

# Western Lands Update

Western Lands Project  
Seattle, Washington

Spring 2006

Research, Outreach, and Advocacy to Keep Public Lands Public

Vol. 10, No. 1

## Land grabs abound

Late last year, we reported that Rep. Richard Pombo (R-CA), chair of the House Resources Committee, put language in the congressional budget that would have let mining companies buy up public land even where they held no valid claims. The proposal would have put potentially millions of acres up for grabs; much of it would eventually have been sold to developers.

The Pombo proposal was yanked from the budget after a huge public outcry—which, by the way, put the lie to any claim that Americans are too preoccupied to care about public land. Members of Congress crowded the microphones to express their distaste for Pombo's deal.

Now, the Bush Administration has included in its own budget schemes to privatize both National Forest and Bureau of Land Management land. Both plans would take money earned from the sale of public land and direct it toward non-public-land-related programs.

In mid-March, legislative language was released for the National Forest Land Conveyance for Rural Communities Act. The plan is to raise \$800 million from the sale of up to 300,000 acres of national forest land over the next 5 years, using it to fund rural schools and other community services. The school fund was originally created in 2000 to replace money that had formerly come from timber receipts on national forests, but money in the original act came from appropriated funds, not from the sale of forestland. The public detests the current proposal, and it

is unlikely to pass in its present form.

The Bureau of Land Management scheme is somewhat stealthier, in that it expands an already existing BLM land sale program created in 2000 through the Federal Land Transaction Facilitation Act. The FLTFA was designed to create an incentive for BLM managers to speed up the process of selling lands that had been identified for "disposal" by allowing the offices to put 80 percent of the sale proceeds toward new federal land acquisitions within their respective states. The Bush amendment to FLTFA would expand the program to cover newly-identified disposal lands, and—here's the part that really hurts—unceremoniously dump proceeds of the sales into the Treasury. Public lands would be made to pay, their value thrown into the great maw of the deficit.

Fortunately, redirecting the money away from the BLM destroys the agency's incentive to sell the land. Staffers are scoffing at D.C. office requests for information and lists of candidate parcels to be sold.

### We don't mind saying we told them so

*Blaeloch worries that using [land sales] for deficit trimming could become a dangerous incentive to sell off public holdings all over the West. "Pretty soon they'll just consider federal land disposal as the panacea for our economic problems. You have vast areas of open space that could conceivably be sold to pay off the national debt." "That is nonsense," [deputy Interior Secretary Rebecca] Watson said, dismissing such concerns as the product of "over-fervered imaginations."*

*"Winnings Hard to Split in Nevada Land Sales," Bettina Boxall and Julie Cart, Los Angeles Times, March 6, 2005.*

Lest we get complacent, however, we who care about our forests and the public domain must keep in mind that every time one of these obnoxious, disrespectful land disposal schemes is put forward, it makes just a little bit more of an inroad into the inviolability of our shared public land. The ideologues who want to blast, scrape, and pave every inch of public land won't give up easily, and neither should we. Cashing out our land for war, tax cuts—and yes, even school kids—is just wrong.

# Task Force pushing changes to National Environmental Policy Act

In late December 2005 the House Resource Committee's NEPA Task Force released its "Initial Findings and Draft Recommendations" for public comment.

The Task Force, largely perceived to be a stalking horse for gutting the National Environmental Policy Act, held a series of hearings across the country last year to gather public input on the benefits and impediments of NEPA. This cornerstone environmental law requires analysis and disclosure of the environmental consequences of federal projects, and perhaps most important, facilitates public participation in decisions affecting the environment. The first hearing in Spokane, at which Western Lands testified, brought out more supporters than detractors of the environmental law, surprising the Task Force. Later hearings, outside the final two in DC, were held in difficult-to-reach locations and/or re-scheduled at the last minute, raising suspicion that the Task Force was purposely making it difficult for NEPA proponents to attend.

