

Interim Lands Committee Testimony

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Opening Statement/Analysis:

Committee held 3 meetings in 2013, all in Boise. Most of the people testifying and written comments were from Boise. First meeting of 2014 held 3/14/2014, in Boise. Most of the time spent on Sage Grouse. Why are you spending so much time on ESA issues, this is not you're your mandate directed by HCR 21. When Boundary and Bonner Counties were being assaulted by the USFWS on the Woodland Caribou issue, we heard mostly "crickets" from the Idaho legislature. 6 more months go by before the committee schedules their next meeting. We have to scream and yell to get a hearing in LD1, a place that is affected the most by federal land use policy, and you slide in a "generous" half day meeting on a Friday afternoon as an afterthought.

Land Use Map of Boundary County:

Use Boundary County map for reference

1278 sq. miles

75% Government Control/25% Private (960 sq. miles/318 sq. miles left)

10-15% remaining "private" land use being manipulated by Conservation Easements administered by IDL/Forest Legacy Programs (2001). Under these conditions there is no chance of an economy, only economy is government.

Legal Aspect:

Spokesman Review online article dated 8/27/2014 Federal lands interim committee adds seventh public hearing next month

Winder said, "We're already pretty confident that from a legal perspective, we don't stand on very firm ground if it were a matter of litigating."

With all due respect Senator, I don't need to be an attorney to be able to read and understand the intent of our US and State Constitution.

Federal Land Ownership: Article 1 Section 8 Clause 17 establishes the 10 square miles known as DC. The ONLY land uses allowed by the federal government....that of building forts, arsenals, dock-yards and buildings useful for the running of government. This would mean that the Department of Interior controlling "public" lands for the purposes of grazing, recreation, mining, oil, gas and timber sales is in violation of the constitution...

Equal Footing Doctrine: Article 4 Section 3 Clause 1

Admission of any new state will have the same rights and privileges as the original 13 states. Over time 39 states east of Colorado, including Hawaii, have had their lands returned to them from the Federal trust. The 11 western states have not.

You Gave Up Your Land: Idaho's enabling act says otherwise.

... forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and that until the title thereto shall have been extinguished by the United States... Same language as states east of Colorado.

Federal Land Policy and Management Act 1976 (FLPMA):

For nearly 200 years, Congress recognized its duty to dispose of the public lands. It wasn't until 1976 that Congress passed the Federal Land Policy Management Act (FLPMA) unilaterally declaring that it was their new policy to retain these lands in federal ownership.

2009 Hawaii vs. Office of Hawaiian Affairs Supreme Court Decision:

In 1959, Congress admitted Hawaii to the Union. **Under the Admission Act, with exceptions not relevant here, the United States granted to the State of Hawaii, effective upon its admission into the Union, the United States' title to all the public lands and other public property within the boundaries of the State of Hawaii, title to which is held by the United States immediately prior to its admission into the Union.** This unanimous Supreme Court decision states, in simple terms that the fundamental process dictated by the constitution for statehood formation **CANNOT BE CHANGED...**

Conclusions/Recommendations:

This issue should be the top priority for the 2015 Idaho Legislature. If you disagree I will remind you what just happened in the primary election in May of this year in LD1, 2 incumbent legislators voted out and 1 on her way out, the key issue, the economy and taking back our public lands. Every day I talk to and educate people on this subject. They are fed up, angry and frustrated and action is forthcoming. All you have to do is follow the lead of Utah, Montana, and the American Lands Council and build a coalition of western states, strength in numbers. Stand up and show some courage for a change. This issue has been around since the formation of statehood, thru the Sagebrush Rebellion of the 70's and 80's up to now. If the State Legislature refuses to act then each individual County in Idaho will. We don't have time to kick this can down the road anymore. It is the only solution big enough to save the State of Idaho from complete financial dependency on the Federal Government (Their Broke). We need to have our day with the Supreme Court.

Respectfully,

Terry Capurso

A handwritten signature in black ink, appearing to read "Terry Capurso", written in a cursive style.