

**FEDERAL DESIGNATION FOR THE BRBNA
A SUMMARY OF VIEWPOINTS AND ISSUES**

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TABLE OF CONTENTS

INTRODUCTION	2
BACKGROUND	3
THE NATIONAL LANDSCAPE CONSERVATION SYSTEM	4
THE PROPOSAL	5
CONCERNS AND COMMENTS OF LANDOWNERS	6
CONCERNS AND COMMENTS OF LAND TRUSTS	7
CONCERNS AND COMMENTS OF KEY AGENCIES	8
ECONOMIC AND CONSERVATION BENEFITS	9
PRESSING NEEDS: FUNDING FOR CONSERVATION	10
PRESSING NEEDS: FUNDING FOR COORDINATION	11
RECREATION AND ECONOMIC DEVELOPMENT	11
CONSERVATION BENEFITS	12
POSSIBLE SCENARIOS	13
FINDINGS/BOTTOM LINE	17
CONCLUSION	18

“The landowners we deal with are very reasonable. If they are included from the beginning, there is an opportunity to have a longer lasting, more meaningful outcome.”

Vance Russell, Landowner Stewardship Program

“Our greatest concern is that our children will be able to stay on the land and actually make a living from it.” Casey Stone, landowner

“The increasing pressure that we face from development—roads, ranchettes, subdivision and unmanaged recreation—poses threats to the conservation biology of the region for which we are not prepared.” Bob Schneider, Tuleyome

INTRODUCTION

The Blue Ridge Berryessa Natural Area (BRBNA) defines a long swath of wild and range lands, almost 800,000 acres, extending from the southern portions of the Mendocino National Forest all the way to Interstate 80 in Solano County. Sparsely populated and abundant in natural resources, the BRBNA stands out in California as a mosaic of public and private lands that have witnessed relatively little change in the last century. The region is named for two prominent geographic features – the Blue Ridge Mountains and Lake Berryessa – but is also characterized by an array of surrounding valleys, ranches, and natural areas. The BRBNA supports a variety of ecological communities, including serpentine chaparral, grasslands, and oak woodlands. Cache and Putah Creeks and their tributaries, as well as the region's lakes, provide important riparian and fisheries habitat as well as a water supply for both urban and agricultural uses.

The BRBNA Conservation Partnership was founded in 1997 to provide a forum for public and private land managers to meet and discuss their activities. The group has since grown to nearly 75 partners including federal and state agencies, counties and other public entities, local businesses, non-profit organizations and conservation-minded landowners – all with the common goal of promoting collaborative conservation of the natural and working landscape of the BRBNA.

Tuleyome was founded in 2002 as a volunteer, advocacy-oriented nonprofit organization that is focused on protecting both the wild and agricultural heritages of the Putah-Cache bioregion, including all or parts of Yolo, Lake, Napa, Colusa, and Solano counties in northwestern California. The organization's area of interest includes the BRBNA, and it is a member of the BRBNA Conservation Partnership.

The two groups have similar visions on paper but each was formed out of a very different approach to conservation. Tuleyome's founders come from a tradition of working on public lands issues—advocating for wilderness, national park designation and recreation opportunities. The organization was formed out of a belief that not enough was being done to protect the region and it wasn't being done fast enough. Tuleyome's board of director includes local Sierra Club leadership and others who have worked with the California Wilderness Coalition and The Wilderness Society – relevant only in that it helps to explain how the group is perceived by many landowners in the region.

Over the years, the BRBNA Partnership has been forging its way through the painstakingly deliberate work of inclusion, consultation, discussion, collecting good information, and facilitating cooperation among stakeholders – the basis of a new model for landscape scale conservation. This model rests on a fundamental belief in collaboration and bottom-up

participation, with a built in assumption that people will act in their own self-interest—private land conservation is more likely to occur if the landowner benefits. Somewhat different ideologies to be sure, but many of us thought there should be room for both. Perhaps it was inevitable that the approaches would run up against each other at some point. The Partnership has before it a conundrum that poses a challenge to the cooperative model we have worked hard to build, but we are hopeful that through all our best efforts we can come up with an outcome that works for everyone and ultimately furthers conservation of the region.

BACKGROUND

In early 2006, the non-profit organization Tuleyome began a discussion about a possible federal designation for the Blue Ridge Berryessa Natural Area (BRBNA) with national environmental groups and the BRBNA Conservation Partnership. Soon after, they approached various funders, including the Resources Legacy Fund Foundation (RLFF) about support for an initiative to create a National Conservation Area in the region. Ed Hastey, staff consultant to the RLFF – who had long been involved in conservation projects in the region and was intimately aware of the long history of the Partnership to conserve the region through collaboration – consulted members of the Partnership at this time regarding the proposal. Partnership representatives indicated their concern about timing – that it was possibly premature due to landowner involvement – but also indicated that a federal or state designation had been considered in the BRBNA Strategic Plan as a long-term goal. RLFF decided to fund Tuleyome with a small portion of the grant to be directed to the Partnership to contribute to education and information gathering. This background report is one outcome of that funding.

The Partnership made clear in receiving funds that they maintained a neutral position and would not be able to support the NCA proposal without consensus from its Partners.

