



WESTERN LANDS UPDATE

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Lands
Project

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Land Exchange in Alaska Refuge Would Be Ruinous

IN 2009, CONGRESS PASSED AN omnibus public lands bill that contained scores of measures, large and small, affecting public lands. The bill included new Wilderness designations and several land exchanges. Western Lands and many of our grassroots colleagues uniformly oppose omnibus bills, both because they include harmful measures and because of their very nature: they may include bills that have never received a hearing or any sort of deliberation, and are thrown together in a hasty process of trade-offs between those who want to protect public land and those who want to hasten its exploitation.

By far, the most controversial bill included in the 2009 omnibus pertained to a land exchange in Alaska's Izembek National Wildlife Refuge. The original version of the bill introduced by Alaska Senator Lisa Murkowski required the Secretary of Interior to implement a land trade with the State of Alaska that would make way for the state to build a road through the Refuge in an area designated as Wilderness. The stated purpose of the road was to provide a way for residents of the remote village of King Cove needing medical evacuation to go overland to Cold Bay, location of the nearest all-weather airport. Environmentalists loathed the Izembek proposal, for good reason. In addition to its environmental impact, a road traversing National Wildlife Refuge and Wilderness land would establish a terrible precedent for protected land anywhere and everywhere.

The Izembek bill that passed as part of the omnibus was amended heavily by Senate Democrats, making the exchange discretionary rather than mandatory, and requiring that an environmental impact statement (EIS) be compiled.

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Grizzlies in the Izembek Refuge. USFWS photo

Alaska...

FROM PAGE 1

National environmental groups that had vociferously opposed Murkowski's bill backed down on Izembek as the omnibus came together, and in fact lobbied hard for the catch-all bill's passage because of the measures they favored. A spokesman for the Campaign for America's Wilderness, a subsidiary of the Pew Charitable Trusts, hailed the omnibus and said that while he "would prefer not to see" the Izembek bill passed, he accepted it as part of "the art of legislating." The beleaguered president of the National Wildlife Refuge Association called Izembek "a sacrificial lamb."

From descriptions, the ecological richness of Izembek Lagoon, along which the road would be built, seems almost incomprehensible. The US Fish & Wildlife Service describes it as "... a coastal ecosystem that contains one of the world's largest eelgrass

(*Zostera marina*) beds. More than 200 species of wildlife and nine species of fish can be found on the Refuge. Millions of migratory waterfowl and shorebirds find food and shelter in the coastal lagoons and freshwater wetlands on their way to and from their subarctic and arctic breeding grounds." In 1986, Izembek Lagoon became the first wetland area in the U.S. to be recognized as a Wetland of International Importance by the Ramsar Convention, a global environmental treaty. It has been recognized as a Globally Important Bird Area by the American Bird Conservancy. The Alaska Peninsula Caribou Herd, which has declined from about 10,000 to fewer than 1,000 in the last decade, uses the isthmus where the road would be located as the only migration corridor between calving and wintering grounds and spends the entire winter on the isthmus.

The public would get 56,000 acres of King Cove tribal corporation land, to be added on to the Izembek and Alaska Peninsula National Wildlife Refuges, while the

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Our Work All Over The West – and Beyond

News Flash: House Republicans Up to No Good

HR 4089 Would Undermine Wilderness

Those of you who receive our e-news alert learned recently about HR 4089, a bill passed in the House that would spell disaster for the National Wilderness Preservation System and for the Wilderness Act. The “Sportsman’s Heritage Act of 2012” would give hunting, fishing, recreational shooting, and fish and wildlife management priority in Wilderness, overriding the foundational priority of protecting wilderness character.

This means that pretty much anything land managers might propose to facilitate those uses – roads, logging, dam-building – would be allowed. And it means motorized use would be okay, as long as it’s in aid of these new priority uses. It is hard to imagine a more in-your-face attack on public land and environmental protection, nor a more cynical way to undermine wilderness.

The bill can and must be stopped in the Senate, with your help. Please take a few moments to call your Senators’ DC offices and register your opposition to HR 4089 and S. 2166 (the Senate version), known as the Sportsman’s Heritage Act. You can find these numbers at www.senate.gov. In addition, we ask that you sign the online petition against the bill that Wilderness Watch has created and which will be delivered in person to key members of the US Senate. This can be found here: <http://tinyurl.com/ghjunmg>.

