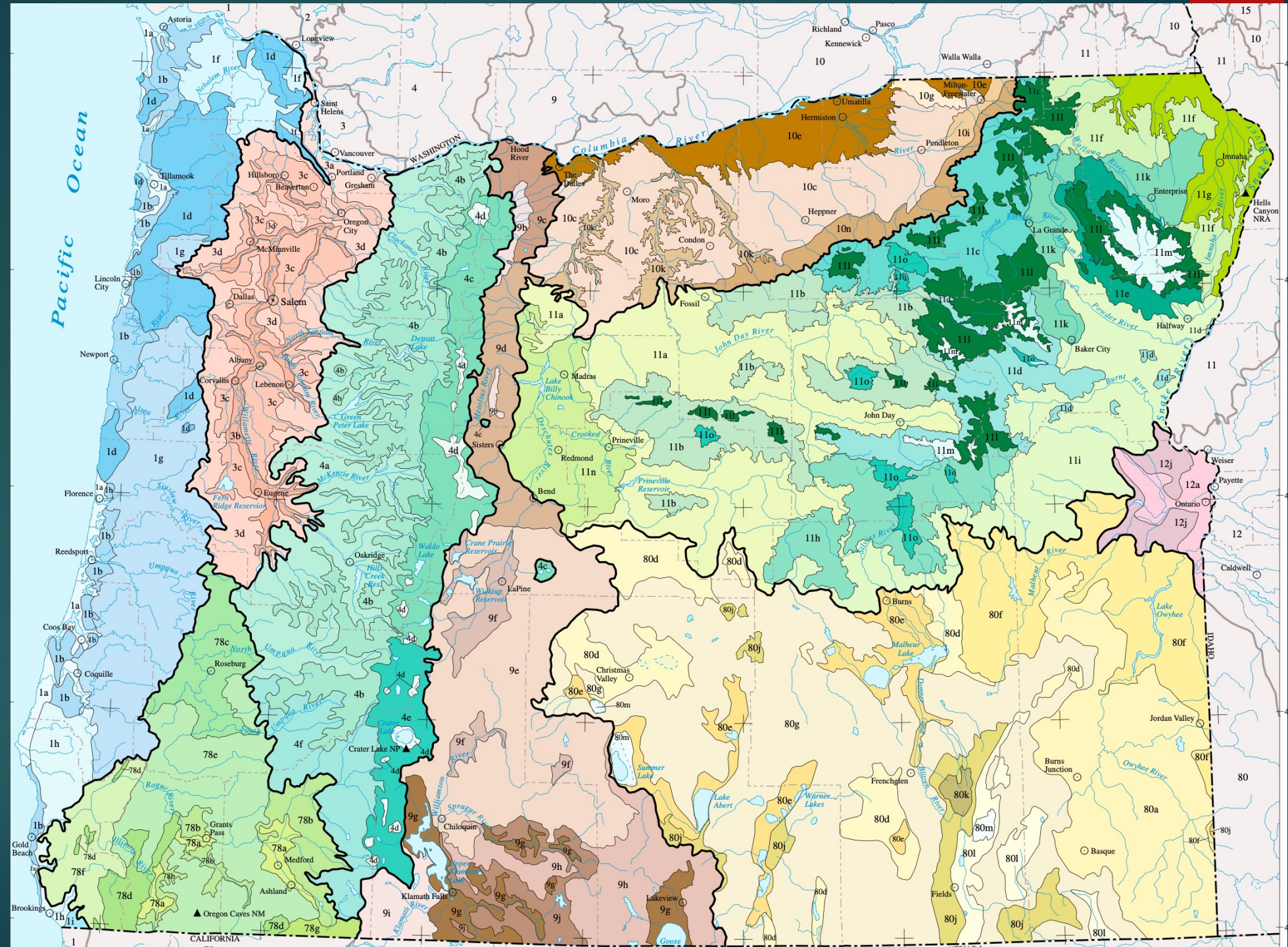
- ▶ 23% \* 62,962,176 acres = 14,481,300 acres
- ▶ Let's assume the *end* of 2030.
- ▶ ~7 years between now and the end of 2030.
- ▶ 2,108,359.40 acres per year
- ▶ 175,696 acres per month
- ▶ 5,856.55 acres per day. (Table Rock Wilderness, est. 1984: 5,784 ac.)
- ▶ ~3.6x what has been done in Oregon in the last 120 years since the oldest qualifying protected area, Crater Lake National Park in 1902.

