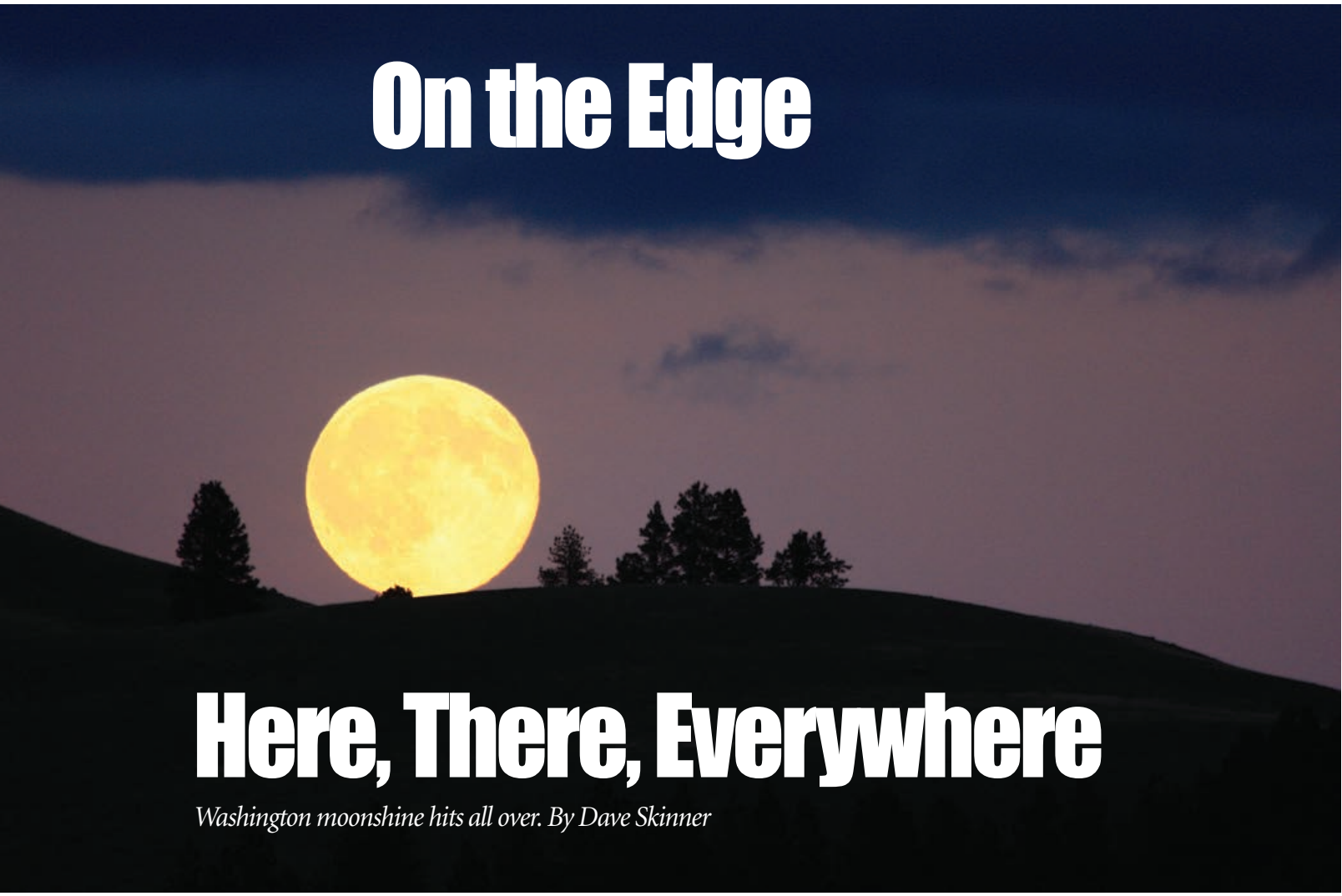

On the Edge

Here, There, Everywhere

Washington moonshine hits all over. By Dave Skinner

With the presidential election sucking up everyone's attention, many things with the potential to have huge impacts on the West have been happening in Washington, D.C.—much of it completely under the radar, in the shadows, and it seems, none of it coincidental.

Land and Water Conservation Fund

In April, the Senate passed the Energy Policy Modernization Act of 2015 (S-2012), which mostly contained much-needed energy policy reforms. The bill had 13 titles (sections), and 362 amendments, most actually pertaining to energy, but buried at the bottom of the Senate summary was a notation that the "bill establishes a National Park Service Critical Maintenance and Revitalization Conservation Fund, and revises requirements for the Land & Water Conservation Fund and the Historic Preservation Fund."

Oh, really? Yep. It so happens in January, Sen. Lisa Murkowski (R-Alaska) "submitted an amendment intended to be proposed by her to the bill S-2012, to provide for the modernization of the energy policy of the United States."

