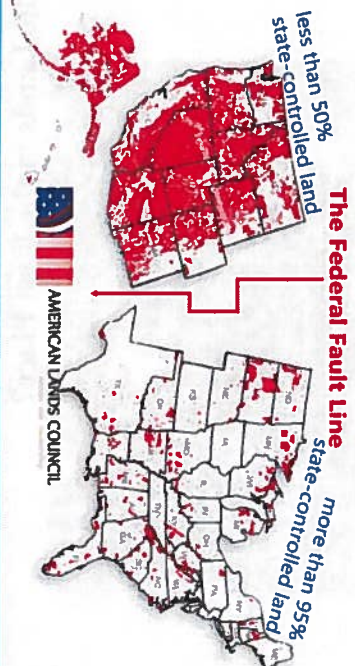


Why the Difference??



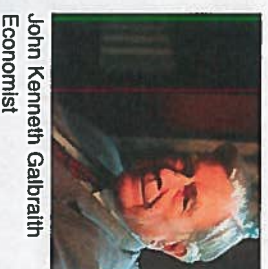
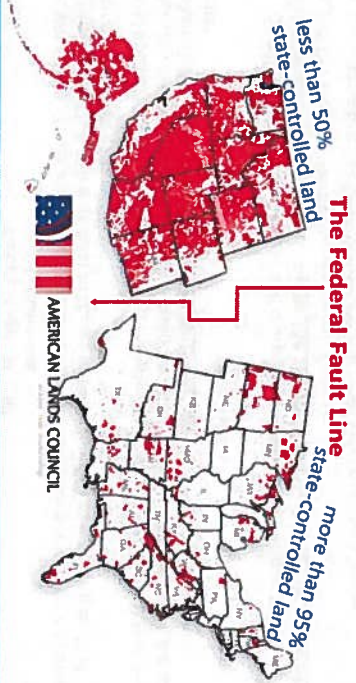
Property



George Sutherland
U.S. Supreme Court
Justice
1921

“Man—has three great rights ... the right to his life, the right to his liberty, the right to his property. ... The three rights are so bound together as to be essentially one right. To give a man his life, but deny him his liberty, is to take from him all that makes his life worth living. To give him his liberty, but take from him the property which is the fruit and badge of his liberty, is to still leave him a slave.”

Why the Difference??



John Kenneth Galbraith
Economist

“Where socialized ownership of land is concerned, **only the USSR and China** can claim company with the United States.”

U.S. Constitution Article IV, Section 3 – New States

The Congress shall have power to dispose of and make all needful rules and regulations respecting the Territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

Madison Debates
Tuesday, August 30, 1787
In Convention

Mr. WILSON ... There was nothing in the Constitution affecting one way or the other the claims of the U. S. & it was best to insert nothing leaving every thing on that litigated subject in statu quo.

Mr. MADISON ... He thought it best on the whole to be silent on the subject. He did not view the proviso of Mr. Carroll as dangerous; but to make it neutral & fair, it ought to go farther & declare that the claims of particular States also should not be affected.

...

Mr. CARROL withdrew his motion and moved the following: "Nothing in this Constitution shall be construed to alter the claims of the U. S. or of the individual States to the Western territory,"

Mr. Govr. MORRIS moved to postpone this in order to take up the following.

"The Legislature shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the U. States; and nothing in this constitution contained, shall be so construed as to prejudice any claims either of the U. S. or of any particular State." -The postponement. agd. to nem. con.

Why Did the Federal Government Ever Own Any Public Lands in the First Place?



From the Journals of the Continental Congress, Tuesday, October 10, 1780, pages 915-16:

“Resolved, That the unappropriated lands that may be ceded or relinquished to the United States, by any particular States, . . . shall be disposed of for the common benefit of the United States, and be settled and formed into distinct republican states, which shall become members of the federal union, and have the same rights of sovereignty, freedom and independence, as the other states. . . .

That the said lands shall be granted and settled at such times and under such regulations as shall hereafter be agreed on by the United States in Congress assembled.”

By the United States in Congress assembled.

April 23, 1784

Resolved, that so much of the territory ceded, or to be ceded by individual states, to the United States ... shall be divided into distinct states in the following manner ...

“THIRD. That they in no case shall interfere with the primary disposal of the soil by the United States in Congress assembled; nor with the ordinances and regulations which Congress may find necessary for securing the title in such soil to the bona fide purchasers.

...

That ... such state shall be admitted by its delegates into the Congress of the United States, on an equal footing with the said original states ...”

U.S. Constitution Article IV, Section 3 – New States

The Congress shall have power to dispose of and make all needful rules and regulations respecting the Territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

July 13, 1787, An Ordinance for the Government of the Territory of the United States, North-West of the River Ohio (Northwest Ordinance)

“... to provide also for the establishment of States,... and for their admission to a share in the federal councils on an equal footing with the original States ...

... The legislatures of those ... new States, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the bona fide purchasers ...”