In the spring of 2007, Tuleyome hosted a meeting of agency representatives and key interested parties to discuss the NCA proposal. At this time, the approach was still “testing the waters” to gauge reactions to the concept on a very general level. Agencies, while not committed, voiced no opposition at the meeting and indicated a strong interest. Soon after, a decision was made to bring representatives from the Las Cienegas NCA in New Mexico to a Partnership meeting. The idea was simply to give partners an introduction to the concept of an NCA through first hand contact with those who had been through the experience of establishing and managing an NCA. In retrospect this was the public launching of the proposal though at the time the Partnership did not see it that way. As it turned out, this meeting nevertheless raised significant confusion in the minds of the BRBNA partners and landowners in attendance as to the Partnership’s identity and role. Moreover, it resulted in drawing attention and scrutiny of our decade-long efforts by those suspicious of any regional conservation programs that include private land. Elected officials were asked to weigh in and a Colusa County based agricultural advocacy group called the Family Water Alliance became aware of the Partnership – and soon both the Partnership and Tuleyome began receiving calls and letters expressing concern over the NCA proposal as well as the broader mission of public/private conservation efforts.

The Partnership has had extensive internal discussion in recent months about the implications of the NCA initiative, what it means for the future of the Partnership and how we can best address divergent views. This report is intended as an objective (to the extent possible) review of the issues at hand, a compilation of select but relevant information on other NCAs or designated regions of equivalent status, and an attempt to articulate the concerns and viewpoints of

supporters and detractors. A primary objective of this study is also to provide our partners with a clearer understanding of the potential benefits of a designation and to present boundary and management scenarios for comparison. Our hope is that this information will serve as a basis for further examination and for thoughtful decision-making that reflects the Partnership's commitment to an inclusive process for conserving the BRBNA.

THE NATIONAL LANDSCAPE CONSERVATION SYSTEM

When we talk about the proposed NCA designation, it is also important to consider this from a national perspective and understand that it is part of a nation-wide effort, currently gaining momentum, to strengthen and expand the National Landscape Conservation System (NLCS). The NLCS was administratively created by the Department of the Interior in 2000 to consolidate the various BLM conservation units under one umbrella (designations had occurred as far back as 1970). In recognizing the system as a whole, this action set forth the Department's mission to "conserve, protect, and restore these nationally significant landscapes that have outstanding cultural, ecological, and scientific values for the benefit of current and future generations." Designations have reflected an effort to promote ecosystem level conservation and cooperation with other resource agencies and private landowners by addressing whole landscapes. The administrative action offered little detail with regard to the criteria for designating lands but instead left open the opportunity for tailoring legislation to suit the particular needs of each area. A bill is now before Congress that would make the NLCS permanent.

The 26 million-acre Conservation System includes more than 800 individual units: 15 National Monuments, 13 National Conservation Areas, the Steens Mountain Cooperative Management Protection Area in Oregon, Headwaters Forest Reserve in northern California, 38 Wild and Scenic Rivers, 183 Wilderness Areas, more than 5,100 miles of National Scenic and Historic Trails, and 604 Wilderness Study Areas. For the purposes of this report, we will take a closer look at two National Monuments in California, two National Conservation Areas and the Steens Mountain Cooperative Management and Protection Area as examples from which to examine the NCA proposal, although other terminology for a designation is not precluded by the NLCS law.

There is considerable diversity in the types of areas that have been designated in the Conservation System, the ownership configuration of these areas, as well as the formality of management provided. Of the 26 million acres, most of it was originally public land before it was designated, and most of this was BLM land. In some cases private land was purchased or traded to add to existing public land to create the National Conservation Area. In others, private land is included in a designated area or part of a planning area. The Blue Ridge Berryessa NCA proposal, if it was to include much of the current BRBNA, would be fairly unique in having large tracts of state land (Department of Fish and Game) and large private holdings. (The BRBNA is approximately 40 percent private land and 60 percent public – of which 25 percent is state land). While a number of designated areas in the NLCS system include private land within their boundaries, there is no mechanism for authority over activities on private lands without the express granting by a private landowner. In many cases private land is included because in-holdings exist within the natural geographic boundaries of a region or landscape. In these cases, either there are not willing sellers to acquire these properties or insufficient funds for public acquisition.

As with the national park system, California contains many important areas of the system, referred to as the "hidden treasures of the American West":

- Headwaters Forest Reserve, 7,400 acres of old-growth redwoods in Northern California
- California Desert National Conservation Area
- The King Range National Conservation Area
- Three national monuments: California Coastal, Carrizo Plain and Santa Rosa-San Jacinto Mountains
- Six rivers, including the North Fork of the American River
- Four historic trails, including the Pacific Crest Trail
- 76 wilderness areas

Since June 2000, the 26 million acres of conservation landscapes have been organized administratively by the Secretary of the Interior with no line item budget and little coordination. The Interior Department is currently supporting a bill that would unify the various units into a permanent, coherent system. While the bill does not include funding, it does ensure that the NLCS gains formal, statutory status. In addition, the Conservation System Alliance, a coalition of over 70 groups, was formed recently to support the legislation and promote the system. The Wilderness Society and other environmental organizations are dedicating more resources to advocating for the existing system and supporting groups working on new designations.

