

# Connecticut Debate Association

February 6, 2016

Daniel Hand, Glastonbury and Staples High Schools

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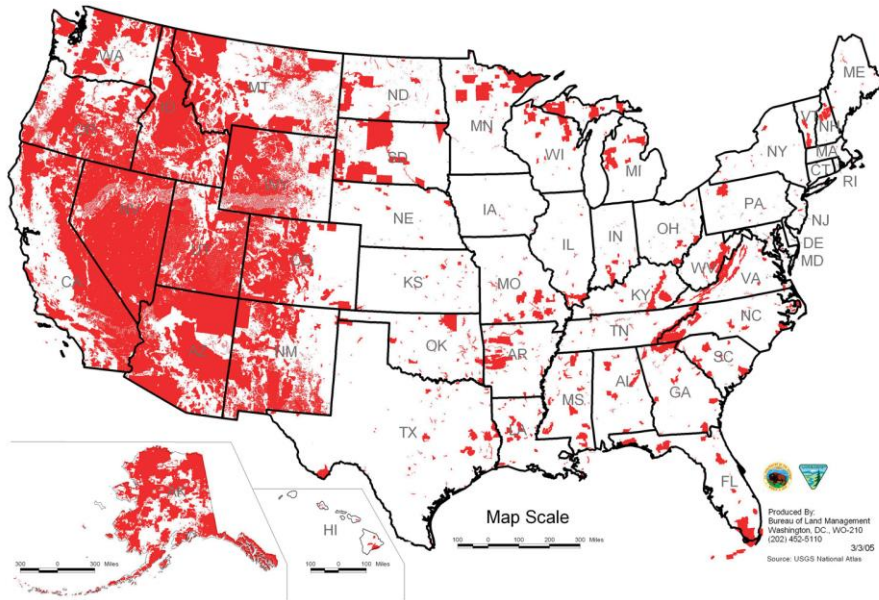
## Resolved: Federal lands should be largely turned over to the States.

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### Western states eye federal lands—again

High Country News, Brian Calvert Oct. 27, 2014

In September, Southern Utah University hosted a debate in Cedar City, Utah, over the management of public lands. Close to 250 people packed the auditorium on a Thursday night as two University of Utah professors, Bob Keiter and Dan McCool, debated two state legislators, House Speaker Becky Lockhart and Rep. Ken Ivory.



Utah is ground zero this year for an attempt by some Western states to claim federal lands. The professors argued that public-land management by federal agencies, however messy it might appear, remains necessary, given the costs and the myriad interests involved, and that a land transfer would certainly fail in court. Lockhart replied that federal

mismangement was responsible for bark beetle infestations and devastating wildfires. Flashing a photograph of a dead bull elk that had been caught in a fire, she railed: “This is a representation of the animals that are slaughtered

because of lack of management.” Ivory pointed to a map of the United States that contrasted the West’s vast public lands with the East’s obvious lack of them. “Why the difference?” he asked, rhetorically.

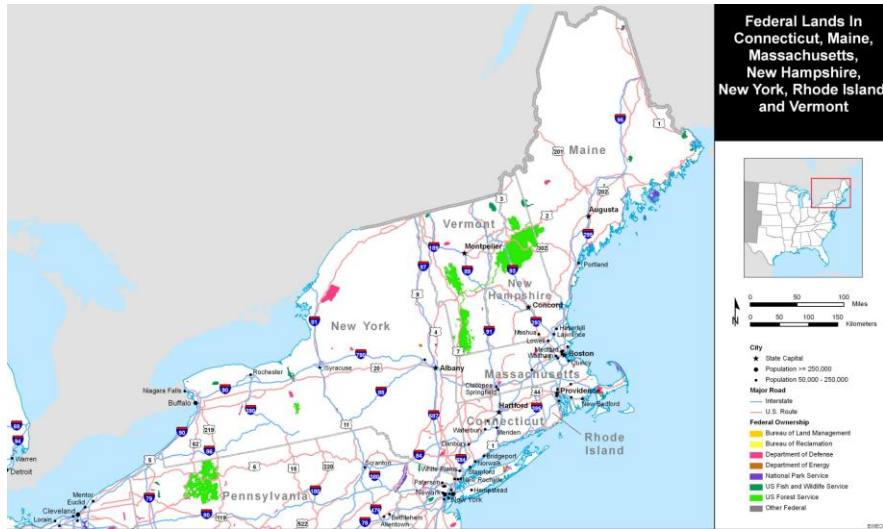
The answer, of course, has to do with federal land purchases from France, Mexico and Russia, between 1781 and 1867, as well as the seizures of territory from Native Americans, all of which created U.S. public lands. But Ivory, a business lawyer and the newest champion of federal-to-state land transfers, did not delve into any of that. Instead, he denounced the federal government’s “one-size fails all” management policy, saying the states could do better on their own.

Ivory sponsored Utah’s Transfer of Public Lands Act, which was signed into law in 2012 and insists that the feds turn over 20 million acres of public land. He claims the government promised to some day transfer land to the states, pointing to ambiguous language in Utah’s statehood legislation. During the Cedar City debate, McCool, who is the director of the University of Utah’s Environmental and Sustainability Studies Program, told the crowd no such “magic promise” exists. “These lands right now belong to all of us, all 314 million Americans,” he said. “I think that’s a pretty good setup.”

