

Wyoming Outdoor Council

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# FRONTLINE



Working to protect public lands and wildlife since 1967

## The True Measure of Wyoming's Public Lands

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Years

# The Immeasurable Value of Wyoming's Public Lands



BY STEFANI FARRIS  
DEVELOPMENT  
COORDINATOR

**M**y parents were born and raised in Cheyenne, but my father's career took them to Maine, which is where I grew up—on 17 acres of hardwood forest and hay meadows tucked along the tidal Kennebec River. It was not wilderness and hadn't been for centuries. But it was wild enough. I stalked bullfrogs on those acres, climbed and toppled from oak trees, dug clay from the riverbed, flushed turkeys, waded in shallow ponds in the summer and in the winter carved them up with my skates.

At the time it seemed unremarkable. I was just doing what country kids do. It wasn't until I left home—and my parents divorced and sold the land—that I realized my incredible fortune. From the time I was a young and curious child all the way through my teen years, when I wanted nothing more than a place to wander alone with my thoughts, I'd had a corner of the natural world available to me, day after day, year after year. That bit of land, which seemed to exist for me alone, fueled my imagination and my adventures. And it seemed like it would be there forever.

Now I live in the middle of Lander, and my front door opens onto a somewhat beleaguered yard. But above the roofs of the houses across the street I can see a sliver of the Wind River Range, and that glimpse is enough to remind me of my renewed good fortune—at living so close to so much public land.

My own child is a town kid who does things I never did—like ride Big Wheels with the neighbors up and down an actual sidewalk. But he's also a Wyoming kid. At six, he's already hiked and fished and camped and paddled more than I had by the time I finished high school. He's scrambled around the top of the Oregon Buttes, splashed in the Middle Fork above

Sinks Canyon, helped his dad field dress an elk along the upper Sweetwater. He's skied under a full moon at Beaver Creek and reeled in his first flopping rainbow from a canoe in the middle of Brooks Lake. For him, as for many Wyoming kids, these are just the unremarkable events of childhood.

As I watch him grow more comfortable in the outdoors, I consider the difference in our experiences—mine of knowing one patch of land intimately, his of having access to much vaster and wilder places—and I wonder what it means to be able to venture into a landscape every day, without worry that it might one day be closed to you, or gone forever. What kind of value do we, or should we, put on that experience?

## Wyoming Citizens Treasure Their Public Lands

Colorado College's 2015 Conservation in the West poll, which looked at bipartisan opinions about a variety of issues in six Western states, suggests—not surprisingly—that the people of Wyoming value the experience a lot.

The poll found that 96 percent of Wyoming voters surveyed had visited national public lands in the last year—including 43 percent who had gone more than 20 times. Nearly as many respondents—94 percent—said they thought an important priority for public lands management should be the protection of those lands for future generations.

The numbers are impressive. Very nearly all of us in Wyoming, regardless of political affiliation or hometown, regularly use public lands, and we believe they should be protected. Wyoming's public lands are beloved, to be sure. But they're also easy to take for granted.

When I arrived in Laramie at the age of 20, a little disoriented from having just lost my claim on the corner of the world I'd known as home, I was grateful to learn there were other special places I

could go, places that—while utterly different from what I'd known in Maine—were available to me any time. There were the dramatic rock formations of Vedauwoo and the aspen-lined trails at Happy Jack, where I could walk after a morning lecture. There were the alpine meadows of the Snowies, whose expansive views were almost more than my woodlot-trained brain could fathom. At the time, it meant nothing to me that these places were part of something called a national forest—that some were recreation areas and others roadless areas. All that mattered was that they existed, and that I was welcome to explore them whenever I liked.

## “Like No Place on Earth”

By an accident of climate and elevation and topography, Wyoming is unlike any of its neighboring states. Most of the land here is neither arable nor peopled. And about half of it is public. We are blessed with an embarrassment of riches—millions of acres of open spaces that look very much as they did a thousand years ago. Even in 2015, there exist in Wyoming vast landscapes that remain more or less intact. Few other states in the Lower 48 can make such a claim. Some of these landscapes—those in Yellowstone and Grand Teton National Parks, for instance, or on the Shoshone National Forest—are intact because of good decisions made long ago. But others, such as the longest known mule deer migration corridor, documented just last year in western Wyoming, persist only through happenstance and sheer luck.

