

Public Lands Issues

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EXECUTIVE SUMMARY

Our federal public lands, namely the National Parks, National Forests, BLM Lands, National Wildlife Refuges, and National Marine Sanctuaries are continually plagued with a wide range of problems from damaging mining activities to questionable land exchanges to invasions of exotic species. Because these lands are owned by the diverse American public, they must be shared amongst countless interests. Consequently, it is no surprise that management issues are accompanied by fierce controversy as the opinions and desires of the public come into conflict over these collectively owned lands. Today's most prominent issues can be divided into the following categories: commercial use and resource extraction, public use, changes in status and ownership, and ecological health.

Commercial Use and Resource Extraction

Mining, logging, oil and gas extraction, grazing, and commercial fishing are probably the most controversial public lands issues for many reasons. First is the obvious problem of resource depletion; our forests, fisheries, rangelands and fossil fuels are being consumed at unsustainable rates, and as a result our supplies are constantly dwindling. Secondly, the removal of resources and the methods by which they are extracted are having profound negative impacts on our environment:

- **Mining** is the top toxic polluter of all U.S. industry, causing extremely severe soil and water pollution.
- **Logging** has destroyed over 95% of our original old growth forests, resulting in widespread habitat loss, water pollution, severe soil erosion and nutrient loss, and many other negative impacts.
- **Oil and gas activities** cause a wide range of damage including air pollution, countless leaks and spills, and destruction of wildlife habitat due to the construction of massive industrial facilities.
- Widespread **grazing** impacts (water pollution, forage loss, spread of disease, etc) have resulted in the listing of 90 threatened and endangered species.
- Many **commercial fishing** techniques completely destroy marine habitats, greatly threatening biodiversity and fisheries sustainability.

Finally, these commercial activities (with the exception of fishing) are heavily subsidized by taxpayer money, a phenomenon known as "corporate welfare". Americans are paying large industrial corporations and ranchers to deplete *our* resources and destroy *our* environment on *our* public lands.

Public Use Issues

The issues of Off-Road Vehicle (ORV) use, excess visitation, and user fees are very difficult to resolve because they involve limiting public use of lands that are publicly owned. Unfortunately these issue areas, though very different from one another, are all negatively impacting public lands in their own ways.

- **ORVs** cause widespread habitat damage, air and water pollution, and conflicts with other recreational users. However, ORV users believe they have a right to recreate on public lands.

- **Excess visitation** has placed tremendous stress on our public lands (particularly National Parks) in the forms of vehicle traffic, air pollution, noise, and increased development. It is very difficult for public land managers to determine how to balance visitation with conservation.
- Our public lands agencies are severely under-funded, and as a result our public lands are suffering in various ways. Many agencies have been charging new or increased **user fees** under the new “fee-demo” program to help remedy the situation, however this has been an extremely controversial issue as many groups feel they are being overcharged to use the lands that they technically own.

Changes in Status and Ownership

In theory, our public lands are managed to promote conservation, sustainable use, and preservation for future generations. Consequently, changes in land status or ownership can affect the land’s level of protection. Current issues in this category include the Antiquities Act, roadless areas, land exchanges, and urban encroachment.

- The **Antiquities Act** allows the President of the United States to act promptly to protect threatened lands by designating them as National Monuments. Many government officials feel that the Act has been abused by past presidents (especially Clinton) and are seeking to limit the president’s power under the Act.
- **Roadless areas** in National Forests have recently received increased protection by former President Clinton under his Roadless Area Conservation Rule. Unfortunately, the affected commercial industries (logging, mining, and oil and gas) and the Bush administration are fighting to overturn the new rule.
- **Land exchanges** occur when public lands are traded for private lands of equal value. Unfortunately there are several serious problems with the land exchange program that result in subsidized environmental degradation and financial losses to American taxpayers.
- Development of private lands on the outskirts of, and even inside of, our public lands has resulted in problems of **urban encroachment**: habitat loss, air pollution, traffic congestion, population growth, etc.

Ecological Health

Over the years, humans have altered the environment in a number of ways that have caused changes to biological resources and natural processes everywhere on the earth, including our public lands. Consequently, public land agencies are left with the difficult task of managing unbalanced ecosystems. Current issues are exotic species, fire management, and wild horses and burros.

- Invasive **exotic species** (plants and animals) can be extremely harmful by upsetting the natural balance of ecosystems and greatly threatening biodiversity. Unfortunately these exotics are very difficult and costly to control and are therefore becoming a very serious problem.
- We have learned that fire is a natural and essential component of many western ecosystems, yet the Forest Service continues to implement its traditional strategy of total fire suppression rather than a more integrated **fire management** approach. This extremely costly program negatively impacts ecosystem health and endangers the lives of firefighters.

- Laws protecting **wild horses and burros** have worked too well- the animals' populations have grown too large. The resulting management strategies are very controversial amongst environmentalists, ranching interests, animal rights groups, and others.

Management plans provide a means for land managers to set goals for, and guide the direction of, the futures of our various public lands. Unfortunately these plans are not always effective as many plans are outdated or created with inappropriate intentions. In Yosemite National Park, for example, the recently completed plans for Yosemite Valley and the Merced River are seen by many environmental groups and local communities as a great threat to the park's future, increasing development and decreasing protection for the park's already stressed resources.

Upon consideration of these public lands issues it appears that the managing agencies are often failing to uphold their mission statements and are defeating the purpose for which the public lands were created. As a result, our public lands are plagued by countless problems that are threatening their health and survival.

PUBLIC LANDS ISSUES

OVERVIEW

Our federal public lands are the source of much debate and controversy. Because they belong to the American people, public lands must be shared among countless interests: recreational users, conservationists, commercial users, and plant and animal species, among others. Public lands fall under many categories, and are managed by the various federal agencies listed below:¹

Public Lands	Managing Agency
<u>Bureau of Land Management Lands</u> (includes special designations- Wilderness Study Areas, Areas of Critical Environmental Concern, and National Conservation Areas)	Bureau of Land Management, Department of the Interior
<u>National Wildlife Refuges</u> (includes special designation- Wetlands of International Importance)	U.S. Fish and Wildlife Service, Department of the Interior
<u>National Parks</u> (includes special designations- National Preserves, National Seashores, National Battlefields, National Cemeteries, and National Memorials)	National Park Service, Department of the Interior
<u>National Forests & Grasslands</u> (includes special designation- Roadless Areas)	U.S.D.A. Forest Service, Department of Agriculture
<u>National Marine Sanctuaries</u>	National Oceanic & Atmospheric Administration, Department of Commerce
<u>National Estuarine Research Reserves</u>	National Oceanic & Atmospheric Administration, Department of Commerce
<u>Military Reservations & Installations</u>	Department of Defense
<u>Department of Energy Research Facilities or Other Sites</u>	Department of Energy
<u>Bureau of Reclamation Lakes & Reservoirs</u>	Bureau of Reclamation, Department of the Interior
<u>U.S. Army Corps of Engineers Lakes</u>	U.S. Army Corps of Engineers, Department of Defense

In addition, public lands also exist on state and local levels, such as state parks, wildlife management areas, forests, beaches, historic landmarks, etc. The types of state and local public lands are virtually limitless, and are facing similar, if not identical, problems that our federal public lands are facing. For simplicity, this report will not specifically address state or local lands, however they are affected by many of the issues discussed here.

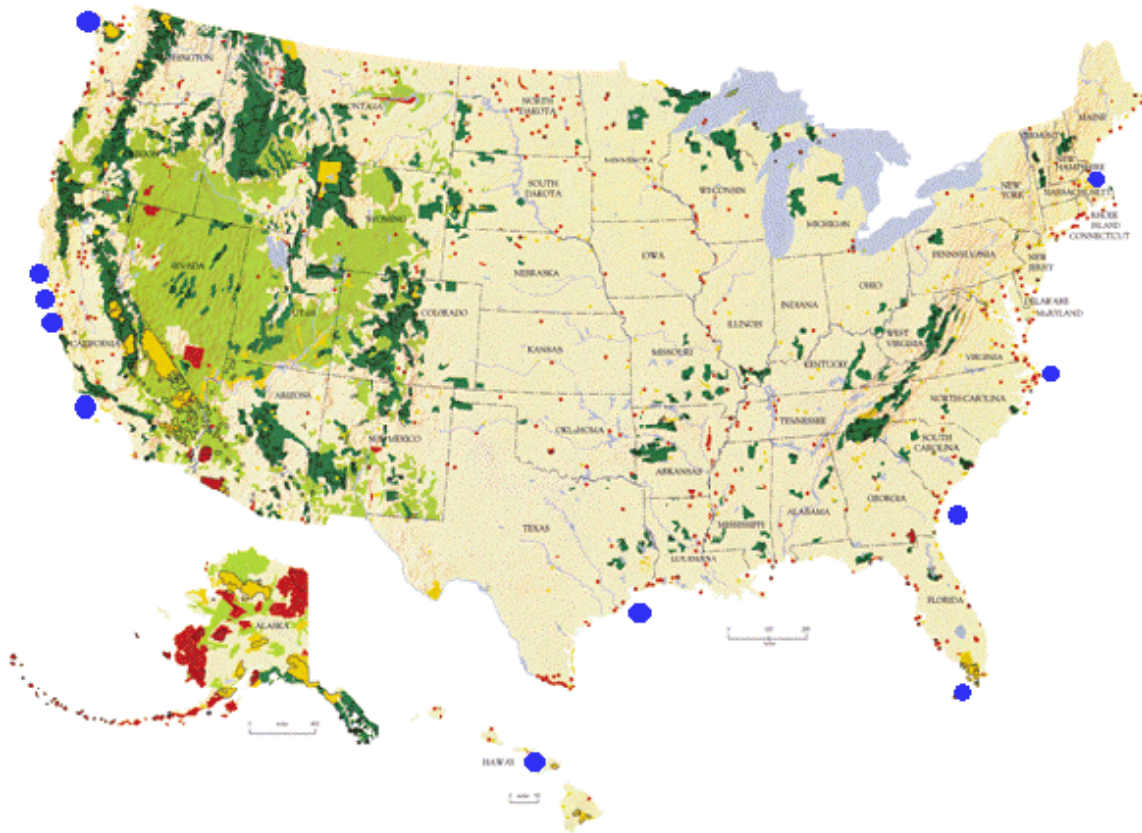
It is very important to note that there are numerous “special designations” that can apply to more than one type of public land. For example, Wilderness Areas can be

designated within National Forests, BLM lands, National Wildlife Refuges, or any other public lands. These special designations include, but are not limited to: Wilderness Areas, National Monuments, National Trails, National Wild and Scenic Rivers, National Recreation Areas, Research Natural Areas, National Historic Sites, and Biosphere Reserves.²

While all of our public lands are significant and deserve protection, the most prominent issues regarding public lands today are those concerning the Bureau of Land Management (BLM) Lands, the National Forests, the National Parks and Monuments, National Marine Sanctuaries, and the National Wildlife Refuges. For this reason, this paper will concentrate on the issues pertaining to these public land types. Lands with these designations are shown on the map on the following page.

The issues surrounding our public lands are limitless, reflecting the infinitely diverse opinions and desires of the American public. This paper concentrates on today's most prominent and controversial issues, divided into the following topics: commercial use and resource extraction, public use, changes in status and ownership, and ecological health. Many of these issues overlap and could fall into more than one category, however they have been placed under the most appropriate topic available.

Public Lands



-  National Park System
-  National Forest System
-  National Wildlife Refuge System
-  Bureau of Land Management
-  National Marine Sanctuary

Map adapted from original on Native Forest Council website: www.forestcouncil.org

THE ISSUES

Commercial Use and Resource Extraction

The debates over commercial use of public lands are undoubtedly the most high-profile and controversial of all public lands issues. The reason behind this is that not only are commercial interests severely depleting and degrading natural resources on public lands, but their harmful activities are often subsidized by taxpayer money- a phenomenon known as “corporate welfare”. In fact, many of the issues discussed below are considered to be some of the most classic examples of corporate welfare in our nation’s history. As Martin Litton from the Tule River Conservancy stated in an interview with the National Radio Project, “[The United States Government] is the only landowner in the world, that I know of, that actually pays people to deplete its own resources.”³ Discussed below are the issues of mining, logging, oil and gas extraction, grazing, and commercial fishing.

MINING

Environment: Mineral extraction, like oil and gas extraction, is an activity that has proven to be extremely damaging to the environment. Mining sites -including strip mines, quarries, open wells, and pits- cause widespread devastation to surrounding lands including surface and underground water pollution, acid mine drainage, metal contamination, erosion and sedimentation, discarded drums and tanks full of hazardous materials, and much more.⁴ These effects cause great harm to surrounding ecosystems, contaminating soils and water, and often clogging streams and rivers. The Environmental Protection Agency’s Toxic Releases Inventory in 2000 exposed mining as the top toxic polluter of all US industry.⁵ The report revealed some shocking statistics on the extent of toxic pollution from mines⁶:

- In 1997 the chemical manufacturing industry reported 797.5 million pounds of toxic releases nationwide. In 1998, in just one state, Nevada, mining reported approximately 1.3 billion pounds of toxic waste.
- In 1998, the Cyprus Miami copper mine in Arizona released twice as much toxic waste (123 million pounds) as all of the waste released in New York State (60 million pounds).
- In 1998, the mining industry in Nevada alone released more toxic pollution than the other top 7 polluting states combined in 1997.