Two pages at the very end of the bill tell the story: in Title V, "Conservation Reauthorization," Section 5001 creates, out of Outer Continental Shelf revenues, a $150 million mini-LWCF for Park Service maintenance, "only after the amounts are appropriated" by Congress. Even better, Section 5002 disappears the termination date for last year's "rider" extension of a fully funded LWCF through Sept. 30, 2018.

What happened? Where did this language come from? Several different directions at once, it seems, possibly HR-4151, introduced Dec. 1, 2015, by Rep. Michael Simpson (R-Idaho). Word for word, HR-4151 established the same "National Park Service Critical Maintenance and Revitalization Conservation Fund" contained in Murkowski's substitute.

Critically, Simpson's bill has the permanent reauthorization clause, written in identical language to both S-556 (Sportsmen's Act, introduced, solely sponsored by Sen. Murkowski) and S-338, Sen. Richard Burr's (R-North Carolina) pure "full-funding-forever" LWCF bill.

Sen. Murkowski's first Sportsmen's Act had no LWCF language in it. But on Dec. 16, 2015, after a November 19 hearing in the Committee on Energy and Natural Resources, the entire bill became an "amendment in the nature of a substitute" and was reported to the Senate floor. In total, the Sportsmen's Act has good things for sportsmen, but to get that through the committee, or Congress, or past President Obama, the price was permanent funding of LWCF.

While S-556 got out of committee on a "majority voice vote," Sen. Mike Lee of Utah specifically requested that his nay vote on S-556 be recorded in Senate Report 114-183.

So, the Senate passed Murkowski's substitute Energy Act 85-12, and President Obama signaled he would sign that version. But the Senate is not on the same page or

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even reading from the same book as the House—meaning any energy bill would have to be reconciled in conference. Worse, if the Energy Act gambit fails, S-556 could still be passed by the Senate in this session with the LWCF provisions.

Matters boiled to a first head in the House on May 25 with a 205-212 rejection of a motion sponsored by Rep. Raúl Grijalva (D-Arizona/Center for Biological Diversity) instructing conferees to support the Senate's permanent reauthorization of an unreformed LWCF—which was nearly identical to Grijalva's own version, HR-1814.

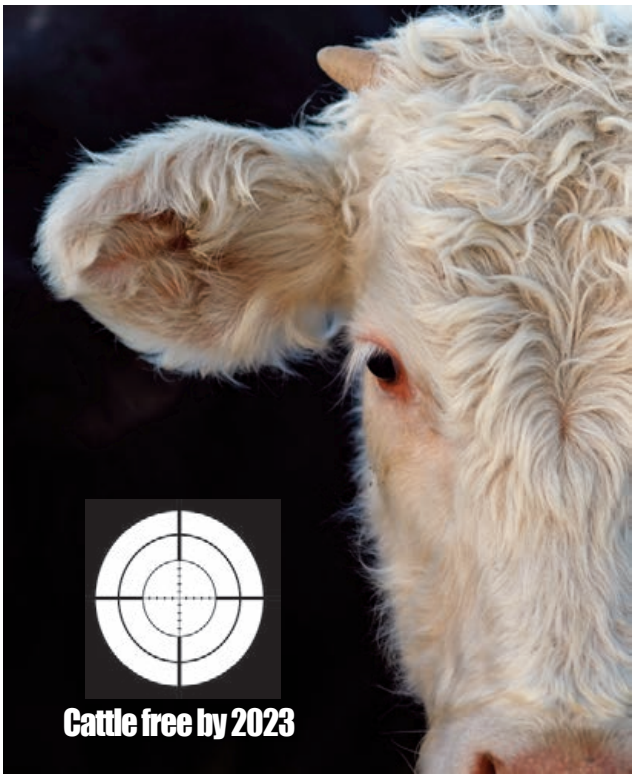
The debate was led by House Natural Resources Committee Chair Rob Bishop (R-Utah) and NRC ranking member Grijalva, who claimed 207 "bipartisan co-sponsors" of his LWCF bill, including 27 Republicans. Of those 27, only three represented districts west of the Mississippi: Dave Reichert (WA), Ryan Zinke (MT) and Jeff Fortenberry (NE)—and all three voted with Grijalva—a close call, and there will be more.

On June 8, *Morning Consult* reported the House had appointed its Energy conferees, 26 Republicans and 16 Democrats, and further that NRC chairman Rob Bishop would not budge in "opposition to a permanent reauthorization" of LWCF, at least not without negotiating some major reforms, including how funds are distributed. The Senate version reads that "not less than 40 percent shall be used collectively for federal purposes under section 200306 (of Title 54, U.S. Code, governing National Park Service and Related Programs; in subtitle II, Outdoor Recreation Programs; chapter 2003, Land & Water Conservation Fund)."