Bill Gives Border Patrol Carte Blanche on Public Lands

Another bill in the US House would give the Department of Homeland Security (DHS), and in turn the Border Patrol, authority to waive any laws pertaining to federal lands

adjacent to the United States’ borders with Canada and Mexico. Utah Rep. Rob Bishop’s idiotically named National Security and Federal Lands Protection Act neither enhances national security nor protects public land. Bishop’s bill claims the Border Patrol is hampered in its work by such laws as the Wilderness Act and the Endangered Species Act and should be allowed to act outside of these and other laws anywhere within 100 miles of the borders.

The House report evokes images of hordes flooding the borders, trampling national parks and destroying cultural resources. (Meanwhile, the Border Patrol is estimated to have created 8,000 miles of vehicle tracks in the Cabeza Prieta Wilderness in Arizona). The report also claims that the bill would resolve “the turf war between the Border Patrol and federal land managers ... that has put our national security at risk.” Yet apparently the turf war exists solely in the head of Rob Bishop, who was told at the hearing – by DHS itself – that the legislation is unnecessary, since DHS has agreements with the federal land agencies that enable it to exercise its authority as needed. Secretary Janet Napolitano called the bill “bad policy.”

The bill would affect tens of millions of acres in national parks and Wilderness areas. Virtually every environmental law, 36 in total, could be waived. Though reported out of committee, the bill has stalled in the House, and there is no companion bill in the Senate. Some opponents fear that the bill could be amended to exclude the northern border, possibly making it more politically feasible, and/or passing it as a rider on other legislation.

For more frequent short news updates visit our website at westernlands.org, and our Facebook page at facebook.com/WesternLandsProject



Normandy barrier on US-Mexico border in Organ Pipe National Monument. Chris Clarke photo.

Montana: North Butte Land Exchange

The Forest Service has prepared an environmental assessment (EA) for an exchange of 630 acres two miles north of Butte in the Beaverhead-Deer Lodge National Forest, for 100 acres of private land near Delmoe Lake in the nearby Boulder Mountains.

The Forest Service sees the public lands as difficult to manage. The 630 acres are spread across 54 parcels near the B-D boundary in an area where 75 percent of the land is privately owned and facing increasing residential development. Many of the parcels lack public access. The Forest Service also claims that if the proposed trade doesn't take place the private land near Delmoe Lake could be developed, disturbing a largely intact area of several thousand acres.

Critics of the proposal note that the federal parcels are much more likely to be developed if privatized than the Delmoe Lake parcels currently are — the proponent was looking to acquire and develop north of Butte when it purchased the Delmoe Lake parcels

as trade stock from a third party. Because of their proximity to Butte, the national forest parcels with public access receive substantial recreational use, and residential development would further reduce limited winter range for deer and elk. It is unlikely that the public would rely on the Delmoe Lake parcels to the same degree for recreation. Western Lands submitted comments on the EA, questioning the public benefit of the trade.

Two Land Exchanges Have Coloradans Riled

WEXNER EXCHANGE. One thing we have learned about the denizens of Aspen, Colorado over the years is that they love their public land. Pitkin County, Colorado initiated an Open Space and Trails program in 1990 that has expended \$82 million and acquired more than 18,000 acres in land and conservation easements to protect important recreation and scenic areas. Citizens keep close watch on the disposition of nearby federal public lands, which comprise 83 percent of the County.

One of the area's part-time residents wants to do a land exchange with the Bureau of Land Management to take possession of a piece of land that divides his 4,000-acre property. Leslie Wexner, founder of Limited Brands (i.e. Victoria's Secret, Bath and Body Works, and others), wants 1,200 acres next to his vacation ranch on Mt. Sopris, Pitkin County. Part of the deal would also be three public parcels totaling 201 acres in Eagle County to benefit another private landowner. For all this, Wexner would trade the 557-acre Sutey Ranch in Garfield County, purchased specifically for this land exchange; a 112-acre parcel in Pitkin County that provides access to some popular BLM trails; and \$ 1.1 million to fund a site-specific plan for and long-term management of the newly-acquired public parcels. The land Wexner would acquire would carry conservation easements prohibiting future development.

