

*LOS ANGELES TIMES*

June 21, 2002

## **Eastern Lawmaker Seeks Land Giveaway—in L.A.**

By CHUCK NEUBAUER, Times Staff Writer

WASHINGTON -- A Republican congressman from rural Pennsylvania has introduced legislation to give away 110 prime acres of national forest around the Mt. Wilson Observatory to a science institute whose top officers share his skeptical view of global warming—and whose board includes his chief of staff.

U.S. Forest Service officials estimate the land is worth \$100 million. But Rep. John E. Peterson is proposing to give it to the Mt. Wilson Institute, the nonprofit group that took over operation of the historic observatory in 1989 after it had been closed for several years.

The observatory, which once boasted the world's largest reflecting telescope, is considered by many to be the birthplace of modern astronomy. It sits atop 5,710-foot Mt. Wilson, a popular hiking spot in the San Gabriel Mountains near Pasadena.

It is highly unusual for the federal government to give away valuable land in the middle of a national forest and on a historic site. It also is rare for an out-of-state congressman to introduce legislation to give away federal land in someone else's district—in this case, a Los Angeles-area district that is 2,400 miles from the rolling hills of the sponsor's northwest Pennsylvania home.

"The bill plays into the hands of those private concerns that believe that public land is theirs for the taking if they have the right connections," said Janine Blaeloch, director of the Western Land Exchange Project, a public interest organization that monitors federal land exchanges and sales.

Peterson's bill would give the institute 45 acres of Angeles National Forest land under the observatory. The bill also would give the institute 65 acres of adjacent parking lots and public facilities that form the gateway to the observatory. The observatory itself is not owned by the federal government; it is owned by the Carnegie Institution of Washington, which founded the observatory and leases the land from the Forest Service for \$1 a year. The Mt. Wilson Institute operates the facility under an agreement with Carnegie.

The institute is run by some of the nation's leading critics of the widely held view that global warming is caused by human activity. The congressman has promoted their work, and he appeared with one of them on the speaker circuit as recently as Wednesday. He also helped get \$750,000 in federal funds last year for an international solar research project that the institute spearheaded. His chief of staff, Robert Ferguson, has been a board trustee for the institute since April. Since then, he has taken the lead—in his role as congressional aide—in pushing for the land giveaway.

Peterson also has long been a proponent of restricting federal land ownership in the West.

Peterson and Ferguson said Ferguson's role at the institute and Peterson's views on global warming had nothing to do with their support for the legislation.

### ***A 'Win-Win' Situation***

"Was it a favor to them because of global warming? Absolutely not," said Ferguson, adding that the deal is a "win-win for everyone." The cash-strapped Forest Service would get out from having to pay to maintain and protect the site, he said, and the institute would be able to enhance it with foundation grants.

The Forest Service doesn't "have the resources and expertise to take care of a national treasure," Ferguson said. He said the institute has spent \$250,000 in the last six years doing work that should have been done by

the Forest Service and that the service had failed to cut down brush and trees that were a fire hazard, despite frequent complaints from the institute.

"The place is literally in danger of burning down," Ferguson said.

Forest Service officials have told House staffers that the institute never told them of their complaints. Gail Wright, a spokeswoman for the Angeles National Forest, said the Forest Service is trying to correct the problems identified by the institute.

Wright said they are hoping to resolve the issues without conveying the land.

### ***Saving Area for Public***

At a hearing on the bill Thursday, Tom Thompson, deputy chief of the National Forest System, said in a statement that the agency wanted to make sure the area surrounding the observatory "remains available for public recreational use" and that the conveyance be "pursued in a fiscally responsible way" that takes into account the value of the parcel. Thompson said they had not appraised the property but thought the value was about \$1 million an acre.

Rep. Adam B. Schiff (D-Burbank), whose district includes Mt. Wilson, has not made a decision about whether he will support or oppose Peterson's bill. Schiff said his office learned of the proposal two weeks ago from Peterson and that his office had not been contacted by the Mt. Wilson Institute.

Ferguson said his office intends to keep pushing to get the land for the institute.

"The institute has demonstrated that it is best suited to own and care for the land for the public good," Peterson said at the hearing. "The use will not change."

In an interview afterward, he said, "If I were king, I would transfer the land to the Mt. Wilson Institute."