THE PROPOSAL

Tuleyome has brought forth their proposal at this time for a number of reasons. The organization believes that conditions on a local as well as national level currently exist that would facilitate passage of a bill at this time to create an NCA. Their printed rationale explains that the BRBNA has not received the recognition it deserves as a unique area of wildlands, biodiversity and agricultural resources. Moreover, Tuleyome points to the growing threat of development due to population pressures and the economic uncertainties that face local ranchers. Growing pressures from recreation are also cited, along with the dearth of public funding that has made it difficult for state and federal resource agencies to effectively manage land in the region, particularly where public use is involved. Tuleyome highlights the growing tendency to earmark funds for well known conservation areas within state parks bonds such as Prop 84.

Tuleyome identifies the potential for benefits to the region:

- Stronger local economies in nearby and gateway communities resulting from new visitors and an expected need for recreation and tourism services
- A local advisory committee, made up of local stakeholders, will have the opportunity to influence public land management.
- Public funding for management and conservation would increase due to the higher status and priority of an officially designated conservation area, particularly federal Land and Water Conservation Funds.
- Recreation will be better managed due to coordination among the agencies and input from the private sector.
- Greater public funding for protecting agricultural lands through conservation easements and stewardship.
- More coordinated management of public lands to increase effectiveness
- Greater visibility and recognition of the special values of the region

Tuleyome currently envisions a designation that is larger than the BRBNA, closer to 1 million acres, from Snow Mountain in the Mendocino National Forest to Fairfield. The designation

would encompass both public and private land, with the public land in a “National Conservation Area” and the private land in a “Cooperative Management Area.” The three federal agencies (USFS, BLM, and BOR) would coordinate management and develop MOU’s with CDFG, State Parks, UC Natural Reserve and county parks and agencies.

Tuleyome is not wedded to a specific title. “National Conservation Area” has connotations of being focused on protection rather than management. That is the reason why the Steens was designated a Cooperative Management and Protection Area (see case study). A “National Recreation Area” is thought to focus on recreation rather than conservation and would possibly raise additional red flags with landowners. The Wilderness Society suggested that an NRA would have a harder time getting congressional approval for inclusion in the NLCS system since NRAs will not be included in the new permanence legislation for the system.

CONCERNS AND COMMENTS OF LANDOWNERS

Most landowners consulted in the region describe their primary interests as economic and private property rights along with management concerns over fire, invasive species, illegal drug cultivation, illegal OHV and firearm usage, and trespass/vandalism. They are concerned about ensuring the economic viability of their ranching operations for future generations. Landowners do say they care about conserving their land but do not feel they would define the standards of conservation in the same way an environmental group might. One notable exception to this view, one landowner expressed “marginal self-interest” – that his family has an ingrained sense of civic responsibility, public mindedness, and interest in seeing long-term protection for the region.

Landowners often believe that their interests put them at odds with those of public land managers who have missions to preserve land for resource values, wildlife enhancement and/or recreation. They mostly share a sense of outrage about mismanagement or no management by public agencies, particularly BLM and DFG in the Knoxville areas, and are disappointed that the Partnership has not been able to effectively address these issues.

Landowner comments and concerns regarding the NCA proposal are summarized as follows:

- 1) NCA designation will cause the BRBNA Partnership’s mission to fail – only the agencies will get funding and the private landowners’ input is only "advisory." The private sector will not be an equal partner in prioritizing the management issues for the area.
- 2) The NCA designation will succeed if it can develop a common plan for both private and public land to address fire, invasive species and grazing needs on public lands. Landowners should be compensated for participation.
- 3) The NCA designation and public funding will draw more visitors to the area that will impact and compromise the area's environmental resources. Landowner interests do not sync with increasing visibility of the region. Increasing recreational use translates into trespass, garbage, and fire danger. “Recognition” and “visibility” are often perceived as a negative.
- 4) Any successful management arrangement for environmental success must be a true collaboration of public and private landowners who share control and responsibility for the area. But serious doubt remains that an NCA could enable public/private power sharing. The dual designation raises the issue of how much voice landowners would have on a federal

advisory committee and how much voice outsiders would have on a private lands committee?

- 5) Many landowners have an aversion to any additional government bureaucracy and would not want “federal” status simply because of the perceived government control and intrusion into their affairs.
- 6) The voluntary nature of private landowner participation can cut two ways – one, the proposal could fail to beneficially impact private land, or, as has been the case in Pt. Reyes, although not regulated, the protected landscape generates greater scrutiny of private land uses and practices from advocacy groups, not necessarily welcomed by landowners.
- 7) It is difficult to separate the proposal from the distrust that many have of “environmental agendas” and those involved. They worry that this is another step toward acquisition of private property for wilderness or that it will translate into restrictions on what private landowners can do with their property, despite claims to the contrary.
- 8) Federally mandated projects have a long history of failure and resulting negative impacts on private landowners, so there is little assurance that private property would not be affected. It is possible that private land ownership within the NCA would evaporate over time. A designation would give the federal government more power by ultimately controlling all zoning issues.
- 9) It is not only imperative that NCA proponents demonstrate increased federal funding but that they also show how that funding would be used to improve BLM’s management of public lands in the Knoxville area (OHV and shooting issues.)
- 10) If legislation is introduced that only focuses on BLM land, there is still likely to be impact on adjacent private property. Greater visibility will result in more public demand for access without management and enforcement, the impact of which will spill over onto private land.
- 11) An NCA is not needed to provide more coordination. BLM currently has their CRMP (Coordinated Resource Management Program) and RAC (Resource Advisory Council), which allow for input from stakeholders. Audubon’s Landowner Stewardship Program has been very effective at bringing landowners and agencies together to carry out projects. The BRBNA provides an ample forum for landowners and agencies to meet.

