



Land Exchange Update

Western Land Exchange Project
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Swell deal is a \$100 million rip-off

Call us cynics, but when the Salt Lake City newspapers began reporting last year that Utah Governor Mike Leavitt planned to propose a new national monument in his state, we knew there had to be a land trade hidden in there somewhere. After all, in 1998 and 2000, Utah's apoplectic anger over the Grand Staircase Escalante National Monument was assuaged through two horribly lopsided land trades between the State and the feds. Despite these deals having been touted as "win-wins," it is tacitly understood that the state took federal taxpayers to the cleaners in both the Utah Schools and Utah West Desert land exchanges.

Leavitt had led the outcry against the Grand Staircase-Escalante designation, but now wanted the president to establish a monument in the San Rafael Swell area due west of Moab. Most speculated that his purpose was to forestall wilderness designation in the Swell in favor of allowing more intense uses—but at least equally attractive would be the prospect of cashing in on another lucrative land swap, trading out state-owned checkerboard lands in the Swell for federal lands elsewhere with higher development and extraction potential.

In early summer 2002, members of the Utah congressional delegation introduced a bill to ratify the Federal-Utah State Trust Lands Consolidation Agreement, with 113,000 acres to be traded to the feds and 135,000 to Utah's School & Institutional Trust Lands Administration (SITLA). HR 4968 stated that the exchange would be one of equal value, and that no endangered species habitat, cultural resource sites, or other sensitive lands would be traded out of federal ownership.

Appraisers within the Utah BLM office had already warned us that this deal was going to be a far bigger rip-off even than the two previous exchanges—and they had the numbers to prove it. The agency appraisers had been asked to come up with preliminary value estimates for the state and federal lands, but when SITLA and Interior began negotiating the exchange, appraisers were banished. Beginning in June, BLM insiders leaked to the Western Land Exchange Project a steady stream of evidence that the land and mineral values had been manipulated to make the unequal trade look fair. Interior department negotiators testified to Congress that the properties were worth about \$35 million on each side.

Public Employees for Environmental Responsibility (PEER)—who represent Utah BLM Senior Appraiser and heroic whistleblower Kent Wilkinson—joined us in analyzing and publicizing the documents behind the deal (see next page).

What the paperwork showed was this: not only had the negotiators inflated the value of lands the state wanted to trade out of the San Rafael Swell by several million dollars and lowballed federal land values—but they had completely disregarded the value of known oil, gas, and coal on much of the public land. According to appraisal and minerals staff at the BLM, the deal would dunk U.S. taxpayers for \$100 million. Yet another claim in the bill—that endangered species habitat and sensitive federal lands would not be traded—was put to the lie when WLXP received memos compiled in the Vernal, Utah BLM office expressing concern over wildlife and endangered species habitat, riparian areas, and paleontological and cultural resources that would be relinquished to the State in the trade.



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By the time the bill came to its hearing in the House in mid-September, the scam had hit the Salt Lake City papers repeatedly and the front page of the *Washington Post*. Despite a few grumblings from Democrats, Utah Rep. Jim Hansen, chair of the Resources Committee, put the bill on the roster to be brought to the floor under a suspension of the rules, which waives the requirement for individual votes and for the presence of a quorum. This method of passing bills—nominally reserved for “non-controversial” legislation—can be accomplished with the presence of only two members (a two-thirds majority is required for passage) and no recorded votes.

WLXP worked with PEER, Taxpayers for Common Sense, and Southern Utah Wilderness Alliance to try to ensure the bill would be taken out of suspension, and got a commitment from Rep. George Miller (D-CA) to block it. The plan was that when the bill came up Miller would call for a vote and recommend opposition. A long-time critic of federal land exchanges, Miller even sent a “Dear Colleague” letter to fellow House members, urging them to oppose this “shady deal.”

The smile of a clear conscience

Appraiser Kent Wilkinson has put his career and personal comfort in jeopardy by blowing the whistle on the San Rafael land swap and the corrupt Interior Department. Photo: WLXP



As the controversy over the San Rafael Swell land exchange was building, Public Employees for Environmental Responsibility (PEER) submitted a whistleblower complaint to the Office of Special Counsel (OSC) on behalf of BLM appraiser Kent Wilkinson, outlining manipulative and deceptive practices used by BLM/Interior and alleging gross mismanagement and waste of funds in the exchange proposal. At the end of September, the OSC issued a finding that there was a “substantial likelihood” Wilkinson’s allegations were true, and the agency forwarded the complaint to Interior Secretary Gail Norton for formal investigation. Officially, Norton has until late November to respond.

