



Position Statement

Keep Public Lands in Public Hands

Executive Summary

The public lands managed by the Bureau of Land Management (BLM) are a national asset and part of our American heritage. The Federal Land Policy and Management Act (FLPMA) of 1976 governs the management of public lands administered by the BLM and directed that the policy of the United States is for public lands to “be retained in Federal ownership” unless determined, through a planning process, that disposal would be in the national interest (PL 94-579, Sec 102(a)(1)). Section 103(c) of the law also directed that the “management of public lands ... will best meet the present and future needs of the American people.” Congress clearly intended that current and future generations would be able to share in the beauty and bounty of these BLM managed public lands.

Since the BLM was created in 1946, there have been several attempts to privatize these public lands or transfer ownership to the States. The Asset Management program of Interior Secretary James Watt, the Sagebrush Rebellion of the 1980s, and the 2024 Utah land transfer petition to the Supreme Court are a few of these efforts. None of these efforts have been successful. State enabling acts and FLPMA legally resolved the concept of Federal ownership and neither the Courts nor Congress have overturned that conviction.



Just like Congress in 1976, the public sees significant benefits in public ownership and management of the public lands. A recent (February 2025) poll, released by the Colorado College “State of the Rockies Project” and highlighted by publications such as *Outdoor Life* and *High Country News*, found that 65% of respondents opposed proposals to give state governments control over national public lands.

YOUR public lands provide diverse opportunities for both the sustainable use of resources, generating significant income for Federal and state treasuries, and protection of environmental values. Many rural economies of the West depend on this balanced approach to management of the public lands.

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. The new nation also acquired, through cession, treaty settlements, and outright purchase, vast territories from France, Mexico, Great Britain, Spain and Russia. Additionally, the original States ceded lands to their west to the Federal government. This history of cessation and settlement provided the basis for Federal ownership and legal title to much of the nation’s public lands.

Federal land management was initially focused on westward expansion, incentivizing settlement by transferring ownership to private individuals through laws like the Homestead Act. Land grants were also given to states to support public institutions, such as schools, and to railroads and wagon roads to build transportation systems. The Mining Law of 1872 facilitated mineral exploration and provided for land transfer out of the federal estate.

But there were also efforts for the retention of the public domain. As States were established, enabling legislation required new states to disclaim any right and title to the unappropriated lands (that had not been patented to settlers) within their newly created boundaries. Over time, with growing conservation concerns, Congress created the National Parks, Fish and Wildlife Refuges, and National Forests from these lands. From 1890 - 1945, over 200 million acres of the public domain were transferred to the National Park Service, the U.S. Fish and Wildlife Service, and the U.S. Forest Service.

The BLM was created in 1946 by a merger of the U.S. General Land Office (GLO) and the Grazing Service to manage the balance of the federal lands. At the time, BLM lands were predominantly managed for livestock grazing, timber, and where appropriate, oil, gas, and coal. The agency also continued to serve as the GLO to process settlement actions of the Federal government. Over the ensuing 30 years Congress slowly legislated the retention of these lands until in 1976, Congress approved the FLPMA and required the BLM to maintain the public lands in public ownership and to manage these lands to best meet the present and future needs of the American people under the principles of multiple use and sustained yield management.

The BLM is the agency responsible for managing the most public land in the U.S. -- managing 245 million surface acres (10% of the U.S.) and 700 million subsurface acres (30% of the U.S.). The following is a small sample of the wide range of programs managed by the BLM:

- Oil and gas: 12.4 million acres leased with 23,500 producing wells, generating 11% of the nation's natural gas and 9% of its oil.
- Grazing: 155 million acres of grazing leases supporting 18,000 individual grazing permits and producing 12 million Animal Unit Months (forage required to support a cow/calf pair for a month).
- National Landscape Conservation System: 34 million acres designated as monuments, conservation areas, wilderness, wild & scenic rivers and other specially designated lands.
- Forests and woodlands: 58 million acres, providing timber resources and wildlife habitat.
- Consistent with FLPMA, other multiple uses on the public lands include recreation, mineral development, watershed protection, fish and wildlife conservation, 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.

FLPMA and its associated implementing regulations have established procedures for land use planning and authorizations to both protect public value and authorize a wide variety of resource uses. Public participation and transparent processes are required. Fifty years of experience has shown that the public lands are managed most effectively through federal cooperation and coordination with states, Native Tribes 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. This collaboration results in desired outcomes that meet the needs of a wide range of public land users.