In addition to pollution and environmental damage, abandoned mine sites pose serious hazards to humans in the forms of vertical mine openings, deadly gases and oxygen deficiency, cave-ins, unstable explosives, unsafe structures, and radioactivity.⁷ Yet despite these facts, mining projects occur by the thousands on our public lands. Nationally, there are over 550,000 abandoned hardrock mines scarring American landscapes and threatening environmental health.⁸

Economics, Politics, Regulation: One of the main reasons our public lands have been so exploited by mining is the archaic General Mining Law of 1872, considered to be one of the most classic examples of corporate welfare in the nation’s history. Under this

law, mining companies not only extract minerals without paying royalties, but also can buy public land for \$5 an acre or less, paying ridiculously low prices for land that is worth billions of dollars.⁹

Value of Historic Mineral Giveaways Under the 1872 Mining Law	
State	Mineral Giveaways in \$ millions
Alaska	9,333
Arizona	71,016
California	12,182
Colorado	12,014
Idaho	17,416
Montana	18,000
Nevada	41,183
New Mexico	8,572
Oregon	697
South Dakota	727
Utah	39,773
Washington	688
Wyoming	56
Total	\$ 231,657

Note: Minerals extracted from Federal or patented lands, 1872-1993.
Source: Mineral Policy Center

(Table on Value of Historic Mineral Giveaways taken from the Friends of the Earth Green Scissors Project web site: www.foe.org/eco/scissors99/publiclands.html)

Not only does this law subsidize the “giveaway” of our public lands, but it also allows for unlimited environmental damage. As stated by Larry Tuttle, the Director of the Center for Environmental Equity:

“The 1872 Law grants an absolute right to mine but it has no standards for prudent mine operations, mine site clean-up, reclamation or restoration, or financial responsibility. Despite being the largest U.S. producers of hazardous waste, mining companies have used their political clout to exempt themselves from most federal hazardous waste laws.”¹⁰

No requirements exist to restore publicly owned mine lands back to pre-mining condition when mining ceases, and there is no fund for cleaning up abandoned mining sites.¹¹ Instead, the clean-up costs are left to the taxpayers: an estimated \$32-\$72 billion for the clean up of the nation’s abandoned mines and the 10,000 miles of streams polluted by mine waste.¹²

Recent News: Very recently, a new issue has arisen regarding mining regulations. Toward the end of the Clinton administration, new environmental mining regulations went into effect that would better protect taxpayers and the environment from the harmful effects of mining. Not only would the rules create more stringent environmental performance standards, but they would also require that miners post adequate clean-up funds prior to beginning any activity.¹³ Under the previous laws, miners could simply declare bankruptcy after mining was complete, leaving the clean-up bills to the taxpayers. Although this might seem like a step in the right direction to most people, President Bush

and Secretary of the Interior Gale Norton have recently announced their planned rollback of these new rules.¹⁴

Activism: Until our outdated mining laws are reformed to consider environmental protection and fair market value of our resources, our public lands will continue to be exploited and severely degraded at the taxpayers' expense. Many groups are working to reform this mining law:

- Mineral Policy Center: www.mineralpolicy.org
- The National BLM Wilderness Campaign: www.blmwilderness.org
- Defenders of Wildlife: www.defenders.org
- Friends of the Earth, Green Scissors Project: www.foe.org/eco/scissors99
- National Wildlife Federation: www.nwf.org
- Center for Environmental Equity: <http://www.teleport.com/~cee/>

Opposition: Groups supporting traditional mining on federal lands are, of course, mining industry groups and other groups that support "individual liberty". A few examples include:

- National Mining Association: www.nma.org
- The Cato Institute: www.cato.org
- Northwest Mining Association: www.nwma.org
- Western States Public Lands Coalition:?

LOGGING

Environment: America's forests are essential to a healthy environment, providing clean air, clean water, healthy ecosystems, wilderness, valuable habitat, scenic beauty, and solitude, not only for humans but also for other living things. Conversely, the effects of logging are devastating: increased forest fires,¹⁵ severe soil erosion and stream sedimentation,¹⁶ loss of nutrients, lethal mudslides, drinking water pollution, widespread habitat loss, and the destruction of nearly all of our old growth forests.¹⁷ Despite this fact, timber companies continue harvesting 500,000 acres per year in our National Forests alone¹⁸, not including logging on BLM lands. (Although logging on BLM lands is not as widespread as logging in National Forests, it still poses a significant threat.¹⁹) In total, over 95% of our country's original old growth forests are now gone as a result of logging.²⁰

Economics, Politics, Regulation: There are many problems within the federal timber sales system that facilitate the easy exploitation of our forests by the timber industry. The first is an echo of the problems associated with mining and drilling: the government subsidizes (with taxpayers' money) the logging industry by selling timber for a small fraction of the market value.²¹ The Forest Service admits to losing \$1.2 billion (in taxpayer money) every year from timber sales,²² because the amount they charge the loggers does not cover the expenses of preparing and administering the sales or the costs of restoring landscapes and watersheds.²³ Between 1992 and 1997, logging subsidies directly cost American taxpayers \$2 billion.²⁴ How does this happen? Chad Hanson from the John Muir Project explains the process²⁵:

“Congress appropriates money to fund the agency, the Forest Service, to conduct the timber sales program. The Forest Service goes out and decides which stands of trees it wants to cut down. It marks off the boundaries and gets a rough estimate on how much it wants to sell those trees for (of course, it's always well below market value). And then offers that sale for bid on the open market. Highest bidder gets the sale, then they can go in and cut it. Now the scariest thing, aside from the fact that there's logging in our national forests at all, is that fact that the revenue from these timber sales doesn't go back to taxpayers. It goes to the Forest Service and they pad their off-budget logging accounts with these funds. They basically enhance their agency budget. So there's perverse incentive for them to offer more trees for cutting, because the more trees they cut, the more laws they break, the more money they make as an agency.”

This backward system is not unique to the Forest Service. The BLM, which manages over 12 million acres of commercial forests, loses enormous amounts of revenue and timber due to poor management. Like the Forest Service, the BLM fails to cover the costs of administering the timber sales by charging only 10% of what they should.²⁶ In addition, according to the Green Scissors '99 report, as much as half of the timber taken from these lands is stolen as a result of BLM negligence and timber industry fraud.²⁷ In some cases, logging companies have taken as much as five times the amount of timber that they paid for.²⁸

Financial management is not the only source of controversy; the Forest Service also uses taxpayers' money to build logging roads to assist the timber companies in harvesting timber. Between 1992 and 1997, taxpayers paid \$387.1 million to construct timber roads²⁹, subsidizing the loggers' costs. As if that were not enough, the Purchaser Road Credit program enables logging companies to harvest Forest Service timber *at no cost* in exchange for constructing the logging roads themselves.³⁰ At present, there are over 440,000 miles of roads scarring our National Forests (enough to circle the globe 17 times³¹), and nearly all of them were built by the taxpayers, for the logging industry.³² Fortunately, there is one way to protect some portion of our public lands from road building and logging: roadless area designation. The “Roadless Rule”, however, is currently an issue of much controversy, and will be discussed in a later section.

Furthermore, the Forest Service has been accused of environmental negligence: after conducting a study in the late 1990's, Federal auditors concluded that the Forest Service frequently violated environmental regulations. According to the auditors' report, environmental impact studies were poorly done, rules for wildlife and stream protection were not followed, and restoration/repair plans were not carried out.³³ Examples include³⁴:

- At one location in Virginia, nine sites were examined where clearcutting was prohibited within 100 feet of a specially protected, sensitive stream. Six of the nine sites revealed clearcuts between 15 and 85 feet from the stream.
- Upon examining the environmental studies done for 12 locations, the auditors found that 8 of them greatly misrepresented the number of special status species contained within the study areas. Between these 8 cases, the reports failed to

identify 364 of the 436 endangered, threatened, and sensitive species actually found there.

The timber industry presses for continued commercial logging on public lands, claiming that logging provides needed jobs for Americans. On the contrary, the opposite is true. Their argument is easily refuted by the fact that recreation, hunting, and fishing in national forests creates 38.1 times more jobs than logging on national forests.³⁵ In addition, one study by economists in the Pacific Northwest actually found a net increase between 1988 and 1994 in the most “timber dependent” counties as a result of increased environmental protection and decreased logging activities.³⁶ Furthermore, as the Native Forest Network suggests, “If we ended the timber sales program on national forests and redirected the logging subsidies we could provide over \$30,000 for each public lands timber worker for retraining or ecological restoration work, and still have over \$800 million left over for taxpayer savings in the first year alone.”³⁷

Another tactic of the federal timber sales system is to promote logging under the guise of “habitat restoration” or “wildfire protection”. For example, many Forest Service “stewardship” projects include such objectives as “reducing the risk of catastrophic wildfire”, removing “hazard trees”, “reducing tree densities through thinning”, commercial harvesting “aimed at restoring” certain species, “reducing dominance” of less desirable species, “reducing growth-related competition”, “improving visibility”, and creating “early successional habitat”.³⁸ In reality, commercial logging to promote habitat restoration is obviously very questionable, and it has been proven that logging actually promotes catastrophic wildfires (fire management will be discussed in a later section).

There is a great nationwide movement to put an end to commercial logging on public lands. The environmental benefits of such a ban are obvious. In addition, ending commercial logging on public lands would undoubtedly result in nationwide economic benefits. This is supported by a few simple facts:

- Of the total U.S. timber consumption, only 3.9% comes from our National Forests.³⁹ We simply don’t need this timber- this amount could easily be made up through increased recycling, decreased waste, and the use of wood alternatives.⁴⁰
- Forest Service economists estimate that timber only accounts for 2.7% of the total values of goods and services derived from the National Forests while recreation and fish and wildlife habitat (for hunting and fishing) produce 84.6%.⁴¹ This proves that healthy, protected forests are much more economically valuable than logged ones.
- It is estimated that recreation, hunting, and fishing in national forests contributes 31.4 times more income to the nation's economy than logging.⁴²
- Logging subsidies cost billions to taxpayers, as discussed above.

Recent News: Giant Sequoias are the largest living things on earth, and half of the world’s groves are located in Sequoia National Forest in California.⁴³ Last year, President Clinton designated approximately 1/3 of the National Forest as a National Monument.⁴⁴ On the surface this would appear to be good news, but closer examination reveals that this designation may be more harmful than it is beneficial. This is because logging in the new monument will be allowed to continue for several years (from the time of designation), and the amount logged during this time will actually increase

substantially. In the next two and a half years 28 million board feet will be harvested, which is four times more than would normally be cut in one year in the entire forest.⁴⁵ As Dan Hamburg of Voice of the Environment stated, “While the president declares a national monument out one side of his mouth, out the other he calls in the hogs to the trough for one last feast.”⁴⁶ Many environmentalists are angry that the Forest Service will oversee the monument, declaring that we are “leaving the fox to watch over the henhouse.”⁴⁷ Clearly the designation of this “National Monument” may have actually defeated its original intent- “to protect objects of scientific and historic interest.”⁴⁸

Activism: There are countless organizations working to end or reform commercial logging on our public lands. Some of them include:

- John Muir Project: www.johnmuirproject.org
- Green Scissors Project: www.greenschissors.org
- Sierra Club: www.sierraclub.org
- Native Forest Network: www.nativeforest.org
- Forest Conservation Portal: <http://forests.org/>
- National Forest Protection Alliance: www.forestadvocate.org

Opposition: Obviously, the people who support logging on our public lands are those belonging to the timber industry and “wise use” groups. Some examples are:

- American Loggers Council: www.americanloggers.org
- Forest Resources Association: www.apulpa.org
- Society of American Foresters: www.safnet.org
- Alliance for America: www.allianceforamerica.org

OIL AND GAS EXTRACTION

Environment: Oil and gas exploration is an extremely harmful activity that poses numerous threats to the environment. Air pollution (nitrogen oxides, methane, and particulate matter⁴⁹), displacement of wildlife, countless leaks and spills, hundreds of miles of roads and pipelines, construction of massive pumping facilities, and damaged rivers and lakes are among the many effects that plague our nation’s drilling sites.⁵⁰ Yet despite this fact, thousands of new oil and gas activities are approved on our public lands every year.⁵¹ Current drilling activities in Alaskan public lands illustrate how oil and gas exploration is harmful to the environment:

- At Prudhoe Bay, there is at least one spill per day of crude oil, refined oil products, or hazardous waste. In 1999 alone, these spills amounted to 45,000 gallons of toxic substances.⁵²
- North Slope oil discharges millions of gallons of hazardous wastes into the environment.⁵³
- Alaskan oil operations release 56,000 tons of nitrogen oxides and 24,000 tons of methane every year.⁵⁴
- Oil operations at Prudhoe Bay have destroyed 17,000 acres of wildlife and marine habitat for excavation, gravel fill, and waste disposal alone.⁵⁵
- North Slope oil operations extend across an 800 square mile region, with the actual facilities and roads covering 10,000 acres.⁵⁶

- There are currently 55 toxic contamination sites associated with North Slope oil production.⁵⁷

Economics, Politics, Regulation: Not only are these activities allowed to occur on our public lands, but they are actually encouraged as oil companies are continually allowed to underpay royalties by as much as \$66 million per year.⁵⁸ This amounts to a \$5.5 million loss per month to the American taxpayers.⁵⁹ This is because the price that the oil industry uses to make royalty payments (known as the “posted price”) is substantially less than the market value of oil.⁶⁰ In essence, the government is subsidizing harmful oil development on our public lands.

Proponents of new oil and gas projects argue on economic and political grounds, claiming that new projects create jobs, generate revenue for states, and improve national security by decreasing our dependence on foreign oil. Environmentalists and others opposed to new projects argue in favor of protecting and preserving public lands, not only citing the site-specific effects listed above but also considering more long-term consequences. Some of these long-term considerations include the potential for catastrophic oil spills such as the Exxon-Valdez spill in 1989, and the fact that more oil and gas drilling only increases our dependence on these polluting, unsustainable fuel sources.

