

BLM Intransigence Dissected

SRC 11-9-2006

Once again the BLM has smugly patted its insular, unaccountable self on the back for "getting it right", rejecting a plethora of formal protests, and refusing to sell Area 51 to the community for public use. That is, they refuse to even consider the bona fide offer submitted by the nonprofit Shasta Resources Council to purchase it on behalf of the community for full market value as appraised by BLM. Instead, they maintain, it must be traded to a development speculator for the "greatest" public good. Translation: for the greatest perceived financial benefit to BLM as an agency.

Here is the background. Federal law allows the BLM to dispose of federal land by either selling or trading it. If sold, about 30% of the funds must be shared with other federal agencies such as the National Park Service. By their own statements, BLM considers this a "loss," even though 100% is going to none other than the federal government. Instead, if the land is traded, BLM is not obligated to share any of the land received in trade. Further, since federal land at the urban fringe, like Area 51, is typically traded for land that is remote and less or not economic to develop, like the Grass Valley Creek parcel to be acquired under the trade proposal, the relative values are such that there is a net gain in land area to be administered by the agency. Hence, BLM can justify a larger operating budget from federal legislators on the grounds that they now have more land area to administer. The result of all this is that BLM's policy is to dispose of land only by trade, except for some minor fragments designated for possible sale in the future. BLM policy also effectively excludes uncompensated transfer to local government or community nonprofits as that is viewed as 100% loss to the agency. This self-serving strategy is the BLM machine's underlying motive in its relentless rejection and frustration of Shasta community efforts over the past six plus years to acquire Area 51. These efforts predate initiation of the present trade proposal.

How is all this formally justified by BLM? The essence of their justification is the need to acquire and protect environmentally important land, and the agency's need to reconfigure federal land holdings to simplify administration. These are very understandable and responsible objectives. However, in the case of Area 51 at least, their proposed action would 1) sacrifice highly sensitive, ecologically-rich and pristine watershed to development, 2) annihilate a community-

built trail complex and natural space used and cherished by the public for over 50 years, and 3) destroy the possibility of transferring responsibility for public stewardship of these precious public resources to a local entity committed to their preservation.

What about the need to protect the Grass Valley Creek parcel? First, because of its extremely isolated location, it is not economically developable, which precludes that threat to its environmental sensitivity. Second, although it contains some valuable timber, it would be uneconomic to remove it for sale due to the highly erosive and uniquely unstable soils throughout the parcel. The cost of complying with applicable environmental regulations would make removal infeasible. Therefore, acquisition for the purpose of protection is not urgent. When asked why Area 51 was selected for trade from the many thousands of acres of BLM-administered land available for disposal, the development speculator Joe Rice stated to SRC representatives that the BLM had given him no other choice and that he would have willingly considered other parcels. Therefore, the BLM contention that sacrifice of Area 51 is essential to their acquisition of the Grass Valley Creek parcel is not correct and has never been correct from the very beginning of the trade negotiation.

What obligation does BLM have to our community? Federal law requires that community interests be given lead consideration by BLM in a land disposal action. Ironically, BLM interprets federal law to require such consideration only in regard to a sale and not a trade. Hence again, BLM is inherently resistant to entertain sale as a means of disposal in that they see themselves being forced to submit to consideration of community interests. Such consideration, it is undoubtedly perceived, will cause a diminution of land value or compensation to BLM and consequently, a reduction in financial benefit to the agency.

So what is our next move? Our unequivocal answer is to proceed with the next level of administrative remedy, which is to appeal the BLM trade decision to the national, Washington, DC office. The appeal will be vigorously led by the Shasta Coalition for the Preservation of Public Land and fully supported by the Shasta Resources Council, numerous other organizations, and the Shasta community. Area 51 is far too crucial a resource now and for future generations to allow its baseless decimation.