America's Public Lands:

origin, history, future









The Public Lands Foundation is a national nonprofit membership organization that advocates and works for the retention of America's Public Lands in public hands, professionally and sustainably managed for responsible common use and enjoyment. The PLF endorses and embraces the

multiple use mission of the BLM. Members are predominantly retired employees of the BLM from across the United States who have spent their careers dedicated to the sound management of these valuable lands and resources. Many of our members spent their careers managing public lands and have personal knowledge and unparalleled expertise in their management.

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For more information:

Public Lands Foundation: www.publicland.org

E-mail: info@publicland.org

Toll Free: 866-985-9636

Bureau of Land Management: www.blm.gov

Public Lands Foundation P.O. Box 7226 Arlington, VA 22207



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This publication has been prepared by the Public Lands Foundation to define and clarify the status of federal public lands in America and to answer questions people pose on a daily basis, such as:

- •How did the United States acquire the public lands owned collectively by the American people?
- ·How did the United States transfer most of the original public lands to state, private and other ownerships?
- How did the Bureau of Land Management, an agency within the Department of the Interior, become responsible for administering its remaining 245 million acres of public domain lands, now known as the National System of Public Lands?
- ·How does federal ownership and management of public domain lands benefit Americans?

Where did the Public Lands come from?

Lands were ceded from Native Americans

Prior to contact with Europeans (pre-1492), Indians and Alaska Native Peoples lived in what was to become the United States in organized societies with various forms of government. In the Lower 48 contiguous states, Indian Nations ceded millions of acres of land to the newly established government that contributed to making the U.S. what it is today. In Alaska and Hawaii, the status of lands was negotiated as a part of Statehood. Through conquest and treaty settlements, lands were also obtained from Mexico, Canada, Russia, Spain, France and England (who likewise obtained the land through conquest and settlement from the inhabitants at that point in history). This history of cessation and settlement provided the original basis for federal ownership and legal title to much of the nation's public lands.

Lands were relinquished by the Colonies

The first public lands were created in 1781 when New York agreed to surrender to the federal government its claim to









unsettled territory extending westward to the Mississippi River. The other colonies followed New York's lead and by 1802 all territory west of the colonies, from the Appalachian Mountains to the Mississippi River, became public domain lands owned by the federal government.

Lands were purchased from other countries

During national expansion from 1781 to 1867, the United States acquired all the land stretching westward to the Pacific Ocean through the Louisiana Purchase from France, the Mexican Cession and the Gadsden Purchase from Mexico, and the Alaska Purchase from Russia. The original public domain lands totaled 1.8 billion acres. (Go to page 16, Attachment 1, Acquisition of the Public Domain, 1781 to 1867, for major land acquisitions.)

What happened to most of the original public lands?

Two-thirds of the original 1.8 billion acres of public domain acquired by the United States were subsequently transferred to individuals, corporations and states. Other large areas were set aside for national parks and monuments, national forests, wildlife preserves and refuges, military lands, and federal reservations for Native American Tribes.

To encourage settlement and development of the West, Congress passed laws during the 1800s authorizing the

disposal of public lands to citizens, states and private companies. The General Land Office (GLO), a predecessor of the present-day Bureau of Land Management (BLM), was established in 1812 within the Department of the Treasury to oversee the survey and disposal of the public domain lands and to keep the federal land records.

District Land Offices were opened in settlement areas to organize and keep track of settlement activities. When most of the lands in each district's area were taken, that District Land Office was closed. New offices were then opened in the West, where settlement was just beginning.

Most of the public lands were transferred out of the public domain by:

Military Bounties – Over 61 million acres of public domain lands west of the Appalachian Mountains were granted to veterans of the Revolutionary War and the War of 1812 as compensation for their service.

Land Grants to States – Each new state that joined the Union gave up claim to federal public domain lands within its borders, but received large acreages of public domain in land grants. These were to be leased or sold by the state to help raise funds for public schools, colleges, universities and other public institutions in the state. Two types of federal land grants given to the new states were:

Quantity grant lands, which the state had the right to select from the public domain within its boundaries, and

Designated *school sections* in each surveyed township.