Recent News: This issue has recently become one of great national controversy, as oil proponents try to open the Arctic National Wildlife Refuge (ANWR) in Alaska to drilling. ANWR is not only a National Wildlife Refuge, whose purpose is to provide wildlife conservation and ecosystem stability, but it is also a designated Wilderness Area, meaning it should remain untouched by roads, buildings, and other elements of the modern world.⁶¹ The refuge contains essential habitat for 36 fish species, 36 land mammals, 9 marine mammals, and more than 160 migratory and resident bird species, most of which would feel significant negative impacts from oil projects.⁶² Why, then, is oil development being considered in this area, which is considered to be the most pristine unit in the National Wildlife Refuge System?⁶³ Because technically, when legislation was updated in 1980, it called for the possibility of oil drilling in the coastal plain of the refuge (often called area 1002, which is not part of the designated wilderness area) if Congress so decided.⁶⁴

The oil industry is eager to begin developing this area, claiming that it is the “largest unexplored, potentially productive onshore basin in the United States...There is a 95 percent probability (a 19 in 20 chance) that at least 5.7 billion barrels of oil are recoverable.”⁶⁵ While this fact is generally accepted by nearly everyone, project opponents point out that this quantity of oil will only provide about a six-month supply for the country,⁶⁶ an amount they claim is not worth the severe damage the project will cause to the refuge.

Activism: Fortunately, there are many organizations fighting to protect ANWR and other public lands from oil and gas exploitation:

- Project on Government Oversight: www.pogo.org
- The National BLM Wilderness Campaign: www.blmwilderness.org
- Native Forest Council: www.forestcouncil.org

- Defenders of Wildlife: www.defenders.org
- State Public Interest Research Groups (PIRGs): www.savethearctic.com

Opposition: Examples of oil and gas industry organizations and “wise use” groups that support expanded drilling in ANWR and other public lands include:

- Alaska Oil and Gas Association: www.aoga.org
- Arctic Power: www.anwr.org
- Alaska Support Industry Alliance: www.akalliance.org
- Independent Petroleum Association of America: www.ipaa.org
- Alliance for America: www.allianceforamerica.org

GRAZING

(Note: This section concentrates on Western public lands because 98% of all grazing on U.S. public lands occurs in the 11 Western states.⁶⁷)

Environment: Virtually all Western public lands are grazed by domestic livestock.⁶⁸ The large majority of this rangeland is managed by the BLM and the Forest Service; the remaining land is managed by the National Park Service.⁶⁹ Grazing has been called “the single most pervasive and damaging activity on Western public lands”⁷⁰ because the impacts to the environment are so widespread. The most obvious impact of grazing is the loss of grassland habitat. Grazing on public lands has resulted in the listing of 90 endangered and threatened species.⁷¹ Not only do livestock consume large amounts of native grasses, but they also trample the soil and microbiotic crusts.⁷² This results in increased erosion and soil compaction, which leads to increased runoff, flooding and nutrient loss.⁷³ In total, grazing has degraded or destroyed over 700 million acres of Western grasslands.⁷⁴

There are many other less obvious, indirect impacts caused by grazing. Some of these impacts are described below:

- Cattle displace native wildlife by competing for food and water. Of the sparse grass that remains on our public lands, sheep and cows eat 90%, leaving only 10% for wildlife.⁷⁵
- Cattle waste severely pollutes water sources. Livestock is the greatest non-point source polluter of water in the west.⁷⁶
- Fences block the movement of native wildlife, fragment their habitat, and can tangle, trap and kill many animals.⁷⁷
- Cattle promote the spread of exotic weeds, by spreading non-native plant seeds, disturbing the soil, and by selectively grazing on native, “desirable” species.
- Cattle spread disease to vulnerable wildlife.⁷⁸
- Livestock “protection” results in the deaths of thousands of wild “pests and predators” every year. In 1996 alone, over 100,000 native wild animals were killed to protect domestic livestock.⁷⁹ Examples of animals killed are prairie dogs, coyotes, wolves, mountain lions, bears and bison.⁸⁰

Many of these impacts contribute to the fact that livestock grazing is the single greatest cause of biodiversity loss and the greatest threat to endangered and threatened species in the West.⁸¹

Economics, Politics, Regulation: Grazing on public lands is yet another example of how enormous taxpayer subsidies facilitate the exploitation of the environment. In total, the federal government pays \$500 million every year to support grazing on our public lands.⁸² One reason for this is that public lease rates for grazing are a fraction of the going rates for leases on private lands. Grazing costs only \$1.35 per cow per month on public lands, where it costs approximately \$10 on private lands.⁸³ The revenue generated from these grazing fees is far less than the amount needed to cover range program operating costs, and the difference must be covered by taxpayer dollars.⁸⁴ Taxpayers also pay for USDA assistance programs (drought relief, brush control, grasshopper control, and flood relief), range improvements (fences, stock tanks and ponds, cattleguards, and herbicide spraying), and predator control (yes, the taxpayers actually pay ranchers to kill native wildlife).⁸⁵

These enormous subsidies seem even more absurd when one considers the relative insignificance of the cattle industry in the West's economy. First of all, the \$500 million in federal subsidies benefits only 2.3% of all of the livestock operators in the contiguous 48 states.⁸⁶ This seems like an excessive amount of money to benefit such a small percentage of the industry. Secondly, grazing on public lands generates only .06% of the jobs and .04% of the income in the Western states.⁸⁷ By contrast, healthy, ungrazed public lands have the potential to generate substantial amounts of income and jobs. For example, in New Mexico, wildlife-related tourism generates \$768 million and accounts for 5% of all jobs in the state.⁸⁸ Simply put, the grazing that occurs on our public lands is unimportant to our economy.

There are several ideas about how to solve the problems of public lands grazing. Many groups would like to simply end public lands grazing completely, although this may be very difficult to do. Another idea is to establish legislation that would facilitate the retirement of grazing lands. This means that livestock operators could relinquish their grazing permits in return for compensation from the government, and the land would then be permanently retired for wildlife and watershed values.⁸⁹ The funds needed to compensate the ranchers could come from grazing fees that are currently used for range improvements (discussed above),⁹⁰ which would no longer be needed if the land were retired. Additional funds for this purpose could also be provided by increasing grazing fees.

Recent News: In 1995, Secretary of the Interior Bruce Babbitt enacted new range reform regulations that were highly controversial among both environmentalists (who claimed the reforms did not do enough) and ranchers (who felt their grazing "rights" were being infringed upon).⁹¹ Since that time, the new regulations have been challenged numerous times in court, mostly by ranchers. Last year, however, the Supreme Court upheld the reforms in what was considered to be a major victory for opponents of public lands grazing.⁹²

Ranchers and livestock groups challenged three major aspects of the reform that were aimed at protecting the environment from the harmful effects of grazing. They were defeated on all counts, and the Court upheld Babbitt's reform regulations in the following rulings:⁹³

- Non-ranchers are legally allowed to compete for grazing leases on public lands. This allows groups like the Nature Conservancy to lease and protect public lands from grazing.
- Grazing leases are a privilege, not a right, and the Secretary of the Interior has the right to cancel, modify, or limit grazing permits in order to protect other values of public lands.
- The BLM has the right to consider long-term uses when determining grazing leases (rather than automatically granting permits to ranchers adjacent to public lands).
- The federal government has title to range equipment such as water tanks, pipes, and fences, regardless of who installs them. The government can use this control to force livestock reductions on public lands.

Activism: Many groups are working to monitor, end, and/or further reform grazing on public lands:

- The Public Lands Grazing Activist: www.grazingactivist.org
- Range Net: www.rangenet.org
- Forest Guardians: www.fguardians.org
- Range Biome: www.rangebiome.org
- Range Watch: www.rangewatch.org

Opposition: Livestock ranchers and “individual liberty” groups want to protect grazing “rights” on public lands. Some examples of large organizations include:

- National Cattlemen’s Beef Association: www.beef.org
- Cattlemen on the Hill: www.hill.beef.org
- Stewards of the Range: www.stewardsoftherange.org
- Environmental Conservation Organization: www.eco.freedom.org

COMMERCIAL FISHING

Environment: Commercial overfishing has caused severe depletion of fish populations throughout the world. Approximately 70% of the world’s commercially important marine fish are fully fished, over-exploited or depleted.⁹⁴ Unfortunately, our National Marine Sanctuaries (NMSs) are not protected from this exploitation, as commercial fishing is allowed all of our nation’s sanctuaries with the exception of one small area in the Florida Keys NMS.⁹⁵ Fagatele Bay, Florida Keys, Gray’s Reef, and Hawaiian Islands Humpback Whale are some of the NMSs that are threatened by overfishing.⁹⁶

Not only are our sanctuaries being overfished, they are also being severely damaged by destructive fishing techniques such as bottom trawling and dredging.⁹⁷ Ocean trawling is considered the equivalent of forest clear cutting, as it drags weighted nets across the seafloor that rip up everything in their paths.⁹⁸ Nearly 6 million square miles of ocean floor are trawled every year, which is 150 times the area of annual forest clear cuts.⁹⁹ Trawling completely destroys marine habitats, and greatly threatens biodiversity and fisheries sustainability.¹⁰⁰ One of the reasons trawling is so harmful is that it is a non-selective technique, meaning that it takes not only the target species

(usually fish or shrimp¹⁰¹), but also takes all other marine organisms in its path (known as “bycatch” or “bykill”¹⁰²). Sometimes the target species represents only 5% of the actual catch- the other 95% of bykill hauled up in the nets are left on the ship’s deck to die and are later thrown back overboard.¹⁰³ In addition, any remaining seafloor organisms that are not hauled up in the nets are buried, crushed, or exposed to predators.¹⁰⁴ Dredging is a similar fishing technique, but is used for harvesting scallops, mussels, oysters and sea urchins.¹⁰⁵

Other harmful fishing techniques include longlining and gillnetting, which are also non-selective and therefore result in huge amounts of bycatch. Examples of longlining bycatch include sea turtles, sea birds, porpoises, dolphins and sharks.¹⁰⁶ Unlike trawling and dredging, these methods do not harm the seafloor, but their associated bycatch is nevertheless a great threat to biodiversity.¹⁰⁷

Economics, Politics, and Regulation: The National Marine Sanctuaries Act of 1972 authorizes the Secretary of Commerce to designate marine areas with significant aesthetic, ecological, historical, or recreational values as National Marine Sanctuaries.¹⁰⁸ The purpose of the Act is to protect valuable marine resources while facilitating other compatible uses.¹⁰⁹ Since its creation, the Act has been amended and re-authorized several times to emphasize the importance of aesthetic, conservation, ecological, educational, historical, and research values of NMSs.¹¹⁰

The NMS Act does not specify rules and regulations for the sanctuaries, rather, each sanctuary is managed on a case-by-case basis.¹¹¹ As a result NMSs have varying levels of protection,¹¹² some of which are quite inadequate, and even absurd. For example, in California and Florida, *State* waters are protected from trawling however the NMSs in those states are not.¹¹³

Fishing in all federal waters is managed by the Magnuson-Stevens Fishery Conservation and Management Act of 1976.¹¹⁴ The Act created eight regional Fishery Management Councils, which are comprised mostly of commercial fishing interests.¹¹⁵ The purpose of the councils was to create regional management plans intended to sustain fisheries at an optimum yield, and these plans would be implemented and enforced by the National Marine Fisheries Service of the National Oceanic and Atmospheric Association.¹¹⁶ Unfortunately economic interests have often prevailed and consequently fish populations have declined, bycatch has increased, and habitat has been destroyed.¹¹⁷ The act was subsequently amended by the Sustainable Fisheries Act of 1996¹¹⁸ to include regulations intended to prevent overfishing, recover depleted fish populations, minimize bycatch and protect essential fish habitat.¹¹⁹ Despite this change, fisheries management has changed very little in recent years and harmful fishing methods such as trawling continue on a widespread basis.¹²⁰

On a positive note, there are tools available to protect our National Marine Sanctuaries from overfishing and damaging fishing techniques. Analogous to their counterparts on public lands (Wilderness Areas, Roadless Areas, etc.), special designations such as Marine Reserves, Marine Protected Areas, “No Take” Preservation Areas, Ecological Reserves, and Research Only Areas can prohibit fishing altogether or strictly regulate allowed fishing activities.¹²¹ Research has shown that these areas are extremely beneficial in replenishing fish populations, protecting marine habitat, and

preserving biodiversity.¹²² For example, research on Marine Reserves (which prohibit all commercial activities) revealed the following statistics:¹²³

- Population densities inside reserves are, on average, 91% higher than those outside reserves.
- Biomass is 192% higher inside reserves.
- The average size of organisms inside reserves is 31% higher than those outside reserves.
- Species diversity is 23% higher inside reserves.

Clearly more of these special designations would be beneficial to marine ecosystems, unfortunately very few areas of our National Marine Sanctuaries currently have this type of protection. Only one-tenth of one percent of our nation's oceans is protected from all resource extraction, which amounts to only 50 square miles of ocean.¹²⁴

Recent News: In 2000, President Clinton signed an executive order that would create a coordinated nationwide network of Marine Protected Areas (MPAs). The proposal would create new MPAs, expand existing MPAs, and strengthen the protection and conservation of the entire system.¹²⁵ Under this plan, harmful commercial activities such as fishing and oil and gas extraction would be prohibited in all MPAs.¹²⁶ Unfortunately, the Bush administration is considering reversing this proposal, and is also considering pulling out of negotiations that would create no-fishing zones in the Channel Islands National Marine Sanctuary.¹²⁷ In addition, the administration may reverse a Clinton executive order that created the Hawaiian Islands Coral Reef Ecosystem Reserve in December.¹²⁸

Activism: Many groups are working to protect our National Marine Sanctuaries from overfishing and from harmful fishing methods such as trawling, and to designate more specially protected marine areas:

- Marine Conservation Biology Institute: www.mcabi.org
- American Oceans Campaign: www.americanoseans.org
- Natural Resources Defense Council: www.nrdc.org
- Center for Marine Conservation: www.cmc-ocean.org
- National Coalition for Marine Conservation: www.savethefish.org

Opposition: Fortunately the commercial fishing industry is not entirely against increased protection of fisheries, as most recognize the potential long-term benefits to the industry. It seems that many commercial fishing organizations are undecided on the issue:

- Pacific Coast Federation of Fishermen's Associations: www.pond.net
- Pacific Fishery Management Council: www.pcouncil.org

Public Use Issues

This section will concentrate on issues related to recreational uses of our public lands. Public use issues are controversial because they involve limiting public use of publicly owned lands. The topics of off road vehicles, excess visitation, and funding and user fees will be examined below.