There has been debate through the years regarding whether the remaining public lands should remain “public” as intended through the passage of FLPMA in 1976, or whether they should be divested to state, local or private interests. (See a discussion in a PLF paper entitled, “Utah Public Lands”, addressing recent efforts by the State of Utah to acquire the public lands within their state boundary). Most recently there has been some support in Congress to consider transfer of some public lands in or adjacent to communities for the development of affordable housing. The sale of public land is provided for in FLPMA if lands are identified as suitable for potential disposal, followed by a parcel specific analysis, title review, appraisal and public notice. The primary reason the public lands should remain in public ownership, consistent with existing law, is that they provide significant resource benefits (both economic and non-economic) to all current citizens and future generations of this country. As an agency, BLM programs take in more receipts than its \$1.7 billion appropriation to run the agency - a fiscal plus for the taxpayer. Other benefits are described below:

Open Space - In an increasingly crowded West, the BLM managed 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 – an immensely valuable national asset. During the COVID-19 pandemic, all public lands saw a significant increase in use. Although the pandemic has mostly passed, the increased level of public visitation has not.

Economic Benefits - States where public lands are located receive significant economic benefits by virtue of having public lands within their boundaries including: local public expenditures such as visitor spending in support of recreation pursuits; Federal revenue sharing payments; and Payment in Lieu of Taxes (PILT) payments. Overall economic benefits from public lands were estimated at \$262 billion in FY22. The public lands generated \$9.6 billion in receipts in FY23 of which 50% were shared with the States. The 50/50 revenue sharing provided \$4.8 billion of the FY23 receipts to the Federal taxpayer and \$4.8 billion to the states. The States have flexibility on their use of these funds, and notably have no responsibility for management, protection, law enforcement, or fire suppression. Fire suppression costs alone were over \$1 billion for FY 24. Finally, the BLM lands are a major contributor to the PILT payments; western states received over \$579 million in FY23. Finally, many of the activities and uses authorized by BLM are provided at a low or no cost, yielding significant savings to some public land users, and to state and local governments that would need to fund or manage these activities or uses.

Non-Economic Benefits - The BLM’s “Public Land Statistics” report estimates that there were over 82 million recreation visitor use days (or 225,000 ‘visitor use years’) on the BLM managed public lands in 2023. The lands managed by the BLM offer more recreational opportunities over a broader and more diverse geographical area than lands of any other federal agency. There is no guarantee that Americans would continue to enjoy access to public lands if transferred to other ownership. In some states, state lands have limited 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. Restricted public access and a sudden proliferation

of “No Trespassing” signs on these lands could significantly impact the economic health and the quality of life in local communities which currently benefit from recreational visits to the public lands.

Environmental Values - It is unknown what level of protection of non-market values on public lands, for example endangered species or ecosystems such as the old growth forests of the Pacific Northwest, would occur outside of federal government management. One can assume it would be piecemeal in its implementation. Under current ownership, these values are protected at a landscape scale through national laws and regulations which consider broader benefits than just economic efficiency. Conservation strategies have been developed on blocks of Federal land for impacted species (i.e. sage grouse or spotted owl). Through voluntary collaboration, many private landowners have found watershed benefits from this landscape approach, with management of public land reducing the potential for them to manage these values on their lands. Most users of the public lands are conservation-minded, knowing that healthy public lands are critical to their livelihoods. Transferring public lands to states has the potential to upset this balance, with unknown, and conceivably detrimental impacts to many parties.

Public Lands Foundation Position – Keep Public Lands in Public Hands

1. The BLM budget in FY24 was \$1.7 billion dollars. The agency took in receipts of \$9.6 billion in FY23. Economically, this is a good value to the taxpayers. When you also consider the extensive recreation use, the biological diversity associated with different wildlife habitats, and the mineral, scenic, historical and other resource values, you have an irreplaceable public asset which should remain in public ownership so that current citizens and future generations can share in their beauty and bounty.
2. As provided in FLPMA, it is reasonable that small tracts of public lands could be transferred to non-Federal parties to accommodate urban expansion or through exchanges to acquire lands of greater value to the public. However, the overall issue of keeping public lands in public hands is as significant as it was in 1976 when FLPMA was passed. There has been support for bipartisan legislation introduced in the current session of Congress, the “Public Lands in Public Hands Act” (H.R.718), that would place limitations on the disposal of public lands.

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