CONCERNS AND COMMENTS OF LAND TRUSTS (and other groups who work closely with landowners)

Many of these groups are long-time members of the Partnership and have made major contributions to the land conservation accomplishments in the BRBNA. While most very much want to see improvement in public land management in the region, they are wary that the NCA proposal could be divisive and not particularly beneficial to landowners or land trusts. A summary of their comments follows:

- 1) This “paper park” proposal is taking up a great deal of time and money that could be spent on something else without convincing evidence that it will change anything or that it is better than what the Partnership could provide.

- 2) This is a solution to a problem that Tuleyome sees. We should be asking the landowner: How do you see stewardship of your land, what do you need to help you? The problem has not been identified by landowners. We resist the notion that the rest of us are not doing enough.
- 3) Our relationships with landowners are paramount so we are most concerned about how this proposal will affect landowners and how they view it. If landowners were to support the NCA overwhelmingly, then we could also. If it is controversial, we cannot.
- 4) If there was a real opportunity for more funding for private land management and conservation easements, then we would like to see where that comes from and how it would be different from what we already have. We need to know how this helps what we do.
- 5) Do not impose something that may or may not be beneficial. The Partnership needs to keep talking to landowners and see where they stand and what matters to them. Make sure the process is completely transparent.
- 6) The material from Tuleyome “looks like the Partnership and feels like the Partnership” – leading to an assumption among our [land trust] members that because we are part of the Partnership, we support the proposal.
- 7) The Napa Parks and Open Space District took many tries over decades. All the pieces had to fall into place to make it possible. The scaling back of local opposition from landowners was a key to its success. It seems as though Tuleyome is trying to move faster than the process really takes.

CONCERNS AND COMMENTS OF KEY AGENCIES (U.C. included)

By far the biggest challenge facing public resource agencies in the region is lack of funding. Budgets are declining and costs are increasing. Management problems continue to grow— invasive species, illegal drug cultivation, recreation pressures, etc. Gaining a higher profile for the region is clearly an objective if it translates into additional funding. However, the agencies see considerable challenges in working through the details of a federal designation and achieving cooperative management for the major public agencies. Agency personnel were reluctant to voice specific positions on the proposal but were able to share their needs, how an NCA could address these, and potential obstacles. A summary of the major comments:

- 1) Under the NLCS, the higher profile compared to other lands would result in more access to targeted funding. How significant this is depends on budgeting and success at competing for funds such as LWCF (Land and Water Conservation Fund). In the current BLM budget we are seeing increased but still limited funding for the NLCS. The NLCS funding for healthy lands is focused more at the Rocky Mountain region (energy producing). If you're not in an area of energy production or high profile, the odds of NLCS funding are slim (Cache Creek and Cedar Roughs have not received designated funding).
- 2) Elements that would contribute to the designation’s success: an annually appropriated funding earmark to manage the region, no restrictions on management tools necessary to maintain healthy lands and resources, the ability to perform NEPA planning on a regional

basis, not specific to the agency or project, and the ability to share resources (funding) between federal agencies (without a surcharge).

- 3) Trying to manage a regional NCA with multiple agencies would be extremely complex. Agencies cannot legally relinquish control of management, decision-making and oversight to an external body. Any committee/council could only be advisory in nature. The problem is that the BLM's Northwest Resource Advisory Council (RAC) covers the BRBNA region and the directive is not to support another RAC in the same region (issue came up with proposal for Sacramento Bend NCA).
- 4) Funding is the critical element. Agencies cannot afford the resources and staff time it takes to partner effectively if they do not even have sufficient resources to carry out their core missions and duties.
- 5) A proposal that includes all the federal and state agencies must involve the commitment from the agencies to being active partners (two agencies believe this commitment might be difficult).
- 6) BLM and BOR have clear recreation/public use mandates, DFG regional interests are more focused on wildlife and habitat protection. The different missions are likely to run up against one another in cooperative management efforts. Also, it is not clear how a federal designation could benefit a State Wildlife Area and receive funding.
- 7) The more the NCA proposal restricts current recreational use (OHV and shooting), the harder it will be to gain congressional approval. The major problem at Knoxville is the lack of enforcement and ranger presence. It is doubtful that enough funding would result to significantly improve the current situation. If OHV and shooting were eliminated from Knoxville with the NCA, the problem would likely continue because then Washington would not fund any enforcement and the illegal activities would continue anyway.
- 8) Are the benefits worth the effort of getting it passed? Will it alienate private landowners who would be more likely to engage in cooperative management if the region was not under the auspices of the federal government?

ECONOMIC AND CONSERVATION BENEFITS

A central question in this discussion is whether an NCA designation can deliver on promised conservation and local economic benefits. This is certainly a difficult question to answer because it will depend to some extent on the specific legislation, future federal appropriations, the degree of cooperation and support within the region, and on the socioeconomic and business profiles of particular local communities. When we talk about the NCA proposal, there are three areas where the NCA designation could theoretically result in economic benefits: 1) Federal or state public funding may come directly to the agencies or the region by virtue of the legislation or the status conferred by the designation (appropriations or earmarked funding); 2) Funding may also be procured indirectly by agencies and private landowners through an increased access to public or private grant programs based on the elevated status of the region; 3) Revenue generation through user fees and increased tourism could result from increased recognition and visibility of the region with associated economic development for local communities. A thorough economic analysis would have to be conducted to gain a clearer picture of what is indeed likely to occur.

