

# Land Exchange Update

Western Land Exchange Project  
Seattle, Washington

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Research, Advocacy, and Outreach  
for Land Exchange Policy Reform

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## Why are Federal Land Trades So Popular ?

In our first issue of Land Exchange Update, we set the scene for some of the broad issues concerning federal land exchange policy. We raised questions about how, or whether, public land agencies are truly protecting our interests. We talked about sacrifice areas—pieces of our native ecosystems traded to resource extractors and developers, and about a strange, convoluted process that turns land managers into dealmakers.

In this Update, we'll look more closely at several specific projects, all of which illustrate one or more problems with this threat to public lands.

**Why** are the Forest Service and Bureau of Land Management (BLM) so fond of these land swaps? We are still digging for the full answer to that question, but have some ideas about where their love of the deal originates.

First, there are certain things on which the federal government doesn't like to spend money, and one of them is the protection of our land. For example, the Land & Water Conservation Fund (LWCF), which was created in 1964 expressly for the purpose of acquiring lands for the public, has been consistently under-appropriated by Congress, and the money siphoned off to balance the budget deficit or fund other endeavors. Each year, about \$900 million are generated to the fund through offshore oil and gas leases, yet the largest appropriation by far in twenty years was this year's \$699 million. Public land agency's lukewarm efforts to get LWCF money for high-priority land acquisitions demonstrate their true lack of will

when it comes to doing what's best for public land. Their LWCF "mantra", recited in many a land exchange document, says that funding is too uncertain for purchase to be seriously considered as an alternative to land trades.

Second, the Clinton Administration has a particular fondness for the concept that corporations and government can work in partnership for a better world. While some would question that there is any real distinction between these two entities, some of us hold out hope that government can be persuaded to protect our interests—particularly against the corporate agenda.

From this partnership philosophy spring such phenomena as Habitat Conservation Plans, wherein the government allows private landowners to circumvent the Endangered Species Act. Companies are given 50- to 100-year guarantees of no government interference in return for promising to kill only a set number of endangered species on their land.

Third, and possibly most important, the enthusiasm for land exchanges may come from the simple desire to keep government jobs safe from the budget axe. When a BLM district manager or a Forest Supervisor is approached by a private land trader, she recognizes the opportunity to keep herself and her personnel busy for a good, long time. And, since the private parties to a land exchange pay a lot of the expenses—ranging from half the costs of all work to the full salaries of agency personnel—she knows it will be an easy sell to those who control her budget. ☺

# Bending in the Corporate Wind

## In the Crown Pacific Exchange, the Forest Service Proposes to Jettison More of that Pesky Old Growth

In November 1997, the Forest Service issued a draft environmental impact statement (DEIS) for a land swap with Crown Pacific Limited Partnership involving public and private lands in the Deschutes, Fremont, and Winema national forests in central Oregon. Crown Pacific (CP) would trade 38,745 acres of its lands within the forest boundaries for about 33,000 acres of public forest.

While the company would acquire 5,800 fewer acres than the public, it would get 6 million more boardfeet of timber because some of the lands CP is trading have been clearcut.

Many of the public lands proposed for trade were originally acquired under the Weeks Law, the central purpose of which is watershed protection through public acquisition. Others were brought into public ownership early in the century through exchanges wherein lumber companies traded their cutover lands for intact public timber. Now, decades later, the cycle repeats.

Like every forest swap in the Northwest, this exchange creates sacrifice areas on public lands. CP would gain extensive holdings in the Bull, Dorrance, Toast, and Sellers watersheds. Lands now managed under (albeit inadequate) national forest standards would be consigned to a future of industrial forestry.

Western Land Exchange Project data show that the CP exchange proposes the highest loss in publicly-owned old forest of any current land swap. CP would net more than 3,300 acres of late-old structure (LOS) forest, consisting of mature and old-growth stands that provide critical wildlife habitat.

The Forest Service admits in its DEIS that LOS forest has dwindled far below historic levels, an issue of intense concern in central Oregon. The agency is currently operating under the Eastside Screens, an interim management scheme that is intended to "maintain future planning options" while the Interior Columbia Basin Ecosystem Management Project is in planning. The Screens call for no net loss of old forest, but the Forest

Service has ignored this prohibition, apparently believing that there is a difference between cutting down trees and giving them to Crown Pacific.

