

**Journal #6139      from sdc      12.19.25**

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*Calibri font becomes the latest DEI target as Rubio orders return to Times New Roman*

*Believe first recorded evidence of the two species (killer whales/dolphins) cooperating with each other*

*The Law That Lets the President Sell Your Land*

*Feds close to releasing first environmental review on the Colorado River management options*

*The Washoe believe that Tahoe is where life began for them as a people*



“The world was a library and its books were the stones, leaves, grass, brooks, and the birds and animals that shared, alike with us, the storms and blessings of earth. We learned to do what only the student of nature learns, and that was to feel beauty.”

~ Luther Standing Bear, Sicangu-Oglala Lakota, (1868-1939)

**Republicans are fast tracking an unprecedented legal change that puts national parks directly at risk of sale.**

An amendment moving through Congress this week removes language that keeps national parks, trails, and wild and scenic rivers under National Park Service control. Without that protection, those places can be transferred out of federal ownership.

The push is led by Senator Mike Lee, a repeat actor in attempts to dismantle public land protections.

This applies to real parks. Real trails. Real places people assume are permanent.

**Once protections are stripped, the door does not reopen.**



**Just in: Western Watersheds Project 9h**

**Last night, Senator Mike Lee backed down and reversed his attempt to strip national park and public land protections from the Interior Appropriations bill.**

This is real progress and it happened because people spoke up. Park advocates raised their voices, flooded Senate offices, and made it clear that selling off or weakening public lands is unacceptable.

That said, this fight isn't fully over. The Senate recessed before voting, and we have to stay alert in case this threat resurfaces.

This is what collective action looks like!

*\*\*While this may be resolved (for the legislative break, noting is over til the fat lady sings and my tune is still, keep a watch and a longr article concludes this issue (brought to you late by more computer hassles). sdc*



**RTC Hosts Public Information Meeting on Northeast Connector Study ([kolotv.com](http://kolotv.com))** —

Heavy traffic between Spanish Springs, Reno, and the Tahoe-Reno Industrial Center has prompted RTC Washoe to study a new northeast connector roadway, and hundreds of residents just attended a public meeting to hear the options. The study highlights congestion relief but also raises concerns about neighborhood impacts, **tribal lands**, and wildlife, with no construction funding secured yet and public comments still encouraged online.

**Truckee master's student shares Tahoe findings at national anthropology conference in New Orleans ([sierrasun.com](http://sierrasun.com))** —

A University of Nevada, Reno anthropology master's student who once lived in Reno is drawing on her time in both Reno and Truckee to study who gets heard in Lake Tahoe water policy. She recently presented her findings at a national conference in New Orleans, highlighting how historic power imbalances still shape today's decisions and how more inclusive conversations could guide Tahoe's climate and water future.

**Confusion over Medicaid changes:** Nevada will shift Medicaid in 15 rural counties from fee-for-service to managed care on Jan. 1. Residents must choose SilverSummit or CareSource by Dec. 26 or be auto-assigned, with a switch window through March 31, 2026. Advocates warn many never received notices, risking coverage gaps, and are scrambling to spread the word. [Learn what's changing and when.](#)

**Data science meets microbiology:** UNR's Lake Tahoe campus hosts a revamped one-week Microbiome Undergraduate Boot Camp Jan. 12-16, where NSHE students learn R, stats, and microbiome analysis using real human gut data. It is free for accepted students. Apply by Dec. 17 for Tahoe or Jan. 23 for the March 16-20 Las Vegas session. [See how and when to apply.](#)

**Indie screens, big escape:** Skip the multiplex; [Fox Peak Cinema](#) pairs new releases with playful throwbacks, all in a low-key, local room. When cabin fever spikes and your couch-to-credits ratio needs a reset, this spot is absolutely worth the drive... and the popcorn.

## **A 100ft megatsunami is now overdue to hit the US. The places in most danger aren't prepared**

The Pacific Northwest could be rocked by a mega earthquake any day now. A quake that will generate a devastating tsunami. But is America ready for 'the big one'?