On the afternoon of October 1, a mere smattering of members were on the House floor, attending to the serious business of the nation. Members spent 30 to 45 minutes each on the following resolutions:

- praising the perfect collegiate wrestling record of one Cael Sanderson;
- paying tribute to football great Johnny Unitas;
- recognizing the importance of teaching U.S. history in elementary and secondary school;
- expressing the sense of the Congress with respect to the disease endometriosis.

Late in the afternoon, Rep. Hansen of Utah was recognized, proposed a suspension of the rules to pass the Utah land exchange bill, was presented with no opposition... *and in 93 seconds*, got the bill passed. George Miller was not on the floor, and later fumed that Hansen had “snookered” him by bringing the bill up earlier than scheduled.

The 107th Congress adjourned without Senate consideration of the Utah swap. But House sponsor Chris Cannon is unlikely to let this bill go away, and WLXP expects to confront and put an end to this horrible deal next year.

Experts denounce BLM appraisal practices

Once again, the BLM has been flayed for improprieties and dysfunction in its appraisal organization, and this time the Department of Justice has been urged to look into the matter.

Because the laws governing land trades require that the transactions yield equal value to both parties in an exchange, appraisals are a crucial part of the process. Both the BLM and the Forest Service have been reprimanded for incompetence and malfeasance in land valuations for exchanges. In the wake of numerous government reports criticizing the BLM land exchange program (there were 5 such audits between 1996 and 2001), auditors recommended that the BLM hire the Appraisal Foundation to conduct a peer

review of the agency's appraisal organization, policies, and procedures. The Foundation, created by Congress after the Savings & Loan scandals, is a quasi-governmental entity charged with promulgating and overseeing appraisal standards.

The Foundation conducted its investigation between March and August 2002, covering 7 of the BLM's 11 western state offices. While past investigations have pointed to grave problems, this report pulls no punches, asserting in plain language that there has been a near-total breakdown in the BLM's appraisal function, as well as possible criminal behavior.

Not surprisingly, the reviewers found the exchange program to be highly politicized: appraisers work under realty managers who, in many cases, only care about getting land deals through as quickly as possible, so sticklers for proper procedure and equal value are considered to be obstructionists. "The BLM appears rife with internal dissatisfaction, confusion, controversy, and outside political pressures," the report states.

At the center of the problem has been Dave Cavanaugh, who has been the senior appraiser in the BLM's national office since the 1980s. Cavanaugh has promoted an "alternative" approach to land valuation within the BLM, essentially negotiating land values with private parties rather than relying on appraisals. Cavanaugh's misbehavior was the focus of at least three of the audits conducted on the BLM exchange program by the Interior Inspector General.

Last year, WLXP and Public Employees for Environmental Responsibility (PEER) called for Cavanaugh's resignation, but the BLM closed ranks around him. The Foundation's report says that only those offices that were able to avoid Cavanaugh's influence were producing credible appraisals. Now, the release of the AF report has increased the heat in the D.C. office and both Cavanaugh and Realty & Lands Manager Ray Brady are being moved out of the agency.

The BLM appears rife with internal dissatisfaction, confusion, controversy, and outside political pressures.

—Appraisal Foundation

Land Exchange Update

The *Land Exchange Update* is published by 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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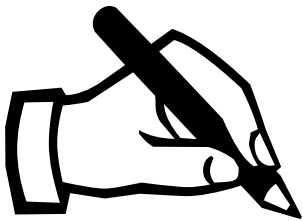
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The Foundation found problems in the BLM to be so serious as to call for (1) a moratorium on all exchanges pending further investigation and reform, (2) a Department of Justice investigation into violations of law occurring in BLM land deals, and (3) formation of a separate appraisal entity to oversee all Department of Interior land valuations and exchanges.

So far, a resounding silence has emanated from the national office of the BLM, and it is not clear what the agency proposes to do. However, the BLM's habit of defiance and denial will probably not work this time, as it must respond substantively to the Inspector General, who recommended the Foundation's review in the first place.

The entire Appraisal Foundation report can be retrieved from the Project News page of our website.



BLM, take note

The Forest Service, too, hired the Appraisal Foundation to evaluate its appraisal system. A March 2000 report by the Foundation concluded that the agency's procedures and implementation were "generally sound," but made several recommendations, including re-structuring lines of authority to better protect appraisers from political interference by managers.

The Forest Service has proposed revisions to its land exchange and appraisal manuals to meet the Foundation's recommendations. The revisions would also address several issues WLXP has been pushing, including more timely and complete disclosure of appraisals, better public notification of land exchange proposals, and narrower criteria for Categorical Exclusions from NEPA. Changes should be fully incorporated by February 2003.