Thankfully, the Wyoming Outdoor Council has long recognized the dangers of leaving the fate of our irreplaceable public lands to luck. So, a number of years ago, as long-term land-use plans governing nearly a quarter of Wyoming's total land area were about to undergo their first revisions in decades, the Council saw both the opportunity and the need to take a big-picture, landscape-level approach to this planning. Because huge, connected ecosystems don't fit neatly within agency boundaries, it only makes sense to think about management in terms of entire landscapes, and to consider carefully how decisions

made for one jurisdiction could complement or weaken decisions made for adjoining lands managed by a different agency.

## Years Later, We're Just Beginning to See the Fruits of Our Labors

Two recently released plans that Outdoor Council staff and members worked hard to influence—one for the Shoshone National Forest and another for the BLM lands in the Wind River Basin—now reflect a more comprehensive understanding of the importance of connected landscapes and the need for a balanced approach to management. Thanks to the efforts of many, some of the most crucial wildlife habitat along the southern gateway to the wild Absarokas and Yellowstone National Park is now protected for years to come.

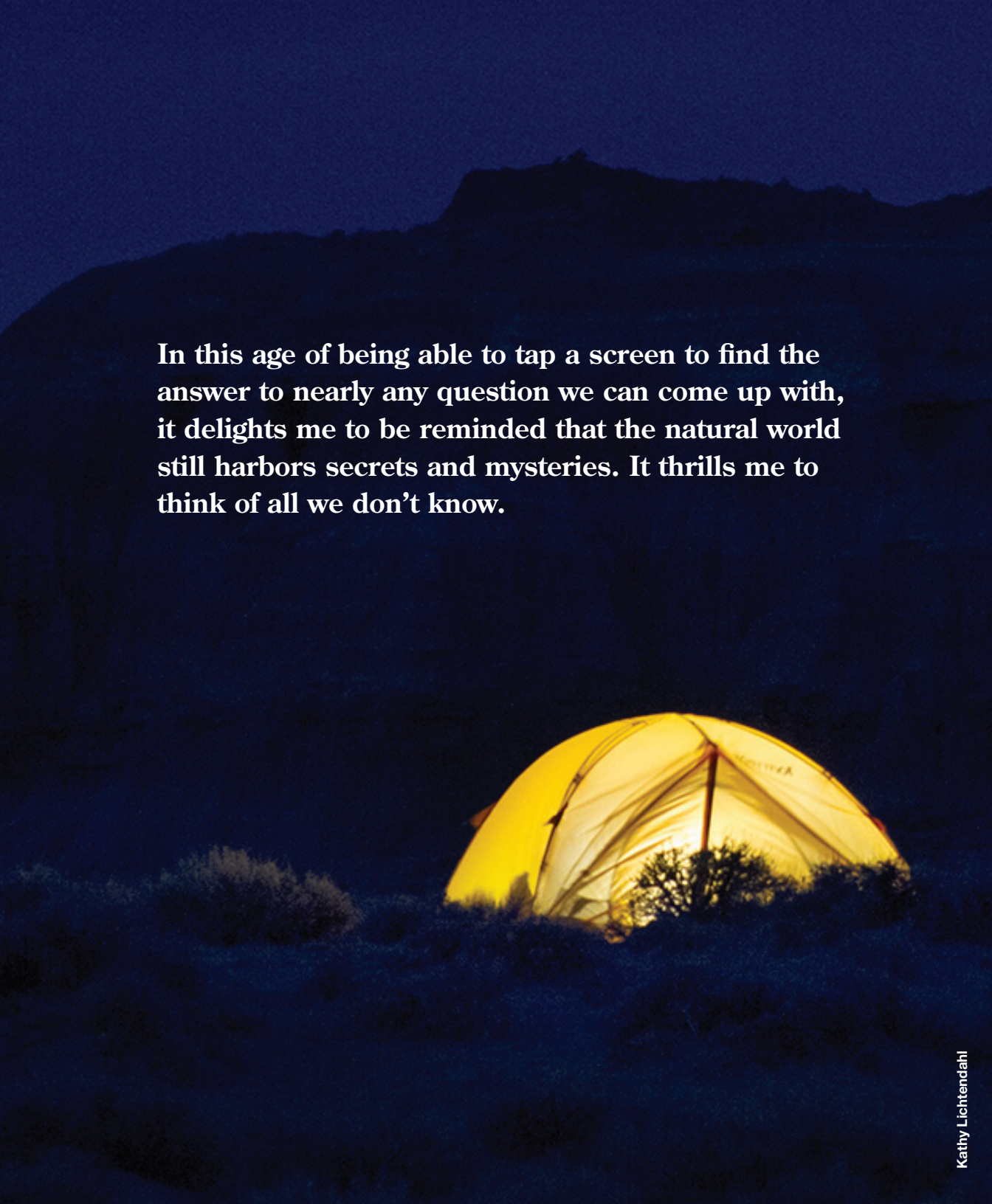
We're also working to present a similarly broad, long-term vision for the protection of two other unique landscapes as the BLM reworks its land-use plans for the Bighorn Basin and a huge area around Rock Springs that includes vast portions of the Red Desert. We want to ensure that these unique places, which people travel from far and wide to experience, are still here long after we are gone.