Keiter, a law professor and director of the Wallace Stegner Center of Land, Resources, and the Environment at the University of Utah, explained later that Ivory’s legal argument, if it were to ever find support in the courts, would give all federal land in the West to the states, which have similar statehood legislation. “The entire public-land system that we all know, and most of us greatly appreciate, (would be) gone,” he said.

In Utah, some polls show more than half of voters support a public-land transfer. But regionwide, there is less enthusiasm. A recent poll by the Center for American Progress found 52 percent opposed to the idea, compared to 42 percent in favor. And while Westerners still like to gripe about the federal government overall, the National Park Service, the U.S. Fish and Wildlife, and Forest Service all had approval ratings higher than 70 percent. (The Bureau of Land Management had a rating of only 48 percent.)

So it would be easy to dismiss Ivory's vision of a Brave New West as a pipedream, perfectly timed to fire up the far-right base for a midterm election. But 42 percent in favor is not a small number. And while Western states have made similar demands in the past that have gone nowhere, this recent iteration is worthy of attention: It is backed by big money, and it is gaining quiet momentum.



Over the last two years, eight Western states have pursued this idea in one way or another. Wyoming has a task force currently studying legal avenues for a land transfer. Arizona passed a bill like Utah's in 2012, but Republican Gov. Jan Brewer vetoed it. And last month, Montana lawmakers tabled their own version; it remains to be seen whether its next Legislature will take up the issue.

Proponents often point to Ivory's legislation as a model. Ivory has championed the idea in speeches across the region as president of the American Lands Council, a

nonprofit that supports public-land transfers. Council members include 46 county boards of commissioners, who pay heavy dues with taxpayer dollars, as well as private interests, including Canyon Construction, a mining construction company, the Nevada Cattlemen's Association and Deseret Power. Americans for Prosperity, a powerful dark-money group founded by the billionaires Charles and David Koch, is also a member of the group.

Ivory's rhetoric, meanwhile, resembles the language put out by the American Legislative Exchange Council, or ALEC, a consortium of corporations that produces "model" legislation for ultra-conservative state lawmakers across the country. Federal ownership of the land "prevents the states from accessing the abundant natural resources contained on those lands," ALEC claims in one such model. "This resolution seeks to remedy this situation."

Examined closely, though, the "remedy" looks more like snake oil. Keiter, the law professor, points out that historically, in land transfers and exchanges, the federal government did not grant mineral rights to known reserves. Without mineral rights, the states could not afford to manage the lands they'd obtain under the scheme. The Denver-based Center for Western Priorities notes in a recent study that the burdens of fighting wildfires alone could easily overwhelm states. In Idaho in 2012, for instance, the U.S. Forest Service spent \$169 million on fire suppression — more than three times the state's law-enforcement spending.

"Proponents of this measure are conveniently silent on how they would afford these costs without raising taxes or selling the land or throwing it open to mining and drilling," says Jessica Goad, advocacy director at the center. Indeed, those with the most to gain from land transfers are the corporations that back Ivory's nonprofit.

In an interview, Ivory said that Utah has put aside \$2 million to prepare potential litigation against the feds, and that the state will want mineral rights, too. "When you manage land, you manage the whole estate," he said.

His allies are still looking for ways to make the transfer work — or at least get people excited about the prospect. On Oct. 9, the American Lands Council hosted more than 80 officials from 14 states to discuss the land-transfer initiative. That kind of support means the issue is not going away, Ivory said. "The genie is out of the bottle."

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## Editorial: Just what we don't need: A new Sagebrush Rebellion

The Los Angeles Times, January 28, 2016

The new Sagebrush Rebellion is a waste of time and taxpayer money

Some 50 political leaders from nine Western states gathered in Salt Lake City this month to discuss plans to wrest control of millions of acres of public lands from the federal government. One wonders whether, like a dog chasing a car, they've figured out what they would do with the land if they got hold of it? In any case, that's unlikely to happen, based on decades of court battles and settled law.

Nevertheless, these angry legislators and local commissioners seem determined to waste time and energy on this futile effort, propelled by a warped sense of history and priorities. So allow us to remind them — and their constituents — why they're wrong.

Recent headlines have focused on Nevada rancher Cliven Bundy and his gun-toting supporters who faced down the federal Bureau of Land Management in a dispute over grazing fees. Bundy is nothing but a scofflaw, as this page noted the other day. But his insistence on freeloading pales in comparison with the demands of some of these politicians.

Several Western states have already passed laws and launched lawsuits to pry land — some of which includes valuable oil, timber and minerals — from the federal government's hands. The main argument, put forth most forcefully by Utah, is that when Congress passed legislation admitting the state to the Union, it promised to turn over federal lands. Except that the legislation says the opposite: that Utah residents "forever disclaim all right and title to the unappropriated public lands."

Another argument: The U.S. government's guarantee that new states would be admitted on "equal footing" means that the government should have ceded its property at the time of admission, as it did in the existing states. Except that too is not true. Courts have held that the equal-footing guarantee applies only to political representation.