The Forest Service also plans to retain its National Landownership Adjustment Team, an oversight body that reviews the feasibility of land exchange proposals and compliance with statutes and regulations. WLXP has found that the team's oversight has significantly increased accountability in the land trade program and provides an authority we can go to when local offices go astray.

Memory loss spurs Nevada development

In 1988, an explosion destroyed the PEPCON rocket-fuel plant in Henderson, Nevada, just southeast of Las Vegas. The disaster killed two and injured hundreds, shook up the town, and—as always seems to happen in Nevada—set the scene for the privatization of more federal land.

PEPCON moved out of the state, but Kerr-McGee was manufacturing the rocket fuel component ammonium perchlorate at its own Henderson plant, and it was decided that this and other dangerous facilities must be moved outside the Las Vegas Valley.

In 1989, Nevada Senator Harry Reid introduced a bill to allow the sale to Clark County of 3,700 acres of federal land outside the Valley for the development of a new Kerr-McGee rocket-fuel factory at Apex, about 10 miles northeast of Las Vegas. Although the Bureau of Land Management had identified the area for retention in federal ownership, Public Law 101-67 would also release for potential sale about 21,000 additional acres in the area for later industrial development. The County would be obligated to pay to the U.S. a portion of any profits it received from its developments at what became known as the Apex Industrial Park.

Since the PEPCON disaster had halved the production of ammonium perchlorate, "vital to the nation's space program and defense readiness," Reid presented the bill as one that would serve a critical national need "which outweighs other existing and potential public uses of the lands." Reid also pointed out the site's proximity to Nellis Air Force Base, from which many aircraft leave carrying live ordnance. Obviously, Reid suggested, the area would never have the potential for residential development.

Accordingly, when Clark County began the process of selling the Apex lands, it



established development restrictions that included a prohibition on the development of population-dense uses such as prisons, casinos, hotels, and residential development.

Clark County decided not to develop the site itself, but to sell the land to third parties. In 1997, the BLM Solicitor issued an opinion that third parties would not be liable for sharing their profits with the fed-

Aerojet cashes in

The Apex project isn't the first case of convenient amnesia around a "public interest" Nevada land deal.

In 1988, Nevada Senator Chic Hecht got a bill through Congress that allowed the exchange of almost 29,000 acres of BLM land north of Las Vegas for 4,650 acres of land in the Everglades to be transferred to the Fish & Wildlife Service. The private party to the deal, Aerojet Corporation, would build a rocket manufacturing and testing facility on once-public lands in the Coyote Spring Valley for the furtherance of "national security, national defense, and jobs for Nevada."

The bill also authorized a 99-year lease to Aerojet of an additional 14,000 acres, for which the company would not be required to pay anything. In land and cash, Aerojet paid the government a total of about \$2.6 million.

In 1996, Aerojet abandoned its plans for development of the land and sold the 29,000 acres to Harrich Investments for \$15 million. Coyote Springs Investment (CSI) bought the land and water rights for \$25 million, then sold *just half the water rights* for the same price to the Southern Nevada Water Authority.

CSI hopes to acquire the 14,000 acres of "leased" land through a land exchange with the BLM, and—on the hoped-for total of 43,000 acres—build 50,000 homes and 10 golf courses. One golf course has already been approved by Clark County, and the exchange for the leased land is in the works.

eral government, as the County had been under the provisions of the bill. The door was wide open for developers to market the site and profit from the eventual sale to heavy industries.

Kerr McGee built a storage building at the Apex site, but never developed the rocket fuel factory there. A few other developments moved into the site—a regional landfill, among others. But the overall pace of development at the site has been "disappointing," and Industrial Properties Development (IPD), which now owns about 10,000 acres around Apex, has decided to do something about it.

The company has applied to Clark County for a Master Development Permit that would allow them to build 28,000 homes on part of the site, right in the flight path of weapons-ready Nellis aircraft, and just over a hill from the industrial site itself.

In addition to flouting the very specific purpose for which the land was privatized and turning a blind eye to public safety, development at the site would hand IPD a huge windfall in land value. The land IPD purchased was appraised, on the basis of low-density industrial zoning, at an average of \$962 per acre. Residential zoning would bring a huge increase in the value of the land—at least somewhat closer to the more than \$100,000 per acre land is fetching in the Las Vegas Valley. Based on the 1997 Solicitor's opinion, the developers would not have to share the profits with federal taxpayers who relinquished the land in the first place.

