

Western Lands Update

Western Lands Project
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House budget bill pushes multimillion-acre land grab

On November 19, the House passed a budget reconciliation bill that could privatize vast tracts of public land by allowing mining companies and others to buy public land without having to prove it has potential for mineral development. The sell-off provision came courtesy of Rep. Richard Pombo (R-CA), Chair of the House Resources Committee. Pombo has made a mission of dismantling environmental laws.

In the past few weeks, the environmental lobby focused massive resources on the removal of a provision in the same bill that would have opened up the Arctic National Wildlife Refuge to oil development. The mining company sell-off, however, poses a threat that stretches across literally millions of acres.

Some background: The 1872 Mining Law authorized the practice of “patenting” public lands for hard-rock mineral development, including gold, silver, and copper. In addition to claiming the minerals underground, the law allowed miners to purchase the title, or patent, to the surface interests in public lands for no more than \$5 an acre if they could prove they could viably mine minerals underneath the lands.

Unlike oil, natural gas or coal extractors, hard-rock mining companies are not required to pay any royalties to the public for the value of the minerals they remove. This has made the mining conglomerates—many of which are foreign companies—beneficiaries of an outrageous and extremely damaging subsidy. In 1994, Congress placed a moratorium on patenting; hard-rock mining companies could still take minerals from below public lands free of royalties, but they were prohibited obtaining patent. Congress has renewed the patent moratorium every year since then. (In the late 1990s, many land exchanges

initiated by mining companies were aimed at obtaining ownership of land where they had claims and couldn't file patents).

Pombo's measure would abolish the moratorium, putting millions of acres across the West up for sale to mining and other interests for \$1000/acre or fair market value, whichever is greater, but the appraisals would be perverted by the exclusion of any underlying mineral value. The provision would retain the prohibition on royalties, depriving the public a source of income potentially much greater than what could be earned by selling off the land.

The measure is broad, affecting Wilderness Study Areas, roadless areas, and lands next to national parks and monuments. While some of these lands have been withdrawn from mining activity in order to protect their natural resource values, Pombo's measure would override the protection wherever withdrawn lands were contiguous to mining claims.

Neither the public nor the land management agencies would be able to exert any influence on the sales process—mining companies would essentially have a “right to mine” and would get title to the land so long as they were willing to pay the surface value. The National Environmental Policy Act (NEPA) would no longer apply once the land was privatized, closing off one of the main avenues to public involvement.

Perhaps the most alarming aspect of the proposal is the lack of requirement that the land actually be used for mining, with the result that public lands would suddenly be open to all types of development. And yet more privatization would stem from a clause that encourages the sell-off of previously mined land (as



well as contiguous land that hasn't been mined) for "sustainable economic development" purposes. This term is not defined in the bill, but one has to imagine it would include hotels, ski resorts, golf courses, and second homes.

The House budget reconciliation bill passed by only a two-vote margin. Because the Senate-passed budget did not contain these sweeping changes to the 1872 Mining Law it is still possible to get them removed when a Senate-House conference committee reconciles their two bills.

The most important thing you can do for your public lands this year is to call both your senators and your representative to tell them take the mining land grab out of the budget. Contact information for your representative can be found at www.house.gov, and for your senators at www.senate.gov.

Do this NOW!


Western Lands Project

P.O. Box 95545
Seattle, WA 98145-2545
phone 206.325.3503
fax 206.325.3515
www.westernlands.org

Board of Directors

Rebecca Rundquist, Pres., Portland, ME
Marianne Dugan, Eugene, OR
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Staff

Janine Blaeloch, Director,
blaeloch@westernlands.org

Christopher Krupp, Staff Attorney,
krupp@westernlands.org

Joanne Hedou, Program Coordinator,
hedou@westernlands.org

Design: HoffmanGraphics.com

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(* *earmarked for Cinnabar match challenge*).

Help us stop CIEDRA! & the pillaging of public lands

HR 3603 has chilling implications for wilderness, water, & the integrity of public land

The Central Idaho Economic Development and Recreation Act of 2005 (CIEDRA), is an unabashed attempt to push the public land privatization agenda, sugar-coated with some wilderness protection. CIEDRA would let off-road vehicles run rampant through 550,000 acres of central Idaho's public lands; undermine protection of the incomparable Sawtooth National Recreation Area, and **outright give away 6,000 acres of our public land to local interests for development.**

CIEDRA exemplifies a new paradigm—sadly, supported by some conservation groups—that sacrifices “less” scenic, “less” iconic public lands to development as a quid pro quo for wilderness protection elsewhere.

Please lift a hand on behalf of your public lands. Call and/or email the following key congressional offices:

Rep. George Miller (D-CA), call 202-225-2095, email ben.miller@mail.house.gov

Rep. Tom Udall (D-NM), call 202-225-6190, email johanna.polsenberg@mail.house.gov

Rep. Nick Rahall (D-WV), call, 202-225-3452, email rick.healy@mail.house.gov

Rep. Jay Inslee (D-WA), call 202-225-6311, email tracy.nagelbush@mail.house.gov

Rep. Raul Grijalva (D-AZ), call 202- 225-2435, email rachel.kondor@mail.house.gov

**...and also call YOUR representative;
find contact information at <http://www.house.gov/>**

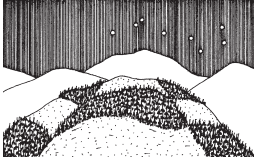
Tell Congress to oppose H.R. 3603 (Central Idaho Economic Development & Recreation Act)

- ❶ Do *not* privatize public land
- ❷ Do *not* give off-road vehicles priority use on public land
- ❸ Do *not* withhold water rights needed by fish and wildlife
- ❹ **DO** protect 550,000 acres of wilderness and the Sawtooth NRA

You can read detailed and informative testimony from the hearing at:

<http://resourcescommittee.house.gov/archives/109/ffh/102705.htm>

From the Western Lands Project, Sierra Club, Idaho Wildlife Federation, Wilderness Watch, Alliance for the Wild Rockies, and 30 other organizations of the Committee to Save the Sawtooth National Recreation Area



Western Lands Project

PO Box 95545
Seattle, WA 98145-2545

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