

Nuxoll withdraws land management bill, says she will draft new measure

Legislation would let counties fix what they see as neglected or mismanaged state and federal land

William L. Spence/Lewiston Tribune

BOISE - The Idaho Freedom Foundation and state Sen. Sheryl Nuxoll, R-Cottonwood, are hoping to give county officials another weapon to use in their battle against federal land management agencies.

Nuxoll attempted to introduce legislation Monday that would allow a county sheriff or chairperson of the county commission to declare a "catastrophic public nuisance" if they felt federal or state lands were being neglected or mismanaged.

"The purpose of this legislation is to allow counties to declare a catastrophic public nuisance and request abatement from land management agencies when conditions present a danger of wildfire or threaten public health, safety and welfare," she said.

The measure would apply to forest and rangeland, as well as national parks and any land managed by the U.S. Fish and Wildlife Service. However, Freedom Foundation Vice President Fred Birnbaum told the Senate Resources and Environment Committee that it's primarily intended to challenge land management practices on national forest property.

Similar legislation has been approved in Utah and introduced in Arizona and Alaska. The American Legislative Exchange Council also drafted model legislation, which is where Nuxoll's proposal came from.

If a county official were to declare a public nuisance, the bill requires that they serve notice to the relevant agency and give them at least 30 days either to resolve the problem or produce a mitigation plan. If the agency fails to respond, the county could then "pursue all remedies allowed by law."

Nuxoll tried to introduce the bill in the Resources Committee, but had to withdraw it after Sen. Roy Lacey, D-Pocatello, found a discrepancy in the language.

"It's full of holes," he said after the meeting.

Nuxoll was off to another meeting and did not have time to answer questions. However, she indicated to the committee that she would fix the language and draft a new bill. Next Monday is the deadline to introduce most legislation.

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