As is often the case, the crux of the controversy over this land trade is the fact that the gains and losses are divided. Pitkin County would experience a net loss in public land, which it does not favor. Skeptics feel the BLM has too easily dismissed the Mt. Sopris parcel as disposable and fear it will be undervalued in the appraisals. Garfield County and other entities that like the Sutey Ranch acquisition think it's a fine deal. Given its broad discretion, the BLM will likely be able to make the case that the land trade serves the public interest on the basis of land configuration and land uses—but the appraisal issue will surely be critical and the agency should expect sharp scrutiny in that regard.

BEAR RANCH EXCHANGE. Another Colorado land deal that has really raised hackles is one proposed to benefit billionaire William Koch, sibling of the Tea Party-funding Koch brothers and founder of the Oxbow Group, an energy development holding company. Koch owns Bear Ranch, a two-piece, 4500-acre spread in Gunnison County.

Koch wishes to acquire four BLM parcels and one Forest Service parcel, all adjacent to his ranch. Central to his agenda—and the dispute – is a corridor of BLM land between his two parcels that provides public access to Ragged Mountain, a prime hunting area, and the presence of which Koch claims has facilitated trespassing and poaching on his land.

Koch's deal was controversial from the beginning, when it was quietly proposed through a piece of legislation in the U.S. House in 2010, sponsored by then-Rep. John Salazar (D-CO), brother of the Interior Secretary, and by both Colorado senators. It was bad enough that legislation would bypass the environmental review and public involvement that comes with trades done through the land agencies, but the exchange had been carefully designed to require legislation: the only circumstances under which a federal land exchange must go through Congress are when (1) it crosses state lines, or (2) it involves more than one department of the government. The Bear Ranch deal does both. One parcel to be traded to the public by Koch is an inholding in Dinosaur National Monument in Utah, and the trade involves the departments of both Agriculture (Forest Service) and Interior (BLM and Park Service).

Public furor over the exchange was immediate and intense, and the original legislation did not advance. A leader of the opposition has been Ed Marston, former and longtime publisher of *High Country News* out of Paonia, CO. Opponents lament the possible loss of access to Ragged Mountain and bristle at the idea of Koch padding his holdings with public land.

The consultants who wrote the bill and are promoting the trade, Western Land Group (WLG), have done a lot of quick-stepping to find more lands desired by the public and to try to mollify the masses. The original legislation may have been a major factor in Rep. Salazar's losing his seat in the House in 2010, and no one in the Colorado delegation seems very keen on taking up the



Public land with a road to Ragged Mountain runs between two parcels owned by billionaire William Koch. He wants it. Photo courtesy Brent Gardner-Smith / Aspen Journalism

exchange again. Based on past experience, we expect WLG will keep this thing alive for as long as they can, if only to continue collecting their fees. If the legislation gets new life, Western Lands Project will oppose it on principle, as we do all legislated land trades. If a new exchange proposal is put together that can be done through the agency process – within one state and one government department – we will reevaluate the project.

Minnesota: Land Trade Bill Would Foster Open-Pit Mining

Rep. Chip Cravaack (R-MN) has introduced HR 5544, the Minnesota Education Investment and Employment Act, in the US House. The bill mandates an exchange of Superior National Forest lands for state-

owned lands that lie within the federal Boundary Waters Canoe Area Wilderness. Taking a page out of Western Republicans' playbook, Cravaack says the land exchange is necessary for Minnesota's schoolchildren, because the state-owned school trust lands within the Boundary Waters do not serve to raise revenue for the Minnesota school system. An unstated purpose of the exchange is to enable PolyMet Mining to operate an open pit sulfide mine for copper and other metals within the boundaries of the Superior National Forest (strip mining is currently prohibited on the Superior NF, but land transferred to the state would no longer have this protection).

HR 5544 is the worst kind of land trade legislation. It removes any Forest Service discretion on whether to proceed with the trade; deems the exchange "not a major federal action" i.e., not subject to the National

Environmental Policy Act (NEPA) requirements for environmental review and public involvement; and sets the value of the federal and state lands according to state law rather than federal standards.