The acreages of public domain transferred to western states ranged from 2 million to 10 million acres, depending on the size of the state and the date of statehood. Over 77 million acres were transferred to the states for local schools, along with another 21.7 million for other public schools and institutions. Alaska, which





did not become a state until 1959, was granted more than 104 million acres for other purposes. (*Attachment 2, page 17, shows the acreage each state received.*) Each western state set up State Land Departments to administer those lands in accordance with the trust requirements of their Statehood Acts.

federal land along each side of, and within a designated distance from, the tracks. These railroad grant areas varied from 20 to 160 miles in width. (Attachment 3, page 18, shows the general location and widths of these railroad grant areas.)

In addition to the land grants received at the time of statehood, the states currently receive a percentage of the receipts from federal leases and sales of lands and resources within each state. In 1976, Congress established a Payment in Lieu of Taxes (PILT) program that provides annual payments to local governments to help offset losses in property taxes on non-taxable federal lands within their boundaries. In fiscal year (FY) 2014, approximately 1,900 counties and other local governments received over \$400 million in PILT payments.



Land Grants to Railroads & Wagon Roads – Over 40 million acres were transferred out of the public domain in railroad and wagon road land grants.

In the 1860-1880 era, Congress gave over 60 land grants to railroad companies as incentives to build transportation systems for our developing nation. Typically, a railroad company would receive every odd-numbered section of

The railroad companies were expected to sell the land to help finance the construction of the line and to create land use opportunities and future customers for the railroad, which would boost the economy of the area.

In 1866, a 60-mile-wide swath of checkerboard public domain lands in western Oregon was granted to the Oregon and California Railroad Company and the Coos Bay Wagon Road Company to finance the construction of the railroad and

the wagon road. The lands granted to those private companies were to be sold to *actual settlers* to help develop the local economy. The companies violated the terms of the grants, and in 1916 Congress *revested*, or reclaimed, 2.5 million acres of these lands to federal ownership.

In 1937, Congress passed the Oregon and California (O&C) Revested Land Act, which directed that these lands be managed for timber production with revenue







contributing to local economic stability. In 1938, an O&C Revested Lands Administration was established within the General Land Office

to administer these O&C lands.

The railroad grant program left behind wide corridors of checkerboard land ownership: odd-numbered sections are now primarily owned by ranchers and even-numbered sections are federally owned, managed by the BLM. That land ownership pattern complicates any needed or desired management changes by either private or federal owners.



(1877), and the Timber and Stone Act (1878). Congress passed the Mining Law of 1872 to encourage exploration

and development of the nation's mineral resources.

Most of these laws required some level of development effort on the land before it could be purchased for prices ranging from \$1.25 to \$2.50 per acre, as set by statutes. An estimated 640 million acres, including both surface and mineral rights, were transferred to those who settled the Midwest and the West.

In 1916, Congress passed the **Stockraising Homestead Act** to

enable ranchers to acquire land for ranch headquarter sites, but the federal government retained the mineral rights in those patents. That is why the federal government still owns, and the BLM administers, the mineral rights beneath 70 million acres of stockraising homestead private lands in many of the western states.

Land Transfers to Individuals

- In 1860, Congress began passing a series of laws to facilitate the settlement and development of vast areas of public domain west of the Mississippi River by citizens and masses of immigrants moving to America for a better life. Among these laws were the Homestead Act (1862), Timber Culture Act (1873), Desert Land Law Act





The Mining Law of 1872 facilitated mineral exploration and development and created mining camps that grew into many of the present-day communities of the West. The Mining Law originally applied to all valuable minerals in the public domain lands, but the turn of the century brought

changes. The U.S. Navy converted from sails to steam and used coal to power its ships, but coal was soon deemed to be inefficient. The federal government looked for sources of oil to replace the coal. From 1912 to 1923, four huge petroleum reserves were identified: two in California and one each in Wyoming and Alaska. Congress realized the nation could lose control over its fuel supplies under the existing mining law, so it withdrew the oil reserves from the public domain and closed them to the location of mining claims.

on the public domain." It removed the fuel and other nonmetallic minerals from the purview of the 1872 Mining Law. Lands valuable for these minerals were subsequently leased from the General Land Office and produced income for the federal government. Today, the leases from BLM-

administered public lands, reserved mineral rights, and offshore drilling generate billions of dollars annually for the U.S. Treasury.