Read in BBC Science Focus Magazine: [https://apple.news/Ar0sYnpEyQ\\_K9nYejdRd39g](https://apple.news/Ar0sYnpEyQ_K9nYejdRd39g)

**Enrollment shifts statewide:** Nevada's charter schools have grown as district enrollment fell for 2025-26, making the Charter School Authority Nevada's second-largest education agency with 15% of students, surpassing Washoe's 13% -- [see how districts fared.](#)

The Toshiba/NSTA ExploraVision science competition for K-12 students engages the next generation in real world problem solving with a strong emphasis on STEM. ExploraVision challenges students to envision and communicate new technology 20 years in the future through collaborative brainstorming and research of current science and technology. Beyond engaging your students in problem solving, team-based learning, critical thinking, and communication skills, ExploraVision aligns with the Next Generation Science Standards.

## **ICYMI:**

- **Water levels and settlements in Nevada (Sep. 11, 2025):** This episode explored the legal settlement over a water rights dispute between the developers of the Thacker Pass Lithium Mine and a local rancher in Humboldt County. (ally podcast)

## • attN: Yomba

• **How the One Big Beautiful Bill Extends Support for Downwinders (Jul. 16, 2025):** We broke down what the One Big Beautiful Bill signed by President Trump means for child tax credits in Nevada, and how the bill reauthorized a compensation program from people who lived downwind from nuclear tests in Nevada between the 1950s-1990s.

• **Museum raid:** 600 artefacts of significant cultural value have been stolen from Bristol Museum's archive in a high-value raid, **police have said**.

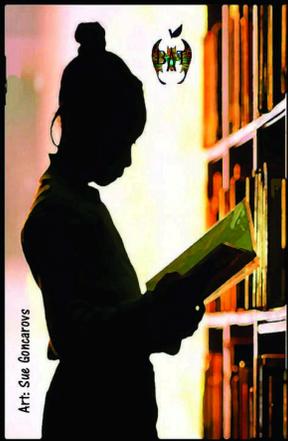
- [Calibri font becomes the latest DEI target as Rubio orders return to Times New Roman](#)

And finally... in Canada

Scientists have captured footage of killer whales and dolphins hunting together off the coast of Canada, in what they believe is the first recorded evidence of the two species cooperating with each other. **Take a look beneath the waves and see it all from their point of view.**

*"One of the roles of our school libraries is as a refuge. It's a safe place in the building for kids who don't feel seen or comfortable, who are marginalized or from underrepresented groups, and the books that have been targeted here in our community and all across the country by book banners everywhere are books about these kids or by adults who were these kids."*

~ Emily Sommer, English Teacher, [mea.org/educators-and-parents-battle-book-bans](https://mea.org/educators-and-parents-battle-book-bans)



Art: Sue Gonzalez

Badassteacher.org  
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**WEBINAR: History of Native California Webinar Series – Chapter 1: A People of the Land, a Land for the People from 12pm to 1pm.** Through this ten-session monthly series, each webinar will focus on one chapter of Professor Bauer's book, *We Are the Land: A History of Native California*. You'll hear about Native history in our state and have the opportunity to hear directly from the author and ask questions. We encourage you to get a copy of the book and follow along—*We Are the Land* is available wherever books are sold, at your local library, or you can listen along by finding the book wherever you get your audiobooks. This lunch series is part of the California Natural Resources Agency's Tribal Stewardship Policy and Toolkit. [Click here to register](#). *(Apologies...my inability to get this Journal out on time precludes viewing this)*

## **\*\* The Law That Lets the President Sell Your Land**

**How an obscure statute governing the BLM gives the executive branch terrifying power, and why Congress desperately needs to fix it now.**  
**Jim Pattiz and More Than Just Parks**

The flawed law that could sell your public lands

A lot of time is spent arguing about what we *do* on public land — how we recreate there, which species we protect, which industries we allow. But there's a much scarier question that go rarely gets talked about.

### **Who gets to decide whether public land stays public at all?**

Most people would assume the answer is Congress, and for national parks that's true. For wildlife refuges, largely true. For most of the Forest Service, true enough.

But for nearly 245 million acres of the American West, an area larger than France, the real answer is much stranger and far more dangerous.

