

Marking the end of the first century of land conservation policy under the Weeks Act naturally raises the question of what might happen during the second century. While some challenges seem similar to 100 years ago, new challenges will require innovative responses.

THE WEEKS ACT

AND THE FUTURE OF LAND CONSERVATION POLICY IN THE UNITED STATES

At its 100th anniversary, the Weeks Act of 1911 represents a major accomplishment for the national public interest in environmental and natural resource conservation, now and for the indefinite future. The story of the Weeks Act is the story of nearly 25 million acres—an area more than four

times the size of Congressman John W. Weeks's beloved state of New Hampshire—where some of the most abused and degraded forest the world has ever seen has been healed and restored. These former wastelands are now fully functioning forest ecosystems that provide clean water, wildlife habitat, biodiversity, and public recreation opportunities. And there is a very good chance that at the 200th anniversary of the Weeks Act, these lands will still be healthy forests, meeting the as-yet-undreamed-of needs of generations unborn. This is the enduring value of the Weeks Act and the lands it has helped to conserve in perpetuity.

The challenges of conservation in the twenty-first century suggest the need for other strategies as well. Few Americans of any political persuasion expect that another 25 million acres will be added to the public estate for the purposes of conservation. Yet the need to protect critical water resources, wildlife habitat, and biodiversity, particularly in the face of new large-scale threats such as climate change, requires new strategies for conserving large landscapes.

Those new strategies in turn require very different conservation tools, ones that do not rely solely on traditional national and state forests, parks, and refuges. Forest landscape conservation in the United States can be accomplished only through a new level of sustained, productive cooperation among all the federal and state natural resource agencies, conservation organizations, businesses, and families that own and care for the thousands of tracts of forest

and open space that make up some of the nation's most important landscapes. This represents a profound change from the way we have approached conservation in the United States through much of the past century.

Much of the existing institutional, legal, and policy framework for conservation in the United States was developed to support the twentieth-century approaches to conservation. Public forests, parks, and wildlife refuges constitute less than one-third of the nation's land. But as climate patterns shift, the ecological communities of plant and animal species they were intended to protect are themselves on the move, migrating to follow their climatic ranges, away from the fixed boundaries of designated conservation areas.

Efforts to promote conservation on private lands have been encouraged and subsidized through an array of federal and state programs. Over the years, millions of taxpayer dollars have been expended for conservation purposes on lands that were later converted to housing subdivisions and strip malls, leading even the most conservation-minded policymakers to ask whether these scarce public funds were well spent. These questions become particularly acute as appropriations committees are asked to continue putting increasingly limited public funds into conservation that is not bought, but only rented.

Lacking enough public funds to create incentives for conservation everywhere it is needed, we have sought to unleash the power of the private marketplace. Private landowners nationwide

BY V. ALARIC SAMPLE

are eager to earn and sell credits for protecting wildlife habitat and water quality, or for sequestering carbon. But supply is supply only if there is demand. And the large-scale public policy interventions that would be needed to create this demand are strongly resisted by industries from which new revenues would be drawn to fund the demand side of the equation. Voluntary purchasers of ecosystem credits have helped prove the theoretical feasibility of ecosystem services markets and registries, but will these expand to the scale needed to protect a significant proportion of the high conservation-value private lands across the country?

Shifting climate patterns in the twenty-first century will challenge conservation not just ecologically but also economically and socially. The prevailing concept of the role of conservation in promoting global sustainability will be turned on its head as the world's 10 billion people seek to satisfy their basic needs for food, energy, and transportation. Changing patterns of temperature and precipitation at continental scales have introduced new uncertainty to the world's major food-producing regions. In recent years, including 2011, droughts and floods have devastated wheat and other commodity food crops in China, India, Russia, Australia, and Canada, raising the specter of global food shortages that will only become more acute as populations expand and climate patterns become more unpredictable.

Ironically, rising hunger in many of the poorest regions of the world is a boon to some of the richest countries, including the United States. Farm income in the United States is expected to increase 20 percent this year, according to a February report from the U.S. Department of Agriculture, from \$79 billion in 2010 to \$95 billion in 2011. Crop values are expected to increase 18 percent, to \$202 billion. Such rising trends in farm commodity prices make cropland and pasture ever more valuable relative to forestland, even when forest conservation is subsidized by government and rewarded by private ecosystem services markets. Millions of private farmers and forest owners will independently make economically rational decisions to maximize cropland and minimize forests, and this will add up.

Since the 1930s, the area of forestland in the United States has remained roughly the same, at just under 750 million acres. But this relatively stable national average has masked major differences from one region of the country to another. Losses of forestland to development in some regions have largely been offset in other regions where marginal agricultural lands have been taken out of production and reverted to forest. Sometime during the latter years



COURTESY OF CHRISTY MORRISON

Water supply and recreation were two major driving forces behind the passage of the Weeks Act. Here, the two forces are on display as hikers cool off under a waterfall in the Great Smoky Mountains National Park on land originally purchased under the Weeks Act. In the coming century, access to water will become even more critical because of a growing population and changing climate.

of the twentieth century, the tide turned. In a strong economy, forest and open space were being lost to development at an average rate of 6,000 acres a day.¹ But much of the marginal agricultural land that could revert to forest had already done so, even with the extra push provided by initiatives such as the Conservation Reserve Program, authorized in the 1985 Farm Bill. The Conservation Reserve Program paid farmers to reduce soil erosion and sedimentation by taking highly erodible lands out of crop production. Many of these lands reverted to mixed native forest and became particularly important for wildlife habitat in industrial agricultural landscapes, where hedgerows had all but disappeared.

