Public Lands Foundation

Keep Public Lands in Public Hands

Executive Summary

The Bureau of Land Management (BLM) administered public lands in the National System of Public Lands are a national asset, part of our heritage, which should remain in national public ownership so that current citizens and future generations can share in their beauty and bounty.

Background

The National System of Public Lands managed by BLM is predominantly the remnant of the original acquisitions of the federal government through treaties with European powers and aboriginal peoples. The more famous of these acquisitions are the Louisiana Purchase from France; the Oregon Compromise with Great Britain; the Treaty of Guadalupe Hidalgo, in which Mexico ceded California and the Southwest to the United States; and the purchase of Alaska from Russia. These acquisitions and military actions were paid for by congressionally appropriated funds from the U.S. Treasury. The federal government first administered these lands as Territories and later Congress passed legislation establishing the various States.

Over the years, there have been numerous proposals to transfer the BLM Public Lands to the states in which the lands are located and some suggestions to "privatize" all or some of these lands. Such proposals involve the transfer of tremendous national assets and revenues to a small number of fortunate states or individuals. While the public lands belong to all citizens, their location primarily in western states results in many citizens in other parts of the country being unaware of their existence or their value as national assets.

The federal government holds public lands in trust so that this generation and those who will follow us can enjoy both their beauty and their bounty. Congress has long recognized the national interest in preserving and conserving the public lands for present and future generations of Americans. In 1891, Congress created the first national forest reserves in the Pacific Northwest to protect them from the fate of the eastern forests, which had been denuded by unrestrained logging. In the early 1900s these national forest reserves were renamed National Forests, and the U.S. Forest Service was created to manage the National Forest lands. During 1910 – 1920, many of the most scenic federal lands were reserved into National Parks and Monuments and the National Park Service was created to manage them. The same process was used in the 1920s and 1930s to take critical wildlife habitats for migratory wildlife out of the public domain and establish a National Wildlife Refuge System. During the 1930's the Garfield

Committee recommended transferring public lands to the states, but this was not acceptable to the American public; and, in 1934, Congress passed the Taylor Grazing Act to strengthen the concept of federal management of the remaining public domain lands. In 1946, Congress created the Bureau of Land Management (BLM) to manage these public domain lands.

In 1964, the Classification and Multiple Use Act provided criteria for the BLM to use in determining if the public lands should be identified for retention or disposal. In this process of public involvement, many public meetings were held with state and local officials resulting in over 175 million acres being classified for retention in federal ownership. This began a process for stabilizing the tenure of retained public lands that was augmented by the Public Land Law Review Commission's report in 1970. That Report led directly to another important event - enactment of an "Organic Act" for the public lands administered by BLM, the Federal Land Policy and Management Act of 1976 (FLPMA). In FLPMA, Congress made a final legislative recognition as to the future status of these public lands by declaring that "the public lands be retained in Federal ownership unless, as a result of the land use planning procedures provided for in the Act, it is determined that disposal of a particular tract will serve the national interest." This policy declaration by Congress is the same as the decisions made regarding the status of public lands administered by the Forest Service in the Forest and Rangelands Renewable Resources Planning Act of 1974 and the National Forest Management Act of 1976.

On December 16, 2008, Secretarial Order 3280 designated these BLM administered public lands as the "National System of Public Lands."

At stake in this public land ownership issue is the protection and management of assets that belong to all citizens and future generations. The 253 million acres of public lands managed by the BLM are extraordinarily diverse. They include desert mountain ranges, alpine tundra, evergreen forests, expanses of rangeland, and red rock canyons. Some of these areas are so unique that they have been incorporated into the newest public land system, called the National Landscape Conservation System (NLCS), established by Congress in 2009. The NLCS includes such national treasures as monuments, conservation areas, wilderness areas, and wild and scenic rivers.

Consistent with FLPMA, all public lands are managed for multiple use: recreation, grazing, forestry, mineral development, watershed protection, fish and wildlife conservation, wilderness values, air and water quality and soil conservation. The public lands contain invaluable scenic, historic, and cultural sites as well. And, archaeological, historic, and paleontological properties on public lands form the most important body of cultural resources in the United States.

The use and development of the public lands has been influenced by the complex relationship between the federal government and states. Past experience suggests that the public lands are managed most effectively through federal cooperation with states and local communities. This is occurring today, with increasing numbers of collaborative partnerships and shared stewardship among the federal, state, and local governments, Tribes, and a host of private organizations.