Land Transfers to Other Federal Agencies ~ From 1890 to 1945, over 200 million acres of the original public domain lands were transferred from General Land Office administration to other federal land management agencies for use in their designated programs. The BLM continues to manage

The Mineral Leasing Act of 1920 was passed to "promote the mining of coal, phosphate, oil, oil shale, gas, and sodium

the subsurface mineral estate of federal lands managed by other federal agencies.







The National Forest System, managed by the U.S. Forest Service, began with the Forest

Reserve Act of 1891. It allowed the President to establish *forest* reserves from public domain lands to help conserve the forests and watersheds of the West. Over 160 million acres of the original public domain lands are in the National Forest System.

The National Park System, managed by the National Park Service (NPS), was established in

1916. Over 20 million acres of the original public domain lands were transferred to the NPS for inclusion in national parks, monuments and other units of the National Park System.

The National Wildlife Refuge System, managed by the U.S. Fish and Wildlife Service (FWS), was established in 1940. Over 26 million acres of the original public domain lands were transferred to the FWS for inclusion in the units of the Refuge System.

Department of **Defense** agencies manage over 16 million acres of the original public domain lands as military bases, training facilities and test ranges, most of which were established during World War II.

Land Transfers to Native Americans ~ Over 56 million acres of public domain lands created Reservations for Native









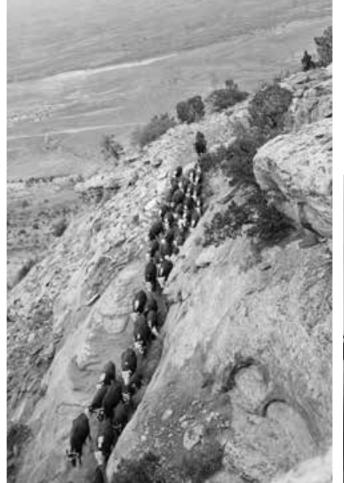
American Tribes in the Lower 48. These lands are held in trust for tribal members and the BLM administers the mineral programs for the Tribes.

The Alaska Native Claims Settlement Act of 1971 (ANCSA) provided for the conveyance of approximately 45.7 million acres of federal land as part of the settlement of Native land claims in Alaska. As of 2014, approximately 96 percent of these lands have been conveyed (73.4 percent have been patented and 22.4 percent have been conveyed by Interim Conveyance, which means conveyed subject to final survey).



1930 ~ The General Land Office completed transfer of most of the public domain lands east of the Mississippi River, on the Great Plains of the Midwest, and much of the open spaces of the West into state and private ownership. The public domain remaining in the rural areas of the West was used primarily for livestock grazing by ranchers. The Stockraising Homestead Act had enabled ranchers to acquire land for their ranch headquarters, but the GLO had no authority to grant livestock grazing leases on the public domain. The forage on public domain lands belonged to the rancher whose cows got there first.

1934 ~ **The Taylor Grazing Act and the U.S. Grazing Service.** Congress passed the Taylor Grazing Act of 1934 "in order to promote the highest use of public lands pending its final disposal." Its objective was "to stop injury to public grazing lands by preventing over-grazing and soil deterioration, to provide for orderly use, improvement and development, and to stabilize the livestock industry dependent upon the public range." A *Grazing Service* was established within the Department of the Interior to











administer the Act. Its mission was to authorize livestock grazing in 10 western states, provide stability to the livestock industry, and improve the conditions of the range.

