



# Western States Seek Control of Federal Lands

By Cheryl K. Chumley

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Western lawmakers are seeking ways to take control of the vast amount of federally managed land in their states, with the standoff at Cliven Bundy's Nevada cattle ranch injecting new intensity into the efforts.

"What is really driving the frustration now out West is that we know there are enormous natural resources on these lands, and with the federal ownership, it is the government bureaucrats — who are not without a political agenda — who are making the decisions on how to extract," Bonner Cohen, a senior fellow at the National Center for Public Policy Research, told Newsmax.

More than 50 lawmakers from [nine Western states](#) gathered on Friday for a summit in Utah, where an estimated 67 percent of the land is owned by the federal government and which has twice passed provisions seeking to reduce the reach of Washington's control over that property.

The meeting at the Utah Capitol in Salt Lake City had been planned weeks ago, but the federal action at the cattle rancher's property shed new light on the issue.

The Bureau of Land Management sought to take cattle from federal land that Bundy's family has used as a grazing area since the 1870s, about 80 miles northeast of Las Vegas. Supporters, including militia groups, showed up to support Bundy. The BLM backed down after a tense standoff and returned cattle it had already seized.

"It's simply time [for the states to take action]," said state Rep. Ken Ivory, a Republican in Utah who joined forces with Montana state Sen. Jennifer Fielder to sponsor the Legislative Summit on the Transfer for Public Lands, The [Salt Lake Tribune](#) reported. "The urgency is now," Ivory said.

In 2012 and again in 2013, the Utah state Legislature passed provisions to petition the feds to give back control of its lands. The University of Utah is in the middle of devising a strategy for how the state would manage the land, should it leave federal hands.

"I would say the last thing you want is the federal government's ownership of lands," R.J. Smith, a senior fellow in environmental policy at the National Center for Public Policy Research, told

Newsmax.

"That's not why this country was founded. That's what the Founding Fathers were trying to escape — the king's house, the king's land, the king's everything," Smith said.

The Congressional Research Service reported in its 2012 "Federal Land Ownership: Overview and Data" study that the federal government owns and manages nearly 640 million acres, or nearly 30 percent of the land in the United States, mostly in the West and Alaska.

For example, 62 percent of Alaska is federally owned, as well as 62 percent of Idaho. More than 81 percent of Nevada is managed by federal authorities; 48 percent of California; 35 percent of New Mexico; 53 percent of Oregon; 29 percent of Washington; and just over 48 percent of Wyoming.

The main reason the federal government offers for owning the large tracts is for the purpose of preservation and protection. On top of that, the lands are home to some of America's most abundant natural resources, including oil, gas, and coal, and are essential for local economies that depend on mining, ranching, and lumber.

The CRS found that of the 640 million acres owned by the federal government, 609 million were managed among four agencies, all with environmental missions: the BLM, the Fish and Wildlife Service, the National Park Service, and the Department of the Interior.

The statistics are startling to some who say it's high time the states got back control of what was constitutionally theirs in the first place.

"Federal policy for the nation's first 150 years was for the federal government to dispose of lands it acquired by handing it back to states, businesses, or individuals," Chris Edwards, director of tax policy studies at the Cato Institute, told Newsmax.

"Federalism is the fundamental structure of the Constitution. The states should be the 'laboratories of democracy.' They should each innovate with their own land governance structures. If we don't absolutely need the federal government involved with something, then it shouldn't be," Edwards said.

Not all the other states involved in the summit — Montana, New Mexico, Arizona, Nevada, Wyoming, Oregon, Idaho, and Washington — have taken as blunt legislative steps as Utah and outright demanded a return of federal lands to more localized management.

But some states that participated in the summit, as well as others in the West that are tired of federal overreach, have brought forth bills to explore the idea, and legislation with more teeth in those states could soon be on the way.

The Center for American Progress, a liberal policy group, wrote that in the last year, "seven Western states — Utah, Arizona, Wyoming, New Mexico, Colorado, Nevada, and Idaho — have passed, introduced, or explored legislation demanding that the federal government turn over

millions of acres of federal public lands to the states."

The CAP calls the legislative efforts a "losing battle" and little more than "political grandstanding," The [Washington Post](#) reported.

Some on the opposite end of the political spectrum agree somewhat with that assessment.

Chuck Cushman, founder and executive director of American Land Rights Association, said "no" when asked if the plan for states to take back control of federally owned properties was a feasible one.

"Let's be realistic," Cushman told Newsmax. "Even if it were the right time for the politics to do that, what do you think the environmentalists would do? They would go ballistic."

Randal O'Toole, senior fellow for urban growth and public land issues at the libertarian-leaning Cato Institute, said his opposition to letting states take control of federal lands is rooted in the financials.

"I don't see that transferring federal lands to state control solves a lot of problems," he said. "The federal lands cost taxpayers around \$8 billion a year. Would it be better if state taxpayers had to pay that cost?"

O'Toole instead suggests that lands currently owned by the federal government should go into fiduciary trusts, overseen by managers with "a legal obligation to make money" and operated primarily by user fees.

"Each trust would have a board of trustees who would be responsive to the needs of the land and the ability of that land to generate fees from recreationists, ranchers, or other sources," he said.

O'Toole also dismissed the thought that the armed standoff between Bundy and the feds could have been avoided if the land in question had been owned by the state rather than the BLM.

"Turning the federal land in southern Nevada over to the state wouldn't have helped Cliven Bundy," he said. "The BLM charges grazing fees of \$1.35 per 'animal unit month.' Most Western states charge about \$12 per AUM, so Bundy's fees would increase by nine times."

Yet many in the land-rights movement have been watching the growing encroachment of the federal government, especially under the Obama administration, with alarm.

William Perry Pendley, president of Mountain States Legal Foundation, said the federal government becomes emboldened with each land grab and land purchase it's allowed to take, setting the stage for more Bundy-like showdowns between the private sector and Washington, D.C.

"What is happening in Nevada involves a massive overreaction by the federal government," Pendley said, "but is in keeping with the view of the Obama administration that those who

disagree with its policies are domestic terrorists or soon-to-be domestic terrorists, as Sen. [Harry] Reid's comments make clear.

"States believe they can do a much better job."