After the public comment period on the DEIS expired, the Forest Service revealed that it had "underestimated" by 58 percent the amount of old-growth forest marked for trade to CP. The agency asserts that this error does not warrant additional environmental analysis, and the Final EIS is expected to be released by mid-March.

In Bend, Oregon citizen groups representing homeowner, recreation, environmental, and growth-management interests have mounted strong opposition to the exchange proposal. Administrative and judicial challenges are expected to follow the release of the final EIS and Record of Decision.☺

**To receive the EIS for the Crown Pacific Land Exchange, contact Kathy Farrell, Deschutes National Forest, 541-383-5571.**

### Group Looks at Privatization Issue

Bend, Oregon-based Wild Wilderness is focusing on industry-backed congressional efforts to motorize, commercialize, and privatize America's public lands. Director Scott Silver sees the increasing trend toward privatization of public land amusements as yet another side of the corporate-subsidy coin. To learn more about this issue, visit Wild Wilderness' homepage at <http://www.wildwilderness.org>. We also want to thank Scott for posting Western Land Exchange Project information on the Wild Wilderness website.

## Court Rules Against Huckleberry Mountain

On December 24, 1997, U.S. District Court Judge William Dwyer issued a ruling in favor of the U.S. Forest Service and the Weyerhaeuser Company, allowing the two parties to go forward with the Huckleberry Land Exchange. Plaintiffs Pilchuck Audubon Society and the Muckleshoot Indian Tribe are appealing the ruling.

The exchange would trade to Weyerhaeuser about 4,400 acres of public land on Huckleberry Mountain, Mt. Baker-Snoqualmie National Forest, in return for 30,000 acres of land held by the corporation within the forest. About 90 percent of the company land to be acquired by the public has been clearcut. The Eugene, Oregon-based Native Forest Council and the Western Land Exchange Project are currently conducting an analysis of the appraisal process for the exchange to determine whether land and timber values were properly assessed.



**Old-growth forest on Huckleberry Mountain**  
Photo: Delmis Sonneson

"It is written, 'Where the carcass is there will the eagles be gathered together,' and the torn and mangled carcass of the public domain is seen and scented throughout the land. The eagles are here from the east and from the west, from the north and from the south; and those already gorged are the most ravenous of any. They fill the lobbies, press into the committee-rooms, and even intrude upon the floor. They invade the sanctuary of private quarters, button-hole members in the hotels, and waylay them on the streets. They fusillade us with circulars and petitions and private letters, and bombard us through the press. They give us no rest, and will not till the carcass is consumed or they are driven from it."

U.S. Rep. Winans, in debate over increasing the Northern Pacific land grant, May 5, 1870.

## Grand Targhee: the Deal that Won't Go Away

In Wyoming's Targhee National Forest, the Forest Service and a ski resort developer have joined forces to revive a land swap proposal locals thought they'd seen the last of back in 1994. The Grand Targhee Land Exchange would trade public land to owners of the Grand Targhee Resort, allowing the resort to expand its facilities and develop the site to maximum build-out on a newly-created private inholding.

Since the late 1980s, land exchanges to privatize the resort have been floated 5 different times. In 1994, after compiling a \$350,000 environmental impact statement on the proposal, the Forest

Service decided against the exchange, stating that it was not in the public interest. The resort was purchased by Booth Creek Ski Holdings in 1996, and the project has sprung back to life.

The swap would trade 265 acres of national forest land at the base of the resort for a 330-acre inholding in an area called Squirrel Meadows, on which Booth Creek holds an option. The Forest Service wishes to acquire Squirrel Meadows for grizzly bear habitat, and is ostensibly responding to a threat by the current owners to subdivide and

**Targhee....**

develop the property. Activists opposing the swap point out that 300 acres of the parcel consist of wetlands that cannot be developed. While the groups favor protection of griz habitat, none support the exchange as proposed.

The Forest Service, on the other hand, actually initiated the exchange this time around. And in a splendid show of enabling behavior, the agency is now preparing to issue special use permits for Squirrel Meadows to bring in underground electrical and telephone lines, giving the owners the leverage they need to force an exchange!

Grand Targhee Ski and Summer Resort is located 14 miles inside the boundary of the Forest, and is adjacent to the Jedediah Smith Wilderness Area. Under its current Master Development Plan (MDP), implemented under Forest Service oversight, Grand Targhee could develop up to 688 lodging units in the resort. With privatization of the site and

regulation under Teton County, Wyoming, that number could leap to 1,384.

