

Norton Ordered to Probe Utah Land Swap

House Set to Take Up Bill Approving San Rafael Swell Deal as Interior Dept. IG Opens Investigation

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With the House of Representatives poised to approve a controversial federal land swap with the state of Utah, an independent agency yesterday ordered Interior Secretary Gale A. Norton to investigate a whistle-blower's allegations that the deal would amount to a \$100 million giveaway. The U.S. Office of Special Counsel, which oversees federal whistle-blower complaints, concluded that there was a "substantial likelihood" that top Bureau of Land Management negotiator Terry Catlin abused her authority, ignoring warnings by six BLM officials that the swap was lopsided. The counsel's office ordered Norton to investigate and report back within 60 days.

Meanwhile, sources said the Interior Department's inspector general had launched a separate probe of the so-called San Rafael Swell deal, and seized some of Catlin's computer files Friday from the BLM Utah office.

In August, The Washington Post reported internal BLM complaints that much of the mineral-rich federal land involved in the swap had been dramatically undervalued, and that an official administration "white paper" justifying the swap was riddled with inaccuracies. Documents provided by BLM senior appraiser Kent Wilkinson disclosed that BLM's Utah office had determined that the exchange would give Utah a windfall worth between \$97 million and \$117 million.

The House today was expected to pass a San Rafael Swell bill, sponsored by Utah Reps. Chris Cannon (R) and Jim Matheson (D), that would approve the trade of 131,000 acres of federal land for 108,000 acres of state parcels. It is the same exchange that was proposed before Wilkinson went public, except that 4,000 acres of federal land included in the original deal were excluded after both sides agreed that coal deposits valued at \$10 million had been overlooked.

Interior deputy solicitor Paul Smyth described the deal as "totally fair," despite internal critiques from BLM's chief real estate appraisers for Utah and the nation. Utah would obtain commercially attractive land that could generate revenue for its schools. The federal government would gain more aesthetically and ecologically important land, including red-rock bluffs, the site of a possible national monument and prime habitat for the threatened desert tortoise.

"This exchange will solve land management problems for both sides," Smyth said. "It's not necessary to have the commercial values add up perfectly."

Interior officials said they believed the internal critiques overvalue mineral deposits on the land, in particular its oil shale. Catlin, head of BLM's national land exchange team, said she expected to be vindicated completely. "I realize there are differences of opinions here, but that happens with land valuations," she said. "I think we have reasonable answers to all the questions."

Rep. George Miller (D-Calif.) and other critics of the Interior Department's land deals yesterday called on House leaders to delay any action on the San Rafael exchange until investigations have been completed. This is the third controversial state-federal land swap in Utah in four years, and

Interior's inspector general last year accused BLM of approving a one-sided swap with private Utah landowners. BLM's top realty officer was abruptly transferred last month.

"Unfortunately, this Utah transaction is just the tip of the iceberg," said Janine Blaeloch of the Western Land Exchange Project, a nonprofit advocacy group. "At Interior, corrupt land deals are the norm rather than the exception."

Cannon said he hoped the bill would move forward as planned, but said he was no longer convinced that it would. "We're certainly going to look very carefully and see if there are problems we should solve," he said. "We certainly want Interior's process to be beyond question."

Wilkinson and his attorneys, who work with Public Employees for Environmental Responsibility (PEER), a nonprofit group that defends federal employees on environmental issues, yesterday suggested that Interior's evaluations were tainted by the Bush administration's close ties to powerful Utah Republicans. House Resources Committee Chairman James V. Hansen (R-Utah) ushered the bill through his committee. BLM Director Kathleen Clarke is a former aide to Hansen as well as to Utah Gov. Mike Leavitt (R), whose aides negotiated the land swap.

"Secretary Norton should answer the critical question: What did top Interior officials know and when did they know it?" said PEER general counsel Dan Meyer.

Interior Department spokesman Eric Ruff said that Clarke had recused herself from Utah issues and said the Bush administration's approach to land valuation for this deal was no different from the Clinton administration's approach to swaps in 1998 and 2000.

"They seem to have short memories," Ruff said.