


I'd like to follow up on Sean Hecht's recent posting concerning Congressional passage and President Obama's signing into law of the Omnibus Public Lands Management Act of 2009. This massive bill designates two million acres of wilderness in nine states as permanently off-limits to development, and increases the number of river miles protected under the federal wild and scenic rivers system by a full 50 percent. It's also the first major piece of environmental legislation enacted by the 111th Congress, and the first to reach President Obama's desk.


I was struck during last week's White House signing ceremony by a most interesting dichotomy. Earlier that same day, President Obama and his economic advisers held a press conference announcing terms and conditions of continuing federal assistance to General Motors and Chrysler. It was a rather downbeat, stern show, with the President plainly signaling to both the auto industry and the general public that government aid to American automakers—along with the Administration's patience for industry reforms—is limited. 

By contrast, the White House Public Lands Management Act signing ceremony later that day was upbeat and celebratory. In his remarks, President Obama expressly noted the contrast between the two White House events, stressing that even in harsh economic times, it's essential to preserve our natural resources for future generations.

That's encouraging. A political mentor of mine once counseled that government leaders could learn from Native American tribal elders, who see their obligation as planning ahead for two or three generations, not just for two or three years. That's especially sage advice when it comes to conserving our country's abundant natural resources, and it appears that President Obama buys the premise.

On a smaller but still important scale, it's worth considering what enactment of the Omnibus Public Lands Management Act means for California's most imperiled and abused river, the San Joaquin. Today the environmental group American Rivers formally designated the San Joaquin and Sacramento Rivers as the nation's most endangered waterways. That's a dubious distinction, but an accurate one.

Once a vibrant environmental resource and ecosystem, the San Joaquin River was dammed by the federal government in the 1950's, decimating the salmon fisheries that once migrated and thrived in its waters. Now, for most of the year, the lower reaches of the San Joaquin are bone dry due to upstream water storage and diversions.

 Enter the Natural Resources Defense Council, which nearly two decades ago brought suit against the U.S. and local water contractors to address the environmental

destruction of the San Joaquin River. Due to NRDC's forceful and effective legal advocacy, and the determination of U.S. District Court Judge Larry Karlton to see that applicable federal and state environmental laws are enforced, the litigants reached an uneasy, conditional settlement in 2006 that's designed to restore San Joaquin River flows and fisheries. But that settlement was dependent on Congressional ratification, which is a key component of the new federal law. The just-enacted legislation frees up fees paid by San Joaquin water users to help fund a nearly \$1 billion restoration effort, and clears the way for government agencies to begin rehabilitating the heavily-damaged river environment. The now-final litigation settlement contemplates reintroduction of salmon populations and constant water flows in the lower San Joaquin River no later than 2014.