



## **Public Lands Foundation Position Statement**

### **Keep Public Lands in Public Hands**

#### **Executive Summary**

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

#### **Background**

Prior to contact with Europeans (pre-1492) Native American Indians and Alaska Native Peoples lived in what was to become the United States. Indian Nations ceded millions of acres of land to the newly established government that contributed to the public lands in existence today. 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 (who also obtained these lands from conquest of the peoples living there at that time). The most 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.

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 1900's 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 1920's and 1930's to take critical wildlife habitats for migratory wildlife out of the public domain and establish a National Wildlife Refuge System, managed by the U.S. Fish and Wildlife Service. Congress authorized the Committee on Conservation and Administration of the Public Domain in 1930. This committee recommended transferring most of the public lands (BLM lands) to the states, but this was not acceptable to the American public. 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 areas 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 determination 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. In 2008 the BLM administered lands were designated the title of "National System of Public Lands".

Over the years, there have been numerous proposals to transfer the BLM administered lands to the states in which the lands are located and some suggestions to "privatize" all or some of these lands. Two significant efforts of fairly recent vintage were the "Sage Brush Rebellion" under the Reagan Administration in the early 1970's and the "Asset Management" Program also under the Reagan Administration. There have been several attempts by individual states to take over BLM managed lands but none of these proposals have been successful in any significant way as far as divesting BLM managed lands.

At stake in this public land ownership issue is the protection and management of assets that belong to all citizens and future generations, consisting of 245 million acres of surface estate and 700 million acres of subsurface mineral estate. Those 245 million acres 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 within the BLM, called the National Landscape Conservation System (NLCS), established by Congress in 2009. The NLCS includes such national treasures as: monuments; national conservation areas; wilderness areas; wilderness study areas; national trails; and, wild, and scenic rivers.

Consistent with FLPMA, all of the National System of Public Lands is 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 BLM lands contain invaluable scenic, historic, and cultural sites as well. Archaeological, historic, and paleontological properties on BLM lands form the most important body of cultural resources in the United States.

The use and development of the National System of 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: federal, state, and local governments; Tribes; and, a host of private organizations.

## **Discussion**

The primary reason the National System of Public Lands should remain in public ownership is that they do/will provide enormous resources/benefits (both economic and non-economic) to all current citizens and future generations of this country. The BLM lands contain resources such as minerals, rangelands, forests, recreation, conservation lands, wild horses and burros, fish and wildlife, cultural resources, etc., worth billions of dollars. As significantly, these lands offer environmental values such as clean air, clean water, healthy and sustainable habitats for animals, plants and humans. In an increasingly crowded West, the BLM lands offer perhaps the most valuable asset of all - open space. As owners of the National System of Public Lands, citizens/taxpayers of the United

States have the right to use and enjoy these lands and resources – an immensely valuable national asset. During the COVID-19 pandemic all public lands saw a significant increase in use. Spending time outdoors could be done in a safe manner and helped individuals and families deal with the continuing stresses of quarantines, business closures, restaurant closures, entertainment closures, travel limitations, and the worries about friends and loved ones. The quality of life would 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 National System of Public Lands out of federal ownership would present many significant drawbacks, some of which 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 those lands. Over the short term, a small net reduction in the annual federal appropriations customarily required for management of the BLM lands might be realized, but this would be offset by the loss of billions of dollars a year to the U.S. Treasury. The majority of these dollars are generated from energy and mineral leases and permits; mining claim holding fees; grazing of private livestock; recreation; special use permits; rights-of-way (including solar and wind); rental receipts; and, mineral material 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 lands managed by the BLM (50% of mineral receipts in the lower 48 states and 90% of mineral receipts in Alaska, 50% of the Oregon and California Grant Lands timber receipts) with no responsibility for management, protection, law enforcement, fire suppression, etc. According to BLM, in FY2018, BLM generated about \$3.1 billion in federal royalties, rental payments and bonus bids alone, of which approximately 50% was returned to the states in which the revenue was generated. The Southern Nevada Public Land Management Act (SNPLA) has generated \$4 billion dollars from sales of BLM lands within a defined area around Las Vegas. The revenue from these sales is split between the State of Nevada General Education Fund (5%), the Southern Nevada Water Authority (10%) and a special account available to the Secretary of the Interior for a variety of purposes such as: parks, trails and natural areas; capital improvements; conservation initiatives; hazardous fuels reduction and wildfire prevention; environmentally sensitive land acquisitions; and, a variety of other restoration and conservation initiatives. One wonders why some states would support the land transfers and in fact, many states do not.

Transferring ownership would greatly restrict the public's access to The National System of Public Lands. The BLM's "Public Land Statistics" report estimates that there were over 71,000,000 recreation visitor use days on the BLM managed lands in 2019. Millions of acres of conservation, recreation, and wilderness areas in the National System of Public Lands are open to the public, as are sites of cultural, archaeological, and religious significance. The lands managed 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 BLM lands they would acquire to private parties. In fact, some of the public land livestock users, other federal leaseholders, and large corporations see transfer of lands to states as one step closer to the day when they can acquire title to these lands.

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 management. These values can be protected through national laws and regulations which consider broader benefits 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 \$168 million in FY2017. 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, for example, wildland fire protection, provided on the public lands by the federal government.

The National System of Public Lands can provide a wealth of opportunities to provide energy for the nation while reducing greenhouse gas emissions. The Desert Renewable Energy Conservation Plan in California is one example. As the needs for energy grow and evolve the BLM lands can be a significant factor in a diverse and sustainable national energy policy.

The BLM managed lands also provide opportunities to provide habitats for species in need of conservation strategies, bringing a large piece of the pie to the table for other land owners to work with. One example is the Sage Grouse Conservation Strategy another, the Spotted Owl effort in the Pacific Northwest.

The BLM's planning process and adaptive management framework can and should incorporate the issue of climate change using science-based data over large landscapes. There is much to learn about the natural and human influences on resource conditions. The National System of Public Lands can be part of the solution for the dire effects anticipated from climate change.

The BLM National System of Public Lands is a national asset, a part of our natural and cultural heritage, which should remain in public ownership so that current citizens and future generations can share in their beauty and bounty. These lands must be kept in public ownership to meet those

current needs of the American people and to help meet the as yet unknown, and unknowable, needs of future generations. These lands are posterity's property and must be managed as such.

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.

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