

CAPITOL COMMENTS

One Step Closer to Conservation Milestone

In a powerful step for conservation, the U.S. House of Representatives on May 11, 2000, overwhelmingly approved the Conservation and Reinvestment Act (H.R. 701, or "CARA") by a vote of 315-102. The legislation has now gone to the U.S. Senate for consideration, and conservationists and legislators everywhere are taking notice. Under the leadership of House Resources Committee Chairman Don Young of Alaska, Ranking Member George Miller from California, and many of their colleagues, a long list of amendments was fought off and the bill has remained essentially intact. This was a truly bipartisan action by the House that takes an important step toward enhancing the outdoor legacy for future generations.

As expected, concerns were expressed about private property rights, the propriety of setting aside dedicated funding, and whether the federal government should acquire more land. Let's examine those in order.

PRIVATE PROPERTY RIGHTS

Private property rights are provided for through specific language in the bill that actually hands more control to the federal government over land acquisition than currently exists. Much has been said about threats to private landowners, but it is now impossible under this legislation for a private landowner to be pressured, forced to sell, or otherwise improperly treated by the government. Congress will be watching in several ways and will have veto power as needed.

The legislation as passed specifically provides for "just compensation" as provided in the Constitution. It requires specific approval by Congress for each acquisition and restricts the Federal Government's regulatory authority over private lands. It requires first that land exchanges and conservation easements be considered as alternatives to acquisition. It provides priority for dealing with

inholdings, Congressional approval for rarely used condemnation, and transmission of plans and notice to local and state governments. It is worth repeating – there will be more protection for private property rights if CARA passes – not less.

DEDICATED FUNDING

Appropriators in the House argued, as their colleagues will in the Senate, that special funds should not be set aside out of their annual control. They argue that this would tie up too much money. But within the past year Congress has set aside over \$500 billion for future highway construction, and over \$40 billion for aviation.

At a Senate hearing on May 24, 2000, Environment and Public Works Committee Chairman Bob Smith (NH) recalled the original promise made to the American people decades ago. "It's time to keep the promise we made years ago to use OCS (Outer Continental Shelf) revenues responsibly – to put back some of those dollars into restoring and protecting the environment; we owe it to generations of Americans yet to come."

What does the American public want? A national poll conducted in 1999 by the NUNTZ Research Companies, a conservative public relations firm, indicates that \$1.5 billion for conservation would seem to match the desires of the American people. This poll showed that 88% of Americans agree that "we must act now or we will lose many special places, and if we wait, what is destroyed or lost cannot be replaced." The record shows that Congress has not provided the funds originally promised since 1965 under the Land and Water Conservation Fund, and is not likely to do so. Over \$15 billion that should have been spent through that fund has been used for other purposes over three decades. It seems to be a clear choice that we must set aside what

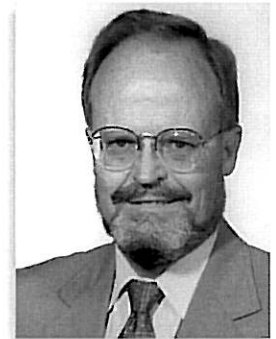
a huge majority of the public wants or it won't get done.

LAND ACQUISITION

The third issue is whether the government should own and manage more land. The Boone and Crockett Club has a special relationship to this issue, since Theodore Roosevelt is the first and foremost one who saw the value to the public at large in protecting public lands for the future. Theodore Roosevelt understood the value of wild places to the soul of America. He also understood that if the everyday citizen were to have access to such places, for hunting among other things, these public lands were a necessary legacy. Our objective as a Club should be to make sure that those lands are managed in that tradition.

If we need to be more engaged in how they are acquired or managed, that is open to us. In the long run, the traditions of fair chase and of Theodore Roosevelt would be well served by careful additions to public lands.

In fact, CARA has been miscast by many of its most vociferous opponents as a "land acquisition bill." Not only does it provide new government controls over acquisition, the largest amount (\$1 billion) would go to conservation along coastlines, controlled by the states. Half of the Land and Water Conservation Fund (\$900 million) – the real acquisition funding – is focused on meeting the urban needs of our growing cities. The other half of the Land and Water Conservation Fund would go to public lands, which approximately doubles the average amount that has gone to that fund for federal acquisition in recent years. The funds to state wildlife agencies (\$350 million)



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will be used primarily for active management for fish and wildlife on both private and public lands. This is by no means primarily land acquisition legislation. Anyway you look at it, there should be more access to wild places – as Chairman Young eloquently phrased it at the Senate hearing, “Whether a person wants to hunt, hike, or meditate.”

