

# Utah suing federal government over wilderness plan

30 April 2011, By LYNN DeBRUIN and MATTHEW DALY , Associated Press

(AP) -- The state of Utah filed a lawsuit Friday against the federal government over an Obama administration plan to make millions of acres of undeveloped land in the West eligible for federal wilderness protection.

Utah Gov. Gary Herbert called the plan a "midnight ambush." He agreed that wilderness areas deserve protection but said the federal policy circumvents state efforts to determine what areas should be deemed wilderness and whether it would harm Utah's economy.

Herbert, a Republican, said he hoped Alaska, Idaho and Wyoming would soon join the lawsuit. The three states also have Republican governors. A spokesman for the Wyoming attorney general's office said the state is considering its options. Idaho Gov. C.L. "Butch" Otter also planned to review the lawsuit.

"We will have further discussions about the concerns raised by the state of Utah. Clearly we have very similar concerns," said Otter spokesman Jon Hanian.

Alaska Gov. Sean Parnell said his state would "participate and support" the lawsuit.

Herbert claims the new policy, announced Dec. 23, has no statutory authority and should be overturned. He insisted the order sets aside years of work by the state that would now have to be redone.

"How many do-overs do we need?" he said.

Kendra Barkoff, a spokeswoman for Interior Secretary Ken Salazar, said she had no comment on the lawsuit.

A budget deal approved by Congress earlier this month includes language that prohibits the Interior Department from spending money to implement

the wilderness policy. GOP lawmakers had complained the wilderness plan would circumvent Congress' authority and could be used to declare a vast swath of public land off-limits to oil-and-gas drilling.

The so-called "wild lands" policy would restore eligibility for [wilderness protection](#) to millions of acres of public lands, reversing a Bush-era policy that opened some Western lands to commercial development.

Salazar calls the new policy a commonsense solution that would help the agency better manage public lands, waters and wildlife, but critics accuse him of a land-grab that would lock up millions of prime acres in the West.

"It's not good for Utah, not good for America," Herbert said.

Nathan Newcomer, of the New Mexico Wilderness Alliance, called the lawsuit "a complete waste of time and money."

"We have a lot of other issues in this country and this petty back-and-forth stuff is ridiculous," Newcomer said.

Asked if the Interior Department is going ahead with the wild lands policy, despite the budget law, Barkoff said, "I can't comment either way."

Senior leaders at the Bureau of Land Management, an Interior Department agency that oversees public lands, sent an April 15 email to employees notifying them of the new budget law.

"The bill directs us to refrain from spending funds to implement, administer or enforce Secretarial Order 3310," which implements the wild lands policy, the memo said. "Please do not engage in any activity that could be construed as implementing Secretarial Order 3310. Please ensure that your

leadership is aware of this restriction. We will provide further guidance shortly."

Barkoff declined to comment on the memo.

BLM Director Bob Abbey has said the new policy does not itself create any wild lands designation, nor does it require that any particular lands be protected. Designation as wild land could only be made after public comments and review and would not necessarily prohibit motor vehicle use or the staking of new mining claims, Abbey said.

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