



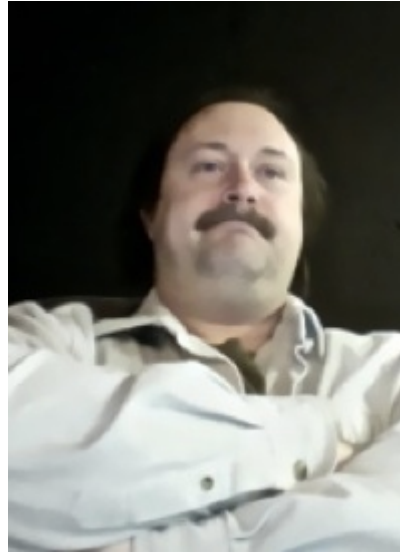
Written by [Dennis Behreandt](#) on March 29, 2010

Utah to Use Eminent Domain to Seize Federal Land

For years government has been using declarations of eminent domain to seize private property and use it, supposedly, for the public good. It's a practice that has been abused, and is almost always controversial.

Now, one state proposes an entirely new use of eminent domain: take land from the federal government so that it can be developed by private ownership and investment.

The move comes in the state of Utah, where sixty percent of the state's land is owned by the federal government. Writing for journalist Steve Farrell's new pro-liberty news site, [The Moral Liberal](#), Henry Lamb, author of *The rise of Global Governance* and chairman of Sovereignty International, [noted](#) that the measure, introduced in the Utah state legislator by Representative Christopher Herrod, was motivated by the failure of the U.S. government to live up to its obligations to the state of Utah:



As a condition of statehood, the citizens of Utah were required to "...forever disclaim right and title to unappropriated public lands." In the same July 16, 1894 Enabling Act, the federal government agreed to grant four sections of every township, and various other grants of land, to the state to provide permanent funding for schools and other government purposes.

Herrod, and his backers, contend that the federal government has not lived up to its end of the bargain, and its failure has imposed economic hardship on Utah.

That hardship is being measured in spending on education. According to the Washington Post, "Utah spends less per student than any other state [on education] and has the nation's largest class sizes."

But complaints in Utah and other areas of the west go beyond matters of government spending and economics. In the 1990s, then-President Clinton made the politically charged move of locking up an area larger than the state of Delaware in the [Grand Staircase-Escalante National Monument](#). The declaration came during the 1996 presidential election and buttressed Clinton's support among environmentalists. But the move alienated many in Utah and nationwide because it shuttered prominent new coal mining operations causing economic hardship for many in the state, and it locked away from development important low sulphur coal reserves.

✖ Mike Noel, who entered politics and was elected to the Utah House in 2002, formerly served as environmental project manager with the Bureau of Land Management for the proposed Andalex coal mine that was to be located within the confines of the monument. He became an outspoken opponent of



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the creation of the monument and explained to the *Salt Lake Tribune* “that none of the supposed benefits [of creating the monument] outweigh the detrimental impacts to our county, Utah, and the nation in terms of the loss of 4.5 billion tons of low-sulphur, high-btu coal – enough to run Utah for over 300 years – plus potential oil and gas and coal-bed methane and strategic minerals like titanium and zirconium.”

As a matter of fact, Noel may have underrepresented the amount of coal that could be mined from the Kaiparowits Plateau within the monument. [According to the Utah Geological Survey](#), “there are 62.3 billion tons of in-place coal resource in Kaiparowits Plateau coal field. Of this resource USGS indicates that there are 30 billion tons of minable coal in various beds.” Assuming that only the most easily accessible coal would be mined, the Utah Geological Survey concludes that the “Kaiparowits Plateau contains an estimated 11.375 billion tons of recoverable coal.”

In the short term, Herrod’s bill, which has been signed into law by Utah Governor Gary Herbert, will probably not reestablish access to federal lands and the immense coal reserves below them in Utah. The goal, instead, is to “spark a U.S. Supreme Court battle,” according to the *Washington Post*. Should that happen, under the measure, Utah will set aside \$3 million to defend the law.

Dennis Behreandt is a contributor to *The New American* magazine. Visit his blog and archives [here](#).



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