When the Forest Service decided in 1994 not to go forward with a swap, local citizens who had opposed the land exchange swallowed more intensive development in the MDP than they had originally supported. Now, activists feel deeply betrayed by the agency's resuscitation of the land trade. Groups actively opposing the swap include Citizens for Teton Valley, Jackson Hole Conservation Alliance, Sierra Club Wyoming Chapter, and Greater Yellowstone Coalition.

The Forest Service completed the scoping period for the draft environmental impact statement in December, and the document is expected to be released in May 1998. 🐻

***To receive the EIS for the Grand Targhee Land Exchange, contact District Ranger Jack Haddock at (208) 652-7442.***

## **Watershed Restoration With Roads and Cows**

Southern Oregon activists are fighting a Bureau of Land Management proposal for managing a piece of land that the agency recently acquired through a land exchange. The BLM made a land trade in order to obtain the Box O Ranch along Jenny Creek in the Siskiyou Mountains. The stated purpose of the acquisition was "watershed restoration and fish habitat recovery." Jenny Creek, a major tributary of the Klamath River, has suffered under the effects of damming and water withdrawal, yet still is home to two endemic fish species listed as Sensitive by the State of Oregon. With less than one percent of the creek in proper functioning condition, the BLM set the Box O Ranch area on Jenny Creek as a high-priority area for acquisition. Local environmentalists supported the land exchange. The Soda Mountain Wilderness Council sees the Box O Ranch as an important addition to the proposed Soda Mountain Wilderness Area.

However, shortly after acquiring the Box O Ranch, the BLM announced its Preferred Alternative for management of the area: to set up a "demonstration ranch" of which the central attraction would be a display of old farm machinery open to the public. The agency would add an improved road accessible by tour busses and would install portable toilets near the Creek. Local ranchers opposed the acquisition of the Box O for fear of restrictions on grazing and irrigation, but were apparently given assurances by BLM that these activities could continue, despite the agency's legal obligation to rehabilitate fish habitat and prevent listing under the Endangered Species Act. In its own environmental assessment for management of the Box O, the BLM admits that its plan for a demonstration ranch will "compromise some of the [Northwest Forest Plan's] Aquatic Conservation Strategy Objectives to allow for greater multiple use including livestock grazing of bottom land pastures in riparian reserves."

***For more information on the Box O Ranch/Jenny Creek plan and the Soda Mountain Wilderness proposal, contact Soda Mountain Wilderness Council, P.O. Box 512, Ashland, OR 97520***

# CITIZENS, WORKERS GO AFTER MINING CONGLOMERATE ABUSES

## Land Exchange, Mine Expansion Threaten a Cultural Landmark



**Kneeling Nun (small figure, central background) and the expanding Santa Rita Mine site.**

Photo: Good Neighbor Project

In southwest New Mexico, Chino Mines Company (CMC) proposes to expand its open-pit copper mine through a large land swap with the Bureau of Land Management (BLM). CMC, a partnership between Phelps Dodge Mining and Heisei Minerals (subsidiary of Mitsubishi), wants to trade 463 acres of wilderness inholdings near Las Cruces, NM for 5,390 acres of public land at its Santa Rita Mine. Expansion of the mine would bring haul roads and blasting operations close to Kneeling Nun Mountain, named for a rock monolith resembling a robed woman knelt in prayer.

The Kneeling Nun has been an important cultural landmark for hundreds of years. Local citizens are appalled at CMC's plans to expand its operations to within 600 feet of the monolith, potentially undermining the stability of the landmark. Citizens have formed a growing coalition that includes the National Congress of American Indians, the Mexican-Chicano Chamber of Commerce, and Local 890 of the United Steelworkers of America, which represents 500 workers in the Chino Mines.

The United Steelworkers commissioned the Boston-based Good Neighbor Project (GNP) to create a proposal for preserving the Kneeling Nun. The "Proposal to Preserve and Defend Kneeling Nun Mountain" contains a plan to (1) establish a

protected area including the Nun and surrounding mountain, (2) rebalance the land swap to account for the enormous profits CMC will reap from mine expansion, and (3) stop all expansion until CMC submits overdue closure and cleanup plans for the site.

