

Dreaming the impossible dream in Idaho

Marty Trillhaase/Lewiston Tribune

By now, Idaho legislators sitting on a federal lands task force have got to be getting some inkling that they're on the wrong track.

Deputy Attorney General Steve Strack put it as mildly as he possibly could last Wednesday. As the Tribune's William L. Spence reported, Strack steered the panel through 19 decades and seven iterations of public lands debates. Among them were the Carey Act, which opened vast acreages of irrigated farmland, as well as the Sagebrush Revolution of the 1980s.

But then he gently delivered some harsh news: The theory advanced by Utah Rep. Ken Ivory last winter was just so much wishful thinking. It's folly for Idaho lawmakers to take Uncle Sam to court to demand the feds transfer ownership of Forest Service and Bureau of Land Management properties to the state. Standing in the way is the U.S. Constitution - which gives Congress this authority exclusively - and more than 200 years of precedent.

"The lesson I took away was that where we saw progress in the past (in terms of transfer of land ownership) has been the result of congressional action," Strack said. "The limited litigation experience we have wasn't successful. We know Congress does respond when the states can make a compelling argument: The Carey Act was a great example of that."

It's not the first time someone has delivered unpleasant news to this group. Earlier this year, members of Idaho's all-Republican congressional delegation mildly encouraged state lawmakers to take another path. The Idaho Statesman's Rocky Barker found Sen. Mike Crapo and Congressman Raul Labrador, both R-Idaho, suggesting the state might pursue management rather than ownership of federal lands. Congressman Mike Simpson, R-Idaho, suggested working within the current system to cut down on red tape and litigation. Sen. Jim Risch, R-Idaho, offered no comment.

And why not?

Never did people seeking control of federal lands within Idaho have more leverage than in the early part of the last decade. George W. Bush was in the White House. Republicans controlled both houses of Congress. Among them was Richard Pombo, R-Calif., a hard-liner who got a lifetime 7 out of 100 from the League of Conservation Voters. Pombo chaired the House Resources Committee.

All that clout went nowhere. Any transfer of federal lands to the states, any weakening of the National Environmental Policy Act, tweaking of the Endangered Species Act or diminution of the Antiquities Act ran up against an unbeatable coalition. Moderate Republicans from the East Coast lined up with Democrats and Western recreationists who feared the states would sell off these lands.

If it couldn't happen with Bush in the White House, it's going nowhere with Barack Obama in charge - not to mention Democrats in nominal control of the Senate.

Instead of chasing the impossible dream, why not pursue the art of the possible?

On that score, ordinary Idahoans are ahead of their elected officials. Frustrated with decades of gridlock, they've begun to work out accommodations in places such as the Boulder-White Cloud range, the Owyhee Canyonlands and the Clearwater basin.

In the last case, a collaborative has outlined plans to boost cutting timber on the Nez Perce-Clearwater National Forest by 50 percent while adding 300,000 acres of wilderness and placing seven streams to the Wild and Scenic Rivers system.

What's taking place in a legislative hearing room in Boise makes for good political theater.

But what's going on in the real world among people seeking a real solution is what's going to matter in the long run. - M.T.