

# Local

## FAFA banquet

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Several members of the group Citizens for Balanced Use (CBU) also came to lend their support to the cause foremost in the minds of attendees: keeping roads open to the public on lands managed by the Forest Service.

Grant is considered the nation’s top expert in co-ordination versus cooperation legal issues regarding federal entities such as the Environmental Protection Agency, United States Forest Service and Bureau of Land Management.

Grant was former Idaho governor Cecil Andrus’ legal counsel “before he went on to Washington and became a liberal,” he joked. He was also counsel to his successor, John Evans.

When former Oregon Senator Bob Packwood implemented coordination as an option for local government entities in 1976, the law went widely unknown and wasn’t used until Grant did so in the 1990s.

Since then, he said, every legal battle he’s fought to prevent road closures and the like—using coordination—has been victorious.

One state, Arizona, has a law in place that requires the coordination process, considering it a right of that state’s citizens.

Leading up to Grant’s keynote speech, the emcee for the evening, member John George, introduced Rep. White first.

White said the first time he was down in Baker City was in 2007. “If it wasn’t for you guys, your forests would be closed,” he said. “We lost 40-50% of our forests up in the Gallatin in 2008.”

He also pointed to lost Montana water rights, which had recently been ceded back to the Federal government. “Elections matter,” he said firmly. “You put the right people in office to stand on the Constitution and the principles and the rule of law and the rights of the people to have a representative government—elections matter.”

White talked about how CBU has come on board with Utah State Rep. Ken Ivory and the American Lands Council toward the transfer of public lands back to more local control.

“I know it’s a controversial issue,” he said. He talked about the concerns that Oregon State may do a worse job managing lands than the Forest Service. “In eastern Oregon you worry that your voices don’t count out here, but in fact, they do. The environmentalists have a lot of money, but they don’t have the people. Every phone call you make to your representatives represents 500 voices. Every letter you write represents 1,000 and they know that ... Get engaged in your government, because if you don’t, we’re going to lose this country.”

He said of the Obama administration, “They want our land and they want our water, and they’re going to do everything they can to get it. We have to stand strong against that.”

Transfer of public lands is gaining traction, he said.

White said the Forest Service is wasting billions of dollars managing public

lands, making an estimated 16 cents for every dollar it spends. He quoted Senator Mike Lee who said last week, “The federal government’s monopoly on land in the West is profoundly unfair and grossly inefficient. Not only does it deprive the state and local governments of much-needed tax revenue that could help provide better goods and services but it embroils local land use issues in endless bureaucratic red tape, stifling economic development and undermining sensible environmental protection.”

The Federal Land Action Group, a legislative team to work toward transfer of public lands, was also enacted last month.

White also praised the recently passed House Bill preventing the listing of the sage-grouse and demanding local consent for travel management restrictions, which was championed by Congressman Greg Walden and now goes to the U.S. Senate for the next vote. This bill will halt the implementation of any travel management plan without the approval of the Baker County Commissioners.

“This is huge,” White concluded.

Ben Erickson of CBU talked about the 10 years of that group’s existence, and how, as a 15-year-old boy, the BLM threatened to arrest him and his friends for dirt biking on open public lands east of his hometown. The town stood up and backed the BLM down until after that generation left for college and began lives elsewhere. When they returned, no one had picked up the fight, and those lands had been closed.

White and Erickson then called FAFA president Tork Ballard to the front of the room in order to present him with a check for \$2,500 for FAFA.

George took the mic and encouraged the audience to stay informed about the The Blue Mountain Forest Plan Revision. He said he requested the draft document for Subpart A in September 2014, and has yet to receive it.

Sheriff Glenn Palmer encouraged Baker County to mirror Grant County’s ordinance, 2013-01, which gives the sheriff’s office more leeway to stand alone from the County Commissioners in certain instances. “Why are we negotiating and haggling over our right to public lands?” he asked.

Palmer announced that all three Grant County Commissioners had just voted to oppose two planned Forest Service projects in that county that would have closed roads.

“Grant County is one of the highest unemployed counties in Oregon,” he said. “And it’ll come to your county, too, if you keep letting them take it away.”

He emphasized strongly the need for counties to not be beholden to federal dollars, or fear loss of those dollars if roads aren’t closed. “It’s blackmail,” he said.

George then introduced

Grant, who took the podium under a thunderous round of applause. He began, “That’s a better introduction I’ve gotten in some places. Especially Washington D.C.!”

He continued, “I know what will work. We have never lost a coordination fight. Never in 20 years. We don’t have a forest that’s not open where a county has used coordination against the travel management plans.”

He pointed to a recent example in California where

“County governments hold the 10th Amendment in their hands. County governments and sheriffs together make an absolutely impenetrable wall.”  
–Fred Kelly Grant

all five national forests were under issued travel management plans and roads had been closed.

Motorized vehicles were banned within 30 days.

