

From: Chris Bryant <cbryant@TNC.ORG>

Date: Tuesday, April 14, 2020 at 2:59 PM

To: Mark Aagenes <mark.aagenes@tnc.org>

Subject: FW: Final guidance on implementing 100th meridian (85/15) provision in LWCF

So... anything on this list is NOT funded... So this is pretty bad for Montana.
I'm super bummed.

mark

From: Johnson, Barbara - FS <barbara.a.johnson@usda.gov>

Subject: Final guidance on implementing 100th meridian (85/15) provision in LWCF

All - I want to extend a big thank you to all of you for your patience and feedback as we have worked through this issue. I know it has been frustrating and a long wait.

As you know, the WO-Lands office has been working with Forest Service leadership, the Department of Agriculture, and OMB on a resolution to issues raised in the Government Accountability Office report regarding the Forest Service's compliance with the 100th Meridian provision.

The 100th meridian provision states that except for areas specifically authorized by an Act of Congress, not more than 15 percent of the acreage added to the National Forest System under LWCF can be west of the 100th meridian. Our guidance is that "areas specifically authorized by an Act of Congress" refer to Congressionally-Designated Areas such as Wilderness, so acres in these areas are exempted from this provision.

We have received final guidance on this issue.

- USDA OGC has determined that a listing of land acquisition projects in a conference committee report does not override the 100th meridian provision in the LWCF statute.
- Under this guidance, the Forest Service must immediately implement the 100th meridian provision. All available funding (that is, funding from all fiscal years) must be allocated according to the 100th meridian provision.
- Implementing this provision means some 23,000 acres of current, funded western projects cannot be implemented under this legal interpretation.
- A list of these projects is attached.
- **If a project is not on this list, we have determined that it can move forward in compliance with the 100th meridian provision.**

We will discuss this further at our 3pm WO-Regional lands staff call this afternoon. Please contact me with any questions. Thanks.

Barbara



Barbara Johnson, MPP
National Land Adjustment Program Manager
Forest Service
National Forest System

Western Projects Not Included Under LWCF 100th Meridian Provision

Region	State	Year(s)	Project Type	Project Name	Acres Not Included	Dollars Associated with Acres	Congressional District
1	MT	2020	Critical Inholding	Delmoe Lake (6 parcels)	100	\$ 350,000	MT-At Large
1	MT	2020	Project in Appropriations Report	Clearwater-Blackfoot Project Phase II	12,265	\$ 9,000,000	MT-At Large
2	CO	2019	Recreation Access	Zink/Hidden Valley	30	\$ 350,000	CO-03
2	CO	2019	Project in Appropriations Report	Union Park	650	\$ 2,000,000	CO-03
2	WY	2020	Recreation Access	Etna Creek	120	\$ 250,000	WY-At Large
3	NM	2020	Recreation Access	Swingle Canyon	120	\$ 180,000	NM-02
4	ID	2020	Recreation Access	Willow Creek	374	\$ 1,000,000	ID-02
4	UT	2020	Critical Inholding	King	40	\$ 70,000	UT-02
5	CA	2015	Project in Appropriations Report	Duvanek Property	80	\$ 240,000	CA-20
5	CA	2019	Critical Inholding	NFAR-Southern Cross* (Partial)	26	\$ 75,000	CA-04

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Region	State	Year(s)	Project Type	Project Name	Acres Not Included	Dollars Associated with Acres	Congressional District
5	CA	2020	Recreation Access	Gerle Meadow	320	\$ 892,500	CA-04
5	CA	2019, 2020	Project in Appropriations Report	Sanhedrin Phase I	7,000	\$ 10,300,000	CA-02, CA-03
6	WA	2020	Critical Inholding	Mission Ridge Trail	160	\$ 160,000	WA-08
10	AK	2020	Recreation Access	Bonnie Brae Trailhead	3	\$ 300,000	AK-At Large
1	MT	2020	Project in Appropriations Report	Lolo Trails* (Partial)	1,285	\$ 4,400,000	MT-At Large
5	CA	2020	Project in Appropriations Report	Kern River* (Partial)	355	\$ 1,500,000	CA-23
5	CA	2013, 2019	Project in Appropriations Report	Trinity Divide* (Partial)	160	\$ 3,342,575	CA-01, CA-02
					23,088	\$ 34,410,075	Totals

*Partial projects are those partly in a Congressionally Designated Area and partly outside a Congressionally Designated Area. For these projects, the acres shown here are those acres in the project which are outside a Congressionally Designated Area.