Not less than 40 percent, for more land to mismanage?

Perfect!

Going…Going… Gone?



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Environmental groups are increasingly using the advantage of nonprofit status to buy land in competition with private buyers in hopes of flipping it away someday, while getting rid of the cows as a bonus.

Montana

American Prairie Reserve's efforts entered a new phase on May 6 with a great leap 60 miles west from its current clustered holdings south and east of Malta, Mont., some 353,000 acres of mostly BLM land.

APR closed on the 48,600-acre (20,772 deeded) PN Ranch north of Winifred, with 14 miles of Missouri riverfront and nine miles of both sides of the Judith, famed as the site of the historic Judith Landing mercantile. Co-owned by Cargill billionaire Whitney MacMillan and Livingston-area rancher Matt Pierson, the ranch dates back to the 1880s. This 1,500-annual-unit outfit was first listed by Hall & Hall for $18 million and apparently sold for $21.5 million. However, *National Geographic* reported that public records show a $14.9 million mortgage.

Missouri River Stewards secretary, Ron Poertner of Winifred, was, and remains, a vocal opponent of the Missouri Breaks monument. He's no fan of APR, either, bluntly calling the PN sale "a hostile takeover. BLM needs to step up and install some sideboards on APR's prairie reserve plans" by slowing down the conversion of grazing rights from cattle to bison.

New Mexico

Thanks to Frank DuBois' great *Westerner* blog, another buy and flip came to light, facilitated by a familiar name. In 2009, Democrats in control of both houses passed the mega-omnibus public lands bill, not only codifying Bill Clinton's national monuments into law as the National Landscape Conservation System, but in their infinite wisdom, designating 16,030 acres of BLM east of Las Vegas, N.M., as the new Sabinoso Wilderness. Trouble was, the ground was "landlocked" with no legal access except by private landowners' permission.

Brilliant, right? So, in February, the Wilderness Land Trust (WLT) announced "a major milestone in the effort to unlock public access" to Sabinoso—a $3.15 million "contribution from the Wyss Foundation" enabling the purchase of the 4,176-acre Rimrock Rose ranch and a "donation" to BLM.

The Rimrock Rose (since 1870) had been for "amenity" sale for some time as "one of the few treasures remaining in the West" by Hayden Outdoors for $5.5 million (down from $6.5), as an 11,520-acre deal that "counted" 7,250 acres of BLM with the private base.

But in June, the *Albuquerque Journal* reported, "as part of the deal, the BLM would also eliminate two [vacant] federal grazing allotments in the area" of 6,260 acres as "a condition placed on the donation." WLT itself tells supporters "there are stock tanks, gates, solar panels, a barn and a dilapidated house that have to be removed."

Even more interesting, while part of Rimrock Rose will be donated, the remainder (about 600 acres) will be bought "at fair market." Hmmm, like about $3.15 million or so? From, say, the Land & Water Conservation Fund? Your dollars at work....—*DS*

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Whose Monumental Agenda?

With his days in power coming to a close, President Obama is looking at cementing some kind of "legacy" for himself. Like Bill Clinton did at the behest of then-Interior Secretary Bruce Babbitt, Obama is looking hard at the Antiquities Act as a means of leaving his mark.

What's on the agenda, and who is driving it? Well, faithful *RANGE* readers won't be surprised at this paragraph from the official October 2014 board minutes of the Conservation Lands Foundation (CLF), held in San Francisco (with *RANGE* notes in bold italic):

"Ryan Bidwell ***[formerly the Wilderness Society's monument campaign director, Colorado Wild]*** *gave an update on the current status and strategies for the National Monuments Campaign, including the most recent designations of the San Gabriels in Los Angeles, and the Pacific Remote Islands National Marine Monument. Upcoming and ongoing campaigns: Berryessa Snow Mountain* ***[July 2015]****, Gold Butte* ***[pending]****, City* ***[designated Basin and Range July 2015]****, Boulder-White Clouds* ***[pending]****, Cedar Mesa* ***[pending]****, Coast Dairies* ***[pending]****, California Desert* ***[designated Castle Mountains, Mojave, Sand to Snow, February 2016]****, and Browns Canyon* ***[February 2015]****. CLF staff feel as though we are currently well positioned to secure designation for most if not all of these areas before the end of President Obama's second term."*

Seems like CLF rather than Obama is in charge, not a surprise given that CLF's directors include epic land-grabbers Cecil Andrus, Bruce Babbitt, and Molly McUsic (Babbitt's national monuments right-hand-girl, who now runs the $2 billion Wyss Foundation).

RANGE will report more on Conservation Lands Foundation next issue—because CLF has more in store: *"In the event that the Senate turns after the midterm elections* ***[2014]*** *and there are more attacks on the Antiquities Act, CLF is leading a broad coalition of national organizations that are increasingly focused on defense. The Wyss Foundation and other funders have set aside some funding resources specifically for this purpose."*

Didn't read this good news in your local paper, did you?—*DS*

Not Just Cowboys, Ayuh!

