



Land Exchange Update

Western Land Exchange Project
Seattle, Washington

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Research, Advocacy, & Outreach for Land Exchange Policy Reform

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WLXP court victory throws wrench in BLM land sale

Western Land Exchange Project and fellow plaintiffs have scored an important legal victory with a ruling against the Bureau of Land Management (BLM) on a plan to dispose of thousands of acres of public land in eastern Nevada. In a decision filed on March 22, 2004 the Federal District Court in Reno found in favor of Western Land Exchange Project, Boise-based Committee for the High Desert, and the Center for Biological Diversity in Tucson. WLXP staff attorney Christopher Krupp handled the case.

The land disposal scheme stemmed from the Lincoln County Land Act (LCLA), passed by Congress in 2000. The LCLA, sponsored by Senator Harry Reid (D-NV), authorized the BLM to sell a total of 13,000 acres of federal land in Lincoln County, Nevada—northeast of Las Vegas and just north of Mesquite—over five years.

In its ruling, the Court held that BLM violated the National Environmental Policy Act (NEPA) by:

- neglecting to analyze the impact of pulling water from nearby basins to supply development of the federal land;
- failing to develop mitigation plans sufficient to protect five threatened and endangered species;
- ignoring the cumulative impacts of the LCLA combined with other planned development for the region—additional land privatization, a power plant, and a new Mesquite regional airport. Together, the actions would open more than 36,000 acres to development and would support 200,000 people in the Mesquite area.

In recent weeks, the BLM has been rattling its sword about putting the lands up for auction this summer,

despite the pending court action. But the court's decision prohibits BLM from further attempts to sell the lands until the agency has prepared an environmental impact statement addressing the issues raised by the plaintiffs.

As we explain elsewhere in this newsletter (see next story), the issues of development and water use in Lincoln County are about to become even more critical. A new plan is underway to build enormous pipelines to deliver water from the rural county to Las Vegas. As part of the same plan, Nevada Senator Reid is formulating legislation that would privatize even more land in Lincoln County. Experts admit that actual water availability remains an unanswered question.

Quid pro quo wilderness in eastern Nevada

In our Winter 2003 newsletter, we introduced you to a new trend in wilderness legislation: the use of public land trades or disposals as a way of buying wilderness protection. This new approach is being promoted by wilderness coalitions across the West, and stands to have a huge impact on public lands politics and policy. In their quest to protect certain areas, environmentalists are negotiating legislative provisions designed to win support from anti-wilderness “stakeholders” such as ranchers, local politicians, developers, ORV enthusiasts, etc.—often by tying federal land exchanges and disposals to wilderness protection.

For three years, WLXP has actively monitored land and water development projects in Lincoln County, Nevada (northwest of Las Vegas), so when the first rumors of a “compromise” eastern Nevada wilderness bill arose, we got a creepy feeling. Bad projects we have challenged in the area—a huge, illegal federal land disposal; predatory for-profit water



projects linked to land exchanges; and a massive new subdivision/golf course development—could easily be facilitated in a negotiated wilderness deal. After all, in 2003 Nevada Senator Harry Reid got environmentalists to go along with a series of federal land releases, trades, and bald-faced giveaways in return for the creation of new wilderness areas in Clark County, outside of the Las Vegas development zone.

Wilderness advocates are close-mouthed about their proposals, but what we have learned about the eastern Nevada plan so far is that in addition to designating an unknown amount of wilderness, it would:

- ❶ Grant water pipeline rights-of-way to the Southern Nevada Water Authority to bring more water into Las Vegas from over the county line, and to Vidler Water, a for-profit water company—apparently with no environmental analysis;
- ❷ Allow for the disposal of 80,000 acres of federal land. If modeled on past Nevada disposals, the land will be “released” from federal management and auctioned off;

- ❸ Move a currently unoccupied public transmission line corridor off the land of developer Harvey Whittemore, who wishes to build 50,000 homes and ten golf courses on his Lincoln-Clark county land. Instant relocation of this inconvenient transmission right-of-way, normally a difficult accomplishment, would free up an additional 11,000 acres for development—at no cost.

Last-minute additions to the bill could include any number of other damaging projects—including giving the nod to the aforementioned land disposal we are challenging in court. Thankfully, some groups in Nevada are adamantly opposed to the water and land development provisions. Wilderness advocates themselves are facing tough questions about the concessions attached to their projects, both from WLXP and from other grassroots groups alarmed at this trend.

While WLXP is not focused on wilderness issues *per se*, we are compelled to keep an eye on these proposals because of their potentially huge impact on our mission to keep public lands in public hands.

*Eastern Nevada:
buying wilderness
with development
concessions.*

Photo: WLXP



More dastardly plans for public lands

In **Yosemite National Park**, a land trade is proposed that would allow a Seventh-day Adventist (SDA) camp to intensify development in its park inholding. The Camp Wawona exchange would give the Park Service 15 acres adjacent to the private camp, while the SDA would receive 18 acres along the Merced Wild & Scenic River. WLXP and many other groups oppose the land exchange, which would clearly benefit the Camp but would be of questionable value to the public. The Park Service's weak premise for the trade is to protect a 100-foot buffer area between the Camp and the adjacent Yosemite Wilderness Area. Groups are concerned about the impact of privatizing more land along the Merced River (including intact oak woodland) and the increased camp development. Western Land Exchange Project is working with Friends of Yosemite Valley and Mariposans for Environmentally Responsible Growth in opposition to the deal.

