

THE BUFFALO NEWS

Nature Watch: Don't transfer federal land to individual states

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You and I own a lot of land. In addition to the fraction-of-an-acre lots on which many of our houses stand, we own almost a million square miles of this country, in fact over a quarter of the entire U.S. land area. Seen another way, that is equivalent to the area of Alaska and California with Vermont and New Hampshire thrown in for good measure.

Four agencies administer most of this land for us: the Forest Service in the Department of Agriculture, and the National Park Service, the Bureau of Land Management and the Fish and Wildlife Service, in the Department of the Interior.

Almost all of that federal land is west of the Mississippi River, and now a number of Western states seek to have title to those lands transferred to them. Utah's governor signed a bill demanding that turnover by last December; other states are considering similar action or acting in concert to accomplish this.

I believe we should strongly oppose this giveaway.

First, some history. Influenced by Thomas Jefferson, the Land Ordinance of 1785 mandated a system for surveying and disposing of public domain lands. West from where the Ohio River crosses the Pennsylvania border, parallel lines of longitude and latitude were to be surveyed, each to be 6 miles apart, making for townships of 36 square miles. Nearly all the land in the federal public domain – the vast preponderance of the physical space of America including that acquired through the Louisiana Purchase in 1803, the Oregon Compromise with England in 1846, the 1848 Mexican War treaty and the purchase of Alaska from Russia in 1867 – was eventually surveyed into this neatly laid out grid and disposed of using this system. This is why rural roads in most parts of the country run along straight section lines, most farms are square in shape, and most city lots are rectangular.

Subsequent federal land laws reflected two visions: selling lands to encourage transportation, development and settlement or simply to raise money; and reserving lands, such as for national forests and national parks.

Over the years, 2 million square miles of public domain lands have been transferred to private ownership (homesteaders and railroads, for example), to states and to meet Native American selection laws. But finally in the Federal Land Policy and Management Act of 1976, Congress expressly declared that the remaining public domain lands generally would remain in federal ownership. This act was partly motivated by earlier poor state management.

The Sagebrush Rebellion of the late 1970s and 1980s responded, seeking to provide state or local control over federal land and management decisions. Despite support for the rebels and federal actions by President Ronald Reagan and Interior Secretary James Watt, this “wise use” (aka privatization) movement was strongly opposed by environmental and conservation organizations and the general public, who came to see it as a movement sponsored by the extraction industries: lumbering and mining.

The current movement can, however, be seen as an outgrowth of this simmering confrontation. An action that has brought the issue back to a boil was the refusal last year of rancher Clive Bundy to pay required fees for his small cattle herd grazing on public land.

What is the case for the proponents of state takeover? Randal O’Toole succinctly makes that case for the Cato Institute: “Nearly everyone agrees that federal lands are badly managed. The agencies in charge spend nearly \$5 billion more administering resources that ought to produce huge profits than the use of those resources returns to taxpayers.”

Badly managed? While I have great respect for those who administer such properties, I suspect that this may often be the case. But why? Because financing adequate federal management has been blocked by the same people who propose to take it over.

Deficit spending? I question O’Toole’s \$5 billion, but, even if it is correct, about \$2 billion annually goes into firefighting alone. And those huge profits? We know from what they would derive: extended lumbering and mining, sales to developers and replacement of professional staff with underprepared political cronies.

Today, a plurality of even those in the states where these takeovers are proposed oppose them, but this is an issue that requires continuing vigilance.