### **A President, acting through the Interior Department, already has the power to dispose of vast tracts of public land without ever receiving approval from Congress.**

That power comes from a 1976 law almost no one outside of land management bureaucrats and, importantly, the land-transfer movement, has ever heard of: the Federal Land Policy and Management Act, or FLPMA.

With a hostile administration, an Interior Department now led by industry loyalists, and a Supreme Court openly committed to expanding presidential power (for this President), FLPMA has become the single largest structural threat to America's public lands since they were protected originally.

To understand why, we need to go back to the beginning

### **Public Lands as Inventory**

If you think Doug Burgum's way of thinking about our public lands harkens back to the robber barons era, it's because it does. Allow me to explain where this administration wants to take us back to.

After the Revolution, the United States didn't just inherit land — it kept acquiring more of it, rapidly and aggressively. And the young federal government had two overriding problems it needed that land to solve.

First, it was deeply in debt, with few reliable ways to raise money. Second, it needed to secure and populate a continent it didn't firmly control yet.

Public land became an answer to both.

From the very beginning, federal land policy wasn't about preservation or stewardship. It was about revenue, settlement, and sovereignty — using land to pay debts, attract settlers, finance infrastructure, and lock the West into the American project before rival powers could claim it.

In 1812, the United States created the General Land Office. Its job was to survey the public domain and move it into private hands as efficiently as possible. And for more than a century, that's exactly what it did. Homesteads, railroad grants measured in the tens of millions of acres, timber claims, grazing allotments, mining patents, and plenty of outright giveaways to politically connected interests (that last one [sounds a lot like our current president!](#)).

By the mid-20th century, the best farmland and timber tracts were already gone. The West had been “won” (see: genocide). What remained were the “leftovers” — the high desert, sagebrush oceans, badlands, canyon rims, dry plateaus, and remote country that most Americans today call “BLM land.”

In 1946, Harry Truman merged the General Land Office with the US Grazing Service and called the new agency the Bureau of Land Management.

And for 30 years after its birth, BLM remained exactly what its parents were: a land disposal and grazing agency. Not on anything close to the same scale anymore, but it still sold land and largely functioned to facilitate mining and grazing.

Then, in 1976, everything changed.

### **The Federal Land Policy and Management Act**

By the 1970s, Americans and their representatives had begun to value wild places for more than what could be extracted from them. Congress finally moved to end what, by then seemed a long bygone era of neglecting public land, and modernize the BLM. So they enacted Federal Land Policy and Management Act of 1976, which is the BLM's governing law.

FLPMA changed everything. Or at least, it tried to. It did do three monumental things:

- 1. FLPMA ended the presumption of disposal.** For the first time in American history, **Congress declared that public lands are to be retained in federal ownership** as the national baseline. That's the part everyone remembers. Hooray for FLPMA.
- 2. FLPMA imposed a modern planning system.** Every acre of BLM land would now fall under a Resource Management Plan, a kind of constitution (albeit one that could be more easily updated) for how each landscape would be used: grazing here, mining there, conservation over there. It brought order to a chaotic slapdash old system.
- 3. Alas, FLPMA quietly kept the old exit door open.** This is the part almost nobody knows, including many lifelong conservationists. Under Section 203, the Interior Secretary can still sell “public lands” if: the land has been identified as suitable for disposal in a planning document, and it meets one of several extremely broad criteria (hard to manage, better suited for non-federal ownership, or serving some vaguely defined “public objective”).

There are carveouts — wilderness, Wild & Scenic Rivers, National Trails — but the vast expanse of ordinary BLM land remains legally disposable.

And this takes us to the most misunderstood, and most dangerous, part of FLPMA.

### **The 2,500 Acre Rule**

Congress intended Section 203 to handle the occasional local boundary fix or isolated parcel, the kind of mundane tidying any land agency needs to do from time to time.

But the statute contains no acreage limit on how much land a President can sell. Instead, it includes only one procedural tripwire:

**If a single proposed sale exceeds 2,500 acres, the Secretary must notify Congress and wait 90 days to see if Congress disapproves.**

Here is where the public understanding diverges wildly from reality.