Discussion

The primary reason the public lands should remain in public ownership is that they do/will provide enormous resources/benefits (both economic and non-economic) to all citizens and future generations of this country. The public lands contain resources such as minerals, rangelands, forests, recreation, cultural resources, etc. worth billions of dollars. As significantly, these lands offer environmental values such as clean water, clean air, and proximity to mountains and rivers. In an increasingly crowded West, the public lands offer perhaps the most valuable asset of all - open space. As owners of the public lands, citizens/taxpayers of the United States have the right to use and enjoy these lands and resources - immensely valuable national public assets. The quality of these assets would likely be significantly diminished for the American citizens if the BLM's National System of Public Lands does not remain in federal ownership.

Transfer of the BLM Public Lands out of federal ownership would present many significant drawbacks; these are discussed below.

Transfer of resources and revenues owned by all Americans to a relatively small number of states is unfair to American taxpayers. A transfer of lands would deprive American taxpayers of tens of billions of dollars worth of resources contained on the public lands, including coal, oil and natural gas, other mineral resources, rangelands, forests, recreation and cultural resources, and many others. Over the short term, a small net reduction in the annual federal appropriations customarily required for management of the public lands might be realized, but this would be offset by nearly an equal loss to the U.S. Treasury in receipts from these lands. Taxpayers could lose receipts of more than $1 billion each year that are generated from the federal lands by energy and mineral leasing, grazing of private livestock, recreation and timber sales. (It is important to note that the federal receipts would be substantially greater had Congress authorized the collection of fair market value and/or royalties for the natural resources harvested from public lands and retention of a greater percentage of these receipts in the U.S. Treasury.)

States and counties where public lands are located currently receive a significant share of receipts from the public lands managed by the BLM (50% of mineral receipts in the lower 48 states and 90% of mineral receipts in Alaska, 75% of the Oregon and California Grant Lands timber receipts) with no responsibility for management, protection, law enforcement, etc. Income fluctuates depending on mineral and timber activities, but in some recent years it has exceeded $640 million. One wonders why some states would support the land transfers. In fact, many states do not support them.

Transferring ownership would restrict the public's access to public lands. The BLM's "Public Land Statistics" report estimates that there were over 63,200,000 recreation visitor use days on the BLM lands in 2009. Over 29,000 conservation, recreation, and wilderness areas on the BLM public lands are open to the public, as are sites of cultural, archaeological, and religious significance. The public lands administered by the BLM offer more recreational opportunities over a broader geographical area than lands of any other federal agency. There is no guarantee that Americans would continue to enjoy access to these lands, since state lands in some states are closed to public access and existing state recreation policies on state-owned lands vary widely. Hunters, anglers, campers, hikers, and other recreational users would be limited in their access to vast areas of the West if the lands were transferred out of federal ownership.

Restricted public access could impact the economic health of local communities, which currently benefit from recreational visits to the public lands**.** Since states have limited

funds and workforce capability to manage lands they currently own, it is possible that states would have to impose new increases in state taxes to pay for new land management responsibilities. Some states would choose instead to sell at least some of the current public lands they would acquire to private parties**.** In fact, the public land livestock user, other federal leaseholders, and large corporations see transfer of public lands to states as one step closer to the day when they can acquire title to these lands. Many states, like Nevada, have already disposed of much of the lands they received under their Enabling Acts.

Transfer to private ownership could severely impact availability of water resources. It is recognized in the West that water will become its most scarce natural resource. Much of the water that flows into the water systems comes from BLM and other federal lands. A key concern in many western communities at present is the need to protect the water quality and quantity of the community watersheds that provide the drinking water, etc. to those small communities as well as large cities. Both recognize the need to jealously guard their water sources from all intrusions.

Transfer to state/private ownership could negatively impact environmental values. The protection of non-market values on the lands, for example endangered species or ecosystems such as the old growth forests of the Pacific Northwest, is unlikely to occur outside of federal government control. These values can be protected through national control, since the goals of governmental action are broader than just economic efficiency. Transfer of public lands to states could shift the focus of management from protection of public goods and non-market values to a more explicitly profit-maximizing orientation.

It is not clear how communities would be compensated for property taxes if the lands were transferred out of federal ownership**.** Western counties depend heavily on the Payments in Lieu of Taxes (PILT**)** money they receive from the federal government to compensate for property taxes they cannot collect on federal lands. The BLM lands are a major contributor to the PILT payments to the western states. PILT payments exceeded $381 million in 2009. States are not likely to continue PILT payments to counties if the BLM lands are transferred to state ownership. In addition, the public would lose essential services, such as wildfire fighting, provided on the public lands by the federal government**.**

PLF Position

The BLM Public Lands in the National System of Public Lands are a national asset, a part of our heritage, which should remain in public ownership so that current citizens and future generations can share in their beauty and bounty. In the view of the PLF, there is no benefit to justify transferring these public lands from public ownership. It would be fiscally irresponsible and would squander much of our natural heritage. The serious consequences associated with such proposals are a bad deal for the American public.

****

Updated from PLF No. 01-99, January 1999.

Position Statement: 2010-10, July 24, 2010