1935 to 1951 ~ The Grazing Service helped local ranchers form Grazing Districts on over 142 million acres in 61 public domain areas in 10 western states. Each of the districts set up a District Grazing Office to administer the

program. (Attachment 4 on page 19 shows the areas in the Grazing Districts that had been established by 1937.)

The Taylor Grazing Act also put an end to unrestricted public settlement of public domain lands, required the GLO to classify lands as suitable for entry, and required the public to file applications and get approval before settling on the lands.

1946 ~ Congress established the Bureau of Land Management on July 16 by merging the Grazing Service, the General Land Office, and the Oregon & California Revested Lands Administration unit in western Oregon. After the merger, the BLM's field organization consisted of Land Offices located in the capitals of the 12 western states, and 60 District Grazing Offices scattered throughout the rural areas of the same states. The BLM's early years could be characterized as an era of clerks and cowboys, emphasizing Lands and Minerals operations and Range and Forestry programs.

By 1946, the public domain had been reduced to about 400 million acres and there were more than 3,000 unrelated and often conflicting laws on the books governing the management of the public domain lands.

1959 ~ The Alaska Statehood Act created the nation's 49th state, creating a major workload for the young BLM. The Alaska Statehood Act provided for the conveyance of

approximately 104.5 million acres of federal land to the State. When the state later identified its claims, the BLM staff began the arduous task of processing the acreage to final patent. As of 2014, approximately 95 percent of these lands have been conveyed: 61 percent have been patented and 34 percent have been conveyed by Tentative Approval (conveyed subject to final survey).



1960 ~ The public began to take a renewed interest in their public lands, realizing that with population growth and urbanization, the undeveloped public lands needed to be conserved for the good of the environment, as a refuge for wild plant and animal populations, and as recreation lands for the general public. President John Kennedy took notice of the public lands and emphasized the need for increased focus on conservation and the importance of the federal government in providing leadership in that arena.









1964 ~ Congress passed the Classification and Multiple Use Act (C&MU Act) that directed the BLM to determine:

- which of the BLM-administered public lands "should be disposed of for orderly growth and development of a community, or are chiefly valuable for residential, commercial, agricultural, industrial, or public uses or development, OR
- 2. which lands should be retained, at least for the time being, in federal ownership and managed for domestic livestock grazing, fish and wildlife development and use, industrial development, mineral production, occupancy, outdoor recreation, timber production, or preservation of public values that would be lost if the land passed from federal ownership."

1965-1970 ~ The BLM held hundreds of public hearings on land classification proposals throughout the West. The implementation of the C&MU Act was a significant event because it gave the general public their first official opportunity to have a say about what should be done with "their" public domain lands. They responded overwhelmingly to "retain and manage for multiple use."

1976 ~ Noting the desires of the people, Congress on October 26 passed the Federal Land Policy and Management Act (FLPMA), an organic act for the BLM that established the agency's multiple use mandate to serve present and future generations. The Act declared that the public lands be retained in federal ownership, unless as a result of the land use planning procedure provided for in the Act, it is determined that disposal of a particular parcel will serve the national interest. FLPMA also repealed a long list of

outdated public land laws that had been passed to provide for the disposal of the nation's public lands. The Mining Law of 1872 and the Mineral Leasing Act of 1920 survived.

New Laws, New Uses, New Identity for BLM-Administered Public Lands

A variety of environmental laws were passed in the late 1960s and early 1970s that greatly influence how the BLM operates. They include the National Environmental Policy Act, the Clean Water Act, the Clean Air Act, the Wilderness Act, the Endangered Species Act and the Wild Free-roaming Horses and Burros Act.

Ranchers had been the primary users of the public lands and livestock grazing was the primary use from 1930 to 1960. Grazing Service and BLM management programs focused on livestock numbers and seasons of use, but public use began to change in the 1960s.

Off-highway Vehicles (OHVs) and other new recreation equipment were developed. Rural and remote public lands under BLM administration became the outdoor recreation playgrounds for many people who lived in the urban areas of the West. The lands and outdoor activities eventually attracted users from the rest of the states and from around the world.