#### **Congress does not have to approve the sale.**

The sale goes through automatically unless Congress actively blocks it. Blocking the sale requires Congress to pass a “resolution of disapproval.”

I know what you’re thinking, passing anything in Congress these days is practically impossible. Not to mention that the Republicans control both houses and could simply refuse to bring this resolution to a vote. But when Congress passed FLPMA they included an interesting quirk, **FLPMA uses a one-house legislative veto mechanism.** That means if one house (the House or the Senate) passes a disapproval resolution it kills the sale. It doesn’t require the other house or the President to sign off. Still unlikely, but not impossible right?

Unfortunately this is where I pull the rug again. You see, the Supreme Court basically outlawed this one-house veto mechanism in *INS v. Chadha* (1983). It’s still on the books for FLPMA, but it’s legality is now highly suspect. So if the Trump administration decided the legislative veto in FLPMA is unconstitutional (and it likely is under *Chadha*), they could argue: “Congress’s disapproval resolution has no legal effect because it never goes to the President. Accordingly, we are free to proceed.”

And this Court, the same Court that gave the president sweeping immunity and has greenlit unprecedented monarchical powers to this administration, would almost certainly agree. So even when Congress objects, the President could override them simply by claiming their objection is invalid.

This administration has already shown it’s willing to do exactly this, declaring congressional safeguards unconstitutional, forcing confrontations, and winning in court.

FLPMA is tailor-made for that kind of executive opportunism.

### **How To Sell a Million Acres Without Ever Triggering Congressional Review**

And even if the 2,500-acre safeguard were airtight (which it’s not), FLPMA contains an another giant flaw:

### **The threshold applies to each sale, not to a landscape.**

Nothing in FLPMA prevents the Interior Secretary from:

- slicing a 100,000-acre landscape into forty 2,499-acre chunks
- scheduling each one as a separate sale
- running them through planning documents declaring them “suitable for disposal”
- stamping them with a boilerplate finding that they serve a “public objective”
- and executing them without triggering congressional oversight at all

The problem with FLPMA, like so many of our laws, is that it never imagined a bad-faith executive. It assumed the agency would act as a steward, not a Captain Planet cartoon villain.

So someone like Steve Pearce, a man who has spent decades advocating privatization, expanded extraction, and the shrinking of the federal estate, doesn’t need Congress to pass a land-transfer bill.

He just needs to rewrite BLM resource plans to flag huge swaths as “excess” land, redefine “public objective” to mean state control or private development, claim fiscal necessity (PILT, wildfire costs, deferred maintenance), and run a conveyor belt of 2,499-acre disposals across Idaho, Utah, Wyoming, Montana, Nevada, and beyond.

A million acres sold in 2,499-acre slices is still a million acres gone. And the courts would only intervene if they chose to. This Supreme Court might bless the entire strategy as outrageous as it is. They could simply say, as they’ve said before: “Congress wrote the statute. If it doesn’t like the result, it should change the law.”

And by then, the land is gone.

### **What Land is Protected and What Land Isn’t**

It’s important to understand federal land designations and protections when we talk about this administration or Mike Lee or Russ Fulcher wanting to sell your public lands.

The basic hierarchy of protection goes something like this:

Wilderness > National Park Service > Fish & Wildlife > National Forests > BLM (last on the ladder).

#### **Wilderness: Basically untouchable.**

Congress would have to undo the Wilderness designation

#### **NPS: Essentially unsellable.**

No general disposal authority. Selling parkland requires an act of Congress.

**USFWS: Essentially unsellable.**

Refuge lands are extremely difficult to dispose of, though boundaries can be altered and small land swaps can be made.

**USFS: Some disposal authority, but very limited.**

The Forest Service can dispose of small parcels under narrow statutes (Small Tracts Act, Townsite Act), but has no authority equivalent to FLPMA. Selling even modest blocks usually requires Congress.

**BLM: The only major land system with broad unilateral disposal authority.**

Fortunately BLM does have the [National Conservation Lands](#), a Clinton era law that protected about 38 million acres of the BLM's most scenic lands. Those mostly can't be disposed of without an act of Congress. There are also wilderness areas, wilderness study areas, Wild & Scenic rivers, national trails, monuments, and NCAs that are more insulated from disposal.