Obama's monumentalism isn't just a Western thing. Down East in the great state of Maine, Burt's Bees lip-balm tycoonesse Roxanne Quimby (who sold to Clorox for $970 million in 2007) has been buying up timberlands and closing them down to the public, using her nonprofit 501(c)(3) private foundation, Elliotsville Plantation Inc., as a tax shelter. As of 2014, EPI held $71 million in land, plus another $56 million in stocks (managed by Goldman Sachs)—meaning, over time, Quimby has saved herself at least $44.5 million in income taxes—to be made up by the peasantry, of course.

Furthermore, Quimby controls, or controlled, an Elliotsville Plantation Charitable Remainder Unitrust II, a 501(c)(90) registered in Delaware, not Maine. Showing $14 million in assets, it is not required to file public Form 990s.

Now that Quimby has taken her write-offs and controls the land (and disposal terms for future uses), she wants to "donate" 87,500 acres to the federal government as a national park. But neither Maine's legislature, local governments, nor the governor's office are interested, meaning Congress won't endorse a park.

A park, of course, would form a "core" for the real goal, 3.2 million acres of Maine "Restore the North Woods" forests in eventual park or wilderness status, which explains why Ms. Quimby is soliciting Obama's White House to create a national monument.

Interestingly, the 2014 return for EPI shows a $492,000 expense line item for "National Park and Recreation Consulting"—of which $489,490 went to Hilltop Public Solutions (the folks *RANGE* profiled in "The Professionals," Summer 2016).

At the start of June, the House Natural Resources Committee (NRC) held a field hearing in the mill town of East Millinocket with local Congressman Paul Poliquin (R-ME) hosting committee chairman Rob Bishop (R-UT) and Rep. Bruce Westerman (R-AR). Tellingly, Democratic NRC members refused to attend and park proponents (such as Lucas St. Clair, who draws an $83,000-plus salary from mom Roxanne Quimby's EPI "nonprofit") refused invitations to testify—although 60 people, including Maine Gov. Paul LePage, testified against.

LePage later released a letter criticizing the Natural Resources Council of Maine (NRCM, a Quimby funding recipient) for hauling busloads of south-Maine residents to pack a May hearing at Orono in northern Maine, hosted by U.S. Sen. Angus King (I-ME, and pro-park). Among other things, LePage ripped NRCM as the "chief supporter of the preservationist movement that is holding Maine back," denying "rural Mainers good jobs and keeping them mired in poverty."

Thanks, Roxanne!—*DS*

Blown Away

It seems the sage-grouse "not-listing" is an equal-opportunity stop button for any sage-country activities, even politically correct "green" projects—this time a $100 million wind farm project in Harney County (home of Burns and the Malheur refuge), Ore.

The Oregon Natural Desert Association (ONDA) and Portland Audubon sued, lost at the district court level, then appealed to the 9th U.S. Circuit Court of Appeals. In an opinion written by Judge Marsha S. Berzon, a Bill Clinton appointee, the court ruled May 26 that BLM "did not adequately assess baseline sage-grouse numbers during winter" at Columbia Energy Partners' proposed 10,500-acre Echanis wind farm on Steens Mountain—which was expected to come online in mid-2011.

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The court decided while the wind farm sat on private ground, "the [46-mile, 240-kilovolt] transmission line crosses public lands," making the entire project "subject to environmental review."

The judges focused on discussion in the final environmental impact statement that "windswept ridges that keep sagebrush exposed during winter months could also be ideal locations for wind energy development"—or as sponsor Columbia Energy Partners put it, in "critical winter months" when the famous Columbia Gorge summer thermal gradient (and associated winds) dies off.

Trouble is, where wind blows snow off sagebrush, that's where grouse might like to eat. So the court ruled for ONDA/Audubon because four (count 'em, four) grouse were found at a nearby (but lower) site proposed (then cancelled) for wind energy. Further, any grouse "presence" should result in the similar-but-higher Enchanis site being declared "Category 1 Habitat"—that is, unbuildable, "both essential and irreplaceable."

Two ironies here: First, it is clear Sally Jewell's "cooperative" grouse plan's Category 1 Habitat is no different from whatever restrictions would have been imposed by a formal listing of sage grouse under the Endangered Species Act.

Second, while most Westerners understand the federal nexus (of using public money and/or public lands) that triggers compliance with federal laws, the 9th Circuit's ruling orders a survey of otherwise "safe" *private* lands because the nexus triggering National Environmental Policy Act review was the wind-farms' power line route on *public* lands.

Dave Skinner writes from Montana, where even the Continental Divide can't protect him from the radioactive politics of Washington, D.C.