Lacking that, it is possible to present in general terms the types of benefits that have been documented in other areas and speculate on how this might play out here based on what we know about this region. In addition, we can provide some relevant information on conservation funding in the state as it pertains to prioritizing on a regional and project basis.

PRESSING NEEDS: FUNDING FOR CONSERVATION

Federal and State agencies consulted in the region, across the board, stated that lack of funding was the key factor affecting management of public lands. Over the last decade, a growing shortage of operating and management funding has severely impaired the ability of public land managing agencies to steward existing public lands and provide for public use. Recent state budget woes will exacerbate the problem. The NCA proposal claims to address the issue of conservation funding in the region, hoping to attract future federal appropriations and state bond dollars through the elevated status brought about by a federal designation. It is important to be clear about and distinguish the kind of funding other NCAs have been able to secure from what opportunities may exist in the future and what has been and can be obtained without an NCA designation.

The NCA proposal mentions California's Proposition 84, which included numerous "earmarks" for several landscapes in the state, providing on average \$35 million for land protection, stewardship and economic development to each. The suggestion is that as a recognized NCA, the region could be included in a future bond measure for specifically targeted funds. In fact, past earmarks were all for State Conservancies – landscapes that have been legislatively designated by the State of California. NCAs have never been earmarked in California park bond propositions and are not likely to because of their federal status.

That is not to say that the BRBNA has not received its fair share of funding. The Wildlife Conservation Board received \$450 million from Proposition 84 for wildlife/habitat protection and for incentives for private ranchers and farmers. They also received significant earmarks from previous bonds such as Prop 40 and 50. This money has been and is available through grants to public agencies and non-profit groups for land acquisition and management throughout the state. The BRBNA has been on their radar and supported for a number of years. In addition, the State Coastal Conservancy's Bay Area program also has received significant Proposition 84 funds, which are available through grants to Napa and Solano Counties. Regional funding for land acquisition, easements, and restoration has been provided to several agencies and groups in the region. Bobcat Ranch, the Napa Ranch, Wildlake – large acquisition have occurred in the past decade totaling over \$30 million in addition to many smaller conservation projects by the UC Reserve System and regional land trusts. Moreover the Packard Foundation, the Resources Legacy Fund Foundation, the National Fish & Wildlife Foundation, and Calfed – have supported projects in the region and some have even identified the region or sub-regions in their state-wide conservation priorities.

The other issue with regard to NCA funding is that it cannot easily address private sector conservation through land trusts or private land incentive programs. While a Conservancy receives earmarked funds that Land Trusts can apply for, an NCA does not. So it does not support a major mechanism for future land conservation— acquisitions with willing sellers and easements with willing donors. (One caveat: In some cases, NCA legislation has authorized one time funding for acquisitions of private land to become part of the NCA).

Would the status itself attract more funding? For congressional funding for the agencies, specifically BLM, the likelihood is that yes, the designation would create more funding

opportunities for planning, coordination, and management. How much depends largely on the vagaries of the federal budget process. Some NCA representatives say they have benefited financially and others say not (see case studies). Unfortunately, with no line-item in the budget process, there is no guarantee. To date, the funding for the NLCS has not been substantial. However, it is possible that farther down the road, with the new legislation and with a local Congressional champion for the region, we could see increases in BLM's regional budget targeting units in the system.

Anticipated increases in private and state funding are an even more questionable proposition. In general, private foundations do not like to fund activities on public land. It was suggested that a federal designation may lead supporters to assume that land is publicly protected and fully funded, actually discouraging private funding in the region. While there is clear evidence that some "Friends of ..." groups associated with publicly designated protected areas have been highly successful in bringing private funds into the public arena as public budgets continue to suffer, the Partnership has already served that function to some extent in the region (as have other groups). Whether that capacity could be enhanced from a designated status is unknown. As for state funding, the BRBNA and the Partnership, although not well known by the general public, have a very strong reputation among state resource agencies and are well known in the Bay Area land conservation community through a long relationship with the Bay Area Open Space Council. Among land trusts consulted, no one felt the lack of visibility of the region ever resulted in rejection of funding requests. Many felt the regional connection to project funding has already been made. The Partnership has produced a collaborative document of priority land conservation projects that has helped guide funding decisions, particularly for those seeking to support projects that are part of a larger landscape vision. Still, there is considerable room for support from the general public in the form of donations and volunteerism, and a stronger regional identity could very well contribute to building such support.

PRESSING NEEDS: FUNDING FOR COORDINATION

What has been missing from the funding piece has been ongoing support for carrying out the mission of the Partnership – daily coordination, partner support, regular meeting, fundraising, etc. Partners have provided less than \$5,000 a year to fund these activities. The question remains: how to support the vision of collaboration and day to day coordination of the agencies, landowners and other stakeholders? The Partnership has run on a shoestring budget, and fundraising for ongoing capacity building and operations funding will always be a challenge and a time-sink, competing with fundraising by member groups. The State Coastal Conservancy has been a long-time supporter of the Bay Area Open Space Council in this way, but the Partnership does not have the benefit of that kind of relationship with a funding agency.