The grassroots group Save Our Sky Blue Waters (sosbluewater.org) is leading the fight against this legislation. It points out that the bill would do little to resolve the federal problem of state ownership within the Boundary Waters, as the exchange includes surface interests only, leaving the United States open to a second round of imbalanced negotiations for Minnesota's more than 86,000 acres of mineral rights. And the bill doesn't even live up to its title: much of the land Minnesota would receive in trade is just the surface estate; severed from its mineral interest it wouldn't generate nearly the revenue that full fee simple interest would. The bill has not yet received a hearing. Western Lands is working with SOS Blue Waters to educate the public and lawmakers regarding its implications and potential impacts.

Illinois: Peabody Energy/ Shawnee National Forest

In February, we submitted scoping comments on a land trade threatening 384 acres of the Shawnee National Forest in southern Illinois. Proposed by an energy company seeking to develop a coal strip-mining operation, this exchange could do significant environmental harm. We also learned from long-time colleagues in the area that an endangered bat species is feeding and may be nesting on the public land that would be traded. Opponents are also alarmed at the possible water-quality impacts of the mine on the adjacent Saline River and in turn the Ohio River. The public would receive a private parcel within the Lusk Creek Wilderness Area that is desirable for acquisition, but it is not clear whether that parcel is in any danger of development. Western Lands will coordinate with, and if necessary assist, local groups when the environmental assessment is released.

Alaska...

FROM PAGE 2

9-mile road corridor we would trade to the State would encompass about 200 acres. The exchange yields essentially no benefit to the public, even from the vast acreage. The tribal corporation's land has nowhere near the habitat value the Lagoon lands have, and in any case, the newly-public land would not receive any added protection because it currently must be managed in a manner compatible with the purposes of the Refuge.

There is nothing right with this exchange. Long before Murkowski introduced the bill, medical transport for King Cove residents had already been accommodated through federal funding of a hovercraft connecting their town and Cold Bay, as had improve-

ments to medical facilities in their town. With that problem solved, and many other alternatives proposed, the road is completely unnecessary. There is strong evidence that once the road was built, its authorized uses would be expanded to allow commercial fishing and oil extraction concerns to transport personnel and equipment. With the land out of federal ownership, nothing could be done to prevent such a change.

The comment period for the draft EIS ended in mid-May and more than 20 environmental organizations, including Western Lands Project, signed on to a voluminous comment letter calling for the Fish & Wildlife Service to select the No Action alternative, rejecting the land exchange and continuing protection of the magnificent Izembek Lagoon. It is expected that no decision will be made before the November election. We'll keep you informed as further opportunities arise for public input.

Transforming the Politics of Big Solar

By Janine Blaeloch

IN THE SPRING OF 2010, I was minding my own business, directing a small nonprofit whose focus for 15 years has been to fight any and all attempts to privatize public land. From bad land swaps that benefit billionaires and cheat the public to congressional selloff schemes, we thought we'd seen it all. Then along came the Obama administration's push to deal with climate change and energy dependence by turning our Southwest deserts into factories for industrial-scale solar energy.

Cheered on by Interior Secretary Ken Salazar and subsidized through the Energy and Treasury departments, what's come to be called "Big Solar" was on track to take over hundreds of thousands of acres of public land. While the developments would be on land leased, not purchased, from the government, it became clear to us that the transformation and permanent industrialization of the land really amounted to privatization.

Yet only a few people seemed to be fighting it. Fewer still talked about alternatives. That spring, along with solar wonks and desert lovers from California and Nevada, I co-founded Solar Done Right, an informal grassroots coalition, to oppose the solar-industrialization of our desert public lands and to promote distributed generation – local, small-scale – in the built environment and on already-degraded lands.

We started that fall with an advocacy trip to Washington, D.C. We quickly found that while Democrats were concerned about the environmental impacts, they were either resigned to the supposed necessity of Big Solar on public land, or indignant that we would oppose any kind of renewable-energy development.

As for the Republicans, they essentially wanted more oil and gas development and viewed distributed generation with suspicion. In any event, when the Republicans won back the House and Congress settled into profound gridlock, we could see that grassroots advocacy at that level was futile.

