



DÉJÀ VU ALL OVER AGAIN

Public Lands for Private Gain

by Shelley Silbert

Ever wonder why Great Old Broads for Wilderness puts so much focus on Utah? It's not just that our founders began the organization there out of love for the awe-inspiring public land treasures. It's also that legislators in Utah all too often take the lead in efforts to dismantle federal public land protections. And these efforts set off reverberations around the country.

In 2012, Utah signed into law the Transfer of Public Lands Act (TPLA), which was introduced by state Rep. Ken Ivory (R). The Act mandated some 20 million acres of federal lands in Utah be turned over to the state by December 31, 2014. Fast forward to 2015: no land has been turned over and a threatened lawsuit against the United States has not been filed. Nevertheless, ten of the eleven western states have similarly commissioned, paid for, or considered studies on transferring federal lands to state governments since 2012.



In March 2015, the U.S. Senate approved a budget resolution sponsored by Sen. Lisa Murkowski (R-AK) on a 51-49 vote to set a procedure to sell, exchange, or transfer federal lands to states. While the resolution is largely symbolic, Murkowski's office claims it signals the priority this Congress has for such bills.

For years, scholars, conservationists, and others have believed these bills haven't the legal chance of a snowball in hell. John Ruple, professor at University of Utah's College of Law, explained to the Salt Lake Tribune, "Legally, it's like saying because your neighbor

doesn't take good care of his house, his lawn is overgrown and his car is on blocks, and you think you could do better, that means you have the right to take over his property."

THE SAGEBRUSH REBELLION, WITH CORPORATE DOLLARS

It's the continuing saga of the Sagebrush Rebellion, with more corporate dollars than ever. In the 1910s, Western governors demanded that states take control of public lands in response to pressure from mining, logging, and grazing industries. By the 1930s, ranchers incensed with grazing fees raised a similar cry. The revolt came to a head in the late '70s and early '80s with particular support in Nevada and Utah, buoyed by President Reagan and Secretary of the Interior, James Watt. But lagging public support and court rulings against state control slowed the momentum. In the 1990s, Catron County, New Mexico

asserted county control over public lands. Some 100 counties—including all but one of Nevada's 17 counties—followed suit. Legal opinions and national support for public lands eroded credence to the claims.

Secretary of the Interior Bruce Babbitt, who served for eight years under President Clinton and comes from an Arizona ranching family, famously said, "Behind the mask of the Sagebrush crowd is really nothing but a special-interest group whose real goal is to get public lands into private ownership."

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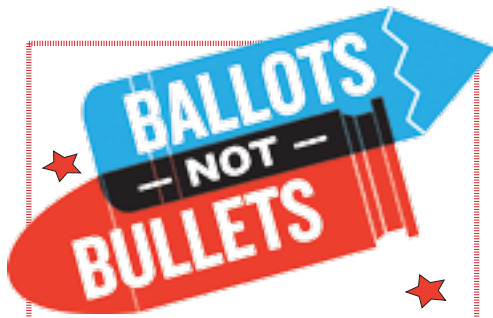
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ballotsnotbulletscoalition.org

American democracy, with peaceful and strong citizen engagement, has established laws to protect the public good, ensuring that the toughest, most powerful, and most vocal do not win through bullying behavior. For this reason, Great Old Broads joined with other organizations this spring to found the “Ballots not Bullets Coalition”, affirming that politically-motivated violence and threats are anathema to democratic government and have no place on public lands or streets.



With federal agencies subjected to increasing violence and threats for land management decisions, we assert that policy dissent and disagreement must be addressed through non-violent means, as part of the democratic process.

When heavily armed white militias are not held accountable when they menacingly guard Bundy’s illegal cattle on public lands in Nevada or threaten BLM officials from approaching unlawfully-constructed mine buildings in Oregon, while hundreds of National Guard troops are called to quell unrest in response to police violence against blacks in Baltimore, the need for citizens to call for enforcement equality becomes evident.

DÉJÀ VU ALL OVER AGAIN (CONTINUED FROM PAGE 1)

It’s worth noting Utah’s TPLA keeps all national parks and monuments in the state in federal hands except Grand Staircase-Escalante National Monument, which protects significant coal and oil deposits estimated at a value of hundreds of billions of dollars.

...poll after poll has shown that most Americans don’t want the federal government to turn its land over to the states.

Utah’s Rep. Ivory has made public land transfers his primary cause and paid profession through the American Lands Council (ALC), traveling and giving lectures to convince county, state, and national legislators, the media, and anyone who will listen. In June 2015, the Campaign for Accountability filed fraud complaints with Attorneys General in Utah, Montana, and Arizona, asking for investigation of Ivory for illegal engagement in a scheme to defraud local government officials out of taxpayer funds through solicitation of membership dues for ALC. The complaint notes that Ivory has made false claims about the legitimacy of public land transfers, given that even the Utah Office of Legislative Research and General Counsel has said the policy has a “high probability of being declared unconstitutional”.

SAME SONG, DIFFERENT VERSE

Ivory takes his cues from the American Legislative Exchange Council (ALEC), an organization that has boasted of its role promoting the Sagebrush Rebellion as far back as 1978. According to the Center for Media and Democracy, 98% of ALEC’s income is from corporations, trade groups, and corporate foundations. In April 2014, Rep. Raul Grijalva (D-

AZ) demanded a federal investigation of ALEC, questioning “how changes to land management laws and regulations, especially in the Western United States, are being pushed by ALEC without public disclosure of its role or that of the corporations that fund its legislative agenda.” While some 72 corporate funders withdrew from ALEC after negative publicity that year, Koch Industries, the tobacco industry, and big pharmaceutical companies continue as backers.

ALEC develops “model bills” for adoption on myriad issues, with some 600 currently on their website. In addition to federal land transfer bills, ALEC promotes bills to allow drilling on protected lands, thwart regulation of greenhouse gases, attack renewable energy standards, oppose regulation of coal ash, give corporations legal protection against lead poisoning victims, criminalize environmental activism, and more. ALEC’s model bill for federal land transfers asserts that “federal preservationist policies” have led to a fuel build-up on National Forests that Al Qaeda may exploit “with only a few matches”. In addition to undermining environmental laws, ALEC gained fame for promoting “stand your ground” laws, public school privatization, voter ID laws, and the Arizona law that requires law enforcement to detain anyone suspected of living illegally in the U.S.

Over the years, poll after poll has shown that most Americans don’t want the federal government to turn its land over to the states. While these latest attempts to rob the American people of our beloved national public lands for short-term private gain are no more likely to succeed than in the past century, it’s incumbent upon each of us to be prepared for action—arming ourselves with education, and ready to be vocal and visible in opposition.