The Coalition is asking supporters to phone, fax, write, or email Interior Secretary Bruce Babbitt with short messages in support of the effort to save the Kneeling Nun.

The Honorable Bruce Babbitt  
Secretary of Interior  
1849 C Street NW  
Washington, DC 20240  
Phone: 202 208-7351  
Fax: 202 208-6956]  
Email: Bruce\_Babbitt@IOS.DOI.GOV]

**For more information on the effort to save Kneeling Nun Mountain, visit the new PhelpsDodgeWatch Website:**

<http://www.envirolink.org/orgs/PhelpsDodgeWatch>  
**or call the Save Our Nun Coalition at (505) 388-8032. Thanks to GNP for posting Western Land Exchange Project information on the Web at**  
<http://www.envirolink.org/orgs/PhelpsDodgeWatch/westlx.htm>

Special thanks to the True North, Weeden, and New-Land Foundations and the Foundation for Deep Ecology, all of whom have provided crucial funding for the Western Land Exchange Project.

# Plum Creek Throws its Weight Around....

Plum Creek Timber Company (PCTC) is used to having its way, so when environmental groups and Indian tribes in Washington State started asking questions about its proposed I-90 Land Exchange with the Forest Service, the company pulled out a giant hammer—the threat to take the land swap through Congress.

PCTC Vice President Bill Brown doesn't like the "inevitable litigation and appeal" associated with land exchanges, so if opposition continues the company plans to write a bill that would implement the exchange through an act of Congress, waiving environmental laws and judicial review.

The 100,000-acre exchange, involving lands in the Wenatchee, Gifford Pinchot, and Mt. Baker-Snoqualmie (MBS) national forests, has drawn the attention of activists all over the state. Weyerhaeuser's controversial Huckleberry Land Exchange (see page 3) has prompted environmentalists to watch these land deals more closely; Plum Creek has responded with an aggressive public-relations effort in the hope of forestalling administrative and legal challenges. Plum Creek would trade 60,000 acres of its illegally "inherited" railroad checkerboard lands near the Alpine Lakes Wilderness Area for about 40,000 acres of public land in the three national forests. More than 10,000 acres of the public land slated to be swapped to PCTC is in the Green River watershed on the MBS, the very same basin in which Weyerhaeuser would receive 4,400 acres if its Huckleberry project goes through. Combined, the two exchanges would put 45 percent of the Forest Service's current holdings in the Green into corporate hands. In the Gifford Pinchot, critical (and rare) low-elevation old growth would go to PCTC, with no company lands in that forest coming to the public.

The Western Land Exchange Project filed a request with the Forest Service to obtain documents pertaining to the exchange. Our review yielded evidence that the Forest Service is streamlining wildlife surveys in the interest of meeting Plum Creek's December 31, 1998 deadline for completion of the swap. According to the files, about half of the Plum Creek land is already cut over. On the company lands that have not been logged, the

exchange agreement would allow PCTC to log up to 20 percent before trading them to the public.

Plum Creek has told the Forest Service that if it can't log portions of the land prior to trade, it will be "forced to drop a number of important sections from the exchange." Yet according to Forest Service biologists, some of the areas in which PCTC proposes harvest before trading provide essential habitat connectivity across Interstate 90—a central goal of the land exchange.

Another goal of the exchange is to protect PCTC lands from future harvest, but a Forest Service memo found in the file suggests that some forest to be acquired from Plum Creek would not be cut even if the company retained it. "It's a great piece of country," the memo reads, "—of course if we didn't get it - it would still be a great piece of country because PCTC probably couldn't get in to it to log."

The draft EIS will be released in late March. The Preferred Alternative chosen through the EIS process would be used to write legislation implementing the exchange and blocking any challenges by citizens.

Senator Patty Murray recently published an editorial in glowing praise of the I-90 Land Exchange, but whether the Senator would support legislating the swap is not known. We must tell Senator Murray and the Forest Service not to support legislation of this exchange, and let PCTC know that circumvention of the administrative and judicial process is not acceptable.