In the aftermath of 9/11, the anxiety over peak oil and overextended energy supply lines stretching from increasingly unfriendly regions of the world led U.S. policymakers to set ambitious new targets for domestic biofuels production. Powerful new financial

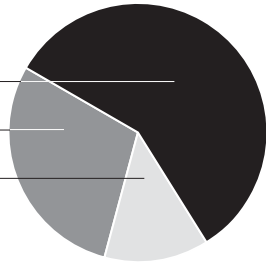
U.S. Timberland Ownership

ACRES

Non-industrial Private 58%

Public 29%

Industrial Forest 13%



Pressures like foreign ownership, climate change, and rising food prices may significantly change the percentages of ownership in the coming century.

incentives were aimed at jump-starting new technologies and greater production capacity. Increased ethanol production pushed corn prices to record levels. New varieties of switchgrass and miscanthus and short rotations of hybrid poplar and willow were found to do well on less productive soils. As a result, land only recently returned to forest through initiatives like the Conservation Reserve Program is being pressed into service once again to grow energy crops for biofuels production.

In twenty-first-century America, where housing starts remain below a half-million per year despite mortgage rates of less than five percent, the conversion of forest to produce biofuels and food commodity exports may actually exceed forest conversion for urban development. Whatever the proportions might be, the combined effect of increased global demand for food, energy, and transportation will bring steady, inexorable pressure on American forests.

Where forests will be conserved, it will not be because of the economics. The growing pressures for alternative uses of scarce productive land will relegate forests even more to the category of a residual land use—what is done with land when it has no conceivable higher and better use. We may know intuitively that forests are valuable for wildlife habitat, biodiversity, and that crucial, life-sustaining resource, water. But a generation of natural resource economists (and their successor generation of “ecological economists”) has yet to make a quantitative analytical case for conservation that is compelling or persuasive to the majority of practical, tax-paying private landowners.

Fortunately, there are a great many private forest owners who do not need a compelling economic case to persuade them to conserve their forestland, for this generation and generations to come. For some it is an aesthetic case, a chance to protect and pass along the incomparable beauty of a forest, softly clothing a mountainside or stream valley and changing with the seasons. For others, it is a moral or ethical imperative, a sense of stewardship, a responsibility to use the land wisely and pass it along in as good as or better condition than it was received. For still others, it is something spiritual, something they may or may not be able to explain to others or even to themselves. Whatever the reason, they act on their convictions. They permanently conserve their lands through easements or land donations. And their actions make the world a better place, for them and for us all.

Forest landscape conservation based on a modest government

investment leveraging much larger private donations in a landscape that will remain largely in private ownership is a concept that has near-universal appeal and has been supported by conservative and liberal policymakers alike. It is a model based on partnerships, on shared conservation values, and on mutual respect and cooperation. This is the model that will most likely define conservation in this country in the twenty-first century, in much the same way that building systems of federal and state public lands defined conservation in the United States in the twentieth.

Is there a place in the new century for conservation through additions of land to national and state forests, parks, and refuges? Will the Weeks Act, through which nearly 25 million acres of degraded land was healed and protected in perpetuity, continue to play a role in conservation?

In many instances, there is simply no substitute for public lands when it comes to conserving special places for the full range of their values—known and unknown, quantified and unquantifiable—in the public interest. Passionate debates over the just and proper use of these public lands will continue, as well they should in a free and democratic society. The beauty is in the fact that future generations too will have the luxury of passionately debating the best use of these lands in their own time, because the land itself has been conserved for all time.

Lest we think of this only in terms of what it will cost the present deficit-weary generation to benefit unnamed others in the future, think first of the dollars that were invested in the early years of the Weeks Act, and the enormous dividends that we ourselves derive from these investments every day. Most of the Weeks Act investments were made during the 1930s by a nation in the grip of what is still today the deepest economic depression this country has ever endured. Can we in good conscience deny future generations the same consideration and bequest that an earlier and far more economically challenged generation gave to us?

As we commemorate the centennial of this farsighted and influential public law, let us think of it not as a historical endpoint but as a marker in time, like a leaf floating by on some great river. Today we honor the commitment and leadership of Congressman John Weeks and his contemporaries in the twentieth-century conservation movement. Let us also recognize and celebrate our own generation of conservationists, who are no less committed or farsighted than their predecessors. The Weeks Act began with a legislative proposal that took several years to come to fruition in 1911. Such creative initiatives today might arise from a conversation that begins on Facebook or Twitter and gains momentum overnight. But the conservation ideals at work are much the same. And partnerships and cooperation based on shared conservation values and a commitment to a sustainable future are still the essential elements of success. □

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NOTES

1. U.S. Department of Agriculture, Forest Service, FS-861, *Cooperating across Boundaries: Partnerships to Conserve Open Space in Rural America* (Washington, DC, 2006), 15.