If the NCA designation could create a funding stream for the coordination element, that would be significant. While many NCA designations have legislated consultation and coordination, public agency staff lament the outcome where these expectations are set up without sufficient funding to support them.

RECREATION AND ECONOMIC DEVELOPMENT

The Sonoran Institute in Arizona has documented extensively the economic benefits to local communities that have resulted from adjacent protected recreation and conservation lands. The demand for outdoor recreation around the BRBNA region is thought to be increasing, and growing population pressures in nearby metropolitan areas would support that contention. Poorly managed recreation continues to be a problem. Lake Berryessa is an obvious example of an area

overused at some times of the year and underused at other times. Off road vehicle use and illegal shooting presents a continuing problem in the Knoxville area. The Partnership has supported a recreation vision that promotes better management and more compatible, nature-based recreation opportunities. The idea has always been that as the area becomes better known, the constituency of people who care about its future grows and the area is more likely to be protected for those values. Many believe that an NCA designation would attract more visitors.

Whether in fact this would occur depends on many variables including ease of access, competing uses, and the types of facilities and amenities provided by the agencies and concessionaires. Recreation trends are changing and difficult to predict. The number of visitors to our National Parks and other public lands has continued to decline over the last several years, particularly in the west (*Evidence for a Fundamental and Pervasive Shift Away from Nature-based Recreation*, Pergams and Zaradic, February 4, 2008, Proc. National Academy of Sciences). This may suggest changing desires with regard to recreational activities, or something else, but several questions arise pertaining to the region. What kind of recreation is in demand? What levels of use can the region support? The BRBNA lends itself to dispersed low impact recreation such as hiking, camping, non-motorized boating. Apart from Lake Berryessa, much of the region is too hot to support summer recreation. Do these seasonal activities translate into high enough visitor use levels to benefit gateway communities? Answers to these questions and others would be needed to project with some certainty that an NCA would attract more people and translate into an economic bonus for local communities.

A problem with the recreation and the “increased visibility” arguments for the NCA is that most of the landowners consulted do not want this region to be more visible or more visited. They do want the recreation we have to be better managed, particularly at Lake Berryessa and in the Knoxville Area. They most certainly do not want any designation that would promote more visitors without any guarantee that the agencies have the resources to manage such use. Further, these landowners are very protective of their rural and agricultural assets and many have had conflict with recreational users. They view increased recreation as a danger with regard to invasive plants, trespassing, litter, and fire. However, they are interested in economic support that might come from regional branding, marketing, and local food promotion.

CONSERVATION BENEFITS

When additional funding has been made available in other NCAs, it has translated into clear management improvements on public land. In many cases the improvements are due to wilderness designation or specific policy changes with regard to grazing or elimination of motorized vehicle use that resulted in substantial reduction in impacts over a short time-frame. The legislation identifies resources of special value and usually requires a management plan directed at protection of these resources. One designated area (Steens in Oregon) has benefited from a major increase in volunteer restoration efforts. It is particularly evident that when coordination among agencies is facilitated, formalized, and supported, we see improved management across boundaries that did not previously exist (Santa Rosa). In many cases, the overlapping efforts regionally with state conservancies, land trusts and supporting non-profits make it difficult to point to the designation as the primary reason for conservation successes in terms of land acquisitions and conservation easements. Often it is a combination of many contributing efforts. Again, each case is different depending on the nature of the designation, financial resources available, and the success of coordination.

Conservation benefits for private land within designated areas have not been well documented. In the case of the Santa Rosa/San Jacinto National Monument, most of the private land, although

within the monument boundaries, is not part of the management effort with the exception of tribal lands. In the case of the Steens CMPA, there is no authority over private lands but communication is beginning to occur between BLM and a landowner organization. In the Las Cienegas NCA, private land was purchased by the BLM in the process of creating the NCA, but the designation allowed private owners to continue grazing. More research needs to be done to find examples where private land has been incorporated into a cooperative planning effort, if such a situation exists.

POSSIBLE SCENARIOS

The major concerns of landowners have been laid out as well as the challenges that the agencies foresee in a broad designation. With the following scenarios, I have tried to present a series of options for comparison – the major proposal from Tuleyome along with some modified versions and alternatives – and then tried to show how they do or do not line up in terms of the issues raised in the report. Obviously, there is not a perfect scenario, just different approaches that will be more or less attractive to parties depending on their interests. Moreover in each case, there is clearly considerable opportunity to develop the details. What will be needed in deciding on the best approach (or another option) is to reach agreement on what we are trying to achieve with this designation so that we can objectively weigh which scenario is most likely to get us to our objective. There is also the issue of political expediency and the degree to which there is a willingness to ameliorate concerns to make success more likely.

Scenario 1: Moving forward with a federal designation under the NLCS that would recognize a large landscape with inclusion of, but no authority over, private land.
(Most similar to the Steens CMPA, Santa Rosa/San Jacinto Mountains, and Tuleyome’s proposal)

Public Land Management:

Legislation would establish a mandate for cooperation among the federal agencies. Tuleyome supports a three agency designation (BLM, BOR, USFS) with BLM as the lead agency, with MOU’s with state and local land management entities. Public agencies could also be encouraged or required to cooperate with contiguous private landowners. An Advisory Council could be established with representatives from County government, non-profits, business and landowner communities.