OFF ROAD VEHICLES

The popularity of off-road vehicles (ORVs), snowmobiles, and personal watercraft (jet skis) has skyrocketed in the last decade. (For simplicity, ORVs, snowmobiles, and personal watercraft will collectively be referred to as ORVs in this report.) Not only are more and more of these motorized vehicles being used every year, but technological advancements continually enable them to travel further and further, into more remote, pristine backcountry areas.¹²⁹ The use of ORVs on public lands has become a very controversial issue due to their negative environmental impacts and the conflicts they cause with other recreational uses.

Environment: The widespread environmental damage caused by ORVs has long been recognized; in 1979 the White House Council on Environmental Quality stated that “off-road vehicles have damaged every kind of ecosystem found in the United States.”¹³⁰ Twenty years later, the problem has only become worse. ORVs destroy vegetation and cause severe soil erosion and soil compaction, which in turn leads to increased runoff, flooding, and further erosion.¹³¹ The disruption of soil also promotes the spread of invasive exotic vegetation.¹³² Wildlife can be adversely affected by ORVs through direct collisions, habitat alteration, and overall harassment.¹³³ Perhaps the most shocking impact of ORVs is the air and water pollution they cause:

- ORVs expel 20% to 30% of their oil and gasoline unburned into air and water.¹³⁴
- ORVs with 2-stroke engines produce 118 times as many smog-forming pollutants (on a per-mile basis) as modern cars.¹³⁵
- On average, ATVs (a type of ORV) produce 4,000 times more carbon monoxide emissions than modern cars.¹³⁶
- On average, a personal watercraft will release 2 ½ gallons of oil and gas into the water in 2 hours.¹³⁷

Besides causing great damage to the environment, ORVs also severely conflict with other recreational uses. The majority of hikers, horseback riders, hunters, and other recreational users believe that the noise, pollution, and speed of ORVs degrades their wilderness experiences. According to the Montana Wilderness Association, 89% of hikers and 84% of horseback riders feel that ORVs are incompatible with their uses. ORV users, however, argue that they have as much right to public lands as everyone else.

Economics, Politics, Regulation: The National Park Service has taken some steps to curb ORV use in National Parks, but at present, there is very little regulation of use in National Forests or BLM lands.¹³⁸ Even the regulations that do exist are poorly implemented. Two Executive Orders (EOs) exist that govern the use of ORVs on public

lands: EO 11644 (signed by Nixon in '72) and EO 11989 (signed by Carter in '77).¹³⁹ These orders require federal agencies to monitor ORV use and their environmental impacts, and to close areas or trails to ORV use if the agency determines that ORVs are causing, or will cause, “considerable adverse effects on the soil, vegetation, wildlife, wildlife habitat or cultural or historic resources of particular areas or trails of the public lands.”¹⁴⁰ However, several studies have shown that these regulations are rarely implemented- agencies rarely monitor ORVs¹⁴¹ and very little of our public lands have been protected. The BLM, for example, has prohibited ORV use on less than 6% of its land.¹⁴² Many citizens and conservation groups feel that the remaining 94% left open to ORVs is a very “unbalanced amount”, considering the widespread damage that the vehicles cause.¹⁴³ Furthermore, nearly all of the BLM’s Wilderness Study Areas are open to ORV use (Wilderness Study Areas are specially designated areas within BLM lands that have special protection as ordered by Congress).¹⁴⁴ The BLM itself admitted to its poor management of ORVs (also referred to as OHVs) in their report to Congress in 2000:¹⁴⁵

“The dramatic increase and subsequent environmental impacts from these popular recreation vehicles was not anticipated. Therefore, the BLM’s plans do not adequately establish designations for use and other requirements that provide an adequate basis for OHV recreation. Consequently, proliferation of OHV trails, continued widespread resource damage affecting other uses such as grazing and wildlife, fragmentation of [threatened and endangered species] habitats, a reduction in air and water quality, and visitor-use conflicts between motorized and non-motorized users have led to a concerted campaign against OHV use by environmental groups, resulting in litigation and court orders.”

The BLM is not the only agency to recognize the problem- one National Forest in Ohio stated in 1998, “We have no control over off-road vehicle use.”¹⁴⁶

Recent News: On January 19, 2001, the BLM released its *National Management Strategy for Motorized Off-highway Vehicle Use on Public Lands*.¹⁴⁷ This was a greatly anticipated report that turned out to be a huge disappointment to conservation groups, leaving ORVs “as unregulated as if nothing had happened”.¹⁴⁸ The strategy does nothing to stop ORV abuse and damage, it only offers inconclusive, discretionary “guidance” for any future ORV plans. Perhaps the biggest disappointment is that the strategy offers no protection for Wilderness Study Areas¹⁴⁹, which are considered to be “some of America’s wildest and most remote and rugged lands”.¹⁵⁰

Conservation groups feel that in order to effectively protect our public lands, this strategy (and any other future plans) should have done the following:

- Prohibit ORV use in Wilderness Study Areas, proposed wilderness areas, and inventoried roadless areas.¹⁵¹
- Limit ORV use to designated roads and trails, and prohibit cross-country travel.¹⁵²
- Designate ORV routes only where they will not cause adverse environmental impacts.¹⁵³
- Allow ORV route designation, construction, and upgrades only after National Environmental Policy Act analysis.¹⁵⁴

Additional News: On April 22, 2001, the Bush administration announced its plans to uphold a recent ban on snowmobiles in Yellowstone and Grand Teton National Parks.¹⁵⁵ The ban, which will phase out snowmobile use in the parks by the winter of 2003-04, was approved by former President Clinton but was quickly delayed for review by the new Bush administration.¹⁵⁶ Conservationists were pleased and surprised with the announcement, which was delivered on Earth Day. Unfortunately the ban is not yet in the clear, as the snowmobile industry has challenged the ban in court and is currently talking with Justice department officials about a settlement.¹⁵⁷ Conservationists will likely appeal any lifting of the ban.¹⁵⁸

With this good news comes some potentially bad news: On April 26th the Bush administration announced its intent to review a new ban on personal watercraft (jet skis) in four National Parks. Conservationists fear the ban will be weakened or overturned.¹⁵⁹

Activism: Several groups are working to protect our public lands from the environmental damage and recreational conflicts caused by ORVs. Although ORVs are deemed an acceptable recreational use by the BLM¹⁶⁰, it is clear that they must be monitored and regulated in order to preserve the integrity of our public lands:

- The Wilderness Society: www.wilderness.org
- The American Lands Alliance: www.americanlands.org
- Montana Wilderness Association: www.wildmontana.org
- Native Forest Council: www.forestcouncil.org
- Sierra Club: www.sierraclub.org

Opposition: Many organizations of ORV enthusiasts and manufacturers are fighting adamantly to protect their rights to recreate on public lands. Some of these include:

- Off-Road Business Association: www.off-road.com
- BlueRibbon Coalition: www.sharetrails.org
- International Snowmobile Manufacturers Association: www.snowmobile.org
- Public lands for the People: <http://oicu2.com/plp/>
- American Recreation Coalition: www.funoutdoors.com
- Personal Watercraft Industry Association: www.pwia.org

EXCESS VISITATION

According to Nevada Senator Harry Reid, “Our national parks are being overused, over-loved. They’re being loved to death.”¹⁶¹ He may be right: last year, recreational visits to National Parks exceeded 285 million, an increase of almost 40% since 1979.¹⁶² Furthermore, a little known fact is that National Forest visitation actually exceeds National Park visitation.¹⁶³ Unfortunately, it is extremely difficult to quantify visitation in the National Forests for many reasons: there are indefinite access or entry points, there are rarely entrance fees (unless using certain facilities or campgrounds), and there is no standard technique for gathering visitation data.¹⁶⁴ Nevertheless, most estimates agree that Forest visitation exceeds that of Parks.¹⁶⁵

Environment: Unfortunately, overwhelming numbers of visitors are placing tremendous strain on our public lands. Most noticeably, the traffic congestion has become almost unbearable in many Parks, often causing gridlock in the busier ones.¹⁶⁶ With this great increase in traffic comes more noise, air pollution, crime, and the need for more infrastructure- roads, parking lots and tourist facilities. Severe air and noise pollution has greatly degraded many parks, not only by harming the health of local ecosystems but also by lessening the quality of tourists' experiences. Construction of more roads, parking lots, and buildings destroys natural habitat and spoils scenic beauty. Even snowmobiles and air tours have contributed to serious air and noise pollution in many parks. And in Yosemite, Yellowstone, Glacier, and Rocky Mountain National Parks, heavy human use has driven wildlife out of prime habitat areas.¹⁶⁷ A short case study of Yosemite National Park in California illustrates many of these effects:

In 1980, visits to Yosemite National Park totaled 2.5 million.¹⁶⁸ By 1995, only 15 years later, visits had increased by 60% to over 4 million people.¹⁶⁹ As a result, today Yosemite contains 196 miles of paved roads and 67 miles of graded roads, 30 miles of which bisect the Valley floor.¹⁷⁰ Between 1994 and 1996, these roads saw as many as 8,000 cars per day and 526 car accidents per year.¹⁷¹ These roads resulted in great habitat loss and severe air pollution; the Yosemite General Management Plan Update reported smog so thick that Yosemite Valley could not be seen from airplanes.¹⁷² Countless buildings and recreational facilities have been constructed including hotels, dormitories, restaurants, retail stores, post offices, gas stations, golf courses, auditoriums, education facilities, offices, tennis courts, horse stables, etc., earning the Park a new nickname among locals: YosemiteCity.¹⁷³

This problem is not unique to Yosemite. In the National Parks Conservation Association's annual list of the nation's top 10 endangered parks, major threats included traffic congestion, air pollution, a push for wider use of motorized vehicles, poor maintenance, vandalism and looting.¹⁷⁴ Disturbing statistics from other sources include:

- In the last 30 years, park visitation more than doubled from to approximately 133 million to 300 million people.¹⁷⁵
- Great Smoky Mountains National Park receives more visitors than any other National Park: over 10 million per year.¹⁷⁶
- The South Rim of the Grand Canyon sees over 7,000 cars per day.¹⁷⁷
- Air tours (small planes and helicopters) buzz over the Grand Canyon every 90 seconds.¹⁷⁸ About 10,000 plane and helicopter flights fill the sky during the peak summer months.¹⁷⁹
- At peak times during the 1990s, air pollution in Yellowstone was measured to be worse than the air pollution in Los Angeles, mostly due to snowmobiles.¹⁸⁰
- It is estimated that 1,000 snowmobiles enter Yellowstone each day and emit nitrous oxide and hydrocarbons equal to the tailpipe emissions of 1.7 million cars.¹⁸¹

In addition, huge masses of visitors have caused severe degradation of park facilities and roads. Unfortunately, the parks are so under-funded that they are rarely able to provide appropriate maintenance on these facilities.¹⁸²

Economics, Politics, Regulation: It has been very difficult for the National Park Service to determine how to balance park visitation with park preservation. Michael Finley, superintendent of Yosemite, states, "Making an honest determination about a visitor's experience is a very difficult balancing act."¹⁸³ There are many new ideas being implemented by various Parks to try to lessen the impacts of increased tourism, and even to decrease the number of visitors. Many parks are increasing fees, while other parks are limiting visitor numbers by selling reserved tickets in advance.¹⁸⁴ Occasionally, on extremely busy days Parks will close their gates, turning away hundreds of visitors.¹⁸⁵

A more innovative approach, which is being implemented in several of the busier parks, is to greatly limit cars and provide visitors with mass-transit systems such as alternative-fuel trams and buses (see below).¹⁸⁶

One of the biggest problems regarding this issue is that the National Park Service is severely under-funded, operating with a total monetary shortfall of \$11.1 billion.¹⁸⁷ Simply put, they do not have the resources to deal with the problems associated with excess visitation. (The issue of funding will be discussed in a later section.)

Recent News: The National Park Service has made great progress in an effort to solve the problems of traffic and air pollution. One example is Zion National Park in Utah, where a new, alternative-fuels mass transit system was introduced in 2000. The fleet includes 31 propane-fueled shuttles and 2 electric trams,¹⁸⁸ which will reduce traffic congestion, noise and air pollution. Yosemite National Park has also made some changes; they have banned cars in many areas of the park¹⁸⁹ and they now run various shuttle services, many of which are run on alternative fuels.¹⁹⁰

Activism: The main groups working to solve the problem of overcrowded parks are the National Parks Conservation Association and the National Park Service itself:

- National Park Service: www.nps.gov
- National Parks Conservation Association: www.npca.org

FUNDING AND USER FEES

Environment: Our public lands agencies are severely under-funded. Over the last 30 years, visitation to our National Parks has doubled, but the revenue of the National Park Service has declined by 14%.¹⁹¹ As a result our public lands have been neglected on many different levels. Without adequate funding, needed environmental research cannot be conducted, the problems of overcrowding (discussed above) cannot be addressed, visitor facilities and roads cannot be properly maintained, and our precious natural, historical, and cultural resources cannot be properly protected and cared for.