The Honorable Patty Murray  
U.S. Senate  
111 Russell Senate Office Building  
Washington, DC 20510-4704

Regional Forester Bob Williams  
PNW Region, USDA Forest Service  
P.O. Box 3623  
Portland OR 97208

William Brown, Vice President  
Plum Creek Timber Company  
999 Third Avenue, Suite 2300  
Seattle, WA 98104

**The exchange agreement would allow PCTC to log up to 20 percent of the unlogged lands before trading them to the public.**

## ...AND ASARCO FLINCHES:



The Santa Rita Mountains: Still Scenic. Photo: J. Blaeloch

## VICTORY AT ROSEMONT RANCH

Led by an organization called Save the Scenic Santa Ritas (SSSR), a coalition of citizen groups in southern Arizona has pushed back ASARCO'S Rosemont Ranch land exchange project. The mining corporation announced on January 20, 1998 that it would suspend its plans to acquire 13,000 acres in the Coronado National Forest on which the company holds mining claims and wants to dig an open-pit copper mine. The site is in an area called Rosemont Ranch, 35 miles southeast of Tucson in the Santa Rita Mountains (not to be confused with CMC's Santa Rita mine in New Mexico, page.5).

For 13,000 acres of public land, ASARCO offered the Forest Service 2,200 acres in parcels scattered throughout Arizona. The lands are national forest inholdings of various habitat types that ASARCO bought from Anamax, another mining company that originally designed the exchange.

The environmental analysis for the Rosemont Ranch project was never released, as ASARCO failed to submit a mining plan of operations for the site as requested by the Forest Service. Citizen groups put

unrelenting pressure on the agency to drop the project, citing the importance of the area as a wildlife corridor between the Huachuca, Santa Rita, and Catalina Mountains, Arizona's "Sky Islands." In recognition of the area's wildlife value, the Bureau of Land Management has been consolidating its holdings adjacent to the national forest, and the Rosemont project would impair that effort.

ASARCO announced on January 20 that it would put the project on hold for about two years, stating that the decision was based on an "economic situation," including falling copper prices. But the company had not planned to mine in the area for another 25

years, over which time copper prices would be certain to rise and fall numerous times.

SSSR believes the decision has more to do with ASARCO's recent \$68 million settlement with the Environmental Protection Agency over violations at its Hayden, AZ and Helena, MT smelters, combined with opposition mounted by activists.

**"ASARCO made a cold, calculated business decision that this piece of land, this mining proposal, was costing them more than it was worth."**

## **ASARCO.....**

Not satisfied with a mere suspension, SSSR demanded that the Forest Service terminate its Memorandum of Understanding with ASARCO to pursue the swap, and the agency announced that action on January 30.

Activists believe that ASARCO will be back for another round when the economic and political situation cools, and the coalition will continue its work to protect the Santa Ritas.

***If you'd like to learn more about the Rosemont Land Exchange proposal, or simply congratulate SSSR on their excellent work in the public interest, contact: Save the Scenic Santa Ritas Association, P.O. Box 43442, Tucson, AZ, 85733; (520) 628-9585; (520) 455-5275.***

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## **NICHOLSON #3: "Okay, Tom, you get 5,000 acres and they get how much?"**

Ken Vargason didn't consider himself a public-interest activist. But when the Boise, Idaho resident overheard a guy at the local night club talking about the incredible land deal he was working out with the Forest Service, Vargason's curiosity was piqued. This bit of eavesdropping launched him into the strange world of federal land exchanges, and he may never find his way back.

Boise businessman Tom Nicholson is planning his third land exchange with the Boise National Forest, proposing to trade about **500** acres he owns along the South Fork of the Payette River and in two other areas for about **5,000** acres of public land. A board member of Micron Technology, one of Idaho's largest employers, Nicholson says he plans to turn the land he would obtain into big game habitat in which visitors would be charged to hunt or view wildlife.

But the federal land proposed for trade already provides crucial winter range for elk and deer, and hunting groups are incensed at the idea of losing public land to private outfitters and potential future development.

The exchange is currently opposed by the Idaho Wildlife Federation, Idaho Conservation League,

state Department of Fish and Game, and U.S. Fish and Wildlife Service.

In addition to winter range, the public lands to be traded encompass about 1,700 acres of the 12,000-acre Mount Heinen Inventoried Roadless Area. Even the Clinton Administration pretends to understand the irreplaceable nature of roadless areas, having recently floated a policy to protect them in some national forests, including Idaho's. But while it is not permissible for the government to build roads in roadless areas, it's okay to trade the lands away so another party can do so.