Further, the federal government controls so much land in the West because homesteaders, during the nation's westward expansion, didn't want the mostly unfarmable land. In the decades since, a national mood of conservation in the name of the public interest has led to continued federal control, trumping proposals to sell the often mineral-rich land, which now defines the vast swaths of relatively unspoiled nature in the western third of the Lower 48. And that's a good thing, since backers of the state efforts have made it clear they want the land so it can be developed or exploited for its natural resources, rather than maintained as a public treasure and open space.

There might be a legitimate political question as to whether the federal government has done a good job of owning and managing so much land. But these reborn Sagebrush Rebellion efforts are a waste of time and taxpayer money and are steeped more in a reactionary embrace of states' rights than civic leadership. The courts, and the voters, should stand firmly against these expensive distractions.

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## **The Larger, but Quieter Than Bundy, Push to Take Over Federal Land**

The New York Times, By JACK HEALY and KIRK JOHNSONJAN. 10, 2016

DENVER — Ken Ivory, a Republican state representative from Utah, has been roaming the West with an alluring pitch to cattle ranchers, farmers and conservatives upset with how Washington controls the wide-open public spaces out here: This land is your land, he says, and not the federal government's.

Mr. Ivory, a business lawyer from suburban Salt Lake City, does not fit the profile of a sun-scoured sagebrush rebel. But he is part of a growing Republican-led movement pushing the federal government to hand over to the states millions of acres of Western public lands — as well as their rich stores of coal, timber and grazing grass.

"It's like having your hands on the lever of a modern-day Louisiana Purchase," said Mr. Ivory, who founded the American Lands Council and until recently was its president. The Utah-based group is funded mostly by donations from county governments, but has received support from Americans for Prosperity, the group backed by the billionaire Koch brothers.

The idea, which would radically reshape the West, is one that resonates with the armed group of ranchers and antigovernment activists who seized control of a wildlife refuge in Oregon more than a week ago. Ammon Bundy, the crew's leader and the scion of a Nevada ranching family steeped in disputes with the federal government, said he and his sympathizers had gone to Oregon to give the refuge back to local ranchers.

Many conservatives — Mr. Ivory among them — criticized Mr. Bundy's gun-toting tactics, but their grievances and goals are nearly identical. And the outcry has grown amid a dust storm of rural anger at President Obama's efforts to tighten regulations on fracking, air quality, small streams and other environmental issues that put struggling Western counties at odds with conservation advocates.

In the past few years, lawmakers across the West have offered up dozens of bills and resolutions seeking to take over the federal lands inside their borders or to study how to do so. Some of the legislation has been aimed at Congress, to urge it to radically revise the laws that have shaped 550,000 square miles of national forests and terrain run by the federal Bureau of Land Management, stretching from the Great Plains to the Pacific.

The effort — derided by critics as a pipe dream that would put priceless landscapes on the auction block — has achieved little so far.

Utah is the only state to pass a law demanding that Washington hand over federal land to the state. That transfer never happened, so now, Republicans on a state land commission are pressing for a \$14 million lawsuit to claim 31.2 million federal acres of canyons, scrub desert and rolling mesas. The state's attorney general, a Republican, has said he is studying the case and will make a decision about whether to move forward.

Colorado's experience illustrates how the land-transfer discussion far exceeds any concrete results. Last year, a

Republican state senator from the agricultural eastern plains sponsored a bill to create a Colorado Federal Land Management Commission, to study turning over federal lands to the state. The measure never made it out of the Republican-controlled State Senate.

In Congress, Republicans have supported moves to set up a land-transfer fund and create a “framework” to hand federal acres to the states.

Last week, Representative Greg Walden, the Republican who represents the Oregon district where the Bundy takeover is playing out, stood up in Congress to deplore the tactics of the armed protesters, but sympathized with their frustration.

“More than half of my district is under federal management, or lack thereof,” Mr. Walden said, expressing anger at the Bureau of Land Management. “They have come out with these proposals to close roads into the forests. They have ignored public input.”

In July 2014, Senator Ted Cruz of Texas proposed preventing the federal government from owning more than half of any state’s land. (Five states are more than half federal land, according to a Congressional Research Service report.) And Representative Crescent Hardy, Republican of Nevada, whose district includes a ranch run by Mr. Bundy’s father, introduced a measure that would block the government from buying any new land unless it could pass a balanced budget.

But land experts say the movement offers few details about what would happen the day after the federal government handed over all its land. How would states afford hundreds of rangers, officers and administrators to keep the land safe and comply with complicated federal laws on environmental policy and protecting endangered species? Would the land stay public, or be sold off to the highest bidder?

“They conveniently avoid all the difficult questions,” said Martin Nie, the director for the Bolle Center for People and Forests at the University of Montana.

In its mission statement, the American Lands Council says its strategy for securing local control of public land in the West involves four tenets: education, negotiation, legislation and litigation.

In practice, local land disputes — fueled by deepening antagonism toward federal land agencies — now unfold like social-media passion plays. Last summer, armed groups intervened by providing security and standing guard at mines in Oregon and Montana that had received stop-work orders from the Bureau of Land Management. And in December, Phil Lyman, a commissioner in San Juan County, Utah, received a 10-day jail sentence after he led a protest ride on all-terrain vehicles through a federal area that had been closed to motorized use.