Private Land Management:

Private landowners would not be under any authority by virtue of the designation although they would be included within the boundaries of the NCA (some exception may be made). However, the legislation would establish a Cooperative Management Area for interested landowners. A supporting organizational “council” could be established to guide and facilitate collaboration and funding. This council could be under the jurisdiction of the participating landowners and be supported by agencies and non-profits who work specifically with private landowners (RCD, NRCS, Audubon, etc.). Incentive-based programs could be used to encourage participation of landowners.

The Partnership: The primary functions of the Partnership are subsumed by the cooperation arrangement of the agencies and the landowners’ council. The Partnership could become a “Friends of the NCA” group that raises money and coordinates volunteers for the region, and/or continues to provide an interactive forum for the public and private sectors.

Pros: Federal designation is achieved with the possibility of increased recognition and funding for the region. Agency cooperation is formalized and possibly improved. Private landowners increase coordination and have an organization that represents their regional interests, both in land management, property rights and economic security issues. A multi-agency management plan can address conservation, recreational, and coordination issues on a landscape scale at least for public lands.

Cons: There is a danger in setting up this dual designation in that it further divides the private landowner interests and management activities from those of the public agencies. This flies in the face the Partnership's vision for fostering public/private cooperation and achievable conservation objectives for the landscape as a whole. With three federal agencies with different missions and mandates and the large amount of state land, (agency staff do not see any possibility for agencies to be able to relinquish control, decision-making, or oversight to a public/external body), it will be challenging to construct an agreement on management and funding arrangements. Other efforts to create an advisory committee in a similar context have recently failed (see p. 7). This is probably the option most difficult to win approval – both locally and legislatively.

Scenario 2: A designation restricted to public lands and agencies – USFS, BLM, BOR, DFG, State Parks, County Parks, and UC. The boundaries would exclude private land altogether without the explicit permission of the private landowner.

Public Land Management: This would be the same as above without the expectation for the agencies to coordinate with private landowners not willingly included.

Private Land Management: This would continue along the same arrangements that currently exist, based on agency initiatives to work with willing landowners and the Partnership's facilitation.

Partnership: The group would continue to serve as a forum for the region as a whole and possibly play a stronger role in working to forge collaboration between public and private interests.

Pros: This designation might reduce landowner concerns about the designation. It addresses public land needs and still fosters public coordination and enables funding increases for public agencies.

Cons: The NCA is fragmented and does not address the needs of the landscape as a whole. Although private land is left out of the picture, functionally it may not be that different from scenarios where they are included but not part of any mandated management scheme. Planning would be limited to the designated area. Incorporating the non-federal entities into meaningful cooperation will be challenging.

Scenario 3: A smaller designation on BLM lands only, with the possible inclusion of UC McLaughlin lands and cooperation mandates with other agencies and private landowners within a “planning area” or “area of influence.” (Most similar to King Range, Carrizo Plains).

Public Land Management:

Only BLM lands in the region would be designated as an NCA, but a larger planning area would be formally recognized (the BRBNA). The legislation would require BLM to develop cooperative management agreements with the other public agencies (federal and state) and landowners. A management plan would encompass the entire planning area and would be produced in conjunction with key agencies, but would not have authority over non-BLM lands. An advisory council would be established to further cooperation, but would be only advisory, modeled on RAC and CRMP structures. The BLM would be the lead agency in promoting the NCA and furthering cooperative management.

Private Land Management:

Private landowners may be given additional financial and other incentives to cooperate and work with the BLM and other agencies through the legislation. This would establish a formal process for public/private management agreements and streamline the process, funding and approval (e.g. DFG grazing/stewardship). For example, if a particular landowner sets up a formal Cooperative Management Agreement with a participating agency in the region, then individual projects will be expedited for approval and funding and can bypass normal administrative/permitting channels. (Such incentives could be included in any scenario that involves private land.)

Partnership:

The Partnership would continue to function as a coalition of private and public interests that convene on a regular basis for education and information exchange. This would allow us to continue to promote the region as a whole, but remove some of the pressure of bringing agencies together for collaboration as that function will become more institutionalized. The Partnership may play a bigger role in engaging and advocating for the private landowner in cooperative efforts. If an advisory committee was written into the legislation, there could be some overlap or merging of roles.

Pros:

A designation limited to public land and smaller in scope would be far less intimidating and threatening to private landowners, and more likely to pass muster with CA legislators. A designation limited to mostly BLM lands with BLM as the lead agency for the planning area would present a simple line of authority and not require a more complex reorganization of decision-making procedures, which would face significant hurdles in the agencies and legislature. It still provides the potential for more funding and improved management capacity for BLM lands. Depending on how the legislation is written, funding advantages could spill over to other agencies through cooperative agreements. A major positive element is that it would incorporate tried and true methods for engaging landowners, providing strong incentive programs that address landowner's biggest concerns: bureaucracy and technical/funding support, while not undercutting private property rights.

Cons:

The biggest downside of this option from the environmental perspective is that the designation is very limited in scope, while the NCA is fragmented and does not address the landscape as a whole. Also, conservation benefits depend heavily on a dedicated funding stream which cannot be guaranteed. It could create a significant burden of cooperation for the BLM without the necessary resources to implement its requirements well. The extent to which the other agencies would be compelled to participate is uncertain. It may provide conservation benefits to BLM land and not the rest of the region.

