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Here They Come Again

Those who would sell, give away, or transfer your public lands to private individuals and corporations are back. Every decade or so, those who covet public lands make another effort, using one means or another, to gain title to some of those lands.

The latest effort attempted to allow holders of valid mining claims on the public lands to purchase those lands for a thousand dollars an acre or market value (they already have the mineral rights). And, further, it ended a long-standing moratorium on the filing of additional claims. Close reading of the proposal produces considerable confusion as to just what lands could be purchased and how many acres would be involved. There was no limitation as to what could be done with these in holdings once in private ownership.

These amendments to the archaic 1872 Mining Law were tucked away in a budget bill originating from a committee headed by Richard Pombo in the House that was aimed at reductions in federal deficits. This action was, ostensibly, intended to provide revenues from sales of federal land to help offset budget deficits. Through such a move, the sponsors sought to avoid hearings and full public disclosure.

The sponsors were, evidently, too uncomfortable and uncertain to propose such a dramatic change in law through a stand-alone piece of legislation. With a stand-alone piece of proposed legislation, full hearings would be held before appropriate committees in both the House and the Senate. And, the press would inform the American people as to intent of the legislation.

It didn't work. Three former chiefs of the U.S. Forest Service complained to

every member of the Senate and the House about slipping such important legislation through as an obscure amendment to a must-pass budget bill. Those protests triggered a cascade of protest. Several of the former chiefs, then, provided guest editorials to key newspapers. The cat was out of the bag. Hunter groups weighed in — not so much against the process being followed — but in opposition to the sale of any public lands. Attempts to mollify those concerns by adding language protecting hunter access to the amendment failed. Letters from leaders of key conservation groups, including one from Robert Model,

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President of the Boone and Crockett Club, added to the cascade of protest.

The sponsors of the amendment folded under the pressure and withdrew the amendment. The sponsors vowed to reintroduce the legislation in the next session as a free-standing bill. Good. That is what they should have done in the first place. If they do as they say, the issue will be dealt with in the full light of Congressional and public scrutiny. In fact, it would be well

to reconsider the entire 1872 Mining Act — 134 years since its original passage — in light of the knowledge and circumstances of 2006. Time and experience would likely indicate that changes are needed, likely not including selling public lands and ending the moratorium on filing mining claims.

Is this initial move a harbinger of what may ensue? The sale or giveaway of publicly owned lands to raise revenue for the federal government, while stimulating private enterprise, is not new in the United States. The Homestead Act allowed settlers to claim public lands in the West in the late 1800s. The railroads that nurtured western expansion were paid with land grants. The “checkerboard” maps of alternative sections of federal and private lands that so curses land management in parts of the West today are the aftermath.

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Some lands in federal ownership might be best transferred to private ownership. However, if such a move is deemed appropriate, those lands should be traded, on a dollar-value basis, for key lands to be added to the public-land base. Such is now possible, and has occurred frequently, under current laws and regulations. The lands in question go into private hands (if the reason is valid), and the public lands are simultaneously enhanced — sometimes with more acres added than are given up. Thereby, the public estate open to hunters and fishers is protected and enhanced.

Keep your eyes open — wide open. They will be back.