President
Andrew Jackson
1767-1845

“... it is the real interest of each and all the States in the Union, and particularly of the new States, that the price of these lands shall be reduced and graduated, and that after they have been offered for a certain number of years the refuse remaining unsold shall be abandoned to the States and the machinery of our land system entirely withdrawn. It can not be supposed the compacts intended that the United States should retain forever a title to lands within the States which are of no value, and no doubt is entertained that the general interest would be best promoted by surrendering such lands to the States.”

20th Congress, 1st Session, House of Reps., Rep. No. 125, Graduate Price of Public Lands, February 5, 1828
The Committee on the Public Lands REPORT:

If these lands are to be withheld from sale, which is the effect of the present system, in vain may the People of these States expect the advantages of well settled neighborhoods, so essential to the education of youth, and to the pleasures of social intercourse, and the advantages of religious instruction. Those States will, for many generations, without some change, be retarded in endeavors to increase their comfort and wealth, by means of works of internal improvements, because they have not the power, incident to all sovereign States, of taxing the soil, to pay for the benefits conferred upon its owner by roads and canals.

When these States stipulated not to tax the lands of the United States until they were sold, **they rested upon the implied engagement of Congress to cause them to be sold, within a reasonable time. No just equivalent has been given those States for a surrender of an attribute of sovereignty so important to their welfare, and to an equal standing with the original States.**

A remedy for such great evils may be found in carrying into effect the spirit of the Federal Constitution, which knows of no inequality in the powers and rights of the several States:

20th Congress No. 726. 2d Session

APPLICATION OF MISSOURI FOR A CHANGE IN THE SYSTEM OF DISPOSING OF THE PUBLIC LANDS.

COMMUNICATED TO THE SENATE JANUARY 26, 1829.

To the Senate and House of Representatives of the United States:

The memorial of the general assembly of the State of Missouri respectfully sheweth: That the system of disposing of the public lands of the United States now pursued is highly injurious, in many respects, to the States in which those lands lie... with the present condition of the western States. But the general assembly will state that a perseverance in the present system manifestly appears to them to be . . . **an**

infringement of the compact between the United States and this State: and that the State of Missouri never could have been brought to consent not to tax the lands of the United States whilst unsold; and not to tax the lands sold until five years thereafter, if it had been understood by the contracting parties that a system was to be pursued which would prevent nine-tenths of those lands from ever becoming the property of persons in whose hands they might be taxed.

A Union of States

“This Union’ was and is **a union of States, equal in power, dignity and authority**, each competent to exert that residuum of sovereignty not delegated to the United States by the Constitution itself.” Coyle v. Smith, 221 U.S. 559, 565 (1911)

Article IV

Power to Create “States”

“The power of Congress in respect to the admission of new states is found in the 3d section of the 4th article of the Constitution. That provision is that, ‘**new States may be admitted by the Congress into this Union.**’ The only expressed restriction upon this power is that, ‘no new state shall be formed within the jurisdiction of any other state, nor by the junction of two or more states, or parts of states, without the consent of such states, as well as of the Congress.’” Coyle v. Smith, 221 U.S. 559 (1911)

Article IV

Power to Create “States”

“But what is this power? It is not to admit political organizations which are less or greater, or different in dignity or power, from those political entities which constitute the Union. It is a ‘power to admit states.’” Coyle v. Smith, 221 U.S. 559 (1911)

Article IV

Power to Create “States”

“The definition of ‘a state’ is found in the powers possessed by the original states which adopted the Constitution, -- a definition emphasized by the terms employed in all subsequent acts of Congress admitting new states into the Union.” Coyle v. Smith, 221 U.S. 559 (1911)

Article IV

Power to Create “States”

“The first two [new] states admitted into the Union [under the Constitution] were the states of Vermont [No. 14] and Kentucky [No. 15], one as of March 4, 1791, and the other as of June 1, 1792. **No terms or conditions were exacted from either. Each act declares that the state is admitted ‘as a new and entire member of the United States of America....’**” Coyle v. Smith, 221 U.S. 559 (1911)

Article IV

Power to Create “States”

“Emphatic and significant as is the phrase: admitted as ‘an entire member,’ even stronger was the declaration upon the admission of Tennessee [No. 16] as the third new state on 1 June 1796, it being declared to be ‘one of the United States of America,’ ‘on an equal footing with the original states in all respects whatsoever,’ -- phraseology which has ever since been substantially followed in admission acts, concluding with the Oklahoma act [of 16 November 1907], which declares that Oklahoma shall be admitted ‘on an equal footing with the original states.’” Coyle v. Smith, 221 U.S. 559 (1911)

Federal Government Holds Public Lands "In Trust" for the States

The federal government holds territorial lands *"in trust for the several states to be ultimately created out of the territory."* (Shively v. Bowlby, 1894)

Federal Govt is Duty-Bound to "Execute These Trusts"

"Whenever [i.e. once] the United States shall have fully executed these trusts, the municipal sovereignty of the new states will be complete, throughout their respective borders, and they, and the original states, will be upon an equal footing, in all respects whatever." Pollard v. Hagan, (1845)