Clark County planners have recommended that the Planning Commission reject IPD's application for rezoning. WLXP has submitted testimony to the County in opposition to the project, citing a betrayal of the public trust. But memory is short, particularly in Las Vegas, where most people just moved in yesterday. A hearing on the rezoning application is set for December.



Wyoming activist Barbara Dobos has led the fight against the Martin's Cove land sale. Photo: B. Dobos

Barbara Dobos, public lands heroine

Lovers of public lands are grateful for the tireless work of Wyomingite Barbara Dobos, who has spearheaded grassroots opposition in Wyoming and beyond to the Martin's Cove bill. Barbara contacted us last fall and asked if we'd assist her in fighting the sale.

A retired high school teacher and former member of the Wyoming House of Representatives, Barbara put her considerable experience to use and quickly became the leading voice of opposition to the bill. She published newspaper inserts and advertisements urging Wyoming

residents to fax, phone or e-mail their congressional representatives to stop the bill. Barbara fielded numerous press calls, always giving reasoned and impassioned statements to the press as to why the public, and not a religious organization, should own our common heritage.

Barbara says the public response has been overwhelming. "This was the beginning of a year in which we urged an unknown group of diverse individuals to speak out in opposition to the Martin's Cove Land Transfer Act because it was not in the public interest," she says, "and speak out they did."

Martin's Cove legislation stalls in Senate

Last year we reported on Rep. Jim Hansen's (R-UT) Martin's Cove Land Transfer Act, a bill that would direct the BLM to sell Martin's Cove, a Wyoming site on the National Register of Historic Places, to the Mormon Church. (See "We Don't ♥ Jim Hansen," *Land Exchange Update*, Autumn 2001).

Hansen secured passage of the Martin's Cove bill in the House with only two members voting by suspending the rules, an oft-used procedure for quick passage of legislation (see "Swell deal," this issue).

Hansen's chicanery did not end there. After both Wyoming senators went on record against the Martin's Cove sale, the bill languished in the Senate. Hansen brought it back to the House floor and attached it to a bill by then-Senate Majority

Leader Tom Daschle that would pay \$28 million to two South Dakota Sioux tribes for damage to and seizure of some of their lands. Because Daschle's bill was modified in the House, it has been sent back to the Senate and will need approval again to become law. Hansen's move told Daschle that if he wanted his bill passed, he'd have to pay the price with Martin's Cove.

But Hansen's reach may have exceeded his grasp. The Senate did not address the modified bill before the close of this Congress, and Utah Senator Bob Bennett proclaimed the bill dead because Daschle bridled at Hansen's blackmail. The bill may be reintroduced in the next session, but Hansen won't be there to shepherd the legislation—he is retiring upon the close of the 107th Congress.

Entrance to the LDS' Sun Ranch, from which visitors gain access to the publicly owned Martin's Cove site. Photo: WLXP



WLXP finds developer setting up shop in Nevada BLM office

Through a series of Freedom of Information Act (FOIA) requests, WLXP learned that the Nevada Land and Resource Company (NLRC), Nevada's largest private landowner and a proponent of numerous land exchanges, has had two employees working out of the BLM's Carson City Field Office.

NLRC and the BLM signed a Memorandum of Understanding that called for NLRC to provide a realty specialist and an archeologist to the Carson City Field Office in order to "expedite" land exchanges between the company and the agency. As part of the agreement, the two NLRC employees were given keys to the office and access to BLM's computer network, including confidential lands and realty files.

One project the two have expedited is the Pah Rah/Toquop land exchange proposal, which would exchange 640 acres of NLRC land in the Pah Rah Range near Reno for 160 public acres outside Mesquite in southeastern Nevada. NLRC wants the land to lease or sell a portion of it to another company that would construct a water-cooled power plant on the site. NLRC's sister company, Vidler Water, would be the sole provider of the more than 2.2 billion gallons of water the plant would need each year.

The BLM had so much faith in the NLRC realty specialist that it had him prepare the project's feasibility report—an evaluation of the costs and benefits of a particular proposal for review and approval by the BLM's

state and national offices. Predictably, the NLRC realty specialist found much to like about the project.

One question the report did not address was why the BLM needed to expedite the exchange in the first place. There's nothing remarkable about the Pah Rah parcel that the government would acquire—it has no unique ecological or environmental value, nor does it face any special threat of development. As to the need for the power plant, if there ever truly was a California energy shortage, that threat has passed. In fact, recent proposals for several other power plants in Nevada have been cancelled.