The **Eldorado National Forest** in California has issued a decision to make a land trade with timber company Sierra Pacific Industries (SPI). The Silver Pearl Land Exchange would trade about 1,800 acres of public land for 4,000 acres of SPI land. The clincher is that 255 acres of the national forest land consists of California spotted owl "protected activity centers," including a site that hosted a reproducing pair in 2001. (The owl is a candidate for protection under the Endangered Species Act). The Forest Service continues to advance the tired theory that cut-over industry lands they acquire will make fine old forest someday, and asserts that trading away actual "protected" spotted owl sites will not, in itself, bring the species closer to its doom. The decision is likely to be challenged.

Some citizens in Routt County, Colorado are mad as hell about a proposal to trade 15,000 acres of land managed by the BLM for a 6,300-acre piece of state land near Steamboat Springs known as **Emerald Mountain**. A group called the Emerald

Mountain Partnership has tried unsuccessfully to find the funds to purchase and preserve the area. The BLM has stepped in with the idea of trading away lands it considers disposable throughout the County and acquiring the mountain from the state. BLM would thus be taking on the role of managing urban open space. Opponents are particularly concerned about the involvement of the Western Land Group, a firm that brokers federal land deals for profit and stands to make a million dollars on the deal.

Arlen Olson, a land trade facilitator in Orofino, Idaho, associated with Clearwater Land Exchange, has been hired by **Boston-based Forest Capital Partners (FCP)** to explore a possible land trade with the Idaho Panhandle National Forests (IPNF). FCP purchased 250,000 acres of forest in Idaho from Crown Pacific in 2002 and now wants to exchange almost 40 percent of it to the public. Olson has presented the outline of an exchange to the Forest Service, conservation groups in eastern Washington and northern Idaho, and the Western Land Exchange Project. Olson says he's been asked to pursue the trade from both agency and congressional angles.

Much of the "offered" Forest Capital land has been heavily logged and is densely roaded. The "selected" IPNF land is also crisscrossed with roads, but much of it is mature forest containing significantly more valuable timber than the FCP land.

WLXP is advocating for an administrative trade, if any is proposed. Despite deficiencies in federal law, agency trades are far preferable to those that go through Congress because the agencies must abide by enforceable provisions while Congress can set whatever parameters it wishes for any land exchange. Exchange proponents often turn to Congress after the Forest Service or BLM has decided not to pursue a proposal, or when they know from the start that it would violate statutes and/or regulations.

*I cannot understand
why the natural
world is so beautiful.
I cannot understand
why we do not fight
tooth and claw to
hold on to every last
corner and vestige
of its raw wildness,
those last untouched
places we still have
in our possession.*

—Rick Bass
Colter

*Terror threat or democracy at work!?
The unexpected turnout at the Yavapai
land exchange hearing prompted a large
police presence. Photo: WLXP*



Despite the devastating impact livestock grazing has had on western lands, “cows-not-condos” adherents tolerate and sometimes promote grazing as a way to save open space from residential development. In that spirit, the City of Boise is pushing an exchange between the BLM and the Idaho Department of Lands (IDL) wherein federal forest in northern Idaho would be traded for state lands in the foothills outside Boise. Idaho Senator Larry Craig is expected to introduce a bill to accomplish the trade.

Under the proposal, about 5,000 acres of rangeland managed by IDL would be traded to the BLM and the state agency in turn would receive forested land north of the Salmon River. Driving the trade is IDL’s charter to manage its lands to return the greatest economic benefit to the state schools endowment. IDL’s lands in the Boise foothills are currently leased for cattle grazing, but some fear the agency will end up selling its foothills property to developers in the future. The exchange is seen by some as the solution for preserving open space outside sprawling Boise. Unfortunately, IDL would doubtless “liquidate” the timber on its new forestland, and the Boise foothills would still suffer from cattle grazing.

The Yavapai Ranch land exchange saga continues into its fifth year. The legislated land trade between the Forest Service and an Arizona developer has been fought back repeatedly by residents of Arizona’s lovely (and drought-stricken) Verde Valley—where development associated with the exchange could ring the death knell for water supplies in the area. After being virtually ignored for four years by members of Congress, local residents exerted enough pressure to get a public forum in December 2003, hosted by bill sponsor Senator John McCain. Apparently expecting a gaggle of scruffy protesters, McCain was greeted by a **standing-room-only crowd of more than 600**, packed into the Camp Verde High School auditorium. The Senator heard two hours of passionate testimony, the vast majority in opposition to the land exchange, and later stated that the forum had a profound impact on his view of the issue. Just how profound is yet to be seen, but it is expected that at least some of the 2,200 acres of public land the developer would get in Camp Verde will be taken out of the deal. Opponents are holding fast to their conviction that if any land exchange is to occur, it must go through the agency process, which affords more citizen input and requires environmental analysis.



Meet our new Program Coordinator, Joanne Hedou

With a Master’s in Geomorphology and Bachelor’s in Geography, I came to WLXP after having worked in consulting, for local county government, as an environmental science teacher, and as Outreach Coordinator for Washington Trout. In my free time I write environmental essays and have a couple of screenplays in progress. I have also spent a great deal of time in the last fifteen years raising my wonderful son! In the time that I have been here I have come to realize that the work that WLXP is doing is groundbreaking and forward-thinking, in a time when access to public information is important in all areas of government. I am glad to be able to support the work of the dedicated staff, board, members and supporters of this proactive and committed group.

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that are supporting our work**

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Land Exchange Update

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