



Should Idaho Really Take Over Federal Lands?

By: Randy Stapilus- July 22, 2013

An Idaho legislative interim committee meeting next month could make a splash — by keeping its ripples on the small side.

That might mean shifting its assigned mission.

The panel is the federal lands interim committee, meeting Aug. 9, co-chaired by Senator Chuck Winder and Representative Lawrence Denney. House Concurrent Resolution 21 asked it to assemble research “before the Idaho Legislature can properly address the issue of the management and control of public lands now controlled by the federal government in the state of Idaho should title to those public lands be transferred to the State of Idaho ...” Context: HCR 22, which also passed, “demand[ed] that the federal government extinguish title to Idaho’s public lands and transfer title to those lands to the state of Idaho.”

Pre-meeting, attorney Michael Bogert was asked to collect background materials, and he assembled a 274-page report. As he noted, it covered many of the issues involved, but it could have been even larger: I’ve watched similar efforts flail and fail over the past 40 years.

The states active on this, like Utah and Arizona, hit a brick wall: The lands are owned by the whole country and that’s unlikely to change. Bogert’s compendium included a paper from the Southern Utah Wilderness Alliance, offering reasons states should not get the lands, such as, “the Legislature has indicated that some of these lands would be sold outright to the highest bidder while others would be kept in state ownership but opened to oil and gas drilling, off-road vehicle use and extractive industries.” Conservatives too have expressed reservations.

In May 2012, Arizona Governor Jan Brewer vetoed its version of HCR 22, which she said, “does not identify an enforceable cause of action to force federal lands to be transferred to the state. Moreover, as a staunch advocate for state sovereignty, we still must be mindful and respectful of our federal system.”

Many state officials, in Idaho as elsewhere, argue that state lands are better managed than federal lands. There’s debate over this. An analysis from the conservative Cato Institute (No. 276, in July 1997 — and in the Bogert report)) said, “Most state natural resource agencies cost state taxpayers far more than they return to state general funds. The key to the profitability of state trusts is not that they are state but that they are trusts.” The argument that the Forest Service and Bureau of Land Management, which manage upward of 60 percent of Idaho’s land, are “absentee landlords” runs into the many Idaho communities where the biggest employers of Idahoans are the Forest Service and the BLM.

Still. The debate over just how well the states could do is far from conclusive. States can be useful laboratories of experimentation, and there’s talk, in some quarters, about something more modest than a fruitless demand for massive land turnover.

Such as: Carve out a few small and varied parcels of federal land, require that federal standards be maintained in managing them, and then in essence pay the state to manage them in a pilot project. Could the state do better? If so, how? The exercise might open new and useful approaches to management, and either quash the state's argument that it could do better, or strengthen it.

A relatively modest and non-ideological proposal along those lines, submitted to the 2014 Legislature, might find favor in more quarters than a series of won't-happen demands.