The Task Force cherry-picked testimony from the hearings to support its findings. The findings suggest there is an ongoing debate as to whether NEPA is substantive (requiring federal agencies to take or forego action based on the results of analysis) or procedural (requiring a standard process for analysis, but not directing a particular action). While many wish NEPA did have substantive authority, the U.S. Supreme Court settled that debate more than a quarter century ago, determining it is a procedural statute. That the Task Force did not understand that indicated its ignorance of the law.

The findings also cited claims made at the hearings that environmentalists bring case after case of groundless NEPA litigation before the courts and that the threat of litigation leads to unnecessary analysis, delays, and uncertainty even where litigation may not occur in the end. The findings even gave credence to the fiction that a NEPA lawsuit prevented the Army Corps of Engi-

neers from building a proper floodwall that would have prevented the post-Katrina New Orleans flooding. While the Task Force did admit statistics show only 0.2 percent of environmental impact statements result in litigation, the general tone was that NEPA provides a monkeywrench for environmentalists seeking to obstruct economic progress.

Given the tone of the findings, it was all too predictable that the recommendations focus on abridging the process and providing certainty for industry groups. Specific recommendations include amending NEPA to:

- narrowly define 'major federal action' so that NEPA applies to fewer federal actions;
- create mandatory timelines for completing NEPA analysis;
- establish concrete criteria for preparing EISs versus shorter environmental assessments;
- direct agencies to give greater weight to local interests; and
- constrict analysis of alternatives and cumulative impacts.

Aside from being a naked attempt to limit public participation in the NEPA process, a fundamental problem with these recommendations is the folly of creating strict definitions and criteria that could apply to every possible future situation or action.

The Task Force's purpose was to provide the House Resources Committee a rationale for revising NEPA. With the findings and recommendations in hand, it is expected that Resources Committee chair Richard Pombo will introduce a bill to revise NEPA sometime in the next year. We'll keep you posted.

You can see the Task Force's work at [www.tinyurl.com/fussv](http://www.tinyurl.com/fussv).

**Express your displeasure over mass sales of BLM and national forest land...contact your Senators and Reps.**

[www.tinyurl.com/bllm](http://www.tinyurl.com/bllm)

[www.house.gov](http://www.house.gov)

## Will you make a financial commitment to the Western Lands Project?

Since 1997, when the Western Land Exchange Project was founded to monitor federal land exchanges, we have worked to **protect citizens' interests in and ownership of public land.** Our work has expanded over time to include any action that proposes to give away, sell, or trade the public domain. In 2005 we changed our name to the Western Lands Project to reflect our broader scope.

Our primary goal is to keep public lands public. **To achieve this, we assist citizens in reviewing and responding to public land deals; demand disclosure and transparency; and work to ensure that the public interest is protected.**

During our nine years of work, we have significantly raised awareness of corruption in public/private land trades, sales, and disposals. But the techniques used to execute these trades have become more devious over time, and under the Bush administration and the entrenched Republican Congress, privatization of public land has burgeoned. For us, what began as a focus on monitoring and improving land trades has become a response on political and legal fronts to a large-scale push for privatization. We have developed expertise in the myriad attempts to seize public lands, and we share that expertise with anyone who contacts us.

Despite our expanded mission, we have remained a small organization with a small budget, and at times our reserves have gotten thin. **We need you to help us develop a more sustainable base of support.**

Our funding is maintained primarily through foundation grants. Like our individual supporters, the foundations that support us clearly understand the significance of what we do. But our dependence on foundations has often put us in a precarious financial position. Since we are the only group solely focused on the perils of privatization, **this puts our mission at risk.**

We have tried to keep a light hand in soliciting our members for support, but we are now undertaking a major effort to stabilize our funding base. You wouldn't be on our mailing list if you didn't care about public lands, and we know you understand the value of citizen

activism. **Please consider increasing your contributions, or becoming a long-term donor to the Western Lands Project.**

We understand that this request is one of many competing for your attention, but we need you as one of our mainstay supporters. With your steady financial support, we **can continue our work keeping public lands in public hands.**

### Thanks to the foundations supporting our work!

Fund for Wild Nature

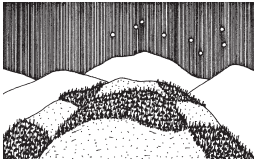
Strong Foundation for  
Environmental Values