WLXP alerted the *New York Times* to NLRC's cozy arrangement with BLM, and a front-page story led to harsh criticism from Congress. Rep. George Miller (D-CA) sent a sharply worded letter to the Interior Department's Inspector General, urging him to investigate. Miller said, "this latest disclosure indicates the agency continues to thwart the public interest.....They've completely lost their ethical bearings on this."

Senator Harry Reid (D-NV), who has shown a marked preference for enacting sweetheart deals through Congress, said he'd support legislation to end landowners' direct involvement in the government's processing of their own exchanges.

WLXP continues to monitor the many disposals proposed each year for Nevada's public lands. We are deeply involved in the Pah Rah/Toquop proposal and are on the lookout for pending exchanges at Spring Valley and Coyote Springs.

Martin's Cove area and the Sweetwater River. The Mormon Church wants to purchase the site because of its historical and religious significance.

Photo: WLXP



Hard-fought Yavapai Land Exchange fails in Senate



These members of Citizens for Public Review (CPR) formed the nucleus of a larger network fighting the Yavapai land exchange. They want a full review of the exchange under the National Environmental Policy Act (NEPA).

Photo: WLXP

Citizens of Arizona's Verde Valley have spent almost 3 years fighting legislation that would facilitate intense development in their area. ("Northern Arizonans ready to fight Yavapai bill," *Land Exchange Update*, Winter 2001). The Yavapai Ranch Land Exchange (YRLX) would relinquish about 21,000 acres of public

land, most near the towns of Cottonwood, Clarkdale, and Camp Verde, for 35,000 acres belonging to developer Fred Ruskin.

Beginning in the spring of 2000, WLXP worked closely with Verde Valley and Prescott residents shaken by the prospect of Ruskin's deal, which would bring more residential and commercial development to an area that is experiencing severe water supply problems. Locals called for an administrative (agency) process for the trade, which would afford environmental analysis, consideration of alternatives, public participation, and other elements more conducive to protecting the public interest than a legislated proposal.

As too often happens with land exchange bills, this one floated on the horizon—unnamed, unnumbered, and unavailable for public scrutiny—for two years, while Ruskin and land exchange lobbyist Andy Wiessner shopped it to politicians and local councils. Verde Valley politics became enmeshed in controversy over the land trade, with local town council members put to the "YRLX litmus test," including recall elections, strong-arming, and general political mayhem between pro-development forces and those who opposed the legislation.

Finally introduced in the spring of 2002, HR 5513 was sponsored by J.D. Hayworth, a Rush Limbaugh-esque federal land-hater whose district covers Flagstaff and environs but does not cover the Verde Valley, where the vast majority of impacts would occur.

Its progress through Congress exemplified the problems citizens face with a legislated land exchange proposal—being forced to depend on pro-exchange Republican staffers for information; false alarms (hearings scheduled and cancelled); and trying to break through Members' tendency to see federal lands in other states as the private domain of the local Member.

The bill is remarkably full of provisions favoring Mr. Ruskin, including his retention of water rights on land he would trade to the feds; keeping a 3,000+-acre inholding for his ranch in the area supposedly consolidated into public ownership; and a set of meaningless water covenants on the land he would get in the Valley, purported to protect the public but actually making it possible for him to lay claim to all of the water, and even sell it. The water restrictions, though ineffectual, would also cause the value of the public lands to plunge, giving Ruskin a built-in discount on them in the exchange.

Bill opponents sent Camp Verde councilmember Tony Gioia to the capital to speak on their behalf at the October 10 hearing and at members' offices—and during his convenient absence the town council voted to reverse its former position against the exchange.

Just before and during the lame-duck session that started on November 12, WLXP and Verde residents were told that the bill would have no chance of passage in Congress' frenzy to get business done and adjourn. But the end of the session is the most fertile ground for the success of bad bills, because members literally don't know what's in them—and numerous acts, including reams of bad land exchange bills, are passed through expedient procedures that allow no debate or scrutiny. In that vein, on November 15 the House passed by Unanimous Consent, in a matter of minutes, 15 resources bills—including the Yavapai bill. The Senate closed its session without approving the bill and Verde Valley activists are gearing up to bring the legislation down in the next Congress.

California land giveaway melts after front-page exposure

Last summer, WLXP helped scuttle a congressional land giveaway that would have privatized land within the Angeles National Forest in California. The “Mount Wilson Observatory Preservation and Enhancement Act” would have transferred, gratis, 110 acres of national forest land to the Mt. Wilson Observatory, which leases 40 acres on a mountaintop near Pasadena. The observatory has occupied the site since 1904.