A lack of adequate funding for our public lands can affect natural resources in countless ways. Some examples are illustrated here:

- Overcrowded parks lead to great increases in vehicular traffic, as discussed in the previous section. If the Park Service cannot afford to properly maintain its roads

and parking lots, visitors will drive and park on the sides of the roads, destroying vegetation and habitat, increasing erosion, raising dust, and spoiling scenic beauty.¹⁹²

- Many research programs are critical in protecting natural resources, however without funding, these studies cannot be conducted. Research is needed to inventory and monitor wildlife, detect disease problems, control invasive species, etc.¹⁹³ For example, in Yellowstone National Park, researchers were studying how to prevent invasive lake trout from wiping out native cutthroat trout. Cutthroat trout are a critical food source for the grizzlies, bald eagles, and white pelicans in Yellowstone. Due to lack of funding, this program was cancelled, threatening the cutthroat trout and the species dependent on them.¹⁹⁴
- For more than 10 years, Congress has been denying the National Park Service's requests for funding to repair Yellowstone's old, failing sewage systems.¹⁹⁵ As a result, over the last few years, several sewage leaks have threatened meadows, streams, rivers, lakes, and groundwater.¹⁹⁶
- Many of our public lands ecosystems are threatened by exotic, invasive vegetation (discussed later). Funding is greatly needed for full-time exotic species management, to protect wildlife habitat and food sources.¹⁹⁷

These examples represent only a few of the problems associated with inadequate funding. Much funding is needed for a wide variety of activities such as habitat restoration, endangered species listing, wildlife recovery, trail maintenance, land acquisition, museum improvements (maintenance, security, and exhibit preservation), facilities maintenance, increased staffing, campsite maintenance, paleontology, preservation of historic and archaeological resources, and many more.¹⁹⁸ (A report entitled Public Lands Funding Initiative provides an excellent in-depth look at the financial needs of our public lands agencies, and can be found at www.defenders.org/inter2.html.)

Economics, Politics, Regulation: Traditionally, the public lands agencies rely almost entirely on Congressional appropriations for funding, yet Congress continually fails to provide these agencies with enough money to properly care for our public lands.¹⁹⁹ As a result, agencies must look to other sources of revenue. An obvious yet extremely controversial solution is to charge higher user fees on our public lands. Major arguments for and against higher user fees are discussed below.

- CON: Americans own public lands. Citizens *already* pay taxes to support public lands; it is unfair to make them pay *twice* to enjoy the lands that they technically own. In addition, supplementing the agencies with user fees will only provide more incentive for Congress to provide even *less* funding.²⁰⁰
- PRO: Congress does not allocate enough taxpayer money for our public lands. It makes sense for the people who actually *use* the public lands to help supplement the costs of maintaining and preserving them.²⁰¹
- CON: Higher user fees would make it more difficult or perhaps impossible for lower-income citizens to visit public lands.²⁰²

- PRO: Public lands are an extremely inexpensive form of entertainment/recreation; even the most expensive National Parks charge only \$20 per car. (By contrast, amusement parks such as Disneyland charge approximately \$35 per head.) Even if fees were raised, this would still be a very fair market value for entertainment or recreation. In addition, it may be possible to charge discounted prices to lower-income citizens.²⁰³

Most people agree that it is important to consider the equitability of all user fees; in other words, if recreational users are going to be charged higher fees, commercial users must pay their fair share as well. Currently, mining, logging, and grazing uses pay only a small fraction of market value for the use of public lands (as discussed earlier). For example, under the Mining Law of 1872, a mining claim can be made for \$2.50- the same price as an overnight stay in a National Park.²⁰⁴ It is evident that both recreational and commercial use fees must be equitable and must represent fair market value.

In addition, many people dislike the fact that Americans pay twice to use our public lands, yet foreigners only pay once. This problem could be solved by charging foreigners much higher fees to visit our public lands, so that they will pay at least as much as American citizens.²⁰⁵

Recent News: In 1997, Congress enacted the Recreational Fee Demonstration Program (often referred to as the “fee-demo”), which allowed designated public lands (under the National Park Service, US Forest Service, US Fish and Wildlife Service, and the Bureau of Land Management²⁰⁶) to begin collecting, or increase existing user fees and keep 80% of the generated revenue.²⁰⁷ This program was a great success; in total, the participating parks generated tens of millions of dollars and increased revenue by 57%.²⁰⁸ This much needed revenue allowed the agencies to alleviate countless backlogged projects and complete many other plans. In a paper on the need for increased funding for National Parks, Richard J. Ansson, Jr. reports the following successes:

“...at Yellowstone, the Park Service has used the funds to rehabilitate deteriorated electronic infrastructure, repair utility systems, replace deteriorated docks, restore Turbid Lake roads, rehabilitate trails and campsites, repair overlooks, and restore interpretive exhibits. In Alaska, the Park Service has used fees to make major repairs and improvements at all of Alaska's national parks. In Denali National Park, the park, which has received an additional \$2 million in fee money, will use the funds to repair Riley Creek Campground, replace broken and outdated audio-visual equipment in the park auditorium, repair three trails, paint visitor centers near the park entrance, and repair deteriorated interpretive displays along the park road and entrance trails. In addition to work at Denali, Glacier Bay National Park will use the \$3 million it has received from fees to finance several projects—including several marine resource studies.”²⁰⁹

In fact, this program was such a success that Senator Craig Thomas of Wyoming proposed a bill that would extend the fee-demo through 2004, would allow more public lands to participate, and would allow the agencies to retain 100% percent of the revenues collected.²¹⁰ In June of 1998 this bill was passed,²¹¹ however, the program has been

extremely controversial; numerous localities, environmental groups, outdoor enthusiasts and other citizen groups have shown great opposition to the program,²¹² holding numerous demonstrations and public debates.²¹³ It seems that most of these groups accept the implementation of the fee-demo in National Parks, but are strongly opposed to its implementation in other public lands, particularly the National Forests.²¹⁴ In addition to the “cons” mentioned above, opponents feel that the fee-demo is wrong because:²¹⁵

- Public lands are the birthright of American citizens, not a commodity.
- It is an attempt by corporate America to privatize and commercialize public lands.

Activism: Clearly the issue of user fees is a very controversial one that will be very difficult to resolve, even amongst environmentalists themselves. Considering the current financial quandary of our public lands agencies, however, it is crucial that the needed funds come from *somewhere*. The federal agencies themselves are working to continue the fee-demo program as a way to raise funds:

- National Park Service: www.nps.gov
- US Forest Service: www.fs.fed.us/recreation
- Bureau of Land Management: www.blm.gov
- US Fish & Wildlife Service: <http://www.fws.gov>

Opposition: Many groups are opposed to increased user fees under the fee-demo program, as discussed before:

- Wild Wilderness: www.wildwilderness.org
- Native Forest Network: www.nativeforest.org
- Free Our Forests: www.freeourforests.org
- Sierra Club: www.sierraclub.org

Changes in Status and Ownership

This section will focus on the issues associated with the designation of our public lands, including the potential for gaining or losing protection due to changes in ownership or status. The topics covered are the Antiquities Act of 1906, roadless area protection, land exchanges, and urban encroachment.

THE ANTIQUITIES ACT

Environment: The Antiquities Act of 1906 was intended as a tool for protecting unique historical, scenic, and scientific resources on public lands by enabling the President to designate National Monuments at his own discretion.²¹⁶ By giving the President this power, he is able to act expeditiously to protect valuable or vulnerable resources from sprawl, development, and overuse,²¹⁷ as well as from future damage from mining, logging, grazing, etc.²¹⁸ The Act has been called “one of the most effective environmental tools ever enacted by Congress”²¹⁹ as it has protected over 70 million acres –approximately 10% of all federal lands- as National Monuments.²²⁰ In addition, Congress has re-designated (and even enlarged²²¹) many National Monuments as National Parks; nearly 25% of our National Parks were originally protected under the Antiquities Act,²²² including Grand Canyon, Grand Teton, Zion, and Olympic National Parks.²²³

Economics, Politics, and Regulation: There are many controversial issues surrounding the Antiquities Act. In general, environmentalists and other similar interest groups support the Act, as it allows for quick protection of valuable natural and historic resources. Others desire reform, claiming that the Act grants too much power to the President and is therefore frequently abused. The following paragraphs will briefly discuss several of the political issues regarding the Antiquities Act.

Monument Size: The Antiquities Act authorizes the President to designate National Monuments, “the limits of which in all cases shall be confined to the smallest area compatible with proper care and management of the objects to be protected.”²²⁴ Several presidents have designated extremely large monuments; more than 25% exceed 50,000 acres.²²⁵ The largest National Monument, Wrangell- St. Elias National Monument in Alaska, reaches nearly 11 million acres.²²⁶ Critics claim that the Act was intended to protect individual sites with small areas of surrounding land, and that the President’s authority regarding size was intended to be very limited.²²⁷ Supporters of the Act believe that it allows the President to determine the proper size necessary to adequately protect the integrity of the object(s) of interest.²²⁸ In addition, supporters note that in the early 1900s, Congress specifically decided *against* setting limitations on the size of National Monuments.²²⁹

Protected Sites: The Act states that designated National Monuments should be “historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest.”²³⁰ This language has been widely interpreted by past Presidents, as many National Monuments have been designated for broad purposes such as general conservation, recreation, scenic protection, or protection of living organisms.²³¹

Although this pleases environmentalists and other such groups, critics claim that past Presidents have stepped far beyond the original intent of the Act.

Economic Effects: When new monuments are designated, land uses are very often affected. New designations can result in restrictions or even bans on new or existing mining claims, leases, or permits, as well as on logging, grazing, hunting, and ORV activities.²³² Consequently, many states and counties are against the designation of new National Monuments within their jurisdiction because they fear potential harm to their local economies.²³³ While this seems like a rational argument, it has been widely proven in many instances that healthy, preserved public lands are often more economically beneficial (and sustainable) in the long term as a result of increased recreation and tourism (discussed earlier in this paper).

These issues, among others, have led many members of Congress to seek change of the Antiquities Act. Generally, most attempts at reform are aimed at limiting the President's power to designate new monuments. For example, H.R.1487 in 1999 would have (among other things) made a President's new designation subject to National Environmental Policy Act review.²³⁴ Other ideas include setting size limits, prohibiting designations in certain states, or requiring the President to consult with the public, state/local officials, and/or Congress before making a designation.²³⁵ Admittedly some of these proposals are very reasonable, however they defeat the original purpose of the Antiquities Act, which is to allow the President to *act promptly* and *at his own discretion* to protect threatened resources.

Recent News: Former President Clinton recently received overwhelming criticism after he designated 3 new monuments and enlarged an existing one- all in one day. On January 11, 2000, Clinton proclaimed the new Grand Canyon-Parashant National Monument, the Agua Fria National Monument, and the California Coastal National Monument, and enlarged the Pinnacles National Monument.²³⁶ These actions have been highly controversial, criticized as a "unilateral federal action"²³⁷, a "federal land-grab",²³⁸ a "land lock-up scheme"²³⁹ and "a blatant attempt by President Clinton to use the Antiquities Act for political purposes to essentially shut out the democratic process."²⁴⁰ Republican Congressmen are determined to overturn these actions and return the lands to their previous management status.²⁴¹

Activism: Many environmental and conservation groups support the Antiquities Act but only a few are actively working to prevent its reform, so that it may continue as a valuable tool for protection of valuable public lands:

- The Wilderness Society: www.wilderness.org
- Antiquities Act Preservation Coalition: no contact information available

Opposition: Most opposition to the Antiquities Act comes from local, state, and federal government officials. Past attempts at reform have been led by James Hansen of Utah, Joel Hefley of Colorado, Orrin Hatch of Utah, and Larry Craig of Idaho. In addition, some "wise use" groups such as Alliance for America (www.allianceforamerica.org) want to see the Act amended.

ROADLESS AREAS

Environment: As mentioned earlier in this paper, our National Forests contain 440,000 miles of roads, enough to circle the earth 17 times. Roads negatively impact the health of our forests, as well as other public lands, in several ways. The roads themselves destroy and fragment wildlife habitat, while the vehicles traveling on them cause air and noise pollution.²⁴² The use of roads also degrades water quality and fish habitat by increasing erosion and sedimentation in streams, lakes, and rivers.²⁴³ In addition, forest roads facilitate logging and the subsequent loss of forest habitat.

Conversely, roadless forest areas provide extremely valuable habitat with continuous wildlife corridors, clean water, no automobile pollution, and little or no logging. In fact, our country's roadless areas provide critical habitat for over 200 threatened and endangered plant and animal species.²⁴⁴ In late 1997, a group of 136 scientists and experts wrote in a letter to President Clinton, "A substantial amount of scientific information collected from both aquatic and terrestrial environments has demonstrated the importance of roadless areas in protecting the nation's wildlife, fisheries, and water resources. The ecological risks associated with developing these areas are extremely high..."²⁴⁵ Today there are nearly 60 million acres of roadless areas remaining in our National Forests.²⁴⁶

Economics, Politics, and Regulation: It has been shown that roadless areas not only benefit the environment, but also benefit local economies. In his report entitled "Economic Benefits of Protecting Roadless Areas in the United States", John B. Loomis examines the many economic benefits of healthy forests. He examines both quantifiable and non-quantifiable values such as direct-use benefits (recreation, on-site hunting), biodiversity conservation, ecological services (carbon storage, water quality), scientific benefits (research), educational benefits, off-site benefits (higher property values, scenic viewsheds), and community benefits (jobs, non-labor income).²⁴⁷ Although some of these economic benefits cannot be expressed in dollar amounts, many others can, and were determined as follows (amounts are for all US roadless areas combined):²⁴⁸

- \$600 million in recreational benefits
- \$280 million in passive use values
- between \$490 million and \$1 billion in carbon storage services
- \$490 million in waste treatment services
- 13% increase in property values
- 24,000 jobs

The subject of roadless areas has become extremely controversial after recent actions by our former president. On January 12, 2001, President Clinton enacted the Roadless Area Conservation Rule (often referred to as the "Roadless Rule") which protects the nation's 58.5 million acres of roadless forests from most road building and logging.²⁴⁹ The creation of this rule involved 600 public hearings and 1.7 million comments, breaking all records for public participation.²⁵⁰ The results of this participation showed overwhelming public support for the protection of roadless areas.²⁵¹ Some general provisions of the rule include the following:

- Road construction will be prohibited in inventoried roadless areas. Exceptions include roads for private lands access, mining development, currently leased oil

and gas activities, public safety, environmental clean up, and federal highway projects.