# 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)







# EPA Level III & Level IV Ecoregions

**1 Coast Range**, 1a Coastal Lowlands, 1b Coastal Uplands, 1d Volcanics, 1f Willapa Hills, 1g Mid-Coastal Sedimentary, 1h Southern Oregon Coastal Mountains, 1i Redwood Zone

**3 Willamette Valley**, 3a Portland/Vancouver Basin, 3b Willamette River and Tributaries Gallery Forest, 3c Prairie Terraces, 3d Valley Foothills

**4 Cascades**, 4a Western Cascades Lowlands and Valleys 4b Western Cascades Montane Highlands, 4c Cascade Crest Montane Forest, 4d Cascade Subalpine/Alpine, 4e High Southern Cascades Montane Forest, 4f Southern Cascades

**9 Eastern Cascades Slopes and Foothills**, 9b Grand Fir Mixed Forest, 9c Oak/Conifer Foothills, 9d Ponderosa Pine/Bitterbrush Woodland, 9e Pumice Plateau, 9f Pumice Plateau Basins, 9g Klamath/Goose Lake Basins, 9h Fremont Pine/Fir Forest, 9i Southern Cascades Slope, 9j Klamath Juniper Woodland

**10 Columbia Plateau**, 10c Umatilla Plateau, 10e Pleistocene Lake Basins, 10g Yakima Folds, 10i Deep Loess Foothills, 10k Deschutes/John Day Canyons 10n Umatilla Dissected Uplands

**11 Blue Mountains**, 11a John Day/Clarno Uplands, 11b John Day/Clarno Highlands, 11c Maritime-Influenced Zone, 11d Melange, 11e Wallowas/Seven Devils Mountains, 11f Canyons and Dissected Highlands, 11g Canyons and Dissected Uplands, 11h Continental Zone Highlands, 11i Continental Zone Foothills, 11k Blue Mountain Basins, 11l Mesic Forest Zone, 11m Subalpine–Alpine Zone. 11n Deschutes River Valley 11o Cold Basins

**12 Snake River Plain**, 12a Treasure Valley, 12j Unwooded Alkaline Foothills

**78 Klamath Mountains**, 78a Rogue/Illinois Valleys, 78b Oak Savanna Foothills, 78c Umpqua Interior Foothills, 78d Serpentine Siskiyou, 78e Inland Siskiyou, 78f Coastal Siskiyou, 78g Klamath River Ridges

**80 Northern Basin and Range**, 80a Dissected High Lava Plateau 80d Pluvial Lake Basins, 80e High Desert Wetlands, 80f Owyhee Uplands and Canyons 80g High Lava Plains, 80j Semiarid Uplands, 80k Partly Forested Mountains 80l Salt Shrub Valleys, 80m Barren Playas

# Two Paths Toward ~~30x30~~ 50x50: Administrative or Legislative

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

# Congressional Opportunities

Proposed Area	Designation	Acreage	Agency	Legislation
<b>Molalla</b>	Recreation Area	98,150	BLM	S.440RS; 118th
<b>Rogue Canyon</b>	Recreation Area	29,884	BLM	S.440RS; 118th
<b>Wild Rogue</b>	Wilderness Addition	59,512	BLM	S.440RS; 118th
<b>Hunter Creek and Pistol River Headwaters</b>	Mineral Withdrawal	21,729	USFS & BLM	S.440RS; 118th
<b>Rough and Ready and Baldface Creeks</b>	Mineral Withdrawal	79,293	USFS & BLM	S.440RS; 118th
<b>Sutton Mountain</b>	National Monument	65,707	BLM	S.3144; 117th
<b>Owyhee</b>	Wilderness Areas	1,000,000		
<b>Smith River National Recreation Area</b>	Expansion	58,000	USFS	H.R.6595; 118 <sup>th</sup> /S.162RS; 118 <sup>th</sup> .
	<b>TOTAL</b>	<b>1,412,275</b>		

Any congressional path to Oregon 30x30 does not exist:

- Senate generally dysfunctional.
- House totally dysfunctional.

# Administrative Opportunities (Part 1) Elevating Existing Conservation Areas

- ▶ Fully protect administratively (including a ban on mineral exploitation) these high-value, but unprotected areas:
  - ▶ USFS Inventoried Roadless Areas (IRAs): 1.9 mm acres (3%)
  - ▶ USFS Special Interest Areas (SIAs) and Research Natural Areas (RNAs): 0.4 mm acres (0.6%)
  - ▶ BLM Areas of Critical Environmental Concern (ACECs): 0.9 mm acres (1.4%)
  - ▶ Administrative Withdrawal of Scenic- and Recreational-classified Wild and Scenic Rivers (WSRs): 0.4 mm acres (0.7%)
- ▶ TOTAL 5.1% (TARGET 30X30OR: 23%)

# Administrative Opportunities (Part 2) New Conservation Areas

- ▶ Protect administratively (including a ban on mineral exploitation) these high-value, but unprotected, areas:
  - ▶ USFS Large Uninventoried Roadless Areas (LURAs): 1.3 mm acres (2.1%)
  - ▶ USFS Small Uninventoried Roadless Areas (MURAs): 1.5 mm acres (2.4%)
  - ▶ BLM Lands with Wilderness Characteristics (LWCs): 3.8 mm acres (8.9%)
  - ▶ Triple National Wildlife Refuges (NWRs)\* (expansions: Hart Mountain, Malheur, etc.) new: several in Willamette Valley, Oregon Coast, etc.): 0.9 mm acres (1.4%)
  - ▶ New (Owyhee Canyonlands, Douglas-Fir, Oregon Redwoods, Greater Kalmiopsis, Hunter Creek-NF Pistol River, etc.) and expanded (Cascade-Siskiyou+, John Day Fossil Beds) national monuments (NMs)\*: 3 mm acres (4.8%)
  - ▶ All remaining mature and old-growth (MOG) forests 3 mm acres (4.8%)
- ▶ TOTAL 24.4% (TARGET 30x30OR: 23%)

• Primarily from the existing federal estate.