To make matters worse, the Obama administration had become committed to Big Solar. The president, who plainly has no feeling for public land, handed over our country's renewable energy policy to the Interior Department, an outfit most skilled in the handing out of public resources.

Even as the Interior Department issues 30-year leases to the renewables industry, the Environmental Protection Agency has identified 15 million acres of developed, degraded and contaminated lands across the country that are also potentially suitable for solar energy development.

Behind the scenes, but seemingly in full control, are the same entities that have long dominated our development of fossil fuels: BP, Chevron, Morgan Stanley, Goldman Sachs. With corporations steering policy

Please help us build the movement to get industrial-scale solar off public lands and put renewables, large and small, in the built environment, where they belong. See how you can sign your organization on to our Call to Action and sign as an individual on our petition. Visit solardoneright.org and click on "Sign our Call to Action for Energy Democracy."

toward massive solar arrays and away from small-scale and local renewable energy, it is virtually impossible to counter them at the federal-policy level.

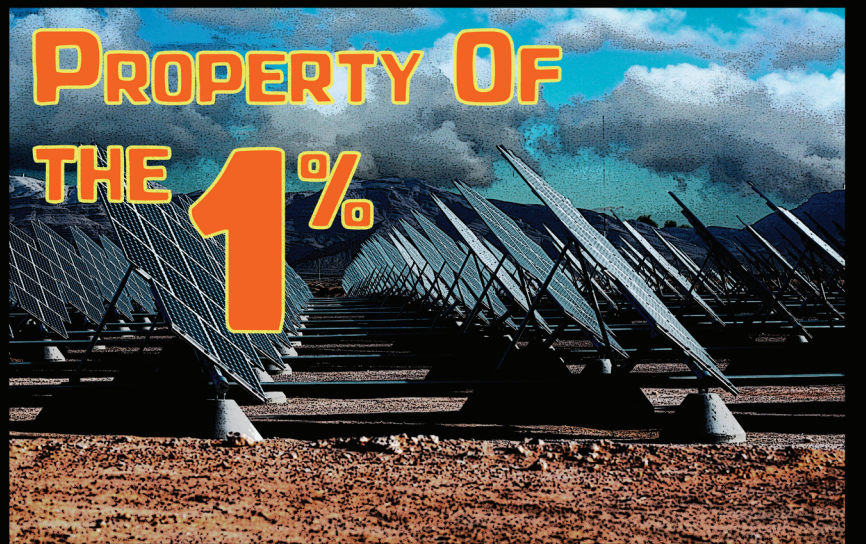
Bringing up the rear are national environmental organizations such as The Wilderness Society and the Natural Resources Defense Council, which have bought into this disastrous approach. Funded by the very foundations and corporations that thrive on the status quo, their job is to create the illusion of change for the better, while ensuring that nobody upsets apple carts or makes waves.

Yet daunting as this all sounds, there is one way to work around the entrenched political, environmental and corporate power arrayed on the side of Big Solar, and that way is to go to the people.

Citizens don't serve the monopolistic utilities, and they don't make decisions based on what's best for investment firms. They instantly understand how local renewables better serve our interests. If you tell them about the havoc being wrought upon desert ecosystems, most react by saying that it's wrong. Tell them they can have solar panels on their roofs and feed power into a community grid, and they're all over it. Distributed generation is an angst-free solution that makes sense to real people. It serves taxpayers, ratepayers, job-seekers and desert tortoises.

In that light, the Solar Done Right coalition is focusing on public education and engagement to bring change. The vehicle is our Call to Action for Energy Democracy, a platform that outlines the consequences of industrial-scale, public land-focused renewable energy development. We think small and local is the way to go, and we're working to build a movement toward sensible renewable-energy development from the ground up.

THIS PIECE ORIGINALLY RAN AS A WRITERS ON THE RANGE COLUMN DISTRIBUTED BY HIGH COUNTRY NEWS UNDER THE TITLE "SOLAR WORKS BEST WHEN IT STAYS SMALL AND LOCAL."



WHEN THE GOVERNMENT PERMITS BUILDING OF CORPORATE "RENEWABLE" ENERGY ON YOUR PUBLIC LANDS, IT IS GIVING YOUR PROPERTY TO CORPORATIONS LIKE GOLDMAN-SACHS, MORGAN STANLEY, CHEVRON, BP, GOOGLE, & BECHTEL WHO BLOCK INCENTIVES FOR DECENTRALIZED & DEMOCRATIC URBAN ROOFTOP SOLAR.

