

# How the West Was Won, Again

THE FEDERAL government's ownership of vast sections of the Western states is about as settled as law can be, but that hasn't stopped some Western interests from trying to loosen Washington's grip on the region's vistas, along with its timber, oil and mineral wealth.

In the latest "Sagebrush Rebellion," Utah Gov. **Gary R. Herbert**, a Republican, recently signed a bill giving federal authorities two years to clear out of town and turn over to the state much of the 30 million acres it controls, two-thirds of Utah's territory. Similar efforts have been under way in Arizona and other states.

The Utah legislature's attorneys warned that the new law's requirements "have a high probability of being declared unconstitutional," but no matter. If, as expected, federal courts strike down the law, the state's congressional delegation might try to lend a hand with legislation to transfer the land.

It is only Congress, according to the Constitution and Supreme Court opinions, that has the power to regulate federal land and dispose of it.

"The current situation is not what was



**FEDERAL FOOTPRINT:** Canyonlands National Park is among the many lands the federal government owns in Utah.

intended to become of the West," says Rep. **Rob Bishop**, also a Utah Republican, "yet greedy Washington bureaucrats have decided that hoarding land in the federal estate is more important than education. Like most Utahans, I disagree."

Bishop is referring to the Utah Legislature's stipulation that 5 percent of any revenue from the federal lands would go to the state's schools. But in a broader sense, he is talking about a gradual shift in federal policy that began seven decades ago during the New Deal to keep hold of government lands in the West rather than deed them away. As the Congressional Research Service has

pointed out in reports on the subject, most East Coast states were original colonies, with most land in private hands. The new federal government began to acquire property as the country expanded — first picking up the western extensions of the colonies, then land through treaties, such as the Louisiana Purchase from France or the Treaty of Guadalupe Hidalgo ending the Mexican War.

The government sold or gave away two-thirds of the roughly 1.8 billion acres it had acquired — think of the land along the railroads — but Congress began to change directions in 1934 with rules for federal management of public land. In 1976, Congress flatly established a policy of retaining the remaining land as a national birthright.

Many Westerners, who considered grazing, timber and mineral rights as their own, objected, and in 1978 they set off the first Sagebrush wave of state legislation laying claim to federal land. President **Ronald Reagan** tamped down the rebellion with policies that were friendlier to the West.

Today, Western conservatives such as Bishop have a hopeful eye on the November election, figuring another Republican might help their cause. "If there is a more rational administration," he says, "there may not necessarily need to be any court case or any legislation."

— LAUREN GARDNER

## EPA Biofuel Fix Needs Roots

When Congress ordered the EPA in 2007 to increase the amount of biofuels in use in the United States, the goal was to reduce both greenhouse gas emissions and the nation's dependence on foreign oil.

However, a coalition of environmentalists objected when the EPA proposed in January to expand the types of plants that would count toward the biofuel goal that Congress set — 36 billion gallons by 2022, compared with annual gasoline consumption of about 138 billion gallons.

EPA contends that fuels made from the camelina oil plant, a giant, high-fiber sugar cane from Asia called "energy cane," and the tropical napier grass native to Africa, produce fewer greenhouse gases than

conventional fuels. But the environmental groups that filed comments with the agency last month — the Clean Air Task Force, the Environmental Working Group, Friends of the Earth, the National Wildlife Federation and the Natural Resources Defense Council — say the EPA didn't consider carefully enough how increased production of the plants would affect how farmers use their land and how those changes could actually increase greenhouse gas emissions.

After the groups complained, EPA in March agreed to withdraw its proposal and issue a more formal rulemaking, even though the agency contends that it conducted a full review of greenhouse gas emissions and found that the alternative biofuels would reduce emissions by



**NEW FUEL REVIEW:** Camelina plants being test grown at Washington State University.

at least 50 percent below those of conventional fuels.

The environmentalists say that EPA's analysis was flawed, since it assumed that most of the increased production of the plants would occur on fallow land and that farmers would use production methods that are the least damaging to the air.

In reality, says **Michal Rosenoer**, biofuels policy campaigner at Friends of the Earth, the EPA proposal "would have

done serious damage to natural ecosystems and increased environmental degradation."

But delaying the rule has riled up the aviation industry, which has been experimenting with camelina oil-based biofuels and hopes that an EPA endorsement of the product would lead to a drop in its price. The airlines

are eager to find alternatives to expensive jet fuel.

"We want to diversify our supply of fuel and be environmentally friendlier," says **John P. Heimlich**, the chief economist for the major airlines' trade group, Airlines for America. "We're delaying progress toward further environmental gains by holding alternative fuels to this Holy Grail standard." — SHAWN ZELLER