“All I did was drive down a canyon road,” Mr. Lyman said. “It seems to be getting worse, and the federal agencies, they are expanding. Their restraints are being overstepped. It’s not the way this country was set up. It’s not the founders’ design.”

Not surprisingly, environmental activists have opposed dismantling federal lands, but so have hunters and anglers who worry their elk-hunting grounds and trout streams would be sold to private hands and developed. Unlike the federal government, many states require that their land be used as profitably as possible.

About an hour’s drive from the wildlife refuge where Mr. Bundy’s group is facing off with the government, Erin Maupin and her husband, Jeff, pay the government each summer to feed their cattle on 19,000 acres of federally owned land. She said that like many ranchers, they wanted to work with the government, but that layers of grazing restrictions and environmental rules were getting out of hand.

“We want somebody to make sure we’re doing it right,” Ms. Maupin said. “But it’s got to the point where there’s no common sense in it.”

The resentments toward federal land managers feel sharpest in economically strapped rural counties from Arizona to Montana, where up to 90 percent of the lands are federally managed. People love the beauty that surrounds them, but seethe at policies that they say have whittled away logging and mining jobs, left national forests vulnerable to wildfires and blocked access to public land.

“The land policies now are, basically, lock it up and throw away the key,” said Leland Pollock, a commissioner in Garfield County, Utah, a county roughly the size of Connecticut with pine forests and stunning red-rock spires. “It’s land with no use. The local economy’s really suffered as a result. Grazing has been reduced. We used to have a thriving timber industry — that’s all but gone.”

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## **Rural Oregon’s Lost Prosperity Gives Standoff a Distressed Backdrop**

The New York Times, Kirk Johnson, Jan. 18, 2016

Areas that were once economically important languish as jobs are clustered in urban centers, creating a feeling of powerlessness as their populations grow older, poorer and less educated.



BURNS, Ore. — One of the largest wood mills in the West once belched its steam on the edge of town, sawing ponderosa pine. Out in the woods, tree fallers like Tex Ward were proud and prosperous.

Mr. Ward, 54, a lifelong resident who has lost his job twice and has filed for bankruptcy once, said that was not the case anymore. He now works for the state as a prison guard, a job he said he hated.

On a recent frosty morning, before heading off for his shift, he and his wife, Shelly, fed the 30 head of cattle that are the closest thing the Wards have to a retirement fund. “You do what you have to do to stay alive,” Mr. Ward said. “But I’m sour as hell.”

Times were once very good out here on the high desert of east-central Oregon, and a place like Burns — remote and obscure until a group of armed protesters took over a nearby federal wildlife sanctuary this month — was full of civic pride and bustle. In their heyday, Harney County and its largest town, Burns, were economically important in a way that now seems unthinkable in the rural West.

These days, cities like Portland, Salt Lake City and Boise, Idaho, are gobbling up more of the jobs than ever, especially the good ones. Half the jobs in Oregon, for example, are now clustered in just three counties in and around Portland, according to a study by Headwaters Economics, a nonprofit research group in Bozeman, Mont. Almost two-thirds of Utah’s jobs are along the Wasatch Front, which runs from Salt Lake City to Provo.

And isolated, rural counties like Harney — with 7,126 people in an area about the size of Massachusetts — are too far away from those urban centers to catch the economic lift, the study said. So the population grows ever older, poorer and less educated, and opportunities continue to dry up: The county has 10 percent fewer jobs than it did in 1979, according to state figures.

The pattern of poverty has shifted nationally as well. In the four decades since the late 1960s, poverty rates fell or remained stable across the Northeast, South and Midwest — but rose significantly across the West, a Pew Research Center study said in 2014.

“High incomes, great schools — it was a Norman Rockwell rural America,” said Timothy A. Duy, an economist and senior director of the Oregon Economics Forum at the University of Oregon, describing the arc of places like Burns. “It’s reasonable for people to say, ‘We’d like to turn back the clock,’ because it was for many people an ideal time.”

What happened was a steep downturn, especially in the timber industry, which has all but disappeared. Oregon lost about three-fourths of its timber mills between 1980 and 2010; Harney County lost all seven, including the one near Burns where Mr. Ward worked, which closed in the mid-1990s.

Changes in the wood industry were clearly also having an effect over those years, with more wood buyers shopping in Canada and more mills becoming automated, but many people here also said they thought the United States Forest Service did not fight back to save the mills and jobs.

“You didn’t stand up for us then; why should we stand up for you now?” asked Ms. Ward, 51, referring to federal officials, as she sipped coffee in her kitchen on a recent morning.

The Pew statistics also suggest a structural change in poverty in rural America. In the 1960s, when images of the poor in rural Appalachia and elsewhere in the South galvanized the nation, children and older people were largely the faces of economic struggle. Comparatively speaking, there are now much higher numbers of people in their prime working-age years whose incomes are below the federal poverty measure for a family.

The armed protesters who took over the headquarters buildings of the Malheur National Wildlife Refuge near here have tried to tap into the local reservoir of anger and nostalgia. They preach a vision of rural America on the rebound if only “government oppression” — in land use, ownership and management — could somehow be rolled back.

“Government controls the land and resources,” said the group’s leader, Ammon Bundy, at a news conference last week. And that, he added, “has put people in duress and put them in poverty.”