## Taking the Long View

Some incredible discoveries have been made on Wyoming's public lands in recent years. On the Shoshone National Forest in the Wind River Range, archaeologists have found evidence of prehistoric high-altitude villages that call into question long-held theories about human migration patterns. On BLM lands in the Bighorn Basin, paleontologists have unearthed bones of ancient camels, dire wolves, American lions, and other extinct species in what is believed to be one of the largest Ice Age deposits in the United States. Also discovered recently in the Bighorn Basin are fossils from an ancient species of tropical turtle that could provide clues to how some of today's endangered animals might adapt to climate change.

Research is offering us crucial data about the present, too. The recent

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Kathy Lichtendahl

documentation of the 150-mile mule deer migration corridor in western Wyoming has captured the imagination of many. The distance the deer travel in a season is compelling, especially when you consider that it's the same distance you'd cover driving from Rawlins to Cheyenne on I-80. Even more compelling is the fact that this important migration has been taking place for ages—quietly and without fanfare—even as pressure along the corridor has steadily increased.

Recent studies also reveal a high winter concentration of greater sage-grouse on BLM lands near Pinedale. At an estimated 1,500 to 2,000 birds, this is the largest winter flock in a state that is home to about 40 percent of the nation's entire population of this imperiled species. It's no stretch to say that this landscape—which is also the proposed site of a huge natural gas field that would more than quadruple the size of the Jonah Field—is crucial to the long-term health of the sage-grouse. As with the mule deer migration, we are lucky to have the science in time to inform good management decisions. Now we just need to make sure those good decisions are made.

Beyond their obvious cultural and scientific significance, these discoveries also raise an important question: What else is out there, hiding in plain sight? Certainly we won't find it all, not in my lifetime and probably not ever. I wouldn't want to. In this age of being able to tap a screen to find the answer to nearly any question we can come up with, it delights me to be reminded that the natural world still harbors secrets and mysteries. It thrills me to think of all we don't know.

So how do we ensure that whatever else might be out there—key habitat, a migration route, or even clues to our own distant past—is not lost? We start by being proactive. By standing back and looking at a map, then pushing for smart, strategic management that supports and protects intact landscapes before there's even a threat. And also by remembering that Wyoming's public lands are only as wild or wide-open—or as industrialized—as we agree they will be.

### **What's at Stake**

I'd like to think my understanding and awareness of public lands has improved in the two decades I've

lived in Wyoming. I certainly know which agency manages the land I might be hiking or camping on, and how the rules of one place differ from those of another. But when I'm standing atop the Oregon Buttes and staring out across a huge sage-covered basin, it's so easy to believe that the view, which has looked much the same for millennia, could simply stay that way for another thousand years.


But I know better. We all know better. Preserving that and so many of the other ancient, breathtaking views that people travel to Wyoming to witness firsthand will require our constant awareness of what's at stake combined with decades, maybe centuries, of hard work.

The mission of the Wyoming Outdoor Council is to protect Wyoming's land and environment for future generations. Ever since Tom Bell sat at his kitchen table in 1967 and dreamed us into existence by imagining the difference a group of concerned, committed citizens could make in Wyoming, this organization has been taking the long view.

And while our advocacy is rooted in science, we also know that not everything of value can be quantified. We recognize—we strongly hope and believe—that many discoveries large and small have yet to be made on our public lands.

For me, that sense of possibility is the real pull of the natural world. It's what I felt as a child exploring the Maine woods. What lives in this ravine? What's over that hill? It's what my son is expressing when we lie on a hill beneath a sky shimmering with stars and he asks if there are other planets like ours, if there's life beyond Earth. Maybe, I tell him. There could be. We just don't know.

### **How Do We Value Our Public Lands?**

That's a little like asking how we quantify wonder, or how we measure a deep sense of awe. We might as well ask: How do we value any of the essential elements that make us human? For these are the intangibles that Wyoming's vast untamed public lands offer freely, every day—to anyone who steps out and starts looking around. 