- Commercial logging will be prohibited in roadless areas, but there are several exceptions (see following).
- Some logging for environmental purposes may continue as needed, for example for fire management purposes or for habitat improvement.
- Logging activities that have already been approved may continue, as well as activities that have started since the roadless areas were inventoried.

In general the Roadless Rule has been considered a great victory to conservationists, however, the mining and logging industries as well as many Republican leaders have sharply criticized the move and have vowed to overturn it. For example, Congressman Jim Hansen of Utah called the Rule an “arbitrary, illegal road ban” and said he would “make it a priority to undo this kind of reckless, last minute maneuvering.”²⁵² Senator Frank Murkowski of Alaska is also determined to overturn the roadless rule, claiming that it will result in the loss of hundreds of jobs.²⁵³

For the most part, environmentalists have hailed the Roadless Rule as a great opportunity to preserve our last stands of unprotected yet relatively untouched forests. However, some groups are unhappy with many of the provisions of the rule. For example, as mentioned above, the “exceptions” to the rule allow continued logging and road building in many circumstances. According to Jeanette Russell of the National Forest Protection Alliance, these exceptions will amount to devastating damage in our roadless areas; 61% of planned new roads will still be constructed and 73% of logging will continue.²⁵⁴

Recent News: Not surprisingly, the Bush administration has been unsupportive of the new Roadless Rule. On his first day in office, President Bush ordered a 60-day delay on the implementation of all regulations that were not already in effect.²⁵⁵ Shortly thereafter, on February 5, the administration more specifically delayed the implementation of the Roadless Rule until May 12.²⁵⁶ Then, in mid-March, the administration delayed the rule yet again.²⁵⁷ According to Tim Preso, an attorney for the Earthjustice Legal Defense Fund, “the Bush Administration is giving us every reason to believe they're planning to bring bulldozers back into our national forests.”²⁵⁸ Conservationists are particularly disappointed by the fact that the new administration would consider overturning this rule that has proven so popular among the American public, proven by the results of the rule’s record-breaking public participation period.

Activism: Several groups are fighting to uphold the Roadless Rule and protect our National Forests from the devastating effects of logging and roadbuilding:

- American Wildlands: www.wildlands.org
- The Wilderness Society: www.wilderness.org
- National Forest Protection Alliance: www.forestadvocate.org

Opposition: Countless interests are opposed to the Roadless Rule, including the logging, mining, and oil and gas industries. In addition, organizations devoted to

“individual liberty” are fighting the rule because it infringes upon their “rights”.

Examples include:

- Communities Against Roadless Expansion: www.montanaforests.com/care_rally.htm
- Competitive Enterprise Institute: www.cei.org
- American Forest Resource Council: www.afrc.ws
- Northwest Mining Association: www.nwma.org
- Society of American Foresters: www.safnet.org
- American Policy Center: www.americanpolicy.org

LAND EXCHANGE

Land exchange occurs when public lands, usually BLM lands or National Forest lands, are traded for private (or sometimes State) lands of equal value. The main reason for exchanges is to consolidate public and private lands, eliminating the confusing “checkerboard patterns” and increasing management efficiency and simplicity for both parties.²⁵⁹ Unfortunately, there are numerous flaws associated with the land exchange program that often result in unfair trades that are clearly not in the best interest of the American public or of the environment.

Environment: The BLM and Forest Service often engage in very questionable land exchanges where environmentally valuable public lands are lost and poor quality, damaged lands are gained.²⁶⁰ This can occur for several reasons. First, land exchanges are often exempt from National Environmental Policy Act (NEPA) review, so the environmental impacts of a trade are never properly considered.²⁶¹ Second, even if NEPA review is completed, the public is often misinformed or given inadequate information regarding the environmental impacts of the project.²⁶² Third, many exchanges are simply made with poor judgment. Several examples illustrate how these problems can result in land exchanges with negative environmental consequences:

- In a land exchange near Bend, Oregon between the Forest Service and Crown Pacific timber company, the Forest Service revealed *after the public comment period* that it had underestimated the amount of old growth forest on the public land by 58%.²⁶³
- In Washington’s Mt. Baker-Snoqualmie National Forest, an exchange occurred between the Forest Service and the Weyerhaeuser and Plum Creek Timber Company. The Forest Service traded low-elevation native and old growth forest with high-quality habitat value for high-elevation land with very poor habitat value.²⁶⁴
- In a land exchange near Elko, Nevada, the BLM traded 140 acres of prime winter habitat for antelope, and in return received land near its field office for additional parking and storage space.²⁶⁵
- In Arizona and New Mexico, large trades are proposed that would give miners public lands on which to expand their open-pit mines.²⁶⁶
- In Wyoming’s Targhee National Forest, the Forest Service is going to trade public lands with Grand Targhee Resort so that they may expand their ski area, which is

adjacent to a wilderness area. This same exchange was cancelled in 1994 because it was not deemed to be in the public's best interest.²⁶⁷

- Through land exchanges, the Forest Service and BLM often receive lands that have previously been mined, logged, or grazed,²⁶⁸ even roaded or developed,²⁶⁹ in exchange for healthy lands.

Clearly something must change; land exchanges must consider environmental values as well as economic values. It is imperative that environmental assessments are properly carried out *and* carefully considered when making these decisions.

Economics, Politics, and Regulation: Not only do many land exchanges result in environmental losses, but they can also result in financial losses to the American taxpayers. The main cause of this is faulty land appraisals that benefit private business interests at the taxpayers' expense.²⁷⁰ Legally, land exchanges must involve parcels of equal value, but under this severely flawed system, this is rarely the case. The General Accounting Office has proven that when public lands agencies appraise the values of the lands to be traded, they very frequently *undervalue* the public lands and *overvalue* the private lands, shortchanging taxpayers by millions of dollars.²⁷¹ One example of this occurred in Nevada, where faulty land appraisals for three land exchanges between 1992 and 1995 lost taxpayers \$4.5 million.²⁷² Furthermore, it has been shown that often times, when public lands agencies are going to receive damaged lands in exchange for healthy ones, the cost of remediation (restoration, road removal) is not considered in the appraisal process.²⁷³ This essentially allows private businesses to exploit one parcel of land and its resources, trade it for new, resource-rich land, and never have to pay for remediation.

Another flaw with the land exchange process is that the public (the owner of the lands to be traded) does not have access to land appraisal data until *after* the transaction is complete.²⁷⁴ This makes it nearly impossible for the public to judge the accuracy of the appraisals, the equality of the trade, and therefore the legality of the exchange.

This problem of "hiding" the appraisal values from the public hints at another good point: land exchanges are unfair because they are "closed deals," eliminating fair market competition and giving the general public no opportunity to purchase the land.²⁷⁵ For instance, if a public land agency appraises land for a very low value and then exchanges it for another parcel, it precludes the possibility of another interest group (maybe a conservation group?) from purchasing it for a higher, more appropriate value. This would benefit the taxpayers financially, and possibly the environment (depending on who the buyer was).

In addition, the General Accounting Office has discovered that on many occasions public land agencies have abused their land exchange authority by selling lands, rather than exchanging them, and keeping the revenue for themselves instead of returning it to the federal treasury.²⁷⁶

Another issue exists regarding exchanges of land on the outskirts of urban areas. In recent years these types of transactions have been occurring rapidly, cheating taxpayers out of millions of dollars. This is because the value of these lands is continually underestimated, and traded to private interests who then proceed to inflate the value of the land and sell it to developers for a very high price.²⁷⁷ For example, on one occasion in Nevada, the BLM traded 70 acres that had been appraised at \$763,000. The same day, the new owner sold the land for \$4.6 million.²⁷⁸ This is obviously unfair to the

original owners of the public lands- the taxpayers. It also calls many people to question the competency of the BLM. Many groups feel that rather than trading these lands on the outskirts of urban areas, they should be sold at a public auction and the proceeds should go towards purchasing new public lands.²⁷⁹ (Why trade them at all? Why not just keep the open space as habitat and refuge from the urban area?)

Recent News: In July 2000, the General Accounting Office released a report exposing the BLM's and Forest Service's poor performances regarding land exchanges between 1989 and 1999.²⁸⁰ The General Accounting Office concluded that overall, land exchanges do not benefit the public interest, and recommended that Congress discontinue the land exchange program.²⁸¹ The major conclusions reached in the report are as follows:²⁸²

- Both the Forest Service and BLM have failed to meet their statutory duties to pay *no more* than fair market value for private lands and receive *no less* than fair market value for public lands involved in land exchanges.
- The agencies have conducted exchanges that were not of demonstrable public benefit.
- The BLM is conducting illegal land sales under the guise of land exchanges.
- The agencies' best efforts at procedural improvements may not be enough to address the inherent difficulties in exchanges.

The report also prompted Congressman George Miller of California to call for an immediate moratorium on land exchanges.²⁸³ Unfortunately, land exchanges are still occurring at a very rapid rate.

Activism: Several groups are working to prevent unfair land exchanges and reform or end the land exchange programs of our public lands agencies:

- Western Lands Exchange Project: www.westlx.org
- American Wildlands: www.wildlands.org
- Green Scissors: www.greenscissors.org
- Public Lands Foundation: www.publicland.org

Opposition: Groups supporting the current land exchange programs are, of course, those reaping the benefits of these unfair transactions. These groups include mining companies, logging companies, grazing interests, etc.

URBAN ENCROACHMENT

The spread of urban areas has become a major threat to many of our public lands in recent years. There are three main ways in which urban development can reach our public lands. The first, and most obvious, is urban sprawl- the outward growth of cities can eventually bring them to the borders of National Parks, Forests, etc. The second is the development of "gateway communities", that is, communities that are purposely created on the outskirts of public lands, usually to cater to visiting tourists. The third way urbanization can affect public lands is through "inholdings", which are privately owned parcels of land located within the boundaries of public lands.

Environment: Urban encroachment on public lands affects the environment in the same ways that it does everywhere else: it causes habitat fragmentation, air pollution, population growth, traffic congestion, etc. Unfortunately these problems are becoming more and more common in and around our public lands, especially our National Parks. Examples of how urban encroachment can threaten our public lands include:

- Yellowstone's growing gateway communities include motels, golf courses, galleries, commercial strips, etc. which have resulted in smog, pollution, and overcrowded conditions. This has had a negative effect on wildlife in the park and poses a long-term threat to the region's geothermal activity.²⁸⁴ The expansion of eight ski resorts surrounding the park is planned for the future.²⁸⁵
- As a result of urban sprawl, a new airport is being built near the Everglades and Biscayne National Parks, which will obviously cause major air and noise pollution.²⁸⁶
- A six-lane highway is going to be built through Petroglyph National Monument in Albuquerque that is expected to carry 24,000 vehicles a day.²⁸⁷
- Near the South rim of the Grand Canyon, proposed development includes 5,000 hotel rooms, 540,000 square feet of retail space, and 2,600 homes.²⁸⁸
- Outside Great Smoky Mountain National Park lies Dolly Parton's Dollywood theme park (near Knoxville, TN²⁸⁹), vacation resorts, and a new Harrah's casino (in Gatlinburg) expected to draw 4 million people annually.²⁹⁰

Not only do these existing (and future) developments have adverse impacts on wildlife, habitat, air and water quality in public lands, but they (will) also disrupt the peacefulness and natural beauty of these precious places.

Economics, Politics, and Regulation: It is nearly impossible to prevent development of these lands, as they are privately owned. Consequently, the only way to protect public lands from the effects of urban encroachment is to purchase the private lands of concern. Conservation groups such as the National Park Trust, as well as the public lands agencies themselves, have made great efforts to purchase these private lands inside and adjacent to public lands boundaries. Unfortunately, these groups are not keeping pace with the problem, as inholdings and adjacent private lands are actually increasing due to the creation of new parks and monuments containing private lands.²⁹¹ In fact, the number of inholdings has increased by 35% in the past 10 years, despite the numerous successes in private lands acquisition by these groups.²⁹² In our National Parks alone, about 6 million of the 84 million total acres are privately owned.²⁹³

The biggest obstacle to acquiring these lands is obviously lack of funding. About thirty years ago, Congress approved the creation of the Land and Water Conservation Fund, which was intended to provide \$900 million annually for the purchase of private lands in and adjacent to national, state, and local parks.²⁹⁴ Sadly, however, Congress has miserably failed to appropriate adequate funds for this purpose, usually allocating only a small fraction of the amount needed for land purchases. For example, in 1998 the National Park Service requested \$230 million from Congress for private lands acquisition, yet it only received \$23 million.²⁹⁵

Aside from pressuring Congress to appropriate funds for this purpose, conservation groups purchase lands using funds raised from donations. For example, the National Park Trust recently used donations to purchase 10,000 acres of tallgrass prairie

in Kansas. The organization now owns the land, while the National Park Service manages it as a park.²⁹⁶

Recent News: Mojave National Preserve was created in 1994 to protect its ecologically diverse yet fragile desert ecosystems.²⁹⁷ Unfortunately it contains over 86,000 acres of private inholdings that are considered a major threat to the park's resources.²⁹⁸ One company wants to develop a golf course, condominiums, and motels on its lands within the park's boundaries.²⁹⁹ The preserve is also threatened by potential development outside its boundaries, such as a proposed airport, an army base expansion and a possible mine expansion.³⁰⁰ These threats have become more numerous in recent years, but fortunately a great compromise was recently reached to allow the purchase of some of these lands.