Temper of the Times Foundation

Tides Foundation

### And thanks, as always, to our kind donors

Anonymous, Victor Anderson, Tom & Jackie Andrewjeski, Marlin Ard, Suzanne Artemieff, Jack Bailey, Vernon Bates, Jeanne Batson-Buell, Harold Bernhardt, Janine Blaeloch, Stephan Block, Meg Campbell, Kate Campbell, Linda T. Campbell, Robert Campbell, Gae Canfield, Robert Castleberry, John and Susan Caywood, Charles M. Couper, John and Margaret Craighead, B.J. Park & D.W. Wiegand, Betsy & John Darrah, Craig & Lynn Dible, Marianne Dugan, George Early, Paul Eaton, William R Friese Jr & Staci Mayer, M Woodwell, Doug Kilgore & Ellie Belew, Josiah "Jim" Erickson, Jr., Deborah Filipelli, Thelma Gilmur, Tony Gioia, David and Melinda Gladstone, Nunzie Gould, Robert W & E.G. Green, Charles Hancock, William Hartman, Ann Harvey, Rebecca Haseleu, RJ & Annie Haskins, Joanne Hedou, Randall Holmberg, John Horning, William B. Hull, Thomas Rhodes Hundley, Michael Frome & June Eastvold, Steve Kelly, Fayette Krause, Joseph Krupp, Jerome & Vicki Krupp, Chris Krupp, Russell V. Lee, Timothy Leveen, Stuart Lewin, Sandy Lonsdale, Victor Magistrale, Mike Maloney, Louise Mariana, Marion Marsh, Joan & Clyde McClelland, Rick McGuire, Laurene McLane, Matthew McQueen, Janice Naragon, George Nickas, Corina Norrbom MD, Dr. John & Rachael Paschal Osborn, Colleen O'Sullivan, Ann Owchar, Giancarlo Panagia, Sandra Perkins, George & Leanna Peterson, Mark Peterson, Timothy J. Pilling, Jock Pribnow, Hank Rate, Marian Robertson, Beth Rogers, Erica Rosenberg and Daniel Sarewitz, Lin Rowland, Maureen Ruggiero, Gordon Schochet, Felicia Schwindt, Michael W. Shurgot, Robert Stivers, Richard Strickland, Andrew Nelson & Teresa Ward, Tom & Elke Trilling, Stephen Trimble, Lewis Vavra, Dale & Christine Volz, Chris Vondrasek, Gwen and James Warren, William H. Weber, Steven Wolper, Winnie Wong, and Raymond Ziarno.



# Western Lands Project

PO Box 95545  
Seattle, WA 98145-2545

# Keeping public lands in public hands

...

[westernlands.org](http://westernlands.org)



## We're scrappy...and we get the job done!

Please help support our work for public lands by completing this form and returning it with your tax-deductible membership/donation to the

### Western Lands Project

PO Box 95545  
Seattle, WA 98145-2545  
Phone 206.325-3503 Fax 206.325-3515  
[www.westernlands.org](http://www.westernlands.org)

### Western Lands Project

P.O. Box 95545  
Seattle, WA 98145-2545  
phone 206.325.3503  
fax 206.325.3515  
[www.westernlands.org](http://www.westernlands.org)

### Board of Directors

Rebecca Rundquist, President,  
Chatham, NJ  
Marianne Dugan, Eugene, OR  
Sandy Lonsdale, Bend, OR  
Erica Rosenberg, Phoenix, AZ

### Staff

Janine Blaeloch, Director,  
[blaeloch@westernlands.org](mailto:blaeloch@westernlands.org)

Christopher Krupp,  
Staff Attorney  
[krupp@westernlands.org](mailto:krupp@westernlands.org)

Joanne Hedou  
Program Coordinator  
[hedou@westernlands.org](mailto:hedou@westernlands.org)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Add to e-newsletter Email: \_\_\_\_\_

regular \$35

student/optional low rate \$20

contributing \$125

Public Lands Advocate \$500+