Four counties hired Grant to fight the forest closures. Grant recounted how he then called Tom Tidwell, the current Chief of the United States Forest Service (USFS) and said he’d like to solve the issue without the expense of a lawsuit.

He recalled Tidwell asking him after a meeting what coordination was and where he found it. “In your rules,” he said. “It’s in your rules and your rules are based on the statutes. Congress orders you to do it, and your predecessors have ordered that it be done.”

Tidwell asked for Grant’s papers on the matter, which he sent to him.

He then wrote a brief and presented it to Tidwell, who set up a meeting with the Regional Forester in California who “spent 45 minutes telling me how great cooperating agencies were,” he said.

Grant said he told him, “Look, let’s get to the bottom line. I know and you know that your director told you you have to coordinate. And that’s all we’re going to accept.”

The USFS reopened their travel management plans, coordinating with every county in California that wanted to coordinate. Today, those counties have 75% of the roads open that had once been guaranteed to close, and they’re working on opening the rest.

He expressed dismay that “not a single other county in California followed their lead. I don’t know what the hell it takes to get people to read the law.”

Grant continued with his list of war stories.

“We got the only pro-grazing bill passed in the past 15 years,” Grant added to his list of successes. He cited coordination in that effort in Owyhee Initiative in Idaho.

“The BLM pretty much follows the law now in Owyhee County,” he said. “We’ve won 23 out of 23 battles. The Forest Service though, doesn’t follow the law. They disobey the law every day and so fortunately we didn’t have to deal with them.”

“We stopped the destruction of dams on the Klamath River through coordination,” he said.

He talked about how his group beat the Trans-Texas Corridor, the first phase in the NAFTA superhighway.

He later pointed to a fight against the Environmental



Kerry McQuisten / The Baker County Press

At left, Meb Dailey auctions off a heavy deep fryer held up by Tork Ballard and Kody Justus for the back of the room to see.



Kerry McQuisten / The Baker County Press

The banquet room at the Sunridge was packed with guests. 130 tickets were sold.



Brian Addison / The Baker County Press

Fred Kelly Grant, the Idaho attorney responsible for asserting the legal process of local coordination with the federal land management agencies, poses for a photo with his longtime friend Lt. Colonel (retired) Dale Potter from Enterprise.

Protection Agency (EPA) in Wisconsin.

After a pause he said, “You see the difference is this. County governments have a very special place in American history. People didn’t trust state government. People didn’t trust the federal government. And people wanted government local at home where they could see the people they were talking to, where they saw a county commissioner in the supermarket line or at church and they couldn’t escape. Go to Congress and try to find one of your representatives when he doesn’t want to be found. And when you do—so what?”

“Fifteen cities elected the President of the United States. If everyone outside those cities had voted Republican, Barack Obama wouldn’t have been elected ... In the last four elections those 15 elected the President. Do you think they care about the forest being open?” he asked.

“County governments hold the 10th Amendment in their hands,” he emphasized. “County governments and sheriffs together make an absolutely impenetrable wall.”

He cautioned Baker County. “I’ll tell you what the agencies will do and they will do it with Baker County. They will do it with every county that tries this. They’ll say, ‘Well, we don’t have to coor-

dinate with you because this is outside the scope of coordination.’” He cited examples of why this statement was rarely true. “None of them will coordinate with you if the County doesn’t insist on it.”

In Owyhee County, as another example, power lines were taken back off private land and put back onto BLM lands as part of a coordination effort, but at the Malheur County line, the power lines start right back on private land. He expressed frustration with having visited the Malheur County Court, the equivalent of Baker County’s Commissioners, 12 times about coordinating, to have it fall on deaf ears. “Private property will be taken in Malheur County because they won’t do what the law says they can do,” he said.

He stressed that other counties in Oregon will now watch Baker County as an example, as are counties in California to see if Baker County wins as they did. “And you will,” he said.

Grant pointed out that in cases where counties won’t coordinate, smaller entities like school boards and irrigation districts within the counties are able to invoke coordination.

“Well, I’m getting old,” he said. “It’s time others take on this fight. For a long time I was afraid that wasn’t going to happen.”

He wanted guests to know that the “victories

that happened over 20 years were not by accident. They were hard won.”

Grant said he was given a pacemaker last month and told he needed to slow down. He said he is—by taking on the EPA.

Grant concluded by reminding the crowd that “a miracle occurred in Philadelphia, an absolute, God-given miracle. How you could get together a group of men without any women there for common sense—a group of men who could come up with the Constitution of the United States is beyond belief unless you believe that God had a hand in it—as they did. This is the only Republic in the history of the world that was ever created by men who believed that God had put them there for that purpose, to create a Republic ... If somebody had told them that by 2015, there would be an agency of the national government that would be telling people they couldn’t go into the forest, they’d have packed their bags and gone home.”

After the educational part of the evening came to a close, a live auction led by auctioneer Meb Dailey commenced. About 90 local individuals and businesses donated door prizes and live auction items.

FAFA raised \$9,700 due to the dinner and auction, and has a membership of around 2,500 at present.