Scenario 4: Modification of Scenario 3 that would include DFG Knoxville Wildlife area in the NCA designation

Public Land: The clear difference is that in this scenario DFG, BLM, and UC would share management responsibilities to a much greater degree and the legislation would define the relationship and these responsibilities – beyond a simple cooperative agreement arrangement. Cost sharing programs could be established while accommodations would be made for the different missions and land use objectives of each entity.

Pros: This would encompass an extremely important area ecologically – fulfilling the conservation mandate of high value resources while excluding a high intensity recreation area (BOR), which is not as good a fit into the NCA definition, and still allows a simplified cooperative management of NCA lands. The major rationale here is that with the DFG being chronically under-funded and this having huge ramifications for the region, by including DFG land, there is the opportunity to have DFG benefit equally from funding opportunities. Simultaneously it forges a strong management alliance between the two agencies which is sorely needed, along with the UC Natural Reserve System. It removes the burden of an unwieldy number of federal agencies.

Cons: This is still more limited in scope than environmental groups would like to see. It requires overcoming the challenges of melding federal and state bureaucratic requirements and different missions. Funding arrangements could be difficult. It loses the landscape approach to regional planning.

Scenario 5: Explore the option of creating a State Land Conservancy for the region.

Public and Private Land Management:

State Conservancies, of which there are currently eight, much more closely resemble the BRBNA in land ownership configuration than do any other NCAs in the state. They often include multiple public ownerships, private working lands, protected areas and even communities – with the purpose of integrating a vision for sustainable development and resource conservation. When conservancies are established, a considerable organizational capacity is built to plan, manage, and fund land protection, management and economic development for the region as a whole. Considerable funding from state park bond propositions such as prop 84 has been earmarked for state conservancies. This option might include a much larger regional area and include more heavily populated areas such as Clear Lake.

Pros:

This option seems to be most in line with the vision for the BRBNA laid out by its founders – a way of creating an overarching vision that integrates all the pieces with the fundamental objective of preserving key lands, promoting the economic viability of the ranching community, providing compatible recreation opportunities, and serving the communities that surround and are gateways to the region. Moreover, the opportunity for significant funding is far greater as a Conservancy than as an NCA if you look at the level of funding and earmarks for the various designations over the years. This option could also be pursued over the long-term in addition to a federal designation.

Cons:

A great deal of local and legislative support would be needed to successfully create a state conservancy in the region. Powerful interests in the Tahoe region and southern California have

made the most recent designations possible. There is some discussion that there is resistance to creating more conservancies within the state resource agencies and from the conservancies that already exist. Another problem is that Napa and Solano County are currently covered under the Bay Area Conservancy and the State Resources Agency may frown upon overlapping boundaries, although there is some overlap between the Coastal Conservancy and the Santa Monica Mountains Conservancy.

Scenario 6: Everyone takes a step back to allow more time to examine all viable options, to continue consultation with landowners and other stakeholders, and to determine what our primary objectives are and how we can best accomplish them.

FINDINGS/BOTTOM LINE

- The most pressing needs for the region are funding for management, mandated and structured coordination among public agencies, and a funded incentive program for private landowners for coordinated management.
- Units of the National Landscape Conservation System have access to additional federal funding compared to BLM lands that do not have a designation.
- The potential conservation benefits for public land are real, especially if cooperative efforts among the agencies are mandated and result in a region-wide management plan that is backed up by sufficient funding to be implemented effectively.
- The potential benefits for private land and landowners are much more uncertain. There is no precedent and no clear mechanism for landowners having more than an advisory role for the NCA as a whole. The concept of a “cooperative management area” for private land needs to be more fully articulated and examined to determine what it has to offer.
- The information collected suggests that without line-item funding, the funding benefits from NCA designation will be limited to federal appropriations for BLM and LWCF, and what might occur from the elevated status of the region. This will depend heavily on legislative developments with the National Landscape Conservation System and federal appropriations year to year.
- Earmarks from state propositions cannot be counted upon for funding because there is no precedent for including federal designations such as NCAs.
- The proposed designation is a lightning rod for many landowners simply because it is a federal designation that provokes fear of government control and for some because it is associated with past battles for wilderness and wild & scenic river designations.
- There are not many instances of NCAs/Monuments where private land (included in the boundaries of designations) has been well integrated into the management of the designated region.
- Landowners are united in their fury over management neglect on public land in the region. Addressing this issue is the strongest argument to win their support.

CONCLUSION

This report has attempted to provide some useful information about issues and opinions that hopefully has helped to frame the choices we have with regard to the NCA designation. However, it is also a continuation of the discussion that began over a decade ago, and was further developed in our strategic plan of 2003 – a discussion that seeks to define the Partnership, what we want the region to look like in 20 years, 50 years, a hundred years, and what is the best way to get there. The fundamental values and interests represented by the Partnership as a whole, as well as the guiding organizational principles, may be different from those of Tuleyome and certainly are different from the most extreme landowners in the region. We are trying to reach consensus around a conservation vision built on inclusive, cooperative, landscape scale conservation efforts. How we do that requires the involvement of and buy-in from a range of stakeholders. If a designation is to affect the entire region and we are true to the ideals of the Partnership, then a proposal supported by our members should reflect that vision. Members of the Partnership, Tuleyome included, are acknowledging through their membership that this approach to conservation is mutually beneficial and ultimately good for the land. It is imperative that we reconcile the proposal with the vision of the Partnership for the BRBNA or let the two efforts go their separate ways.