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05/06/2003 08:28 AM

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<Dennis_Curtis@blm.gov>
cc: Don Hoffman <dhoffman@usasafety.net>
Subject: FW: [nowild_field] Earthjustice press release on latest steps in
challenging the Norton/Utah anti-wilderness settlement

Diana and everyone,
I thought you might be interested in this.

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----- Forwarded Message

From: "Doug Scott" <dscott@leaveitwild.org>
Reply-To: "Doug Scott" <dscott@leaveitwild.org>
Date: Mon, 5 May 2003 17:27:26 -0700
To: "No More Wilderness Field list" <nowild_field@lists.b-team.org>
Subject: [nowild_field] Earthjustice press release on latest steps in
challenging the Norton/Utah anti-wilderness settlement

For Immediate Release: May 5, 2003

Contact Info:

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**CONSERVATIONISTS CHALLENGE BUSH ADMINISTRATION
ABANDONMENT OF WILDERNESS PROTECTIONS**

**Millions of acres in the West
threatened by illegal deal**

Salt Lake City, UT—Conservation groups filed papers in the United States District Court late Friday firing back at Gale Norton's plan to freeze wilderness consideration on more than 200 million acres of public land managed by the Bureau of Land Management.

In a filing before a federal district court judge in Utah, national and state conservation groups from eight western states charged that Norton's Department of the Interior had violated the law, the US Constitution, and federal court decisions when it secretly agreed to forever surrender the BLM's authority to review and protect its wilderness quality lands. The agreement came in the settlement of a lawsuit brought by the state of Utah against the federal government.

Federally designated wilderness areas are off limits to road building, logging, mining, and off-road vehicle use. Congress designates such wilderness areas, usually after they are brought to its attention by the BLM or Forest Service. The Interior Department wiped out the process whereby the BLM identifies which lands deserve wilderness protections. The settlement also removed an interim form of protection in many so-called Wilderness Study Areas. These are areas identified by the BLM as deserving wilderness protection and where development and road building are banned while awaiting a congressional decision on permanent protection as designated wilderness areas. The Norton settlement removes Wilderness Study Area interim protections applied since 1991. Other large undeveloped pieces of BLM land that were on their way to WSA interim protections are now open to development as a result of the settlement.

The conservationists' legal challenge charges that Secretary Norton's settlement of a case with the State of Utah:

- n unlawfully surrenders BLM's clear authority to inventory for and protect wilderness character lands, as set out in the Federal Land Policy and Management Act of 1976;
- n violates laws meant to ensure that environmental impacts to wilderness character lands are considered before such lands are degraded;
- n defies a court order in a federal case in California that required the Interior Department to protect certain areas until BLM decides whether to treat them as wilderness study areas; and
- n violates the US Constitution by attempting to bind future presidents to an unlawful interpretation of law.

BLM lands at risk include stunning red-rock canyons and the Grand Staircase-Escalante National Monument in Utah, 14,000-foot peaks as well as the badlands of Vermillion Basin and waterfalls of the Roan Plateau in Colorado, desert grasslands in New Mexico, redwood forests in the Headwaters area of California, the Grand Canyon-Parashant National Monument as well as pristine Sonoran desert in Arizona. From isolated basin and range country in Nevada to forestlands of Oregon to Sequoia forests in California, many of America's last wild jewels are suddenly opened to business as a result of the government's settlement with Utah. None of these lands will be considered for wilderness protection if the Norton settlement agreement stands. For photos of the areas at risk, see www.suwa.org or www.tws.org.

"Why would BLM end the process for identifying and protecting irreplaceable wilderness jewels deserving of protection? One reason --so they can be opened to exploitation by oil companies and other commercial interests," explained Heidi McIntosh of Southern Utah Wilderness Alliance.

Earthjustice attorney Jim Angell, who is representing the coalition, said, "The federal government is rushing to develop some of America's last wild lands. Truly wild lands, that support native plants and animals aren't being made anymore. It's clear to most Americans that it's best to first identify and protect the pristine. You can always mine, log, drill, and bulldoze later if you decide that's what's most important."

The conservationists noted the secret deal between the state and the federal government followed the Bush administration pattern of "sue and settle," whereby the federal government sells out public lands protections under the guise of settling a lawsuit brought by development friends. This approach cuts the public out and guts federal environmental laws behind closed doors with few fingerprints on the deal.

The conservation groups challenging the illegal settlement include: Southern Utah Wilderness Alliance, The Wilderness Society, New Mexico Wilderness Alliance, Colorado Environmental Coalition, Arizona Wilderness Coalition, Friends of Nevada Wilderness, Natural Resources Defense Council, California Wilderness Coalition, Biodiversity Conservation Alliance, and Idaho Conservation League.

Background

In 1996, Secretary of Interior Babbitt instructed the BLM to review wilderness lands in Utah that were erroneously overlooked in a prior wilderness review that concluded in 1991. The State

obtained an injunction from Judge Dee Benson of the U.S. District Court in Utah. In 1998, the Tenth Circuit Court of Appeals threw out Judge Benson's injunction, and ordered him to dismiss seven of the eight remaining claims, decimating the case. The State of Utah amended the suit to attack BLM's ability to protect its wilderness quality lands. The amended suit also challenged BLM's Wilderness Inventory Handbook, which is a set of guidelines for BLM managers to assess wilderness protections for federal lands affected by proposed resource development.

The Wilderness Handbook came under fire recently when Rep. Chris Cannon (R-Utah) and other Republican congressional representatives sent a letter to Secretary Norton demanding that she rescind the Handbook.

After amending their lawsuit on March 28th, the Department of the Interior announced on April 11 it had reached a settlement of a suit by state and counties in Utah against the Interior Department over the Babbitt BLM reinventory that identified three million more acres in the state that qualified for wilderness protection than previously identified. The Utah federal judge signed the settlement the next business day, without ruling on the conservationists' request to participate in the suit so their objections to its legal basis could be heard.

Although the courts largely rejected the state's case in 1998, the Bush administration used the suit to broker a backdoor settlement by revoking BLM's authority to conduct wilderness inventories or to establish new Wilderness Study Areas in any state.

The settlement also disallows the use of a 1999 comprehensive statewide BLM reinventory of Utah's public lands.

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