

Chmelik: Sue for U.S. lands

Commissioner's plan calls for counties to pool cash and hire lawyers

William L. Spence/Lewiston Tribune

Idaho County Commissioner Jim Chmelik wants to steal a page from the environmental industry's playbook and use lawsuits to challenge federal land management practices.

Speaking to about 15 people Thursday at the Lewiston Community Center, Chmelik highlighted the work of the Western Landmark Foundation, a nonprofit entity he created earlier this year.

The foundation is trying to build a coalition of Western counties and pressure Congress into transferring public lands - or at least transferring management authority for the lands - to the states.

"We're asking counties to contribute \$3,000 to \$5,000," he said. "With those funds, we want to bring lawsuits against the federal government. We think we have a great opportunity."

Chmelik thanked the environmental community for the idea, saying it has proven very effective in "building a great baseball stadium and then inviting us to come in and play by their rules. Now we need to start building our own stadium - and we can do that if the counties come together."

The foundation lawsuits would be based on two fundamental ideas, he said. First, federal mismanagement of public lands has been detrimental to public health, safety and welfare; and second, that the failure to transfer these lands has harmed Western states economically.

The historical basis of this argument dates back to the American Revolution, Chmelik said, when the original colonies ceded land to the federal government to pay for the war. They intended that the land be disposed of for the common good - meaning sold to pay for the war - so it could then be settled and formed into states.

"They never meant for the federal government to own 35 percent of the country's land mass," he said. "They understood that if we want a republic, states needed to have ownership of the land or they would just be federal territories - and make no mistake about it, in the West, we are basically territories. How can we have a representative government when (the Western states) don't have access to their natural resources? How do they compete with the states who do have access?"

Chmelik also made a pitch for donations, saying it takes money to travel around the West to meet with county commissioners.

"It's not cheap," he said. "I'm going to Oregon, New Mexico, Wyoming. We now have 13 counties in three states that have joined the coalition. Once we get to 50, then we'll ask them to provide the money and have our attorneys start doing their thing."

In addition to the legal strategy, Chmelik said the foundation intends to pursue a communications strategy to try and counter the perception environmental organizations have created that wild lands are all pristine and beautiful, while managed forests are all clear-cuts.

Chmelik illustrated his talk with a variety of slides showing burning forests, an elk that died in a wildfire, and rivers clogged with sediments and debris after fires burned away all the groundcover.

Those are all consequences of federal mismanagement of public lands, he said, along with billions of tons of greenhouse gas emissions and thousands, if not millions, of lost jobs and billions in lost wages and economic activity.

Put images like that in an ad and caption it "Brought to you by the Sierra Club," he said, and it creates a different narrative.

"We have a better story to tell about how to manage these lands," Chmelik said. "There's so much we can do - but it takes money to do it."

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