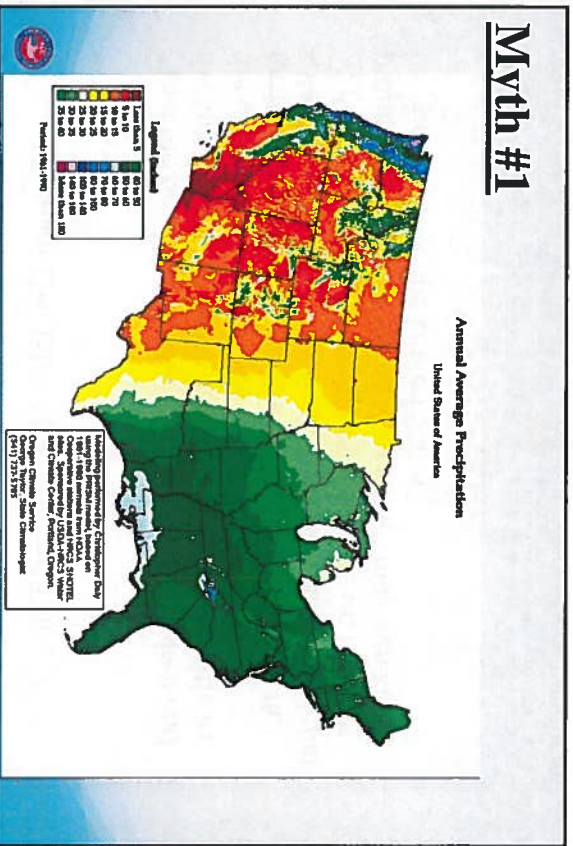
Federal Govt Holds Public Lands for "Temporary Purposes" to "Execute The Trusts"

"... the United States never held any municipal sovereignty, jurisdiction or right of soil in and for the territory ... of the new States ... except for temporary purposes, and to execute the trusts created by the acts of the Virginia and Georgia Legislatures, and the deeds of cession executed by them to the United States, and the trust created by the treaty with the French Republic of the 30th of April, 1803, ceding Louisiana." Pollard v. Hagan, (1845)

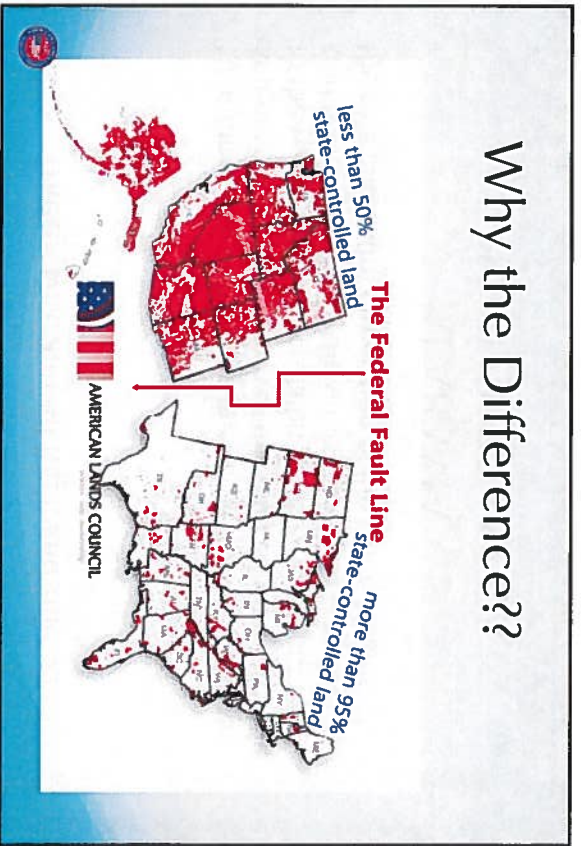
"Public Lands"

"[t]he words 'public lands' are habitually used in our legislation to describe such as are subject to sale or other disposal under general laws." Barker v. Harvey, 181 U.S. 481, 490 (1901).

Why the Difference??



**"Your Land is
Arid/Rugged"**



Why the Difference??

less than 50% state-controlled land

The Federal Fault Line

more than 95% state-controlled land

AMERICAN LANDS COUNCIL

Myth #2

"You Didn't Want Your Lands"
("forever disclaim all right and title")

Forever Disclaim All Right and Title ...?

"that the people inhabiting the said territory, do agree and declare that they **forever disclaim all right and title** to the waste or unappropriated lands lying within the said territory; and that the same shall be and remain at the sole and entire disposition of the United States..."

ALABAMA

2.7% PUBLIC LANDS

Forever Disclaim All Right and Title ...?

"that the people inhabiting the said territory do agree and declare that they **forever disclaim all right or title** to the waste or unappropriated lands lying within the said territory, and that the same shall be and remain at the sole and entire disposition of the United States..."

LOUISIANA

4.6% PUBLIC LANDS

Forever Disclaim All Right and Title ...?