Much of the land to be traded to Nicholson burned in the Boise River fire, and the Forest Supervisor has referred to the public lands as "desert," due to their lack of timber value.

The huge difference in acreage on either side of the exchange has many puzzled. Federal agencies are not required to obtain equal acreage in land swaps, but equal land value. Nevertheless, agencies have been found repeatedly to undervalue public lands and overvalue private lands (see "Another Land Grab Hits the West," Land Exchange Update, Autumn 1997).

One critic of the Nicholson exchange who works as a government real estate appraiser (unfortunately, not for the Forest Service) is convinced that the appraisal on the land going to Nicholson is outdated and does not account for recent large increases in area land values.

There is also some concern over the fact that the Forest Service official in charge of the exchange is a hunting buddy of Nicholson's. The agency has failed to respond to the charges of conflict of interest that have sprung from this relationship.

While Nicholson has proclaimed his intent to use the land for hunting, he has so far refused to entertain placing a conservation easement on the land if he acquires it—deepening suspicion that he plans eventually to develop.

***The draft EIS for the Nicholson #3 Exchange is expected in April. To join the mailing list for the project, contact:***

***Sharon Paris  
Boise National Forest  
1249 S. Vinnell Way, Suite 200  
Boise, ID 83709  
(208) 373-4157***

## The Public Domain on the Block

Large-scale land exchanges are on the increase. Larger areas of public land are at stake, particularly in swaps with timber corporations. Between 1987 and 1996, the largest chunk of federal land traded by the Forest Service in a single exchange was 17,000 acres—to the City of Seattle, in its Cedar River watershed. Since then, a plethora of mega-swaps has been set in motion:

Name of Project/National Forest	Federal Acres	Status
Crown Pacific Land Exchange/Deschutes, Winema, Fremont	33,000	Final environmental impact statement imminent (see "Bending in the Corporate Wind," page 2).
Gallatin Land Exchange/Gallatin	24,000 plus 50 million boardfeet timber	Legislated exchange; bill has yet to be introduced to finalize trade
Arkansas-Oklahoma Land Exchange/Ouachita	48,000	Legislation passed in 1996
Checkerboard Land Exchange/Kootenai, Lolo, Flathead	27,000	Completed 1997
I-90 Land Exchange/Mt. Baker-Snoqualmie, Gifford Pinchot, Wenatchee	40,000	Environmental analysis pending; Plum Creek is considering writing legislation to implement the exchange (see "Plum Creek Throws its Weight Around," page 6).

**Land Exchange Update** is a publication of the Western Land Exchange Project, a non-profit charitable organization conducting research, outreach, and advocacy for the reform of federal land exchange policy.

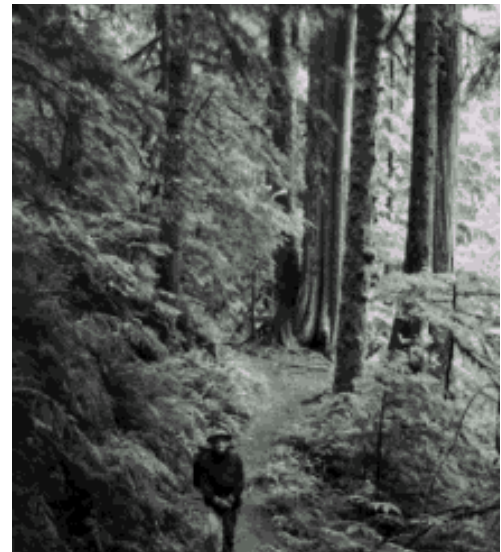
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In loving memory, Alan J. Blalock  
 Boulder River Wilderness, 1997  
 photo: J.Blaeloch

## The Western Land Exchange Project

- ◆ Disseminates information about ongoing and planned exchanges;
- ◆ Provides legal and environmental analysis of exchange proposals;
- ◆ Networks with environmental organizations and communities affected by land exchanges;
- ◆ Assists with administrative or legal actions;
- ◆ Consults with agencies that are planning exchanges; and
- ◆ Advocates for reform of land exchange policies and regulations.

As a member, you can help support our research, outreach, and advocacy on behalf of public lands. You will receive regular updates on land exchanges and related issues around the West and beyond, as well as information on opportunities for action. Please complete this form and return it with your payment. Checks should be made payable to the **Western Land Exchange Project**. All contributions are tax-deductible.

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