Peterson came up with the idea for conveying the property after hearing complaints from institute scientists, Ferguson said.

He said the scientists came to Peterson because they know him and because he has influence with the Forest Service, since he sits on the resources and appropriations committees that authorize the agency's budget and oversee its policies. Peterson is vice chairman of the Resources Subcommittee on Forests and Forest Health, which held Thursday's hearing.

Ferguson said he has actively pushed the legislation for Peterson, even though he has a position on the institute board. He joined the board in April at the urging of institute director Robert Jastrow, whom he described as a personal friend. The House Ethics Manual cautions members and their staffs to not lobby on behalf of organizations with which they are affiliated.

"I am working very hard on this," he said. "Pushing the bill is my job" as chief of staff.

He said that the first thing he tells other federal officials when discussing the legislation as a congressional staffer is that he also is a trustee of the institute.

### ***Sidestepping a Conflict***

While he has advocated for the bill in Congress, Ferguson said he thought he had avoided a conflict of interest by recusing himself from voting on the matter when it came before the institute board.

Ferguson on Thursday said he plans to ask the House ethics committee for an opinion on whether his dual roles were a problem.

Peterson said Ferguson did not tell him about his trustee position until Monday, the day the bill was introduced.

"He forgot to tell me about it," said Peterson, who does not see it as a conflict, because Ferguson is not paid. "If I thought it was a conflict, I would tell him to get off."

The ties of the institute's leaders to the global warming debate are strong, as are Peterson's.

Sallie Baliunas, an astrophysicist and the institute's deputy director, has written a book about global warming. The group's chairman, Frederick Seitz, and director Jastrow, who founded the NASA Goddard Institute for Space Studies, also have taken strong public stands against blaming humans for global warming.

### ***Work Questioned***

All three also are active in the George C. Marshall Institute, which has questioned the work done by other scientists who believe there are human causes for global warming. The views of the three are similar to those of Peterson, who wrote in a column distributed by Knight Ridder: "There is no convincing scientific evidence that man-made greenhouse gases will cause the demise of planet Earth."

Peterson has entered a proclamation into the Congressional Record honoring Seitz on his 90th birthday. He has cited Baliunas' work and appeared on her Web program. On Wednesday, Peterson gave the introduction to a speech to the conservative Heritage Foundation by Baliunas, who believes that the human contribution to global warming has been insignificant.

"She was one of the scientists who helped me form my views on this issue," Peterson said.

Peterson said that he met Baliunas five or six years ago and that she came to him with the problems the Mt. Wilson Institute was having with the U.S. Forest Service.

While the institute is run by scientists with conservative views on global warming, it conducts unrelated atmosphere and space research at the observatory. Not all scientists who work there are involved in the global warming debate.

The observatory is where Edwin Hubble discovered there were other galaxies beyond the Milky Way. For decades, its 100-inch telescope was the world's largest.

The observatory was founded in 1904 with financing from the Carnegie Institution. The land was owned by other parties and later donated to the federal government. Carnegie shut down the telescope in 1985 but still owns some of the equipment and buildings and holds a federal lease on the land for 99 more years.

Carnegie officials said they were not consulted about the proposal to give the land under and around the observatory to the Mt. Wilson Institute.

The institute now has virtually free use of the land. But Baliunas said donors have not wanted to sink money into improvements on land owned by the federal government. The institute hopes to create a \$10-million endowment, including funds for maintaining the property around the observatory.

Ferguson said that Peterson inserted a clause in the bill that the land would revert to public ownership if it was not being used for "scientific, educational, historical and other public purposes."

But Blaeloch of the Western Land Exchange Project said, "This clause is meaningless in its generality—some could argue Disney World serves such purposes."

She said the bill follows a familiar pattern for federal land sales and exchanges that are bad deals for the public.

"Bills like this can pass quickly with no one raising an eyebrow, and as the session comes to a close, everyone just wants to clear the decks and go home," she said.

Schiff said his office is assessing the issue. "We would like to look into problems that the Mt. Wilson Institute has raised in terms of maintenance, fire risk." At the same time, we want to look at the details of the proposal ... including conditions for reconveyance. There are a number of unresolved issues we want to make sure we fully explore before we make a position."