"That the people inhabiting said territory do agree and declare that they **forever disclaim all right and title** to the unappropriated public lands lying within said territory, and that the same shall be and remain at the sole and entire disposition of the United States, and that ... no taxes shall be imposed by said state on lands or property therein belonging to or which may hereafter be purchased by the United States."

NEBRASKA

1% PUBLIC LANDS

Forever Disclaim All Right and Title ...?

"That the people inhabiting said proposed States do agree and declare that they **forever disclaim all right and title** to the unappropriated public lands lying within the boundaries thereof, ... and that **until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States**, and ... no taxes shall be imposed by the States on lands or property therein belonging to or which may hereafter be purchased by the United States or reserved for its use;"

Forever Disclaim All Right and Title ...?

Montana

30% Public Lands
27,000,000 acres

Montana's Enabling Act
is not just the same language ...
It's The Same Document as ND & SD!

NORTH DAKOTA
(3.9%), SOUTH DAKOTA
(5.4%) PUBLIC LANDS
BUT ...
MONTANA (30%), WASHINGTON (30%) PUBLIC
LANDS

UNDER THE SAME ENABLING ACT

5% of Proceeds SHALL be paid to MT

"That five per centum of the proceeds of the sales of public lands lying within said States which shall be sold by the United States subsequent to the admission of said States into the Union, after deducting all the expenses incident to the same, shall be paid to the said States, to be used as a permanent fund, the interest of which only shall be expended for the support of common schools within said States, respectively." -- Montana, Washington, North Dakota, South Dakota Enabling Act of 1889 §13

Why the Difference?

Hawaii	Alaska
Enabling Act, Aug. 21, 1959 <20% Federally Controlled Today	Enabling Act, July 7, 1958 >62% Federally Controlled Today
"Hawaii is hereby declared to be a State of the United States of America, is declared admitted into the Union on an equal footing with the other States in all respects whatever". - Sec. 1 Hawaii Enabling Act, Aug. 21, 1959	"Alaska is hereby declared to be a State of the United States of America, is declared admitted into the Union on an equal footing with the other States in all respects whatever". - Sec. 1 Alaska Enabling Act, July 7, 1958

Why the Difference?

Hawaii	Alaska
Enabling Act, Aug. 21, 1959 <20% Federally Controlled Today	Enabling Act, July 7, 1958 >62% Federally Controlled Today
"The Constitution of the State of Hawaii shall always be republican in form and shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence." - Sec. 3 Hawaii Enabling Act, Aug. 21, 1959	"The Constitution of the State of Alaska shall always be republican in form and shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence." - Sec. 3 Alaska Enabling Act, July 7, 1958

Why the Difference?

Hawaii	Alaska
Enabling Act, Aug. 21, 1959 <20% Federally Controlled Today	Enabling Act, July 7, 1958 >62% Federally Controlled Today
"The United States grants to the State of Hawaii, effective upon its admission into the union, the United States' title to all the public lands and other public property, and to all lands defined as 'available lands'... title to which is held by the United States immediately prior to its admission into the Union." - Sec. 5(b) Hawaii Enabling Act, Aug. 21, 1959	No Such Language.

Why the Difference?

Hawaii	Alaska
Enabling Act, Aug. 21, 1959 <20% Federally Controlled Today	Enabling Act, July 7, 1958 >62% Federally Controlled Today
"As used in this Act, the term... 'public lands and other public properties' means and is limited to, the lands and properties that were ceded to the United States by the Republic of Hawaii under the joint resolution of annexation approved July 7, 1898... or that have been acquired in exchange for lands or properties so ceded." - Sec. 5(d) Hawaii Enabling Act, Aug. 21, 1959	No Such Language.

Why the Difference?

Hawaii	Alaska
<p>Joint Resolution of Annexation, 1898 <20% Federally Controlled Today</p> <p>Joint Resolution of Annexation of HI: <i>"Whereas, the Government of the Republic of Hawaii having, in due form, signified its consent, to cede absolutely and without reserve to the United States of America, all rights of sovereignty whatsoever kind in and over the Hawaiian Islands and their dependencies, and also to cede and transfer to the United States, the absolute fee and ownership of all public, Government, or Crown lands, public buildings or edifices, ports, harbors, military equipment, and all other public property of every kind and description."</i> – Joint Resolution of Annexation, July 7, 1898</p>	<p>Enabling Act, July 7, 1958 >62% Federally Controlled Today</p> <p>"As a compact with the United States said State and its people do agree and declare that they forever disclaim all right and title to any lands or other property not granted or confirmed to the State or its political subdivisions by or under the authority of this Act;...that all such lands or other property, belonging to the United States, shall be and remain under the absolute jurisdiction and control of the United States until disposed of under its authority..." – Sec. 4 Alaska Enabling Act, July 7, 1958</p>

