SESSION TITLE : Making Willing Seller Work

CONVENER(S): Steve Elkinton, National Park Service

PARTICIPANTS: N/A

SUMMARY OF DISCUSSION, CONCLUSIONS and/or RECOMMENDATIONS:

Part 1 (25 participants)
After more than a decade of attempts, the willing seller authority became available for 9 NSTs and NHTs in 2009 with the passage of Public Law 111-11. Instead of being prohibited from using Federal funds for land acquisition, these trails are now able to have Federal agencies acquire land from willing sellers.

The group then introduced themselves and shared their most pressing issues associated with the willing-seller authority. These included (with the most talked about *'d):

- ** Funding. Expect tough budget times ahead despite current Department of the Interior and White House support. Currently the competition for Land and Water Conservation Fund (LWCF) funds is tough and trails often can't compete. The Partnership strongly supports full funding for the LWCF.
- ** The current political trends, controversies around "the C word," current Administration's attempts to restore full funding for the (LWCF). How do we change the national discussion? We need to find and confirm CHAMPIONS in Congress and the agencies.
- ** Building Federal agency capacity to use this authority expeditiously and effectively. It should be built into each agency's policy framework. There should be specific authority (rather than annual language) to transfer LWCF funds to protection partners. (Sometimes there is a shortage of "acquisition management funds" that slow down negotiations and deals.)
- ** Post-acquisition land management challenges (including residual mineral claims).
- Tapping existing programs such as FHWA's Recreation Trails and Transportation Enhancement Programs. Also, there are helpful state programs, such as Wisconsin's LWCF grants.
- The need to learn land acquisition skills.
- Mastering timing the deals – and dealing with threats to the trail.
- Filling in gaps, especially in "checkerboard" land patterns.
- Exploring on what "fully protected" means (a huge challenge).
- Using the new authority assertively.
- Preparing for long-time frames (even getting this authority took over 12 years).
- This creates a new precedent.
- The importance of having good resource inventories and accurate mapping.
- The new authority may also be useful to the Appalachian and Pacific Crest NSTs.
- Becoming a national scenic trail (NST) may actually hinder the trail by frightening landowners who feel intimidated by Federal involvement.

- Importance of early outreach to and education for affected landowners. Use local club and chapter members to contact nearby landowners.
- The need to systematically set priorities through land protection planning identifying opportunities and setting priorities.
- The weaknesses of easements.
- Involvement of allies such as the Conservation Fund, TPL, The Nature Conservancy and other land trust allies.
- Urban and metro area challenges, especially exclusive homeowner groups.

In the discussion Appalachian NST (AT) staff explained how they use eminent domain to acquire private lands. Now they are in the process of "closing the gaps," so they only need Congressional champions in certain places. Many also involve land trust groups such as TPL and CF.

Conclusion. This issue is complex and folks are uncertain how to move forward.

Part 2 (24 participants)

This session was recently entitled "Planning Requirements," so those were rolled into the discussion. Key points in this session included:

- Embed trail corridors in local agency and county and city plans.
- Use the National Trails System Act Sec. 7(a)(2) authority about rights-of-way. Involve states, jurisdictions, landowners, and land users.
- The Appalachian Trail folks do land planning through "Preferred Route" and "Optional Location Reviews." Some of these need broad consultation with the affected public. The Ice Age NST uses a "Trailway Protection Strategy." (In NPS, the Midwest Region insists that post-acquisition management agreements be already in place by the time of the sale negotiation.)
- Planning is successful when it builds local county and community support.
- Training is needed for volunteers to manage acquired lands. On some trails this is already well underway on state and local lands. Skills are needed to inspect boundaries, monitor easements, and monitor endangered species and other resource issues.
- The Appalachian Trail has been gradually transitioning from trail building and acquisition to corridor management.
- Be strategic in engaging allies. Strive to make acquisition requests top priority within the participating agencies.
- Understanding how the use of LWCF funds can create some protection (Sec. 4(f).

RECOMMENDATION for PNTS ACTION:

- Request a joint statement from Dept. of the Interior, Dept. of Agriculture, etc. to declare National Trails System land protection a top priority.
- Embed trail protection goals into Federal staff performance goals.
- An amendment to the National Trails System Act authoring grants to partner organizations.
- One or more Willing Seller Summits to educate ourselves about this can work for various trails.
- Explore alternative models to the AT's (such as state use of LWF funds, use of land trusts and conservancies, etc.).
- Plan a follow-up session at this workshop.