Among the many remarkable things about the bill was that it was sponsored by a representative from Pennsylvania, Republican John Peterson. Rarely do members push legislation to exchange or sell public land outside of their own states, but it seems Peterson and his staff have a special relationship with the Observatory. WLXP learned that Peterson’s Chief of Staff, Bob Ferguson, was on the board of the Mt. Wilson Institute, a position that put him in clear violation of House ethics rules by pushing the bill.

WLXP alerted the *Los Angeles Times* to the proposal just before it was introduced. Investigative reporter Chuck Neubauer discovered that Rep. Peterson had a couple of axes to grind on the Institute’s behalf: not only does he oppose federal land ownership, but like the institute’s directors does not believe that global warming is caused by human activity. The deputy director of the institute “was one of the scientists who helped me form my views on the issue,” said Peterson.

Proponents claimed the institute needed to own the land because the Forest Service was doing a poor job of fulfilling its maintenance duties under the lease. Proponents asserted that in conveying the land the public would lose only \$1.00, the total rent on the 99-year lease—but in fact the public would lose the full land value, estimated by the Forest Service to be about \$1 million an acre.

HR 4952 was introduced on June 17, 2002 and a hearing held just three days later. Democrat Adam Schiff, who represented the district including Mt. Wilson, had taken no position on the bill. The day after the hearing, however, the Mt. Wilson story showed up on the front page of the *Los Angeles Times*—“Eastern Lawmaker Seeks Land Giveaway-in L.A.”—and suddenly the conveyance didn’t look like the “win-win” deal Peterson’s office had called it or the small matter Schiff thought it was.

Within a few days, representatives of the Forest Service, the Institute, and Peterson and Schiff’s offices were up on Mt. Wilson, smiling and shaking hands. The parties worked out an agreement over maintenance responsibilities, and that wacky idea about legislation was dropped. Schiff told the Times later that the introduction of the bill had had “a catalytic effect on the parties.” But only front page news and the complaints of disgusted constituents were enough to move him in the right direction. The parties will meet again in December to review progress on the newly-amicable relationship between the institute and the Forest Service. The Mt. Wilson conveyance is unlikely to be proposed again.

He forgot to tell me about it.

—Rep. John Peterson (R-PA)
on his Chief of Staff’s conflict of interest in the Mt. Wilson deal

Our "Citizens' Guide to Federal Land Exchanges" has helped scores of activists work more effectively to safeguard public lands—see our website for ordering information.

If the people lead . . .

As reported in our Winter 2001 newsletter, public lands took a huge beating in the Steens Mountain Cooperative Management and Protection Act of 2001, a bill that created a cow-free wilderness by allowing ranchers on the Steens in southeastern Oregon to trade out of some of their holdings. The exchanges resulted in the net loss of 86,000 acres of BLM land. In addition to a huge acreage windfall—104,000 acres of public land were traded for 18,000 private acres—Steens ranchers received \$5 million in cash as well as subsidies for water development and fencing. While we agreed that private holdings in the Steens belonged in public hands, the Western Land Exchange Project adamantly opposed the land trades because they so shockingly undervalued public lands. We feared that the inflated value the government paid for Steens inholdings would encourage extortionist land exchanges in the area.

Hey, guess what happened.

Just as the first Steens deal was closing, multi-millionaire George Stroemple of Portland and Sisters, Oregon swooped in and bought a 1,240-acre ranch inholding on the Steens that had been identified for acquisition by the Bureau of Land Management. In the spring of 2002, with the help of land exchange facilitator Andy Wiessner of Vail, Colorado, Stroemple put together a proposal to hand over his Steens piece to the BLM in exchange for a piece of the Deschutes National Forest next to his own land in Sisters. Stroemple coveted land along Squaw Creek, two miles south of the town. He would add about 700 acres to the 80 acres he already owned inside the forest. Without the trade, Stroemple claimed, he would be forced to develop his Steens inholding, a threat that put some environmentalists into the desired state of panic.

The Forest Service did not want to trade the Squaw Creek piece; it is an important fish habitat restoration area and has a much higher per-acre value than Stroemple's remote ranch. The proposal got early

support from the Oregon Natural Desert Association (ONDA), while the Oregon Chapter of the Sierra Club and Wilderness Watch of Missoula were disturbed by language that would allow inappropriate uses in the Steens wilderness, including a running camp, motorized access for ranchers, and fire suppression. Even the local watershed planning council—whom Stroemple had attempted to buy off with a \$500,000 grant included in the bill—would not take a definitive stand in support of the legislation.