But the role of government in what happened here is also more nuanced and complex than the black-hat-white-hat imagery presented by Mr. Bundy and his companions.

Government paychecks, like the one Mr. Ward earns at his job at the prison, have helped keep Harney County afloat as private jobs have declined. With nearly 60 percent of the pay earned in the county now coming from the public sector — including schools and federal management jobs at the 188,000-acre wildlife refuge — this was the most government-dependent county in Oregon in 2013, according to the most recent analysis by the state.

People like the Wards said that when environmental groups filed lawsuits and applied pressure at the State Capitol in Salem or in Washington, D.C., to reduce logging, forest managers just surrendered. The residual anger of people caught in the economic undertow now affects how residents here think about the takeover at the refuge, and the arguments about what should happen next.

Some residents and local officials say they believe the history and relationship between the people and the government

is being distorted by the protesters, and that cooperation across lines has worked well, to the benefit of the community. For instance, an arrangement with private landowners to protect a threatened bird species, the sage grouse — and to prevent even more restrictive government protections — was a model of how cooperation can work, they said.

“Those are things that Mr. Bundy doesn’t know about or care about it,” said Steven E. Grasty, the county judge and chairman of the county commissioners. “We can keep building on those things if he would get out of the way.”

But the sense that government — not just federal but state as well — no longer hears the voice of places like this echoes through the community, even among those who wish Mr. Bundy and his supporters would go home. Harney County has lost 4 percent of its population just since 2010, according to United States census figures, even as the state’s population, especially in and around Portland, has surged.

“People feel powerless,” said State Representative Cliff Bentz, a Republican whose district covers much of eastern Oregon, including Harney County. “As the rural areas grow more and more poor and urban areas grow more and more wealthy, there’s a shift in power.”

Ms. Ward’s father, Al Albertson, 73, who also once worked at the lumber mill here, put it more bluntly. “People in western Oregon don’t even know where Burns is,” he said.

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## **Tension between ranchers and federal officials is dangerously high in Nevada**

The Hartford Courant, Molly Hennessy-Fiske, January 27, 2016

Gerald "Jerry" Smith grew up in Nevada and went to work for the Bureau of Land Management right after college. As a local, he figured he was uniquely suited to work with the ranchers who have long resented the federal government's role in land management here.

It didn't quite work out that way.

Now retired from a job as district manager for the BLM, Smith knows all about the tensions that have long defined relations between ranchers in the rural West and the federal government, which manages much of the region's land. Those tensions have boiled over in recent days at a wildlife refuge in Oregon and are at a perpetual simmer here.

Now it is Smith's successor as district manager, Doug Furtado, who has become the enemy for many people in the region.

Although there have been no violence or threats here, the risk is real. Federal employees in Nevada have been attacked in the past over land-use disputes — shot at, their offices and cars bombed.

"We got to live in this community," said Smith, who supervised, trained and still hunts with Furtado in this community where many carry concealed handguns. "All these issues, none of them are worth dying over. I worry about that — so does Doug."

Just off the interstate leading into this northern Nevada town of about 3,600 ringed by the snow-capped peaks of the Shoshone and Sheep Creek ranges, protesting ranchers pitched their "Cowboy Grass Camp" on a muddy roadside across from the gray stucco ranch house that serves as the BLM's district office.

Two white tepees flapped in the wind last week beside a canvas tent sometimes occupied by the ranchers, who tend their cattle on nearby spreads passed down through generations. They tacked hand-lettered red, white and blue signs to a nearby metal ranch gate urging drivers to "Support ranchers," "Protect grazing, water rights" and "Honk to impeach Furtado!"

"I lay on it when I go by," said rancher Eddyann Filippini, 59. "You do what you got to do when the devil's got the sword to your throat."

Furtado, district manager for the last five years, listens to the honking from inside his office. He is no longer allowed to speak publicly and was recently forced to back off on drought-driven grazing restrictions he imposed in 2013 and cede control of negotiations with ranchers to the state director.

Filippini and other ranchers have sued, staged a "pony express" protest ride on horseback to Washington, D.C., and petitioned for Furtado's ouster. Last spring, they flouted Furtado's order, set their cattle loose on the public range, and if the agency can't broker an agreement soon, they're poised to do it again.

"There's no more partnership," Filippini said. "Now it's them or us."

That's what concerns Furtado and his defenders.

The hills of northern Nevada have long seethed with discontent against the federal government. In the 1970s, local ranchers helped launch the Sagebrush Rebellion, a rural revolt that lasted, in various iterations, for decades as ranchers and lawmakers bucked new federal laws concerning the use of public lands, demanding more local control.

By the 1990s, they had won increasing support and notoriety. Sisters Mary and Carrie Dann gained national attention

for defying federal grazing limits on pastures to the south of Battle Mountain, contending the land belonged to their Western Shoshone tribe. On July 4, 1994, a crowd cheered as Richard Carver, a county commissioner from southern Nevada, took a bulldozer to a Forest Service road, later threatening to arrest a federal ranger who tried to stop him. Smith recalls how Carver used to carry miniature copies of the Constitution in his pocket, just like some of the ranchers holed up in Oregon do, expounding on state's rights.