The agency's **OHV Travel Management Plans** took much longer to complete due to complexity of issues, increased public input, and the additional staffing needed to ensure the plans met the requirements of various laws.





Archeological sites and antiquities that had been protected for centuries by their remote and inaccessible locations were now being explored and often damaged by the public.

The public domain was not included in the Wilderness Act of 1964. The Act did not apply to the public domain until FLPMA was passed in 1976.

The National Environmental Policy Act of 1969 greatly extended the time it took to make land management decisions. Decisions that were formerly made by BLM district managers and staff became lengthy public processes often involving voluminous Environmental Impact Statements and Records of Decision. Eventually, decisions were elevated to state directors or the BLM Director, and

the planning process was frequently extended by special-interest objections filed with the Interior

Board of Land Appeals and lawsuits filed with the court system.

The Wild Free-roaming Horses and Burros Act of 1971 changed the *invasive* and *nuisance* animals of the Grazing Service era into the *living symbols of the old West*. Congress determined that wild horses and burros should be protected animals, and gave responsibility for the program to the Department of

the Interior, which assigned the BLM to manage the new program.

The Endangered Species Act of 1973 required major changes in traditional timber harvests and oil and gas development activities on BLM-administered public lands. Threatened and endangered species programs greatly curtailed or shut down natural resource extractions entirely in some areas.

2008 ~ On December 16, the Department of the Interior

designated the public lands administered by the BLM as the *National System of Public Lands*.







What does the future hold for public domain lands that remain?

In 2014, approximately 245 million acres of the original public domain lands remain in the National System of Public Lands administered by the Bureau of Land Management. These lands are owned by, used by, and are important to the nation's public, not just state and local residents. The federal government funds the majority of the cost of managing public use and protecting the resources on these federal lands. The BLM's budget for FY 2014 was \$1.052 billion.

The value of the public lands is indisputable as a legacy for future generations and as a contributor to present-day economics and quality of life. Public lands managed by the BLM contributed \$107 billion to the U.S. economy while supporting nearly 450,000 jobs in FY 2013.

The economic output generated by activities on the public lands fuel local economies. Energy related development and production — including oil and gas, coal, non-energy minerals, and geothermal, wind and solar energy — on BLM-managed public lands contributed just over \$99 billion in FY 2013. Within that total, oil and gas generated \$69 billion; coal \$16 billion; non-energy minerals such as sand and gravel \$12.4 billion; and geothermal, wind and solar energy leases \$2.3 billion.

Other significant economic activity was supported by: recreation use (\$5.5 billion); livestock production, or the introduction of feed, fiber, and livestock into the market (\$1.5 billion); and timber harvesting (\$658 million). Royalties and other revenues are also collected on this economic activity, resulting in substantial funds being contributed back to the U.S. Treasury, as well as to state and local governments.

States and local governments (counties and boroughs) share in much of the revenue generated on public lands. Fifty percent of the royalties from hard rock and fluid (oil and gas) mineral development and leasing go to the affected state. Each year, either 50 percent of grazing fees or \$10 million, whichever is greater, is allocated back to the BLM state office or field office where the money was collected, and used for range improvements. Fifty percent of receipts from timber sales on the Oregon and California lands are allocated to the 18 counties where harvest occurs.







In FY 2014 a total of \$436.9 million was given to local governments under the PILT program (Payments In Lieu of Taxes).

In addition to the monetary contributions generated, the public lands also provide many and varied opportunities for people to connect with and enjoy the great outdoors without infringing on private property. People from America and around the world take advantage of our open spaces as refuges from fast-paced urban living. The BLM recorded 61 million recreation visits in FY 2013.

Among the many recreational uses on BLM public lands are: hiking, biking, picnicking, camping, birding, fishing, hunting, recreational shooting, and off-highway vehicle use. The BLM administers

more than 27 million acres of National Conservation lands, which are special places with special values that provide opportunities for individuals to explore and

enjoy on their own. Opportunities for solitude exist in the open spaces of public lands, which also provide significant habitat for threatened and endangered plants and animals.