WLXP opposed the bill for numerous reasons, not the least of which was the lack of any structure for involving the public in the decision, something normally provided through the National Environmental Policy Act (NEPA). As the controversy over "Steens II" was drawn out, a groundswell rose among Sisters residents, alarmed at the idea of losing a piece of Squaw Creek and angry at having never been consulted.

In mid-June, with the bill still lacking a sponsor, Sisters residents acted quickly to spread awareness in the community, and forced the City Council to call a hearing on the privatization of Squaw Creek. In a magnificent show of democracy, the hearing brought in more than 200 people (in a town with a population under 1,000), with the majority of speakers opposing the relinquishment of the Squaw Creek land. Within a week, the Council had taken a unanimous vote against the trade. No member of the Oregon delegation would now entertain the idea of sponsoring the bill, and the legislation was never introduced.

While Stroemple claims he will be back with a new trade next year, he and his fellow exchange proponents are left to ponder the dangers of sidestepping the citizenry and underestimating the passionate attachment so many have to public lands. And the newly-energized protectors of Squaw Creek understand that only their vigilance can keep public lands in public hands.

...the leaders will follow

Last spring, citizens around Mayer, Arizona successfully squelched a land deal proposed between the BLM and developer Aranda Properties. In May, the BLM Phoenix Office began gathering public comments on a trade that would give Aranda about 17,000 acres outside the towns of Dewey, Humboldt, and Mayer for about 9,000 acres of private land scattered around various national monuments and conservation areas in central and southwestern Arizona.

Area residents had had no idea the public lands they knew and loved might be privatized, making room for yet more development where water supplies are severely limited. Mayer landowner and firebrand Peggy Titus contacted WLXP for help, tackled the land exchange learning curve, and brought her neighbors into action against the trade proposal. Locals flooded the BLM office with inquiries and packed hearings to protest the proposal. In early June, the Yavapai County Board of Supervisors expressed the will of their constituents by passing a resolution against the exchange. Aranda and the BLM withdrew the project soon after.

The BLM is now updating its land use plan for the area. Activists are using the opportunity to demand that the 17,000 acres Aranda covets be removed from the BLM's "disposal" plans.

In North America there is a lot that is in the public domain, which has its problems, but at least they are problems we are all enfranchised to work on.

—Gary Snyder,
The Practice of the Wild

WLXP seeks grazing ban on lands acquired by exchange

During the NEPA process, agencies frequently justify land swaps by citing a need to acquire threatened or sensitive habitat, but once the trade is complete, permit the same activities that threatened the land in the first place. A common example of this is an agency opening up newly-acquired land to grazing, after having touted the sensitivity of the land and the need to bring it under federal protection. This makes no sense, particularly when the acquisition includes wetlands or riparian habitat. We now uniformly request that the alternatives considered by the agency during the NEPA process for an exchange include a grazing prohibition on the newly-public land, reasoning that a ban is consistent with the purpose and need for the trade.

The agencies have resisted this suggestion, and in fact have dug in their heels against the eminent sense of it. When we urged the Beaverhead-Deerlodge National Forest in Montana to consider putting up a fence to keep cattle out of a high mountain stream it would acquire in the Thayer Creek Land Exchange, officials balked. When WLXP appealed the Thayer Creek decision, the Chief's office agreed with us and told the B-D to redo its analysis.

Just to get our goat, the B-D considered a fence that followed the labyrinthine boundary of the parcel it would acquire, needlessly inflating installation and maintenance costs. After we pointed out this absurdity, the B-D considered but ultimately rejected a more logical fencing design.

Partly in response to a challenge from WLXP, the BLM recently decided to exclude cattle from wetlands and shoreline it will gain in the Hartman-Taft land at Henry's Lake, Idaho. We'll continue to push for management that is consistent with the agencies' acquisition of sensitive lands.

Transitions

Our heartfelt thanks to **Rachael Paschal Osborn**, who has stepped down from our board of directors after five years as president. Rachael took a crucial part in the founding and establishment of the Western Land Exchange Project—without her early encouragement and advice, we wouldn't be here. Since 1997, she has devoted a great deal of time to both land exchange issues and the development of our organization. Rachael continues her work as public-interest water attorney in Spokane.

Elected to replace Rachael as board president is **Rebecca Rundquist**, WLXP board member since 2000. Rebecca recently added a Master's in Forestry and Environmental Studies from Yale University to her law degree from Lewis & Clark, and has moved back to Seattle to work on a fellowship for the Wilderness Society.

We were very sad to learn of the death of **John Jolley**, Wyoming public lands activist and publisher of the Grassroots Advocate newspaper. John, who fought for land exchange reform and won an important land trade case at the Interior Board of Land Appeals, was an early inspiration in our work and an irreplaceable human being. He passed away on September 18 following surgery.