Smith, 65, graduated from the University of Nevada in Reno and joined the BLM in a succession of rural outposts — Winnemucca, Ely and finally Battle Mountain, where he was district manager for 15 years.

As a local, he thought he could make inroads with hard-core rebels like the Dann sisters, who faced the loss of their grazing permits and hefty fines for defying federal orders.

"I spent the first year I was in Battle Mountain going to meetings with them. We were trying to get them in a peaceful resolution to pay their fees and get their permits and continue ranching," Smith said.

But some, including the Danns, still resisted.

"There's a small percentage of ranchers that can't stand being told what to do," he said.

As the Western drought worsened in recent years, so did the ranchers' unrest. In 2014, rancher Cliven Bundy and supporters staged an armed standoff in southeastern Nevada. Instead of impounding Bundy's cattle, the bureau backed down. Now two of Bundy's sons have become leaders of the armed occupiers in Oregon, and the effect has spread to Battle Mountain.

"Everybody felt a little more empowered when the BLM didn't impound Cliven Bundy," Smith said.

John Ruhs, the Bureau of Land Management's state director, took over negotiations with the Battle Mountain ranchers last summer. Ruhs — a former Marine who dresses like a rancher in cowboy boots, wool vest, jeans and a forked beard — brokered a temporary agreement that allowed the families to continue grazing.

"I don't feel BLM backed down," Ruhs said as he sat in his Reno office within view of a Black Angus herd. "We are trying to make decisions where it is more of a collaborative process.... In our job now, we have to be careful we put some warmth back into that, some humanity. Because we got smacked in the face on some of this."

Filippini, the local rancher, said she has worked well with Ruhs.

"I respect John very much. But I can't say that's true of the local office," she said, laughing bitterly. "There's zero trust; there's zero integrity. It's like they're the bullies on the block."

She and other ranchers are scheduled to meet with an agency team next month at the Battle Mountain Civic Center, where a sign reads, "Are you tough enough?"

If they can't reach an agreement, Philippini intends to turn her cattle out as scheduled March 1.

"Until we go back to being partners, that's the way it's going to be," she said. "We will stand and fight for our property."

Last week, Smith was out hunting speckled chukar partridges in Whirlwind Valley outside Battle Mountain. He noted with dismay invasive plants left behind by overgrazing: tumbleweed, Russian thistle, cheatgrass.

"The range has just deteriorated," he said. "It's burned. For miles around it's grazed down to nothing. You'd stand out there and just see white snow because there's nothing's going to stick up."

He wishes ranchers would see the benefit of limited grazing, which will help the grasses recover and sustain their herd in the long run.

"I just don't see it ending that way here," he said. "The people who abuse the public lands the worst are the ones who will fight the hardest."

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## **On Western Lands, a Free-Market Path**

The New York Times, March 15, 2013, By JACK HEALY

REDSTONE, Colo. — Deep in the jagged heart of central Colorado lies one of the world's most beautiful backyards: a rugged and wild quilt of national forest where elk roam and bobcats hunt. It is public land, and as the song says, made for you and me. But the rights to drill it for oil and gas belong to private companies.

Stories of fiercely loved lands like this one often chart a predictable path. Residents opposed to drilling lodge protests with the government, and when that fails, they head to court. But recently, environmental advocates have begun banding together with ranchers, hunters and rich landowners with a novel tactic to preserve the landscapes of the West: they buy out their opponents.

For years, conservation groups across the country have hammered out deals to preserve private ranches and old homesteads as parks and open space, rather than see them sold off to become mini-malls or subdivisions. But the federal

government is the biggest landlord in the West, and one cannot simply buy a forest or mountain to keep it from being drilled.

Instead, conservation groups are trying to buy the mineral leases that oil and gas companies purchase from the federal government at regular energy auctions, sometimes for as little as \$2 an acre. Conservation groups pay the companies a premium to buy up the leases. Then elected officials draw up laws to ensure that nobody else will be able to drill there in the future. And the land is forever enshrined as open country, locking away whatever resources may lie beneath.

The groups have had some early successes. Along the Montana-Canada border, conservationists raised \$10 million in a deal with Canadian officials to persuade companies to abandon their rights to mine for coal and gold along the North Fork of the Flathead River, which flows to Glacier National Park. Oil companies on the American side of the border also gave up additional drilling claims.

In Wyoming, the Trust for Public Land and groups of fishermen, steelworkers and others raised \$8.75 million to buy out the oil and gas leases on 58,000 acres of forests and mountains. They held benefit concerts, auctioned a guitar signed by Johnny Depp and brought in \$100 donations from people across Wyoming and the country. Mostly, their effort leaned on the largess of benefactors like Hansjörg Wyss, a Swiss billionaire who gave \$4.25 million.

“It is a template of how to do this,” said Chris Deming, who managed the buyouts for the Trust for Public Land. “We were able to take a very businesslike approach. That’s key.”

But here in the Elk Mountains of Colorado, the free-market path has been as twisting and as unpredictable as a hike into the harshest wilderness.

For five years, few people, if any, who hiked and hunted and fished and cycled around the 220,000 acres of rump national forest known as the Thompson Divide knew it had been auctioned off for energy development. After 61 leases were auctioned in 2003, nothing really happened. Ranchers led their cows to summer pastures on the land. Guides led hunters into the mountains, toward herds of migrating elk and deer. The companies did not survey the land, build roads, file for drilling permits or take any other steps that usually draw a region’s attention.