And, irreplaceable cultural, historical and paleontological resources that link the history of America and Native peoples must be preserved as well as enjoyed.

In 1934, the Grazing Service land managers who planned for livestock grazing use of the public domain lands

grazing use of the public domain lands "pending their final disposal," were probably pleased that they had resolved the last public land use issue of their time. They had no idea of what the future had in store for their grazing lands.









However, the future included Word War II, uranium, wild horses and burros, endangered species, off-highway vehicles, wilderness areas and renewable energy projects.

The public domain lands played major roles in helping the federal government deal with these and other emerging public land issues that dominated the last half of the 20th Century.

Learning from the past, we understand that today we do not know, and cannot predict, what the public land issues will be for Americans at the end of this century. What new energy

sources will be discovered and developed between now and the year 2100? What new recreation uses and equipment

will emerge? What will be the spotted owl or the wild horse for future generations of Americans? What national or global programs will be needed to deal with climate

changes or other natural phenomena?

The National System of Public Lands is a huge reservoir of public lands and resources that must be kept in public ownership to meet the current needs of the American people and to help meet the as-yet-unknown, and unknowable, needs of future generations. We must keep the options open for future natural resource needs and public

uses that we cannot possibly envision at this time. These lands are *posterity's property* and must be managed as such.







	1					
Acquisition	Land	Water	Total	Percent of total U.S. land	Cost ³	
	Acres	Acres	Acres			
State cessions (1781-1802)	233,415,680	3,409,920	236,825,600 529,911,680	10.2 22.9	955,200,000 23,213,568	
Louisiana Purchase (1803)5	523,445,400 29,068,680	6,465,290 535,040	29,601,920	1.3	dented	
Cession from Spain (1819)	43,342,720	2,861,920	46,144,640	2.0	6.674,057	
Oregon Compromiss (1846)	180,544,480	2,741,760	183,386,240	7.9	and the second	
Mexican Cession (1848)	334,470,360	4,201,600	338,680,960	14.6	16,295,149	
Purchase from Texas (1850)	78,842,880	83,840	78,926,720	3.4	15,496,448	
Gadadea Purchase (1853)	18,961,920	26,860	18,986,800	0.8	10,000,000	
Alaska Purchase (1867)	365,333,120	12,909,440	378,242,560	16.3	7,200,000	
Total public domain	1,807,533,440	33,175,680	1,840,709,120	79.4	85,079,222	

^{*}RCost data for all except "State Cossoos" obtained from Geological Survey, Boundaries, Area, Geographic Centers (Washington, U.S. Government Printing Office, 1939), pp. 249-251.

Attachment 1: Acquisition of the Public Domain, 1781 to 1867.

(Taken from Public Land Statistics, US Department of the Interior)

PGeorgia Cession, 1802 (56,689,920 acres). See Donaldson, Thomas, The Public Consult, its History, with Statistics (Washington, U.S. Government Printing Office, 1884), p. 11.

Excludes areas eliminated by treaty of 1819 with Spain.

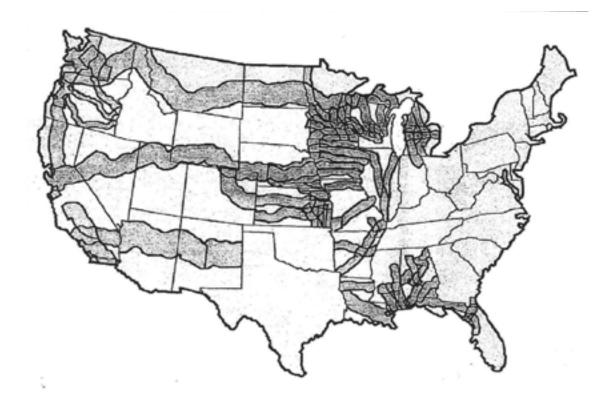
None.—Alaska has been adjusted for the recomputation of the areas of the United States that was made for the 1980 decennial census.

