

**Comments to the Federal Lands Interim Committee,
for the Hearing Record, Idaho Falls, October 9, 2014.**

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I am strongly opposed to the transfer of ownership or control of our public land to the State of Idaho for the following reasons:

- The public land belongs to the whole country, not just Idaho. It's the people's land; it doesn't belong to the politicians or the special interests to which they pander. Such efforts to gain state ownership amount to attempted theft.
- Management of the public land is expensive; therefore much of it would probably have to be privatized. The historical record of federal land grants to the states shows that this has often been the case. ("Guest opinion: Proposed 'transfer' of public lands is prelude to privatization", by Martin Nie, Billings Gazette, 9/4/14. http://billingsgazette.com/news/opinion/guest/guest-opinion-proposed-transfer-of-public-lands-is- Prelude-to/article_e3399501-6ad8-53e9-8a27-54d406961d77.html)
- As to the idea of gaining more State control over management of our public lands. I think that local interests and politicians already have enough influence on public land management; as much or more than the rest of us do. The Forest Service and the BLM certainly make mistakes and do bad things for the land sometimes, but it is citizen input, including appeals and litigation, which has often improved the decision-making process resulting in better public land management. But if Idaho politicians and local interests get more control over public land management, our public land would suffer much worse than now, and citizens would have little say.

National Policy

In the earlier days of America, federal policy and laws encouraged disposal of the public land. Many people and probably most politicians did expect and hope that the federal land would be rapidly disposed of, and indeed a great deal of it has been in the decades up until the middle of the 20th century, through Legislation such as the Homestead Act, the Stone and Timber Act, the Desert Land Act, and the Carey Act, aided by lots of money and politics and in some cases fraud.

But by the mid century, it became obvious to conservation-minded citizens and Congress (Yes, there were conservationists and cooperation in Congress then) that we should hang onto the remaining public land; that it had worth for watershed protection, wildlife habitat, outdoor recreation, and other natural values. Congress passed several national park bills, the Wilderness Act (1964), the Wild & Scenic River Act (1968), the National

Environmental Policy Act (1970), and other landmark environmental laws. In 1976, supported by numerous citizens, Idahoans among them, Congress passed FLPMA, the Federal Land Planning Management Act, also known as the BLM's Organic Act. It repealed most of the existing public domain disposal laws and made it quite clear that national intent is generally to retain the public land in public ownership.

Some Idaho Political Background

House Concurrent Resolution 22 was adopted by the 2013 Idaho Legislature on a largely party line vote. It demanded that the federal government turn over ownership and control of the national forest and BLM land in Idaho, with certain exceptions: "*...the Legislature of the State of Idaho demands that the federal government imminently transfer title to all of the public lands within Idaho's borders directly to the State of Idaho.*"

HCR 21 accompanied HCR 22 and was adopted nearly unanimously. It authorized the establishment of the Federal Lands Interim Committee to study and report on how this larceny might be accomplished. The Committee is now going through the motions of holding public hearings.

The Idaho Attorney General has said that such transfer has no legal basis. So Representative Lawrence Denny and other legislators pushing this proposed transfer have used state funding to hire outside legal advice which will hopefully give them the answer they want. (Spending, so far, over \$60,000 of Idahoans' taxpayer money).

The outside lawyer they have hired is William Myers III, a known former lobbyist for extractive industries seeking easier access to the public lands, and who, as Solicitor for the US Department of Interior worked to weaken public land regulations. After President George W. Bush nominated him to the 9th Circuit Court of Appeals, whose area includes Idaho and other western states, over 140 local, state and national organizations opposed his confirmation. Many of those were environmental organizations, including the Hells Canyon Preservation Council, the Kootenai Environmental Alliance, and the Idaho Conservation League. (He later withdrew his nomination.)

Some Earlier Attempts to Grab the Public Land

In the past century, there have been several attempts by local interests to gain control over, or outright ownership of, the public lands.

In the 1940's, right after World War II, there was a concerted effort by cattle barons and other special interests in grabbing ownership or control of the public land. Fortunately, their legislation was exposed and publicized by that great historian and conservationist, Bernard De Voto, who referred to the rowdy congressional hearings in Wyoming as "Congressman Barrett's Wild West Show".

During the period 1968-1972, there was the Public Land Law Review Commission, the report of which was spun by various anti-environmental Congressmen like Wayne Aspinall to push for public land giveaway legislation. In Idaho during this period, the Samuelson Administration set up a junior version, called the Idaho Commission on Federal Land Laws, which was made up of public land exploiters with the obvious goal of grabbing as much control of public lands in the State as possible.

During the Reagan-Watt-Crowell years of the 1980's, there was the "Sagebrush Rebellion" in Idaho and other western states, made up of a collection of special interests wanting more control over public lands, and with fewer restrictions on their particular desired uses of those lands.

And in 1996, at the prompting of the Idaho Legislature, the Idaho Land Board appointed the Idaho Federal Lands Task Force (FLTF) to start thinking of ways to gain more State and local control over the federal land in Idaho. The FLTF reported back in 1998 that pilot projects should be identified on federal lands in Idaho, and in 1999 appointed a Working Group to identify areas for these projects, which took applications from timber companies and other interests. The FLTF Working Group identified 5 pilot project areas encompassing some 10.8 million acres of federal land in Idaho, mostly National Forest, along with some BLM land. The FLTF did a report, called "Breaking the Gridlock: Federal Lands Pilot Projects in Idaho". This was a little slicker than an outright demand for ownership of public land, but still a bad idea. The Idaho Office of The Wilderness Society, joined by 9 other conservation groups, sent a substantial letter of comments to the Land Board, opposing any of their proposed "pilot" projects.

The premise about "gridlock" seems to mean the FLTF thought that the Forest Service was not selling enough timber, grazing enough cows, or allowing enough ORV abuse. The FLTF ignored the fact that NF timber harvest nationwide and in Idaho during the 1970's and 1980's was unsustainable, and also that many citizens have come to realize that National Forests are not tree farms. But the FLTF, and many Idaho politicians, thought that our National Forests **should** be managed like private tree farms.

And now, in 2014, we seem to have the same mindset in the Idaho Legislature as a whole. Please prove that I am wrong, and reject this whole idea of transfer of public lands or their control to the State of Idaho.