# Let's Review the Numbers

- ▶ Oregon today is ~7x24 in fact.
- ▶ Needs 23% (14.5 mm acres) more to attain 30x30.
- ▶ Needs 20% (12.6 mm acres) more to to attain 50x50 OR.
- ▶ Elevating existing conservation designations can get 5.1%.
- ▶ New conservation areas made out of the federal estate can get us 24.1%.
- ▶ 7% now protected plus 5.1% (full protection of existing conservation areas) plus 24.1% (new conservation areas) equals 36.2%
- ▶ Optimistically, the attaining 36x30 in this manner gives us a head start toward 50x50, but in reality, there is significant overlap among existing and potential conservation areas so let's say it would achieve 30x30 in Oregon.



# After 30x30, on to 50x50

- ▶ Transfer state forestlands (Board of Forestry [0.8 mm ac.] and Common School Fund [0.035 mm ac.]) to national forestlands and elevate conservation status: 0.8 mm ac. (1.3%)
- ▶ Transfer state rangelands (Common School Fund to BLM and elevate conservation status: 0.6 mm ac. (1%))
- ▶ Reconvert Private Timberlands to Public Forestlands (2/3 of private timberlands): 5.1 mm acres (10.8%)
- ▶ Reconvert Private Grazing Lands to Public Deserts and Grasslands: 2 mm ac. (3.2%)
- ▶ Reconvert Private Crop Lands to Public Deserts and Grasslands: 2 mm ac. (3.2%)
- ▶ Reconvert Private Wetlands to National Wildlife Refuges (especially in Willamette Valley): 0.5 mm acres (0.8%)
- ▶ TOTAL 20.2 % of Oregon (no overlap in above)

# FLPMA Withdrawals

- ▶ Under the Federal Lands Policy and Management Act (FLPMA) of 1976, all public lands (including USFS and BLM) lands can be “withdrawn” through a Public Land Order (PLO) signed by the Secretary of the Interior and then only for a maximum of 20 years, which can be renewed.
- ▶ FLPMA withdrawals can be for one of three purposes:
- ▶ • **withholding** an area of Federal land from settlement, sale, **location**, or entry under **some or all of the general land laws**;
- ▶ • **for** the purpose of limiting activities under those laws in order to maintain other public values in the area or **reserving the area for a particular public purpose or program**; or
- ▶ • transferring jurisdiction over an area of Federal land... from one department, bureau or agency to another department, bureau or agency. [emphasis added]

# Necessity of a FLPMA Withdrawal to Qualify for 30x30

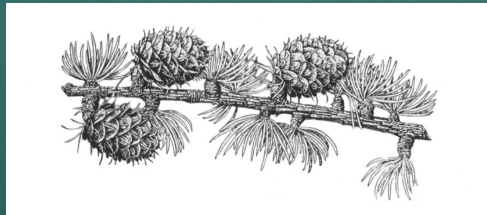
- ▶ Under US Geological Survey policy, only GAP 1 or GAP 2 “protected areas” qualify for the first 30 in 30x30. Such areas must be dedicated to the “preservation of biological diversity.”
- ▶ Under the general mining laws applicable to federal lands, hardrock minerals are open to “location” (making a mining claim), which, if there is a commercial discovery of a valuable mineral, the mining claimant has a right to mine. The only way to close areas of Federal land to mining claims is a FLPMA withdrawal.
- ▶ If an area is worth preserving for its biological diversity, it’s worth not mining it. If the area remains open to the threat of mining, then it is not really a “protected area.”


# The Disconnect Between Management Plans and Withdrawals

- ▶ The establishment of any of the various kinds of conservation areas (SIAs, RNAs, IRA, LWCs, WSAs, etc.) are done in local land and/or resource management plans. The responsible decisionmaker for such plans generally is a lower-level agency line officer.
- ▶ Most management plans state that for a conservation area, the agency will seek a 20-year FLPMA withdrawal from the Secretary of the Interior after the plan is approved.
- ▶ FLPMA withdrawals are on a separate track, where the train rarely leaves the station.
- ▶ In most cases, the agency never gets around to asking for a withdrawal. There are two common excuses:
  - ▶ The risk to the area from mining is very low to non-existent; or
  - ▶ Mining claims have been filed, so it is too late (which is not the case).

*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



- 
- ▶ withholding an
  - ▶ area of Federal land from settlement, sale, location,
  - ▶ or entry, under some or all of the general land
  - ▶ laws, for the purpose of limiting activities under
  - ▶ those laws in order to maintain other public values
  - ▶ in the area or reserving the area for a particular
  - ▶ public purpose or program; or transferring jurisdiction
  - ▶ over an area of Federal land, other than
  - ▶ “property” governed by the Federal Property and
  - ▶ Administrative Services Act, as amended (40
  - ▶ U.S.C. 472) from one department, bureau or
  - ▶ agency to another department, bureau or agency.