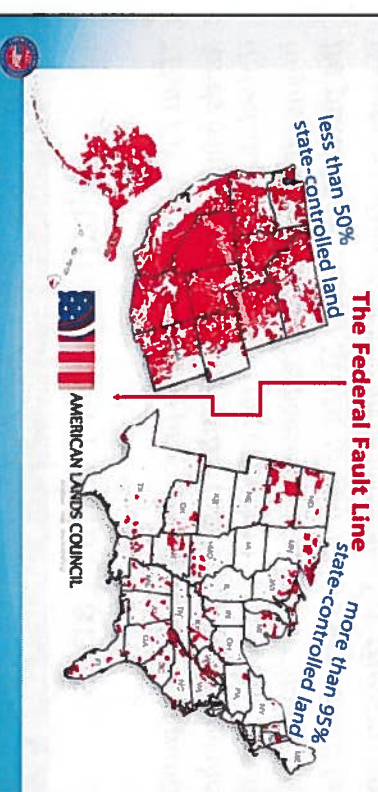
Why the Difference?

Hawaii	Alaska
<p>Enabling Act, Aug. 21, 1959 ~20% Federally Controlled Today</p> <p>"The lands granted to the State of Hawaii...and public lands retained by the United States and later conveyed to the State...together with the proceeds from the sale or other disposition of any such lands and the income therefrom, shall be held by said State as a public trust for the support of the public schools and other public educational institutions, for the betterment of the conditions of native Hawaiians,...for the development of farm and home ownership...and for the provision of lands for public use." – Sec. 5(f) Hawaii Enabling Act, Aug. 21, 1959</p>	<p>Enabling Act, July 7, 1958 ~62% Federally Controlled Today</p> <p>"Five per centum of the proceeds of the sale of public lands lying within said State which shall be sold by the United States subsequent to the admission of said State into the Union,...shall be paid to said State to be used for the support of the public schools within said State." – Sec. 6(f), Alaska Enabling Act, July 7, 1958</p>

Why the Difference?

Hawaii	Alaska
<p>Enabling Act, Aug. 21, 1959 ~20% Federally Controlled Today</p> <p>"Within five years from the date Hawaii is admitted into the Union, each Federal agency having control over any land or property that is retained by the United States...shall report to the President the facts regarding its continued need for such land or property, and if the President determines that the land or property is no longer needed by the United States it shall be conveyed to the State of Hawaii." – Section 5(e) Hawaii Enabling Act, Aug. 21, 1959</p>	<p>Enabling Act, July 7, 1958 ~62% Federally Controlled Today</p> <p>"For the purpose of furthering the development of and expansion of communities, the State of Alaska is hereby granted and shall be entitled to select, within twenty-five years after the date of admission of the State of Alaska into the Union, from lands within national forests in Alaska which are vacant and unappropriated at the time of their selection not to exceed four hundred thousand acres of land, and from other public lands...not to exceed another four hundred thousand acres of land, all of which shall be adjacent to established communities or suitable for prospective community centers and recreational areas." – Sec. 6, Alaska Enabling Act, July 7, 1958</p>

The Promises are the Same!



The Promises are the Same!

Utah

66.5% Public Lands

"That the people inhabiting said proposed State do agree and declare that they **forever disclaim all right and title to the unappropriated public lands** lying within the boundaries thereof; ... and that **until the title thereto shall have been extinguished by the United States**, the same shall be and remain subject to the disposition of the United States..."
Section 3, Utah Enabling Act, July 16, 1894



The Promises are the Same!

Utah 66.5% Public Lands

"That five per centum of the proceeds of the sales of public lands lying within said State, **which shall be sold** by the United States subsequent to the admission of said State into the Union, after deducting all expenses incident to the same, **shall be paid to the said State**, to be used as a permanent fund, the interest of which only shall be expended **for the support of the common schools** within said State." Section 9, Utah Enabling Act, July 16, 1894



The Promises are the Same! So...why the difference?

Nebraska	Nevada
Enabling Act, April 19, 1864 22% Federally Controlled in 1896 1% Federally Controlled Today	Enabling Act, March 21, 1864 86% Federally Controlled in 1896 81% Federally Controlled Today
"That the people inhabiting said territory do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within said territory, and that the same shall be and remain at the sole and entire disposition of the United States, and that ... no taxes shall be imposed by said state on lands or property therein belonging to or which may hereafter be purchased by the United States;" Section 5, Third, Nebraska Enabling Act, April 19, 1864	"That the people inhabiting said territory do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within said territory, and that the same shall be and remain at the sole and entire disposition of the United States, and that ... no taxes shall be imposed by said state on lands or property therein belonging to or which may hereafter be purchased by the United States;" Section 5, Third, Nevada Enabling Act, March 21, 1864

The Promises are the Same! So...why the difference?

