

STATE AIMS AX AT WILDS INVENTORY

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On Friday, Gov. Mike Leavitt announced a new wilderness initiative that would focus on lands that all sides could agree deserved wilderness protection. But three days later, the debate was all about lands on which there is disagreement.

On Monday, the state joined with the Utah Association of Counties and the state Office of Trust Lands Administration to file a lawsuit in U.S. District Court to block a Department of Interior reinventory of Utah lands for possible designation as wilderness. "It is the policy of this state that we will ensure this state is not denied the protections of (federal land management law)," Leavitt said.

At the core of the lawsuit is a reinventory of Utah lands that was ordered by Secretary of the Interior Bruce Babbitt. Utah officials say Babbitt's reinventory is based on new criteria for what constitutes wilderness, that these criteria do not conform to existing federal law and that the criteria apply only to Utah lands.

The lawsuit seeks a "cease and desist" order on Babbitt's reinventory and an order that the process be reinstated in accordance with the Wilderness Act of 1964 and the Federal Land Policy and Management Act of 1979.

According to Constance Brooks, a Denver attorney who will represent the plaintiffs in the matter, the suit seeks to have the Department of Interior write new procedures for the inventory to provide for public participation and comment. It also seeks an order that all lands under consideration be identified, that public hearings be scheduled, that rights to county roads be recognized and that any reinventory be in accordance with existing Bureau of Land Management land use plans.

In short, the suit demands that "any information developed (as part of the reinventory) be expunged and set aside," and that we "wipe the slate clean and start over," Brooks said.

The lawsuit has the support of Sen. Orrin Hatch, R-Utah, and Rep. Jim Hansen, R-Utah, and Rep. Bill Orton, D-Utah, who attended a Monday press conference to announce the legal action.

"I am tired of Utah being abused by the federal government," Hatch said.

Hansen called the action a "righteous and good thing to do," and Orton called the reinventory a **waste** of time and money. "There is no new information to be garnered," he said.

Emery County Commissioner Kent Peterson, speaking on behalf of the Utah Association of Counties, said the lawsuit has nothing to do with the notion of wilderness. Rather it is based "on the rule of law in our democratic society and the right of the governed to participate in the process of democracy."

Federal land management law, as outlined in the Federal Land Policy and Management Act, requires public involvement in land management decisions, including wilderness designations. But lawsuit proponents say Babbitt established new wilderness criteria that ignore many of the criteria established in existing federal law, bypassing Congress and the public in the process.

For example, proponents of the lawsuit say Babbitt's new criteria remove the requirement that the area under consideration for wilderness designation be roadless. It also includes inventory of School Trust Lands, which belong to Utah schoolchildren, not the federal government. It excludes public participation.

"Wilderness should be inventoried according to criteria established in 1979 or new criteria

should be established through a deliberative process," Leavitt said. "But the Interior Department hasn't done either. People are out surveying Utah land without respect to the democratic process and without any public review or discussion. This is an abuse of power."

Hatch said it was ironic that anytime the state, counties or private interests want to do anything on public lands, the federal government requires them to comply with every possible provision of federal land management law. But when the federal government wants to do something with those same public lands, it proceeds without regard to the law. "They can't have it both ways," he said.

Utah's environmental community was not amused by the lawsuit.

"I think it is frivolous and a waste of Utah tax dollars," said Ken Rait, issues coordinator for the Southern Utah Wilderness Alliance. "It is an irresponsible assault on the facts."

Rait said Babbitt's wilderness criteria are essentially the same as those found in the Federal Land Policy and Management Act, and he said assurances have been made that public comment will be a part of the process once the reinventory is completed.

That reinventory is needed, Rait said, because "in the mid-1980s, House subcommittee oversight hearings revealed the original inventory was fatally flawed. Babbitt's current effort is aimed at correcting those maladies."

The Utah delegation believes the wilderness reinventory is a less-than-subtle attempt to get at least 5 million acres of BLM lands in Utah protected as wilderness, rather than the 3.2 million currently protected as wilderness study areas. Babbitt and Vice President Al Gore have both indicated they want at least 5 million acres, something the delegation says is designed to appease an environmental community that is demanding 5.7 million acres.

If the reinventory were to identify 5 million acres or more, then those lands would be managed as wilderness pending resolution of the wilderness question in Congress. Given the stalemate over the wilderness issue, such resolution is not likely anytime in the near future.

On Friday, Leavitt released a four-point plan regarding management of public lands in Utah in which he will seek "incremental wilderness" - the designation of small areas of land as wilderness on which he can find agreement from all sides. As part of that initiative, Leavitt promised last week he would vigorously defend the state's rights under federal law.