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Happy 15th Anniversary to Us!

IN 1997 – THE YEAR that Western Lands Project formally began – a few brave charitable foundations took a huge leap of faith to support Janine’s fledging effort to bring transparency and reform to federal land exchanges. Now, fifteen years of giving later, three notable foundations

that were with us in the beginning continue to support our mission.

We are grateful to all of our supporters, new and old, but want to specially thank the **WEEDEN FOUNDATION**, the **NEW-LAND FOUNDATION** and the **DEER CREEK FOUNDATION**. Thank you for sticking by us through fifteen years of fighting public land privatization, through ideological divides in the environmental community, and now, through a nationwide recession. It is so refreshing that your generous giving, like our work, is driven by principle. To know that you were willing to put your money where your heart is gives us hope that a grassroots environmental movement can survive into the future.

And to all of our supporters: Whether you’ve been with us since Janine was working out of her kitchen or came on board because you’re interested in our current fight against industrial-scale solar on public lands – thank you. Western Lands Project simply could not do our work without all of you.

Cheers to us and to you, as we begin our 16th year.



Janine with the document that started all the trouble:
Huckleberry Land Exchange EIS

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Good-Bye to Charlie Watson

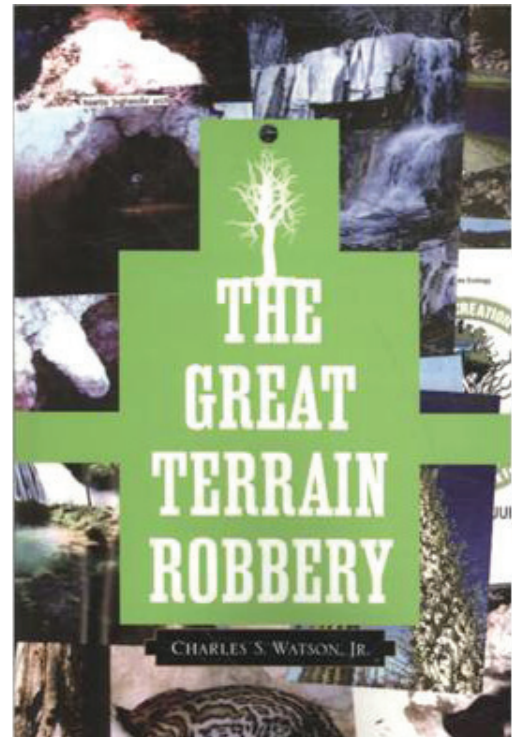
For 50 Years, a Defender of Public Lands

We were saddened to hear of the passing in April of Charlie Watson, aged 76, a geologist, longtime resident of Carson City, Nevada, and passionate conservationist. Charlie was a founder and leader for more than thirty years of the Nevada Outdoor Recreation Association (NORA). Among the accomplishments of NORA under Charlie's leadership was a critical contribution to the enactment of the Federal Lands Policy & Management Act of 1976 (FLPMA), a defining measure in the fight to protect public lands.

Charlie co-authored "The Lands No One Knows," which brought to the public's attention the great beauty and ecological value of the Bureau of Land Management lands and our under-appreciated deserts. We daresay most every desert lover knew Charlie or his work. Charlie's

"Big Book," the assembly of photographs he took of little-known BLM lands in Nevada and elsewhere, is now housed at the Nevada Historical Society.