Stefanie Sekich, our Program Coordinator for the past three years, hopped a plane for England in August. Stefanie is studying at Keele University in Staffordshire, England to matriculate a Master of Environmental Studies. We miss her sparkle and know she will succeed on her new path!



Photo: WLXP

Our new **Program Coordinator Linda Campbell**, above, joined us in August. A graduate of Antioch University in Seattle (BA, Environmental Studies, 1994), Linda has lived and worked on San Juan Island since 1982. Her passion for wildlife led her to volunteer for many years at The Whale Museum in Friday Harbor, helping collect and catalog ID photos of the local killer whales. She assisted for fifteen years with the efforts of Wolf Hollow Wildlife Rehabilitation Centre, caring primarily for injured ravens. Her personal admiration for ravens and their local abundance led her to undertake a three-year study of the nesting raven population on San Juan Island with a small grant from Washington Department of Fish & Wildlife. For ten years, she served on the Board of Directors of the Friends of the San Juans, working on local land use and conservation issues. She drafted SJ County's Conversion Option Harvest Plan to bring conservation guidelines into timber harvest/development plans. She worked as an independent consultant in restoration forestry and ecology. With a daughter still in high school on the island, Linda now divides her time between WLXP's Seattle office and her computer on San Juan. You can contact Linda at the office or by email at campbell@westlx.org.



The late Homer Campbell with Janine.

Photo: WLXP

We mourn the passing of **Homer Campbell**, 82, wise friend and longtime supporter of the Western Land Exchange Project, who died on July 30, 2002 at his home in Corvallis, Oregon. A fish biologist by trade and a full-time earth-worshiper by vocation, Homer nurtured activism in his family—including daughter Linda, who now works with WLXP—and in his community. He reminded us all how beautiful the world can be.

Please help us meet this matching-grant challenge!

WLXP needs your support to meet a matching grant of \$5,000 from the Hugh and Jane Ferguson Foundation. To qualify, we must raise \$5,000 in memberships and donations in the next two months. The Seattle-based foundation made this generous offer to encourage your participation in our efforts to keep public lands in public hands.

Your membership also maintains our legal standing to challenge bad land deals—we need all of you who love the land to become members of WLXP. As you enjoy the gifts of the public domain, experience the satisfaction of knowing that you put teeth in the bite of an organization working every day to safeguard these treasures. Donations are, as always, tax-deductible. Please give!

Members & donors keep us on the path...

We couldn't do what we do without Clarinda Vail, Beth Fries and Darren Van Pelt, Lynne Bama, Colleen O'Sullivan, George Tsiolis, Craig Lorch, Jock Pribnow, Bruce Gaynor, Charles Hancock, Victor Magistrale, Suzanne Artemieff, Mark Drake, Deb and Garth Ferber, Dave Atcheson, Paul Swetik, Fayette Krause, Jim and Linda Brousseau, Alison and William Austin, Howard Grooters, John Jones, Donald Ferry, Rebecca Rundquist, Marianne Dugan, and Mike Maloney.

Special thanks

We want to thank our good friends at Public Employees for Environmental Responsibility for the incredible work they do to protect whistleblowers, and for their help in exposing corruption in the BLM's land exchange program, and for generously providing space in their office for the weary WLXP traveler. Jeff, Mark, Dennis, Eric, Dan, Kim, and Dianna, it is a joy to work with you!

Thanks to the Southern Utah Wilderness Alliance, especially Gail Hosskisson, who pulled out all the stops on the copy machine to help us battle Utah's not-so-Swell land deal.

We gratefully acknowledge the following foundations that have supported our work.

Weeden Foundation
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Western Land Exchange Project

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New WLXP website brings it all home

As a lapsed Luddite who can remember when PCs didn't exist, I find that many web sites confuse and frustrate me; some are downright scary. Not so with the new, vastly improved www.westlx.org, re-designed by web goddess Sheila Hoffman. It is simple, direct, and very aesthetically pleasing.

You can join our membership, order our publications, read back issues of our newsletter, sign up to receive

email alerts, and read topical newspaper articles that go back to 1998.

Every two weeks we update our Project News. We provide links to the latest news In the Media. Through Essential Links you can find case studies, land exchange laws, and federal agency information. Need to know if there's a bad land exchange planned in your neighborhood? See our Take Action page to learn, step by step, how to take effective action to protect your public lands!
-LTC



Keeping Public Lands Out of Corporate Hands

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

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