Around 2008, environmental lawyers and activists discovered the land had been opened to energy development. Residents quickly knitted together a coalition of liberal and conservative local governments, ranchers, hunters, anglers and environmentalists to devise a way to prevent the drilling.

“It would absolutely devastate us,” said Bill Fales, a rancher whose 200 head of cattle spend their summers munching grass on the forest lands that are now open for drilling.

So the residents cobbled together promises of money from local landowners, the cattle association and others, and they made their offer to the oil and gas companies. They would pay \$2.5 million to buy the leases, the same per-acre price that the energy producers paid at auction.

“We want to reimburse industry. We want to make them whole,” said Zane Kessler, the executive director of the Thompson Divide Coalition, which is leading the efforts.

Of the eight companies with major stakes in the land, only three responded, and they said no, Mr. Kessler said. SG Interests, a company based in Houston, has filed six drilling permits on the land, and said that the \$2.5 million offer did not represent the true value of the gas locked in the layers of shale beneath the ground.

“This is a business for us,” Eric Sanford, the company’s Colorado operations and land manager, told a meeting of community members recently. “We plan on doing it productively and economically.”

The companies have not made formal counteroffers, Mr. Kessler said, but some have suggested that the gas underneath the land could be worth \$1 billion. Now, even as the companies make preparations to drill, they have said they are still willing to negotiate.

Like the conservation efforts in Wyoming, reaching a deal would require additional help from Washington. Because federal land can be auctioned off again if an energy lease expires, advocates need legislation to permanently protect the land from future drilling, and to ensure that the rights they hope to buy would forever stay in their hands. Senator Michael Bennet, Democrat of Colorado, has drafted such a law, but has not yet introduced it.

As both sides skirmish, the 10-year life span of many of the gas leases is nearing an end.

Nineteen of the leases are set to expire on May 31, with others running out in July and August. The companies holding the leases have asked the government for more time, but after nearly a decade, some residents hope that the federal Bureau of Land Management will simply let them lapse. At the second presidential debate, President Obama said that energy companies hoping to drill on public lands had to “use it or lose it,” and residents have said it is time to turn the land back over to the public.

Mr. Kessler is still holding out hope for a permanent deal.



“The coalition is willing to raise whatever is necessary is possible to buy these leases out,” he said. “We’re in the 11th hour. These leases expire in two or three months. Our offer is still on the table.”

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## Public Land Mismanagement

Forbes, Terry L. Anderson Reed Watson, 4/07/2009 @ 4:30PM

“This legislation guarantees that we will not take our forests, rivers, oceans, national parks, monuments and wilderness areas for granted, but rather we will set them aside and guard their sanctity for everyone to share. That’s something all Americans can support.” Those were the words of President Barack Obama on March 30 when he signed the Omnibus Public Lands Management Act that placed an additional 2 million acres of public land under the federal government’s most stringent use restrictions. To anyone who knows the record of public land management, however, these words of preservation and unanimous support ring hollow.

If we used a measure like our stock indexes as a public land management barometer, it would be lower than the Dow Jones. Consider three measures of public land stewardship.

**Environmental Irresponsibility**—Decades of fire suppression by the Forest Service have disrupted natural fire cycles and turned many western forests into tinderboxes waiting to burn. Dense stands of spindly deadfall and underbrush now occupy land once characterized by open savannahs and large, widely spaced trees. One result is larger, more intense fires that burn the publicly owned forests to the ground. Indeed, by the Forest Service’s own estimates, 90 to 200 million acres of federal forests are at high risk of burning in catastrophic fire events. Bans on thinning and salvage harvesting have not only exacerbated the fire danger in public forests but it has also left them more susceptible to disease, insects and high winds. Not only do the fires put enormous amounts of carbon into the atmosphere, the fact that the forests are dead or dying means that they are not sequestering carbon, as healthy ones do.

**Fiscal Irresponsibility**—What makes the ecological mismanagement of federal lands even more difficult to swallow is the price tag that comes with it. Every year, U.S. taxpayers spend billions of dollars on public land management, but the way in which these funds are allocated—through the congressional budgeting process—ensures the Forest Service, Bureau of Land Management and National Park Service respond to the will of politicians.

The result is what has been called “park barrel politics,” which persists while the National Park Service maintains an estimated \$9 billion backlog of construction and maintenance projects. Lest you think financial mismanagement is confined to the Park Service, consider that between 2006 and 2008 the Forest Service lost on average \$3.58 billion each year. Similarly, the Government Accountability Office testified in Congress that in 2004 the BLM earned approximately \$12 million in grazing revenues but spent \$58 million implementing its grazing program.

**Economic Irresponsibility**—Environmental and fiscal mismanagement of federal lands may be obvious, but the economic effects of federal land mismanagement are subtler. Consider the debate over drilling in Alaska’s Arctic National Wildlife Refuge. Economist Matthew Kotchen, University of California, Santa Barbara, offers an interesting thought experiment: What if environmentalists owned ANWR’s oil? Kotchen theorized a surprising result might occur if the environmentalists could use the estimated \$1.08 trillion in revenues (\$921 billion after subtracting estimated costs of finding, developing, producing and transporting the oil) to address climate change. But since environmentalists do not own the oil under ANWR, the asset will likely remain underground.