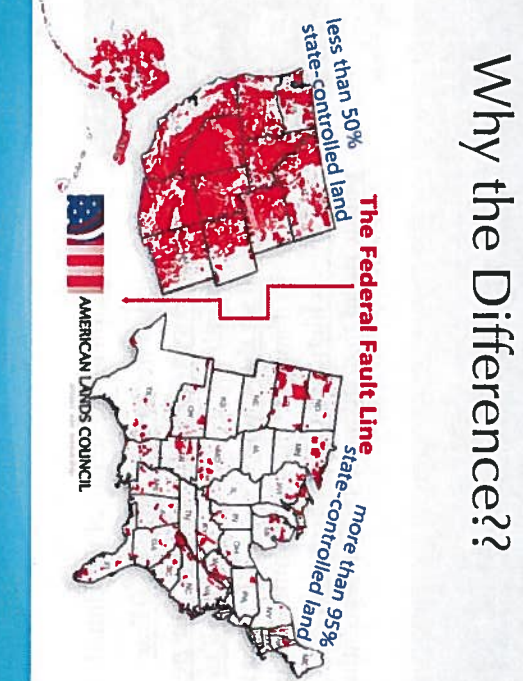
Nebraska	Nevada
Enabling Act, April 19, 1864 22% Federally Controlled in 1896 1% Federally Controlled Today	Enabling Act, March 21, 1864 86% Federally Controlled in 1896 81% Federally Controlled Today
"... declaring the state admitted into the Union on an equal footing with the original states, without any further action whatever on the part of congress;" Section 5, Nebraska Enabling Act, April 19, 1864	"... declaring the state admitted into the Union on an equal footing with the original states, without any further action whatever on the part of congress;" Section 5, Nevada Enabling Act, March 21, 1864 (See also, Section 1)
"That sections numbered sixteen and thirty-six in every township, and when such section have been sold or otherwise disposed of by any act of congress, other lands equivalent thereto ... shall be, and are hereby, granted to said state for the support of common schools;" Section 7, Nebraska Enabling Act, April 19, 1864	"That sections numbered sixteen and thirty-six in every township, and where such sections have been sold or otherwise disposed of by any act of congress, other lands equivalent thereto ... shall be, and are hereby, granted to said state for the support of common schools;" Section 7, Nevada Enabling Act, March 21, 1864

The Promises are the Same! So...why the difference?

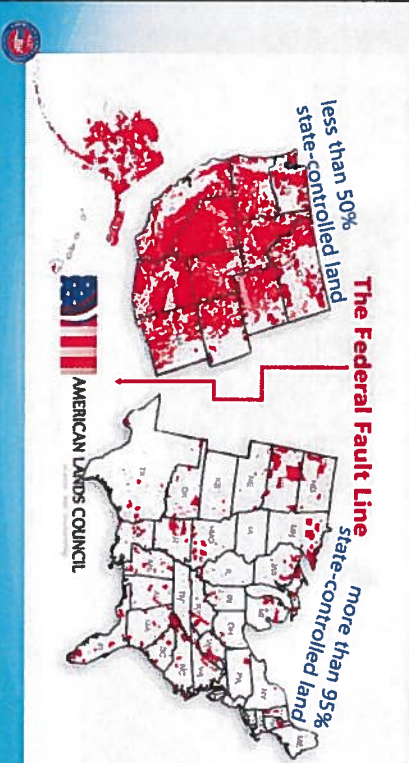
Nebraska	Nevada
Enabling Act, April 19, 1864 22% Federally Controlled in 1896 1% Federally Controlled Today	Enabling Act, March 21, 1864 86% Federally Controlled in 1896 81% Federally Controlled Today
<i>"That five per centum of the proceeds of the sales of all public lands lying within said state, which have been or shall be sold by the United States prior or subsequent to the admission of said state into the Union, after deducting all expenses incident to the same, shall be paid to the said state for the support of common schools." Section 12, Nebraska Enabling Act, April 19, 1864</i>	<i>"That five per centum of the proceeds of the sales of all public lands lying within said state, which shall be sold by the United States subsequent to the admission of said state into the Union, after deducting all expenses incident to the same, shall be paid to the said state for the purpose of making and improving public roads, constructing public roads, to effect a general system of irrigation of the agricultural land in the state, as the legislature shall direct." Section 12, Nevada Enabling Act, March 21, 1864</i>



"Every system is perfectly designed to achieve the results that it gets."



It's Already Been Done Before!

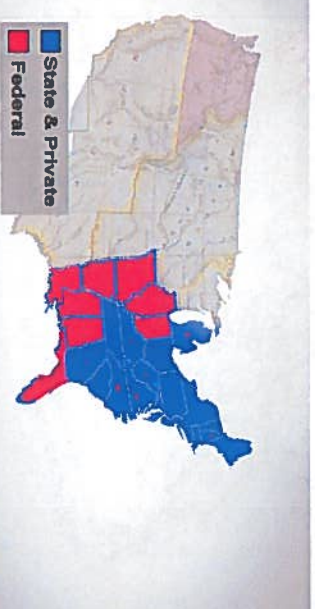


Does this sound familiar?

- The federal government is not disposing of our public lands as it promised;
- We can't tax the lands to adequately fund education;
- Our ability to grow our economy and create jobs is stifled; and
- The federal government is hoarding our abundant minerals and natural resources.