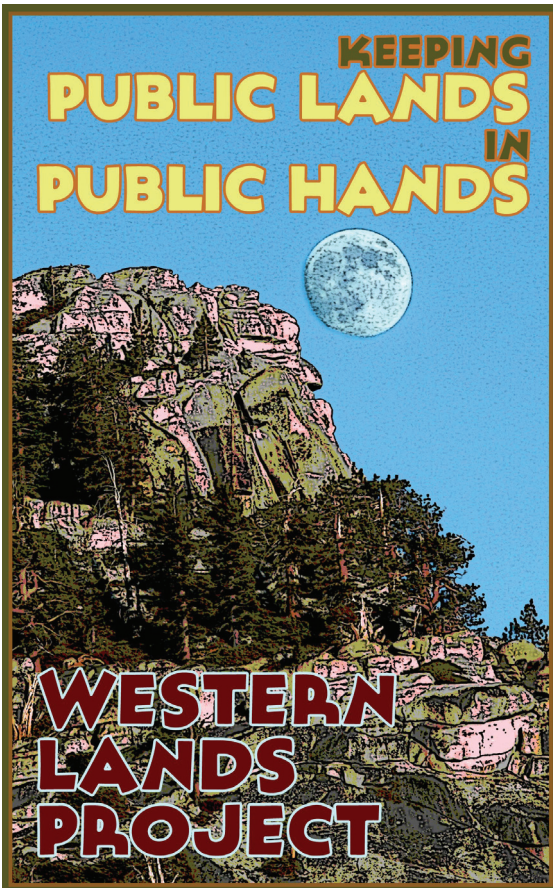
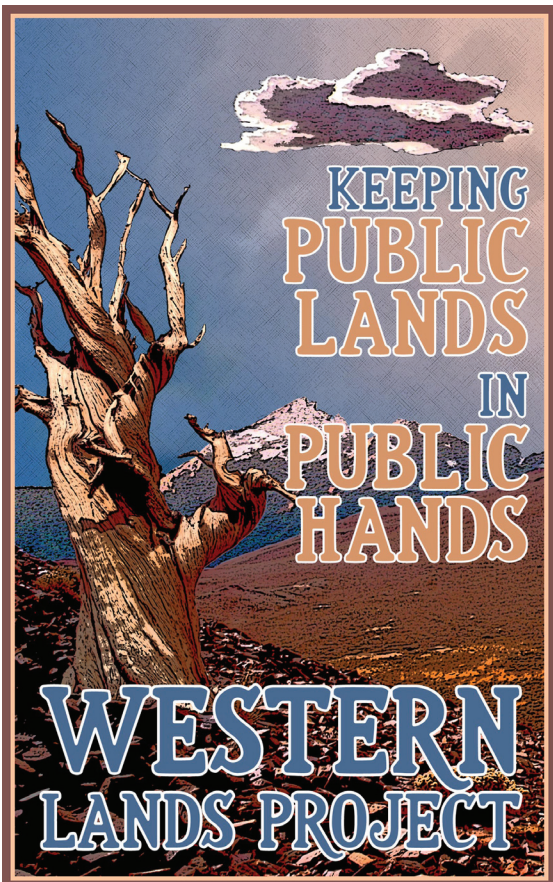
To some, Charlie's persistence appeared eccentric. He struggled to enlist the help of national environmental groups to speak up on behalf of our deserts, and he paid a high price for his unstinting advocacy and truth-telling. We are grateful to have known him. With Charlie's death, public lands, and our deserts in particular, have lost a great champion, and there will not be another like him.



A major part of Charlie's life's work was his book "The Great Terrain Robbery," published in 2009



There's been a bit of a baby boom around the office. Introducing Mateo Clemente Krupp, born December 12 to Western Lands' Staff Attorney Chris Krupp and Rosario Daza.



At long last—T-Shirts

We can hardly believe it ourselves. After fifteen years, Western Lands Project finally can offer T-shirts to help you flaunt your passion for public land.

It took us this long to find the right person to design them—our friend and colleague Chris Clarke, who also designed our new logo and newsletter layout.

It also took new technology that allows us to skip the part where we have boxes and boxes of them here in our office. Thanks to Café Press, t-shirts can be made to order and shipped directly to you. You can choose from our logo and three other images, and several shirt styles and colors. (Note: the organic cotton tees run small). In order to keep the prices reasonable, Western Lands doesn't receive any portion of the purchase price.



To view color, size and style options, visit cafepress.com/westernlands and order your Western Lands t-shirt today.

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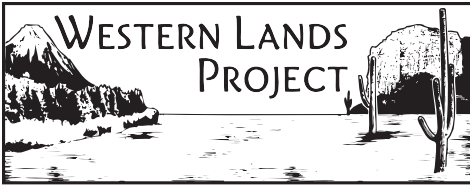
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