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*From the Los Angeles Times*

## Eyes in the West Are on Federal Land Sale

**Proceeds from U.S. acreage outside Zion park would be used for local development.**

By Julie Cart

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ST. GEORGE, Utah — Its mild climate, stunning scenery and proximity to several national parks have helped make Washington County one of the five fastest-growing counties in the nation. But like many rural Western counties, it has little room to expand: 87% of its land is owned by the federal government.

Now, Utah's congressional delegation has a plan to remedy the problem, one that is being closely watched by nearly a dozen Western counties with similar growing pains. The plan is also being scrutinized by conservationists who warn that it would set a dangerous precedent, making thousands of acres of public land available for private development as well as offering a windfall for local agencies and special deals for politically influential officials and property owners.

The proposed Washington County Growth and Conservation Act would sell up to 40 square miles of federal land and use the proceeds to finance a multimillion-dollar water pipeline and other local projects. Utah Republican Sen. Robert F. Bennett and Democratic Rep. Jim Matheson are expected to introduce the bill in coming weeks. Waiting in the wings are nearly a dozen similar bills for counties in Utah, Idaho, Nevada and New Mexico where population pressure is fueling the demand for more developable land.

The Washington County plan and others like it highlight the growing tension between growth advocates and others who fear that the West's unique legacy of protected public land is in jeopardy along with the wildlife, clean air and water that go with it.

Although the Washington County bill would address conservation by expanding a preserve for the threatened desert tortoise and designating 219,000 acres as wilderness, environmental groups point out that more than half of that acreage is already strictly protected as part of nearby Zion National Park. Most of the remaining acreage is already managed as wilderness.

"As far as wilderness is concerned, this is a miserable piece of legislation," said Scott Groene, executive director of the Southern Utah Wilderness Alliance.

The reaction from neighboring counties has been enthusiastic.

"This is, my own opinion, a great model for how to deal with public lands," said Mark Whitney, chairman of the neighboring Beaver County Commission. "I think it puts a lot of these federal land issues to bed. This is landmark."

Washington County's population has grown more than 40% since 2000. Retirees, in particular, have been drawn to southern Utah with its red rock palisades and deep, lush canyons. St. George, moreover, is an

easy drive from both Las Vegas and the Grand Canyon.

But the same scenery that attracts growth can impede it when so much of the countryside is off limits to development, officials say.

"One of the problems in the West is that the federal government owns most of the land," said James Eardley, who chairs the Washington County Commission. "I say, 'He who owns the land, holds the power.'"

As far as he's concerned, Eardley said, the Washington County bill is about one thing: "We're in it for the land."

The bill is coming at a time when the Bush administration is advocating the sale of hundreds of thousands of acres of federal land in the region. The president's most recent budget requires the U.S. Forest Service to sell 300,000 acres and the Bureau of Land Management to raise \$350 million by auctioning some of its vast holdings.

For conservationists, however, the bill is part of a dangerous trend.

"People hoorah these projects on the local level, saying, 'We are going to do this for our people,' " said Janine Blaeloch, director of the Western Lands Project, a Seattle-based group that monitors the sale of federal lands. "But small groups benefit, and those are developers, paving companies and golf course developers. Where federal land has been taken over for development, it ends up being used for second homes and high-end development."

The Washington County bill follows a precedent set by 2004 legislation in Nevada, sponsored by Democratic Sen. Harry Reid, that not only ordered the sale of federal land but allowed local governments to reap the proceeds, rather than sending the money to the federal Treasury.

Under the Washington County bill, up to 25,000 acres of federal land would be auctioned off. Fifteen percent of the total proceeds, which could amount to hundreds of millions of dollars, would be doled out to county agencies, with the remaining 85% earmarked for local conservation projects, such as adding land to the tortoise preserve.

Most of the land ordered for sale has not been identified, but according to Jim Crisp, manager of the BLM's St. George field office, finding 25,000 acres of agency land without disturbing either an endangered species or an archeological or cultural site would be challenging.

More than 50% of the federal land in the region contains artifacts that make it unsuitable for sale, Crisp said.

The bill would help the Washington County Water Conservancy District fund a \$500-million pipeline that would convey water from Lake Powell 120 miles to St. George, a city of about 70,000 where the per capita consumption of water is already twice the national average.

Additionally, the water district would be guaranteed rights of way, easements and the right to put reservoirs, storage sites, flood-control projects and pump sites on 14 squares miles of public land, free of charge.

The most controversial part of the bill involves the 66,000-acre tortoise preserve and the people who stand to benefit from it. The bill would establish a fund that would allow James Doyle, a developer, to realize a

multimillion-dollar profit on land he owns in the tortoise preserve. Among the priority projects to be funded by the land auction would be buying out private landowners within the preserve boundaries.

Shortly after Doyle bought the property in 1990, the land was designated as critical habitat for the endangered desert tortoise. The BLM began to acquire land from private property owners to consolidate into a tortoise preserve.

During that period, Doyle refused to accept the BLM's appraisal of \$28 million, 25 times more than he had paid for his property. Doyle hired his own appraiser, who set a value of about \$70 million. Years of wrangling ensued, including a 2001 inspector general's report that found successive federal appraisals of Doyle's land had been excessively high.

Doyle hired a succession of Washington lobbyists, including former U.S. Interior Secretary Bruce Babbitt, to lobby both the Clinton and Bush administrations to resolve the impasse.

Twice, Bennett introduced unsuccessful bills to pay Doyle market value for his land. Additionally, former U.S. Rep. James Hansen of Utah helped Doyle by attaching a rider to a 1996 parks bill that specifically allowed land within the Washington County desert tortoise preserve to be appraised as if it could be fully developed, unencumbered by the restrictions of the Endangered Species Act.

Although applauding the effort and expense to enlarge the tortoise preserve, critics wonder why the legislation calls for a highway to run through the newly protected area. The bypass would enhance the value of high-end housing developments on the preserve's edge by reducing driving time into St. George.

Among those owning property affected by the new road: Washington County Commissioner Alan Gardner and his brother, Larry, a St. George city councilman.

Randy Johnson, a former Utah county commissioner who acted as the mediator during the bill's negotiations, said conflicts of interest were inevitable in a small county.

"I don't know how to tell you a way for us to do a comprehensive, complex countywide land-use bill without finding some complications," he said. "You are going to have people who own land here and there; you are going to have people who benefit one way or another. But there was never an effort to structure the bill that any one person would benefit."

Soon after finishing his stint as the bill's facilitator, Johnson went on Washington County's payroll as a consultant.

Although Washington County officials denied they had undue influence on the bill's outcome, County Commissioner Gardner added: "If there was no benefit for the county in the bill, why go to all that effort?"

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