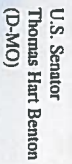
One Man...
One LEADER...
Refused To Be Silent or Take
“NO”
for an Answer

IL, MO, IN, AR, LA, AL, MS, FL, were as much as 90% federally controlled for decades ...

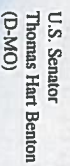


U.S. Senator
Thomas Hart Benton
(D-MO)

“... my election to the Senate of the United States ... found me **doing battle for an ameliorated system of disposing of our public lands**; and with some success. **I resolved to move against the whole system** ... I did so in a bill, renewed annually for a long time; and **in speeches which had more effect upon the public mind** than upon the federal legislation ...”

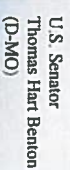


acted."



limits of their respective States ...”

Thirty Years View, Thomas Hart Benton



"Few, or none of our public men, had raised their voice against this hard policy before I came into the national councils. My own was soon raised there against it: and it is certain that a great amelioration has taken place in our federal land policy during my time: and that the sentiment of Congress, and that of the public generally, has become much more liberal in land alienations; and is approximating towards the beneficent systems of the rest of the world."

SENATE JOINT MEMORIAL NUMBER FOUR.

A Memorial Asking for a More Liberal National Policy in the Disposition of the Public Domain and Urging that the Natural Resources of the State of Utah be Made Available for Development

To the President of the United States, and to the Senate and House of Representatives of the United States in Congress assembled:

Those who own their homes constitute the strength and power of government and the hope and promise of the republic.

We believe that the valuation of property rights through the operation of liberal policies in the disposition of the public lands has been fundamentally responsible for the growth and development of the United States, which is without parallel in the world's history.

The soil has yielded our greatest wealth, and the farms have contributed loyal citizens, whose substantial enduring patriotism is the backbone of the nation.

Biological growth and development, the power and prestige of the older states of the union, and recognizing that their advantages were made possible through the beneficent operation of a wise and most generous public land policy on the part of the government, appropriate of 1718, now calls for land suppression in a national academy to award the utilization of the former reserved lands in handling the public domain and disposing of the national territory, as evidenced in the water and wilderness and the feeding territory, considered to make any economic relations and new state power economically viable for covering current application through a system funded

Utah Senate Joint Memorial No. 4, 1915
Asking Congress for a More Liberal National Policy
in the Disposition of the Public Domain

"In harmony with the spirit and letter of the land grants to the national government, ... and in conformity with the terms of our Enabling Act, we, the members of the Legislature of the State of Utah, memorialize the President and the Congress of the United States for the speedy return to the former liberal National attitude toward the public domain, ... and we hereby earnestly urge a policy that will afford an opportunity to settle our lands and make use of our resources on terms of equality with the older states, to the benefit and upbuilding of the State and to the strength of the nation."

PUBLIC LANDS

(By Thomas Muddock, to be delivered governors' conference, Portland, Ore., October 28, 1851.)
The public-land question is older than the Nation. Desire for more territory caused the wars between England, France, and Spain that followed the discovery of America. After the wars the colonists quarreled over the control of lands located far beyond their settlements.
The policy of State lands to the Nation provided the security upon which Transition established our growth, as well as settled the overlapping claims of the States to the territory west of the Allegheny Mountains.

"The Federal Government was intended to be merely a trustee of the lands, to sell them to settlers."

The States, not our Nation, won their individual independence and took from England the land of the Colonies. The transfer of this land to the Federal Government was a pledge or a security to strengthen the finances of the new Nation until the Revolutionary War debts were paid. The Federal Government was intended to be merely the trustee of the lands to sell them to settlers. Ninety-nine years ago, in 1802, the Public Land Committee of the

4896 10/11

GRANTING REMAINING UNRESERVED
PUBLIC LANDS TO STATES

HEARINGS
COMMITTEE ON PUBLIC LANDS AND SURVEYS
UNITED STATES SENATE
NEXT HEARING: 11/10/15

FILED FOR THE SENATE
N. 17, 2272, and N. 2600
RELATIVE TO THE PUBLIC LANDS AND SURVEYS
AND THE PUBLIC LANDS AND SURVEYS
AND THE PUBLIC LANDS AND SURVEYS

DATE: 10/10/15
BY: 10/10/15
OFFICE: 10/10/15

10/10/15

1976 - Federal Land Policy and Management Act (FLPMA)

“Congress declares that it is the policy of the United States that the public lands be retained in Federal ownership, unless ... it is determined that disposal of a particular parcel will serve the national interest.”
FLPMA, sec. 102(a)(1)

-EXPORTE-
TITLE 43 - PUBLIC LANDS
CHAPTER 8A - GRAZING LANDS
SUBCHAPTER I - GENERALLY

-HEAD-
Sec. 315. Grazing districts; establishment; restrictions; prior rights; rights-of-way; hearing and notice; hunting or fishing rights

