



Western Land Exchange Project

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October 6, 2004

Mr. Steven W. Anderson, Field Manager
Redding Field Office
Bureau of Land Management
355 Hemsted Drive
Redding, California 96002

RE: Rice Land Exchange Proposal

Dear Mr. Anderson:

The Western Land Exchange Project is a non-profit, membership organization conducting research, outreach, and advocacy for reform in federal land exchange policy. This letter constitutes our scoping comments for the proposed Rice Land Exchange between the Bureau and Salmon Creek Resources.

The environmental analysis must consider a reasonable range of alternatives.

Since 1999, several federal courts have admonished the federal land management agencies for failing to consider adequate ranges of alternatives to land exchanges. A purchase alternative, in which the BLM would acquire the non-Federal lands through Land and Water Conservation Fund (LWCF) purchase, must be considered, for it would provide the public with a much clearer picture of the comparative impact of trading public lands. This is especially true if some of the Federal lands to be traded away would be logged or developed by the private party.

The Bureau should also fully analyze an alternative that imposes deed restrictions on the Federal land prior to the exchange. Deed restrictions in conjunction with the land trade would address the Bureau's interest in creating logical property boundaries, but would also ensure the future viability of important habitat now provided by the Federal parcels. As with a purchase alternative, analyzing a deed restriction alternative helps clarify the impact of the proposed exchange. The Ninth Circuit Court of Appeals has held that a deed restriction alternative to a land exchange proposal must be thoroughly analyzed because such an alternative is more consistent with basic federal land management objectives than exchange alternatives that do not consider deed restrictions. See Muckleshoot Indian Tribe v. United States Forest Service, 177 F.3d 800 (9th Cir. 1999).

An important alternative to this particular exchange proposal that must be analyzed is conveyance or lease of the selected land to the Shasta Community Services District and the Greater Redding Trails and Bikeways Council under the authority of the Recreation and Public Purposes Act, 43 U.S.C. § 869, ("RPPA"). The proposal submitted by those groups appears to meet the statutory requirements for conveyance or lease under the RPPA. An RPPA conveyance or lease would result in much less impact to the selected land.

The environmental analysis must provide clear, detailed descriptions of the existing condition of both the Federal and non-Federal lands.

The Bureau must document the extent of native or naturally regenerated habitat found on the Federal parcel and identify the extent (percentage) of native habitat remaining on land managed by the Redding Field Office. BLM should also identify whether the portion of Salt Creek flowing through the public parcel supports salmonid species, and if so, whether the relevant LRMP discourages disposing of public land containing functioning salmon and trout habitat. The analysis should document the extent of past grazing, logging and mining on the private parcel and the resultant condition of the land and any riparian habitat it might contain.

If the offered parcel does not contain native habitat while the Federal parcel does, the public interest determination mandated by the Federal Land Policy and Management Act ("FLPMA") must consider the merits of trading away a portion of our nation's dwindling native heritage.

The Bureau of Land Management must analyze the full extent of environmental impacts that would likely result if the proposed exchange were consummated.

When addressing the environmental impacts of the proposed trade, the BLM must not only describe possible benefits of acquiring the private land, but also detail the impacts that would result from future use of the selected public parcel. The analysis must address the environmental impacts, including impacts to trout and salmon, which would likely occur if the Federal parcels were logged, then developed to the maximum extent permitted under California laws and regulations. It must also consider the cumulative impacts from the likely use of the Federal parcels in conjunction with previous logging, mining and development on private, State and Federal lands near the selected parcel. This analysis is not only necessary to fulfill the mandates of the National Environmental Policy Act (NEPA); it is also needed by citizens evaluating whether the proposed trade would serve the public interest.

In discussing possible benefits of the trade, the Bureau must address the fact that the Hamilton Ponds are just downstream from the Rice parcel. The ponds are likely capturing any sediment that erodes off the Rice parcel, thereby preventing it from reaching the Trinity River and greatly reducing any benefit accruing from public acquisition of the parcel.

Thank you for informing us of this proposal and providing an opportunity to comment. Please retain the Western Land Exchange Project on the mailing list for all future notices and documents pertaining to this exchange and any other proposed land trades involving your district.

Sincerely,

A handwritten signature in black ink that reads "Christopher J. Krupp". The signature is written in a cursive style with a large initial "C".

Christopher J. Krupp, Staff Attorney