In her new book, *Who is Minding the Federal Estate?*, Holly Fretwell describes additional economic consequences of shifting from active to passive public lands management: “Local communities suffer from lost jobs and business activity as sawmills close down” while “the nation’s taxpayers lose revenues from their natural assets.”

Is this new law likely to make a difference in terms of the environmental, fiscal or economic performance of federal land managers? No is the simple answer because the law does not change the underlying structure of federal land management or the incentives land managers face. Putting another 2 million acres into wilderness, the strictest non-use designation only adds those to the more than 100 million wilderness acres in the “unmanaged” category and turns a potential asset into a liability.

Establishing the 26-million-acre National Landscape Conservation System will only add more red ink to the BLM’s hemorrhaging budget. Fretwell notes that less money is available to maintain federal lands as the percentage of wilderness land increases. This is partly due to the fact that wilderness designation results in more litigation than productivity. For example, as wilderness and endangered species issues forced the Forest Service to reduce timber harvests in Washington and Oregon from more than 6 billion board feet in the late 1980s to one-tenth that amount in 2006, its cost of offering 1,000 board feet of lumber for sale increased to \$182 from \$53. Jack Ward Thomas, President Bill Clinton’s chief of the forest service, says litigation has tied land management agencies in a giant “Gordian knot,” one which the legislation just signed by the president is likely to pull tighter.

If Obama wants to craft land use policy that “all Americans can support” and afford, he should make land and water

management less subject to politics and more to economics. Given that the federal estate is worth trillions of dollars, Obama should make land management agencies turn a profit. States do this with their school trust lands, earning \$5.62 for every dollar spent compared to an average of \$0.76 for every dollar spent on national forests. Similarly, a forthcoming study from the Property and Environment Research Center shows that forest management on the Flathead Indian Reservation in Montana earns \$2.04 for every dollar spent compared to \$1.11 on the Lolo National Forest, one of the few “profitable” ones. We should be better stewards of our land and water, and we can be without it adding to a burgeoning federal debt.

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## **Sagebrush Rebellion**

From Wikipedia, the free encyclopedia

The Sagebrush Rebellion was a movement during the 1970s and 1980s that sought major changes to federal land control, use and disposal policy in the American West where, in 13 western states, federal land holdings include between 20% and 85% of a state's area.[1][2] Notably, supporters of this movement wanted more state and local control over these lands, if not outright transfer of them to state and local authorities and/or privatization. As much of the land in question is sagebrush steppe, supporters adopted the name Sagebrush Rebellion. The sentiment survives into the 21st century with pressure from some individual citizens, politicians, and organized groups especially with respect to livestock grazing, mineral extraction, and other economic development policy for these lands...

### **Public lands history**

Complaints about federal management of public lands constantly roil relations between public lands users — ranchers, miners, researchers, off-road vehicle (ORV) enthusiasts, hikers, campers and conservation advocates — and the agencies and environmental regulation on the other. Ranchers complain that grazing fees are too high.[6] They also complain that grazing regulations are too onerous despite environmentalist complaints that the opposite is true,[7] and that promised improvements to grazing on federal lands do not occur. Miners complain of restricted access to claims, or to lands to prospect. Researchers complain of the difficulty of getting research permits, only to encounter other obstacles in research, including uncooperative permit holders and, especially in archaeology, vandalized sites with key information destroyed. ORV users want free access while hikers and campers and conservationists complain grazing is not regulated enough and that some mineral lease holders abuse other lands, or that ORV use destroys the resource. Each of these complaints has a long history.

Federal holding of public lands was originally an accident of history. Among the first pieces of legislation passed following independence was the Northwest Ordinance, which was designed to dispose of lands the federal government held after state claims were conceded in the Northwest Territories (now Michigan, Wisconsin, Ohio, Illinois, and Indiana).

In order to encourage settlement of western lands, Congress passed the Morrell Act in 1862, granting parcels in 40-acre (160,000 m<sup>2</sup>) increments to homesteaders who could maintain a living on land for a period of time. Congress also made huge land grants to various railroads working to complete a transcontinental rail system. Much of these latter grants intentionally included mineral and timber-rich lands so that the railroads could get financing to build. Again, the hypothesis was that the railroads would sell off the land to get money.

Ultimately, however, it turned out that much land west of the Missouri River was not ecologically suited for homesteading because of mountainous terrain, poor soils, lack of available water and other ecological barriers to significant settlement. By the early 20th century, the federal government held significant portions of most western states that had simply not been claimed for any use. Conservationists prevailed upon President Theodore Roosevelt to set aside lands for forest conservation and for special scientific or natural history interest. Much land still remained unclaimed even after such reserves were initially set up. The Department of the Interior held millions of acres in the western states (with Arizona and New Mexico joining the union by 1913). President Hoover proposed to deed the surface rights to the unappropriated lands to the states in 1932, but the states complained that the lands had been overgrazed and would, in other ways, impose a burden on, Great Depression, cash-strapped state budgets.[8] The Bureau of Land Management was created to manage much of that land.

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