Source: U.S. Department of the Interior, Office of the Secretary, Areas of Acquimitions to the Territory of the United States. (Washington, U.S. Gevennment Printing Office, 1922). Acresges therein are based on findings adopted February 2, 1912, by the Secretary of the Interior.

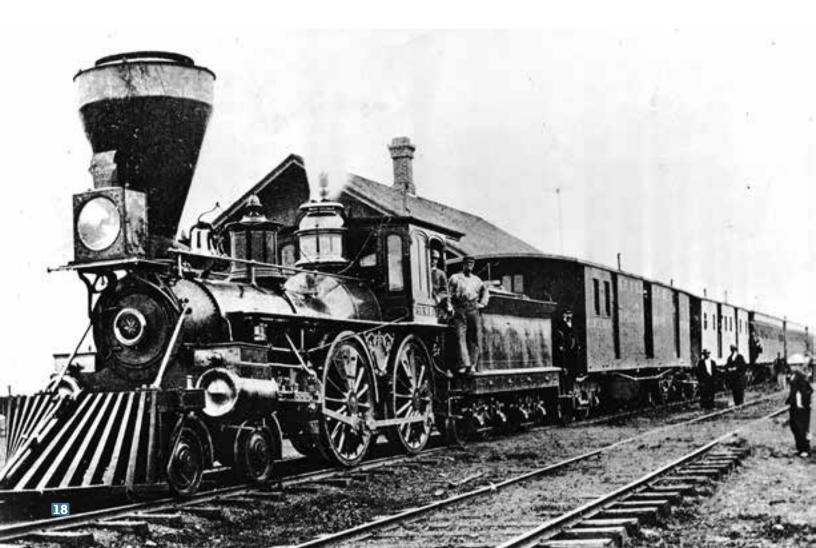
. 7										
	Common schools	Other schools	Other	Reilroads	Wagun roads	Canals and rivers	Miscellareous improvements (not specified)	Swamp reclamation	Other	Total
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California	3,534,293	196,000					500,000	2,193,567	400,768	8,800
Colorado	3,666,613	108,040	30,000			*********	500,000	CONTRACTOR OF STREET	115,946	4.471
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daho		386,686	250,000	********			********	**********	654,064	4,254
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Maine	********	210,000	*******		440000000		********	*******	FERRESCHAFT.	210
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Montana	5,196,298	376,360	109,000	1,617,366				3,482,921	276,359	5.962
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N yeming	11,470,009	135,080	423,000			1,002,144	300,000	2,461,270	316,431	3,36
A DESCRIPTION OF THE REAL PROPERTY.	- March 1 May 2017	200,000	460,000	********					919,470	4,040

Attachment 2: Grants to the States, 1808 to 1978. (Taken from *Public Land Statistics, US Department of the Interior*)

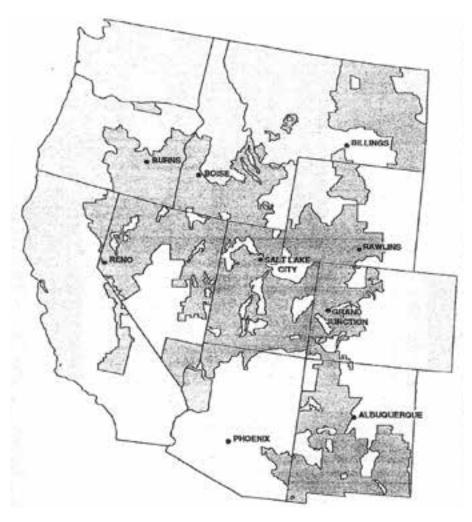




Attachment 3: Limits of the railroad land grants. (Taken from *Opportunity and Challenge — The Story of BLM*)







Attachment 4: Areas included in Taylor Grazing Districts, January 1937. (Taken from *Opportunity and Challenge — The Story of BLM*)