The compromise gives the BLM and the National Park Service \$5 million each for the purchase of private lands in the Mojave National Preserve and other desert areas.³⁰¹ The Wildlands Conservancy was also instrumental in this deal, and will purchase 24,000 acres of the private inholdings over a 3-year period, beginning in 2000.³⁰²

Activism: Both public lands agencies and conservation groups are making great efforts to purchase private lands inside and adjacent to public lands boundaries, to protect them from the threat of urban encroachment:

- The Wildlands Conservancy: www.wildlandsconservancy.org
- The National Park Trust: www.parktrust.org
- The Wilderness Society: www.wilderness.org
- National Park Service: www.nps.gov

Opposition: There are countless organizations that actually want to reduce federal government control of public lands by privatizing the lands. Some of these groups include:

- Competitive Enterprise Institute: www.cei.org
- The Cato Institute: www.cato.org
- American Policy Center: www.americanpolicy.org
- The Sutherland Institute: www.sutherlandinstitute.org
- National Inholders Association/Multiple Land Use Alliance: ??

Ecological Health

There are many difficult management issues regarding ecosystem health in our public lands. This section will focus on the management of biological resources and natural processes that have been disrupted through years of human alterations. The topics that will be discussed are exotic species, fire management, and wild horses and burros.

EXOTIC SPECIES

Exotic species, simply put, are those that are not native to a given ecosystem. They can also be referred to as non-native, alien, introduced, non-indigenous, etc. Many exotic species are introduced into an ecosystem intentionally, for purposes such as hunting, fur trading, landscaping, crops, forage, and many others. Other species are introduced accidentally, for example marine organisms transported in ship ballast water, organisms found on imported produce, or seeds transported on human clothing or animal fur. Serious problems arise when these non-native species disrupt the balance of their new ecosystems.

Environment: Not all exotic species are harmful to the environment; in fact, many cause little or no problems in their new surroundings. For example, Great Smoky Mountain National Park contains 1,500 vascular plant species, 400 of which are exotic, however only 10 are considered to be harmful to the park's natural resources.³⁰³

Unfortunately, that small number of problematic species (often referred to as invasive species) has the potential to cause devastating harm: the spread of exotic species is the second greatest threat to biodiversity, rivaled only by habitat loss from development.³⁰⁴

There are numerous reasons why these invasive, exotic species (often called weeds or pests) are so harmful:

- Invasive plants can dramatically alter species composition by competing for nutrients, water, sunlight, and space. This process severely decreases biodiversity, alters wildlife habitat, and limits food sources. Some exotics spread so far as to create a near monoculture, over-running all other plant species in the area.³⁰⁵ In total, exotic species threaten 60% of our nation's imperiled species.³⁰⁶
- Many invasive plants are extremely aggressive and spread very quickly. It is estimated that exotic weeds claim 4600 acres of public lands every day, and dominate 17 million total acres on western public lands alone.³⁰⁷
- Exotic animals, such as feral cats, dogs and pigs, prey on native plant and animal species³⁰⁸, yet they often have no natural predators.³⁰⁹ In addition, their feeding habits (such as digging) can also destroy vegetation.³¹⁰
- Introduced fish species such as trout and carp can decimate populations of native amphibians and invertebrates in water bodies that previously contained no fish.³¹¹
- Some exotic plants can cause unnatural fuel conditions and fire cycles, increasing the occurrence of wildfire.³¹²
- Smaller exotic species, such as insects, fungi, and pathogens, have greatly threatened many forest areas, severely damaging and almost eliminating 12 tree species.³¹³ In total, these pest species have damaged 70% of our forests in the Northeast and Midwest.³¹⁴

Unfortunately, these problems are getting more and more severe. In many public lands, exotic species are causing the most severe permanent environmental damage in recorded history.³¹⁵

Economics, Politics, and Regulation: Exotic plant and animal species are causing great economic losses for several reasons. First, the control of exotic species (particularly plants) has cost billions in research, herbicides, labor, etc. For example, back in 1984, the cost of exotic weed control in the US cost \$2.1 billion for herbicides and \$938 million in herbicide application costs.³¹⁶ It is estimated that it could cost \$134 billion for the future control of only 15 problem species.³¹⁷ Second, there have been huge economic losses due to decreased crop and forest production as a result of exotic species damage. In 1991, it was estimated that decreased crop production due to exotic weeds in the U.S. and Canada caused \$4.1 billion in losses, not including the cost of control.³¹⁸ In Wyoming, North Dakota, South Dakota, and Montana, the spread of one single weed over wildlands and grazing lands results in annual losses of \$129 million.³¹⁹ Last, severe infestation of weeds has, on many occasions, ruined property values. In California, a public lands agency was successfully sued by an adjacent landowner after a weed infestation rendered his home completely un-sellable.³²⁰

It is extremely difficult to control exotic species because they are often introduced accidentally, they spread so quickly, and control costs are so high. There are however, many moderately successful programs and regulations being implemented:

- In 1996 the BLM launched a program called “Partners Against Weeds” which included prevention and detection, education and training, inventory, planning, integrated weed management, coordination and monitoring, and weed prevention measures for all resource activities.³²¹ Unfortunately the BLM does not receive enough funding to properly implement the program.³²²
- In 1990, the Nonindigenous Aquatic Nuisance Prevention and Control Act was passed that created the Aquatic Nuisance Species (ANS) Task Force, co-chaired by the U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration.³²³
- The USDA Animal and Plant Health Inspection Service is responsible for keeping exotic species out of the country, however it has been proven very inadequate and ineffective.³²⁴

Recent News: The most recent development in exotic species control occurred in 1999, when President Clinton signed Executive Order 13112 aimed at controlling alien species.³²⁵ The order instructs the various federal agencies to (to the extent possible) prevent the introduction of harmful species, control them in a cost-effective and environmentally sound manner, restore native species and habitats, conduct research on invasive species and control methods, and promote public education on the issue.³²⁶ The order also created the Invasive Species Council, which will oversee the various federal agency programs and identify problems in those programs.³²⁷ In addition, the council will issue an Invasive Species Management Plan for the nation, which will be evaluated and updated every other year.³²⁸

Activism: Public lands agencies, conservation groups, and countless state and local groups recognize the severity of the invasive species problem, and are working to combat it through management programs and public education:

- Bureau of Land Management: www.blm.gov
- National Park Service: www.nps.gov
- U.S. Forest Service: www.fs.fed.us
- U.S. Fish and Wildlife Service: www.fws.gov
- American Lands Alliance: www.americanlands.org
- California Native Plant Society: www.cnps.org
- Public Lands Foundation: www.publicland.org

FIRE MANAGEMENT

Environment: For the better part of the century, fire was always viewed as a horrible, tragic occurrence that had to be prevented and suppressed. However as time and scientific understanding has progressed, we have learned that in reality, fire is a natural and critical component of many ecosystems, particularly forests and grasslands in the western United States. Most native species of plants and animals have adapted to withstand fire, and many are dependent on fire for food, habitat, and reproduction. Some examples of how fire is beneficial to many ecosystems include:

- Many plants and trees need fire to assist in their reproductive cycles. Loggpole and jack pine trees need the heat from fire to open seed cones and reproduce,³²⁹ and many prairie species need fire to sprout seeds.³³⁰
- When trees are burned, “snags” are created that provide ideal habitat for many species of birds such as woodpeckers and eagles.³³¹
- Fires burn dead and decaying underbrush (bushes, shrubs, grasses, fallen trees, etc.), releasing their nutrients so that they can be “recycled,” or used by other plants. This also clears the way for new growth, allowing more sunlight to reach the ground.³³² In turn, new growth provides more forage for wildlife.
- Most native plants have adapted to survive fires, however non-native plants have not. Consequently, fire can be extremely helpful in eradicating harmful exotics.³³³
- Fires cleanse forests of harmful insects and diseases.³³⁴

Through years of fire suppression we have learned that, somewhat ironically, lack of fire can actually threaten public safety. Without periodic small fires, underbrush accumulates at unnaturally high levels, serving as fuel for the next fire. When a wildfire finally breaks out, it is often uncontrollable and can destroy human lives and property. As a result, the traditional policy of *fire suppression* is slowly transforming into one of *fire management*, which includes prescribed burns to reduce the hazards and intensities of wildfires.³³⁵

Economics, Politics, and Regulation: This new understanding of fire ecology prompted the creation of the Federal Wildland Fire Management Policy and Program Review following the disastrous fires of 1994.³³⁶ This new policy highly encourages prescribed burns, and orders public lands agencies to develop new fire plans to allow for

a full spectrum of “Appropriate Management Responses”.³³⁷ For example, if conditions are appropriate, an agency may choose to manage a wildfire as a prescribed burn rather than suppress it.³³⁸ The policy has prompted the Bureau of Land Management and National Park Service to create new fire management plans, however the Forest Service has been reluctant to do so.³³⁹ As a result, the Forest service continues to engage in aggressive fire suppression for most wildfires.³⁴⁰

One of the biggest problems of fire suppression (aside from the fact that it leads to more dangerous and intense wildfires) is the outrageous costs associated with it. The Forest Service has been sharply criticized for its reckless waste of fire management funding. Between 1993 and 1997, the Forest Service spent \$1.7 billion on fire suppression, and in 1998 alone it spent over \$1 billion.³⁴¹ In addition, fire suppression costs are rising at an average of 15.5% per year.³⁴² It is very important to note that prescribed burning, which is better for the environment and promotes public safety, costs much less: in 1998 the National Park Service spent \$2100 per hectare on fire suppression, and only \$200 per hectare on prescribed burning.³⁴³ Furthermore, when a fire is suppressed, the adjacent unburned lands will continue to accumulate underbrush “fuel”, making the next fire bigger and more costly to control than the original fire.³⁴⁴

It is clear that the Forest Service must follow in the footsteps of the BLM and the National Park Service by reforming its fire management policy. Its traditional way of attacking and suppressing most wildfires is putting human lives and property at risk, wasting enormous amounts of money, and depriving forest ecosystems of an essential natural process.

On a separate note, it is interesting to examine the debate over the effects of logging on wildfire. Advocates of the timber industry often claim that logging helps prevent dangerous wildfires by thinning out the trees and leaving less to burn. As one man said, “I never saw a clearcut burn!”³⁴⁵ Conservationists and others argue that in reality, clearcuts and other logging activities actually promote more explosive, dangerous fires. This is because when trees are cleared out more sunlight reaches the ground, drying out the underbrush and leftover logging waste, and creating perfect fuel for intense, quickly spreading fires.³⁴⁶ Many people claim that in some instances fires will actually “seek out” clearcuts because they provide such ideal fuel. As American Wildlands points out, in 1967 the Raft River Fire on the Olympic Peninsula “literally raced from clearcut to clearcut down the logging road, completely skipping the old growth in between.”³⁴⁷ In addition, loggers remove the oldest, largest trees which are the most fire resistant, leaving the smaller, more flammable ones behind.³⁴⁸ According to the Sierra Nevada Ecosystem Project, “Timber harvest, through its effects on forest structure, local microclimate, and fuels accumulation, has increased fire severity more than any other recent human activity.”³⁴⁹

Recent News: In the summer of 2000, extremely dry conditions and a history of fire suppression contributed to the spread of 80,000 fires that burned nearly 7 million acres³⁵⁰ in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming.³⁵¹ The fires resulted in great political backlash, as Western politicians blamed the problem on the Clinton administration’s policies of reduced logging.³⁵² Following the fires, Senators Conrad Burns of Montana and Larry Craig of Idaho requested a significant increase in fuels reduction (logging)

without any requirements for environmental safeguards.³⁵³ Interestingly, most of the fires that burned that summer occurred in areas that were logged, roaded, and developed,³⁵⁴ showing that increased logging would most likely not have helped, and perhaps would have even made the problem worse. For example, in Montana, 9 of the 12 biggest fires that summer occurred in logged, roaded, developed areas.³⁵⁵

Activism: Conservation groups are advocating reformed, environmentally and economically-minded fire management policies in our National Forests:

- American Wildlands: www.wildlands.org
- Sierra Club: www.sierraclub.org
- American Lands Alliance: www.americanlands.org
- Public Lands Foundation: www.publicland.org
- Bureau of Land Management: www.blm.gov

Opposition: It is generally agreed among most groups that the Forest Service's policy of fire suppression needs to be changed. However, many groups still believe that in order to reduce the risk of dangerous wildfires, more "fuels reduction" (logging and grazing) is needed:

- Competitive Enterprise Institute: www.cei.org
- The Cato Institute: www.cato.org
- National Cattlemen's Beef Association: www.hill.beef.org
- Society of American Foresters: www.safnet.org

WILD HORSES AND BURROS

Environment: Wild horses and burros are natural components of many western ecosystems, and are considered to be a "symbol of the historical and pioneer spirit of the West."³⁵⁶ The majority of these animals inhabit BLM lands in Nevada, however they are also found on BLM lands in Arizona, California, Utah, New Mexico, Wyoming, Montana, Oregon, Colorado and Idaho.³⁵⁷ It is unclear whether or not they are native to this country as there are many conflicting opinions on the subject. It is known that horses were brought to North America by Spanish explorers in the early 1500's, and that some modern day wild horses and burros are their descendents.³⁵⁸ It has also been proven that wild horses and burros evolved in North America over the course of 60 million years, however there is argument over whether or not these animals ever became extinct.³⁵⁹ Finally, others contend that modern day wild horses and burros are simply descendents of horses that were lost or abandoned by settlers, ranchers, miners, and U.S. Cavalry.³⁶⁰ Therefore, whether or not these animals are native remains unresolved and is greatly subject to opinion.