Larger issues are at stake that cannot be solved solely by dialogue over CARA. If CARA is to succeed, its fate needs to be decided within the next few months. The

American public is engaging the larger topic of federal lands, how they are managed, and for what purposes through issues of timber management, off-road vehicles, home development, and the growing appetites of Americans for outdoor recreation. These and other issues are far too large in ideological terms to be solved in the course of the CARA dialogue. Yet they should be pursued in the future. Proposals once again have emerged to either give the public lands to the states, or to privatize them completely. The Club should examine these dialogues and become involved with them in the future. But this is neither the place nor the time.

The hearing before the Senate Committee on Environment and Public Works on May 24, 2000, covered these issues well. It was carried on C-SPAN and the worldwide web. This wide public exposure should galvanize action by the Senate. Time is the problem again as this is an election year and Congress must act promptly. There are three bills pending in the Senate. S. 25 is the original Murkowski-Landrieu bill that provides stable funding for state wildlife agencies, and more constraints than H.R. 701 (CARA) on federal land expenditures. S. 2123 is es-

sentially H.R. 701 remanded from the House to the Senate. S. 2181 is a relatively new bill from Senator Bingaman of New Mexico, with greater environmental controls and constraints on how money would be spent by the states. All of these bills have very positive provisions that can yield strong legislation with truly historic impact. The situation now is very much the same as it was in the House early in the year. The Senate needs to move on this leg-

islation now and find the compromise necessary to use the success in the House to advance a Senate bill to completion. There will be many who will want to rethink various parts of the bill, and those negotiations will occur behind the scenes. Most importantly, the Senate has less than 40 days in which to legislate, and hopes to end it all by the end of September this year.

The Boone and Crockett Club took a strong position in March in favor of H.R. 701 (CARA) with its current protections for private landowners. The Club's leaders responded to calls for action, and contacted Club Members who weighed in strongly on a personal basis with the leadership in the House of Representatives. Club Members can be proud of their role in shaking this legislation loose, and bringing it to

the floor for its successful vote. Contributions toward legislation come in all kinds, and it would go nowhere without the kind of work that Club Members did to bring this bill out of the House.

Now the time is for decisive action to capitalize on all of this hard work. The Senate needs to find a compromise position it can support, move a bill through the Senate, and provide a positive vote. Unless it is exactly the same bill as H.R. 701, a conference between the House and the Senate then would

be required to bring this measure to closure. That kind of historic action is what our goal should be over the next few months. Each of you should be ready to act on behalf of the Boone and Crockett Club to make that happen!

In testimony at the Senate hearing, I suggested that the Senate would be hearing from hunters and anglers across

America. The common message we have united behind is:

- The need is clear and well documented.
- We have a model in the Pittman/Robertson Act that has restored a great deal of wildlife and wildlife habitat.
- The authority and responsibility for broader management of fish and wildlife lies with the 50 states.
- Wildlife management, and the enjoyment of wildlife by sportsmen and women, will benefit from proactive conservation.
- The Senate must act now to meet a real need and take advantage of the opportunity for strong bipartisan support for this landmark initiative.

It is time for the Boone and Crockett Club to lead again and let Senate leadership hear from us! ▲ ▲ ▲

PROVISIONS OF CARA (H.R. 701) PASSED BY THE HOUSE	
PROGRAM	ANNUAL FUNDING LEVEL
Impact Assistance & Coastal Conservation	\$1 billion
Land and Water Conservation Fund (LWCF) Revitalization	\$900 billion
Wildlife Conservation & Restoration Fund	\$350 million
Urban Park & Recreation Recovery (UPARR)	\$125 million
Historic Preservation Fund	\$100 million
Federal & Indian Lands Restoration	\$200 million
Conservation Easement & Species Recovery	\$150 million
Payment In-Lieu of Taxes & Refuge Revenue Sharing	\$200 million