# Some Legislators Want the State to Take Over Public Lands. Can They Do It?



BY BRUCE PENDERY, CHIEF LEGAL COUNSEL & LISA MCGEE, PROGRAM DIRECTOR

In recent years, a vocal minority of elected officials has tried to revive the old sagebrush rebellion with studies and legislation calling for the transfer of federal public lands to states. “Transfer Movement” campaigns have been launched in several western state legislatures, including Wyoming’s.

Wyoming now has a law, for example, directing the Office of State Lands and Investments to conduct a study to address “management” of federal public lands by the state of Wyoming. The study will be completed by November 30, 2016, at which point lawmakers could pursue legislation attempting to mandate the transfer of federal public lands to Wyoming.

When propagated by state legislatures, mandatory transfer laws are actually unconstitutional. Wyoming’s constitution makes clear that when the state became part of the Union back in 1890, it “forever disclaim[ed]” right and title to federal public lands within its borders. Despite the claims of land transfer proponents, nothing in Wyoming’s Enabling Act requires the transfer of federal lands to the state. The Property Clause of the U.S. Constitution gives the federal government absolute power over federal public lands. Proponents of state takeover of federal lands commonly overlook this clause, though, pointing instead to the U.S. Constitution’s Enclave Clause and the Equal Footing Doctrine to support their arguments. But these claims don’t have bases, either. The Supreme Court has determined that Congress alone holds an “absolute right” when it comes

to the “disposal”—or the sale or transfer—of federal public lands. And according to congressional legislation governing BLM lands, U.S. policy is for public lands to “be retained in Federal ownership.”

The desire for state control over public land originates in an ideology that fundamentally distrusts the federal government. To be certain, federal management is imperfect. But it’s the best option we have when it comes to public land management. The federal government is required to manage our public lands for multiple uses, and to ensure the public has a role in the decision-making processes. This provides an opportunity to see that the best interests of the many are protected. Not everyone is happy all the time, but no single use dominates.

So what would state management of federal public lands look like? It’s hard to say. We already have one model to consider in our state trust lands. Management of these lands requires the state to prioritize uses that have the highest economic return. That’s an important provision because those revenues help fund our public schools. But applying this model generally to our federal public lands would result in decisions favoring short-term economic gain at the long-term expense of other values such as open space, wildlife habitat, clean air and water, hunting opportunities, and recreational access. And public access to state trust lands is more restricted than it is on federal public lands.

Another model envisions the state stepping into the role of the federal government—managing millions of acres of land to maintain multiple uses while ostensibly generating greater revenue for the state. Recent studies from Utah and Idaho, however, have concluded that costs would far outweigh any revenue gained. We anticipate that if Wyoming were to pursue an objective study, it would reach similar conclusions. We believe that if federal lands were to be acquired by states, the states almost certainly wouldn’t have the ability or even the right incentives to manage them effectively. Instead, real-world economic incentives and politics

To contact Senators Enzi and Barrasso, as well as your state legislators, you can go to our website and click on “Contact Your Legislators.” It’s that easy!

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would likely result in the sale of these treasured lands to private interests.

Here’s the key issue. States have no legal authority to force the transfer or sale of our federal public lands, but Congress can divest ownership and control. Many of us take for granted that Congress would simply never do this. However, on March 26 of this year the U.S. Senate voted 51-49 to create a “reserve fund” to assist states and local governments to initiate the sale, transfer, and exchange of some federal public lands. Wyoming Senators John Barrasso and Mike Enzi voted in favor of this fund. And while we’re a long way from final legislation, the move is a troubling indication that some congressional members might one day favor—and push for—a state or private takeover of these lands.

For all Americans who value our public lands, and particularly for those of us in Wyoming whose quality of life or livelihoods depends on them, this is sobering. And it’s another stark example of why elections matter, and why public participation matters. Support for federal public lands doesn’t mean we always agree with the federal government. What it means is that we each have a responsibility and an opportunity to ensure that public lands stay public. We do this by standing up, speaking out, participating in public processes, supporting advocacy organizations like the Outdoor Council, and calling out our elected representatives when they have gone too far. 🐾

## Wyoming Outdoor Council

Established in 1967, the Wyoming Outdoor Council is the state’s oldest independent statewide conservation organization. Our mission is to protect Wyoming’s environment and quality of life for future generations.

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