Everything else? One bad-faith administration away from the auction block.

**Where the West is Most Vulnerable**

These are the primary targets for this administration:

- Alaska: 72 million BLM acres (19% of the state).
- Idaho: 12 million BLM acres (22% of the state).
- Utah: 22.8 million BLM acres (42% of the state).
- Nevada: 48 million BLM acres (67% of the state).
- Wyoming: 18.4 million BLM acres (30% of the state).
- Montana: 8 million BLM acres (8–9% of the state).

These are the states politicians talk about when they say “federal overreach.” These are the places the land-transfer crowd salivates over. And these are the places FLPMA makes legally vulnerable.

**What Happens if a President Tries This                      Let's walk through it plainly.****Step 1: The Administration Moves**

Interior revises BLM land-use plans to identify huge swaths as “suitable for disposal.”

They issue a FLPMA-based rule justifying disposals for “public objectives” — state control, economic development, fire resilience, whatever excuse they choose.

Sales or exchanges begin.

## **Step 2: Lawsuits Slam the Brakes**

Environmental groups sue under FLPMA (violating the retention mandate), NEPA (inadequate review), APA (arbitrary and capricious), constitutional claims, etc.

States like California, Washington, Oregon, maybe Colorado join. A district court issues an injunction.

## **Step 3: Appeals Courts Split or Delay**

Given the political composition of the circuits, some uphold the injunction, some narrow it, some lift it entirely.

Inevitably, the case goes to the Supreme Court.

## **Step 5: The Supreme Court Decides the Fate of the American West**

FLPMA's intent is clear: retain public lands. But FLPMA's text explicitly authorizes disposals under conditions the administration can claim to meet.

And this Supreme Court has made one thing painfully obvious: When a law plainly grants authority, even if Congress never meant it to be used this way, the Court will not stop *this* President from using it.

The Court would likely say something to the effect of, "Congress wrote the statute. Take it up with Congress."

And by then, the land would be gone.

*For the cost of a bundle of firewood a month you can help us defend our public lands. If you can't swing it right now, we'd love to have you along anyway.*

## **The Fix: What Congress Needs to Do**

If Democrats extract nothing else in this appropriations fight, it should be this:

### **Close the FLPMA trapdoor.**

- Require an act of Congress for any disposal of public land over 100 acres.
- Treat multiple land sales or transfers in the same area as one action, even if done in separate pieces or over time.
- Prohibit breaking large landscapes into smaller parcels to avoid congressional approval.
- Prohibit transfers of federal public land to states, local governments, or private entities without an act of Congress.
- Apply identical acreage limits, aggregation rules, and approval requirements to land exchanges.

- Cap the total amount of public land that can be disposed of in any given year.
- Bar economic development, revenue generation, or state control as justifications for disposal.
- Require enforceable protections for wildlife habitat, water, public access, wildfire risk, and climate resilience.
- Prohibit reclassifying public lands as “excess property” or disposing of them through other agencies.

If Congress doesn't fix FLPMA now, the next land-transfer crisis won't come through a bill.

It will come through a loophole.

Thanks for reading. Until next time, Jim



• **Feds close to releasing draft environmental review of Colorado River management options: "Negotiations between federal officials and the seven western states that rely on the Colorado River have largely remained behind closed doors since 2023, but any new operating rules will be required to go through a public environmental review process before a final decision can be made." ([Nevada Current](#))**



[KUNR Public Radio](#) ·

**The Washoe believe that Tahoe is where life began for them as a people**, and although it is the sacred center of their world, they now have limited access to its shores. The Washoe Warrior Society or Washiw Zulshish Goom Tahn Nu (WZGT) nonprofit aims to change that.

Now the WZGT is working to create more access to Tahoe lands for Washoe people. Their goal is to create a land trust within the Tahoe Basin and construct a spiritual and cultural gathering center — the Washoe People's House or Wašiw Tahn Nu Ungal.

Hear the full story <https://tinyurl.com/3dnx7tmp> Reporting and photo by [Kat Fulwider](#)