The main concern over wild horses and burros is overpopulation. Although they were once considered endangered animals, federal protection (discussed in the next paragraph) and a lack of natural predators has enabled their populations to grow uncontrollably.³⁶¹ Their annual population growth rate ranges between 5-25%, with an average of 15%; at this rate their population will double every 5 years.³⁶² Unfortunately their numbers have often grown beyond their carrying capacity and there is great concern that they will deplete their natural resources and die of starvation and dehydration. Some

believe that competition for scarce resources and habitat will negatively impact wildlife such as deer and antelope, while ranching and grazing interests complain that this competition threatens resources for livestock production.³⁶³

Economics, Politics, and Regulation: Prior to 1971, freelance cowboys would routinely and illegally round up wild horses and burros (which were government property) from public lands and sell them to slaughterhouses.³⁶⁴ To help stop this abuse, in 1971 the Wild Free-Roaming Horses and Burros Act was passed to protect, manage, and control wild horses and burros.³⁶⁵ The Act had overwhelming support; it passed unanimously in Congress and received the second largest outpouring of mail in the history of Congress, surpassed only by the Vietnam War.³⁶⁶ The Act states “wild free-roaming horses and burros shall be protected from capture, branding, harassment or death; and to accomplish this they are to be considered in the area where presently found, as an integral part of the natural system of the public lands.”³⁶⁷ In addition, the Act was later modified to state that federal agencies “shall manage wild free-roaming horses and burros in a manner that is designed to achieve and maintain a thriving ecological balance.”³⁶⁸ The subsequent management of these animals by the BLM has resulted in some highly controversial issues.

Population Control: As mentioned earlier, wild horse and burro populations have grown very large, depleting their own resources and threatening their own survival. The Wild Horses and Burros Act authorizes the BLM to manage this growth, which is accomplished by the BLM’s adoption program (discussed below), by relocation, and occasionally by humane destruction.³⁶⁹ However, there is much controversy over the actual numbers of wild horses and burros on the land. For example, in 1993 Senator Harry Reid of Nevada estimated that 75,000 animals existed, while the Secretary of the Interior estimated 60,000 and the BLM estimated 33,000.³⁷⁰ Only a few years later, the Animal Protection Institute estimated that only 20,000 horses remained.³⁷¹ Many of these estimates are obviously biased towards certain interests, as animal protection advocates want to see more animals protected, and grazing interests want to see more removed from rangelands. Unfortunately, many groups believe that the BLM is “managing the wild horses and burros out of existence” as a result of pressures from grazing interests.³⁷²

Competition with Domestic Livestock: As mentioned earlier, the Wild Horse and Burro Act calls for maintaining a “thriving ecological balance.” This provision has been misinterpreted and misused by the BLM to remove “excess” horses and burros to “protect the health of the land.”³⁷³ Ironically these wild animals are often removed from public rangeland to make room for domestic livestock, which cause much more harm to the land than the wild horses and burros:

- The ratio of domestic livestock to wild horses and burros on public lands is at least 50:1.³⁷⁴
- Approximately 4.1 million domestic livestock graze public lands, compared to only 25,000 wild horses and 5,000 wild burros.³⁷⁵
- In one year, domestic livestock consumed 70% of the forage on public lands while wild horses and burros consumed less than 5%.³⁷⁶
- The foraging habits of wild horses and burros are much more environmentally benign than those of domestic livestock. Horses and burros graze anywhere from 5 to 10 miles from water, and on a wide variety of terrain, causing mild, less

concentrated impacts. Livestock, on the other hand, graze within a mile of water, causing heavy damage to a concentrated area.³⁷⁷

Clearly domestic livestock cause greater damage to the environment than the wild horses and burros, so it is absurd for the BLM to “maintain a thriving ecological balance” by removing the wild animals and replacing them with cattle.

Adoption Program: The Wild Horses and Burros Act and the need to control the animals’ populations resulted in the BLM’s wild horse and burro adoption program, which places excess horses and burros up for public adoption. This multi-million dollar federal program was created to save the lives of wild horses and burros,³⁷⁸ which are considered to be “living symbols of the historic and pioneer spirit of the West.”³⁷⁹ Overall, this program has been quite successful, as thousands of animals are placed in welcoming homes every year.³⁸⁰ Unfortunately, in 1997 an investigation revealed that thousands of adopted horses were actually being sold to slaughterhouses, often times by BLM employees themselves.³⁸¹ Shortly thereafter, the Fund for Animals filed a lawsuit against the BLM, and the resulting settlement required that adopters sign an attestation (under the penalty of perjury) that they do not intend to sell the adopted animal to a slaughterhouse or for other commercial purposes.³⁸² However, despite this settlement, the BLM continues to allow people to adopt animals without signing the attestation, and fails to take action against adopters who break the agreement.³⁸³ In 1999 over 575 wild horses were killed in U.S. slaughterhouses, and of these, more than 185 had been slaughtered within three months of their adoption, and over 30 were slaughtered within one month of their adoption.³⁸⁴

Recent News: As previously mentioned, the BLM has failed to uphold its 1997 settlement agreement with the Fund for Animals regarding the signed attestations for adoptions. In recent months, the Fund for Animals has returned to court on this issue, and Judge Howard McKibben told the BLM that it was not working hard enough to implement the “very simple steps” agreed upon to protect the wild horses and burros.³⁸⁵ The BLM admitted that out of 332 cases in the last two years in which horses were adopted and killed, only one has been properly investigated and prosecuted.³⁸⁶ The BLM also revealed that the extent of their “investigations” into the slaughter of adopted animals consisted only of a few simple questions: how the animal was disposed of and whether the adopter had intended to have the animal slaughtered.³⁸⁷ According to Howard Crystal of the Fund for Animals, “Evidently, so long as adopters are not so foolish as to flatly admit that they violated the attestation, that appears to be the end of BLM’s inquiry regardless of the objective circumstances suggesting that a horse ended up being slaughtered only months or weeks following the transfer of title.”³⁸⁸

Activism: Because there are so many issues involved with these animals, there are countless opinions on how they should be managed. Some of the groups working towards reformed management and protection of wild horses and burros are:

- Animal Protection Institute: www.api4animals.org
- Doris Day Animal League: www.ddal.org
- American Horse Defense Fund: www.ahdf.org
- Animal Rights Law Project: www.animal-law.org
- Public Lands Foundation: www.publicland.org

MANAGEMENT PLANS: Guiding the Future of Our Public Lands

One tool that can be useful in guiding our public lands agencies through these issues is land management plans. Our National Parks, National Forests, BLM lands, National Wildlife Refuges, and National Marine Sanctuaries all have management plans which are meant to define future goals for the lands, mostly in terms of resource management/preservation and visitor use.³⁸⁹ Management plans should define the mission and purpose of the particular land units, the visions for the future of the units, and the strategies for reaching those visions.³⁹⁰

Because of their interconnectedness, it is important that all resources and uses are considered together to provide guidance for dealing with future changes. Plans for different public land units will address issues specific to them. For example, Zion National Park's General Management Plan addresses the following issues: aircraft, river uses, climbing/canyoneering, horse use, American Indian access, Wilderness management, Resource Natural Areas, Wild and Scenic Rivers, inholdings and adjacent lands, commercial services, transportation systems, and natural and cultural resource management.³⁹¹ By contrast, the plan for Wasatch-Cache National Forest in Utah addresses the following: watershed health, biodiversity and viability, roads and trails access, recreation, Wild and Scenic Rivers, Wilderness Areas, roadless areas, timberlands, rangelands, Research Natural Areas, and oil and gas leasing.³⁹²

In general, management plans are supposed to be revised every 10 to 15 years *at the minimum* to keep them up-to-date.³⁹³ Unfortunately many plans are not updated as frequently as they should be, and as a result they are inadequate in guiding the agencies through current issues.³⁹⁴ For example, the BLM has been highly criticized because over 50% of its plans are over 15 years old, and 75% are over 10 years old.³⁹⁵ Often times a plan is *amended* over the years to deal with one or more specific issues, however the entire plan is not revised comprehensively and as a result it remains fundamentally outdated.³⁹⁶ Clearly outdated plans are not very helpful in dealing with current problems.

Furthermore, it seems that many management plans are created with inappropriate intentions that fail to protect and preserve our public lands. A case study of Yosemite National Park best illustrates this point.

Yosemite: In November 2000 the National Park Service completed the Final Yosemite Valley Plan/ Supplemental Environmental Impact Statement (YVP) aimed at restoring the park's "breathtaking beauty".³⁹⁷ The main goals of the new plan are modeled after the goals of the park's 1980 General Management Plan:³⁹⁸

- Reclaim priceless natural beauty
- Allow natural processes to prevail
- Promote visitor understanding and enjoyment
- Markedly reduce traffic congestion
- Reduce crowding

However since its release the YVP has been extremely controversial, as it fails to uphold many of these goals. Although the plan proposes several actions that will benefit Yosemite's environment, numerous environmental groups and local communities have severely criticized other parts of the plan, calling it a "development boondoggle" and

claiming that overall it will degrade air quality, expand development, and consume more land.³⁹⁹ Some of the most controversial issues are as follows:

- Diesel Busses: The new plan attempts to reduce traffic congestion and air pollution in the valley by constructing new parking lots outside the valley and encouraging visitors to park there and ride shuttle busses in. Unfortunately these busses are diesel-powered, which are far more polluting than regular cars.⁴⁰⁰
- No Limits: The YVP fails to limit the number of busses allowed to enter the valley, allowing for unrestricted growth in bus traffic. As bus traffic increases, so will pollution, and so will the need for more bus stations.⁴⁰¹
- Increased Development: Overall, the plan will increase the amount of development in the park. Examples include: about half the valley's roads will be widened (including one riverside segment), two new segments of road will be built while only one will be removed, two of three hotels will expand beyond their current borders, a large bus station will be built,⁴⁰² and restaurants will expand by 30%.⁴⁰³
- Economic Discrimination: Overall, accommodations will shift towards more upscale types. The number of campsites will be reduced and 54% of inexpensive, rustic accommodations will be removed while expensive hotel rooms will increase by 24%.⁴⁰⁴
- Employee Housing: The new plan moves hundreds of NPS employee housing units out of the valley and into surrounding towns. Local residents are extremely angry as the housing will be constructed on unspoiled forest land, town populations will as much as double, and traffic will greatly increase as valley employees will have a 30 to 60 minute commute.⁴⁰⁵

Clearly these actions are not consistent with the goals mentioned above, and will not leave the park "unimpaired for future generations" as the park's superintendent, David Mihalic, claims they will.⁴⁰⁶

Another extremely controversial issue in Yosemite is surrounding the Merced River Plan. The Merced River is a designated Wild and Scenic River and therefore must have a management plan that will protect its "Outstanding Remarkable Values" (ORV's). Legally, management plans for Wild and Scenic Rivers should take precedence over any other land management plans; in this case, it is the Merced River Plan that should legally guide the creation of the Yosemite Valley Plan.⁴⁰⁷ Unfortunately the opposite has occurred in Yosemite's case: the river plan was revised in conjunction with the creation of the new Yosemite Valley Plan to provide a template for increased development and exploitation of the area. In fact, the draft valley plan was finished before the public comment period for the river plan had even closed.⁴⁰⁸

Many environmental groups claim that the new river plan is illegal because it fails, and even "refuses", to protect the river. Among other things, the new Merced River Plan does the following:

- Lists some of the river's ORV's as being designed landscapes, developed areas, and roads.⁴⁰⁹
- Changes the classification of certain river segments from "scenic" to "recreational" to allow for more development.⁴¹⁰

- Arbitrarily removes several previously established ORV's, including "air quality" and "black oak woodlands", to allow for more development.⁴¹¹
- Fails to use complete, current scientific studies as the basis for protection. No recent studies of the river's flora and fauna have been completed.⁴¹²
- Allows rip-rap and other development along the Merced's riverbanks, which will alter its free-flowing character.⁴¹³

When one considers the timing and scope of the new Merced River Plan, it is obvious that it was not created with the intention of protecting the river's wild and scenic values. Rather, it appears to have been created as a tool to support the development agenda of the new Yosemite Valley Plan. Friends of Yosemite Valley and Mariposans for Environmentally Responsible Growth are currently in the midst of litigation against the National Park Service regarding the Merced River Plan.

In conclusion, it is clear that public land management plans are often failing to provide proper guidance to land managers, either because they are outdated or just created with inappropriate intentions. If these plans are to serve as valuable tools for protecting and preserving our public lands, it seems they need to be re-evaluated and more strongly enforced.

CONCLUSION

Clearly there are some very serious threats facing our public lands today. It is extremely difficult to resolve these complicated issues as there are so many competing interests involved. While considering these issues, it is quite interesting to note the mission statements of the various public lands agencies involved:

- Bureau of Land Management: "...to sustain the health, diversity and productivity of the public lands for the use and enjoyment of present and future generations."⁴¹⁴
- National Park Service: "...to promote and regulate the use of the...national parks...which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations."⁴¹⁵
- United States Forest Service: "...to provide the greatest amount of good for the greatest amount of people in the long run."⁴¹⁶
- United States Fish and Wildlife Service: "...working with others to conserve, protect, and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people."⁴¹⁷
- National Oceanic and Atmospheric Administration: "... to describe and predict changes in the Earth's environment, and conserve and wisely manage the Nation's coastal and marine resources."⁴¹⁸

It seems that in many cases, the management actions of public lands agencies are not consistent with their mission statements, and are therefore defeating the original purpose for which they were created. Sadly, the result is a nationwide system of public lands suffering from commercial exploitation, poor maintenance, financial instability, and severe environmental degradation.

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