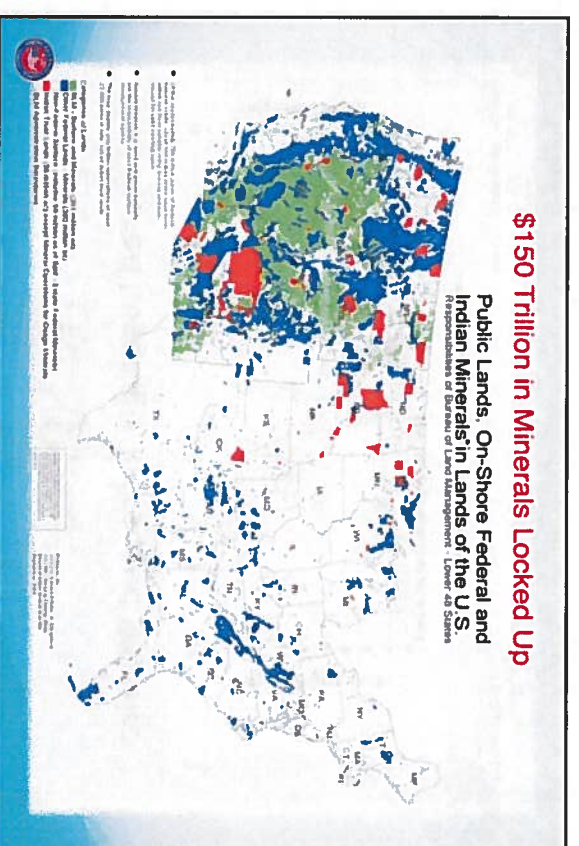
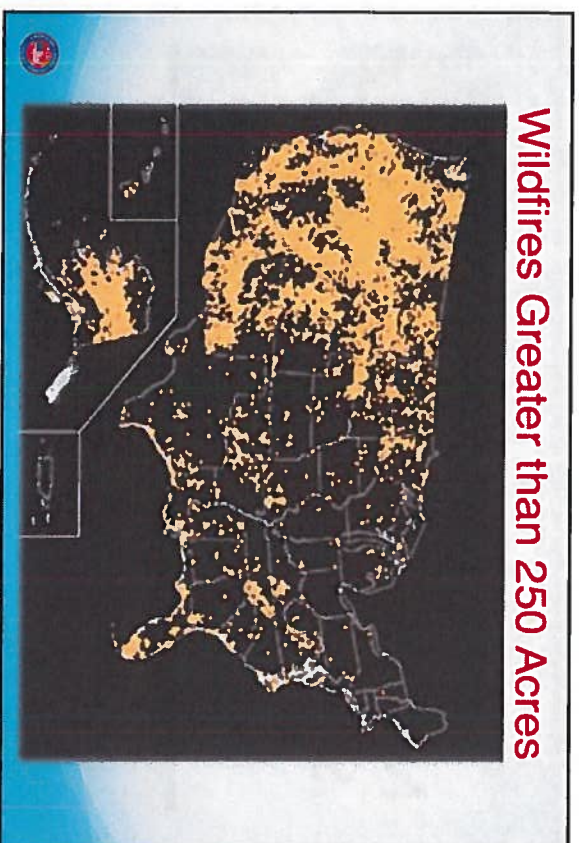
-STATUTE-
In order to promote the highest use of the public lands pending its final disposal, the Secretary of the Interior is authorized, in his discretion, by order to establish grazing districts or additions thereto and/or to modify the boundaries thereof, of

Enabling Acts are “Solemn Compacts”

Enabling Acts are “solemn compacts” and “bi-lateral [two-way] agreements” that are to be performed “in a timely fashion”
(Andrus v. Utah, 1980)

2009 U.S. Supreme Court Hawaii v. Office of Hawaiian Affairs (Unanimous Decision)

“[T]he consequences of admission are instantaneous, and it ignores the uniquely sovereign character of that event ... to suggest that subsequent events [acts of Congress] somehow can diminish what has already been bestowed.’ And that proposition applies a fortiori [with even greater force] where virtually all of the State’s public lands ... are at stake.”



Because we don't control our land,
we lose...

1. Property tax
2. Income Tax
3. Severance Tax
4. Royalty Payments
5. Economic Multiplier Effect

Gov. Steve Bullock (D-MT)
Western Governors Association, June 2013
(3 minutes)



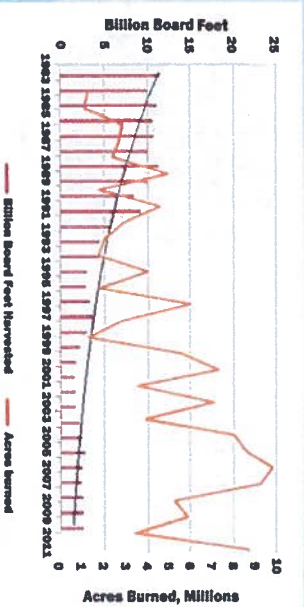
WESTERN
GOVERNORS'
ASSOCIATION

Federal Control and Cutbacks
Imperils Public Safety (3 min.)



TRENDING

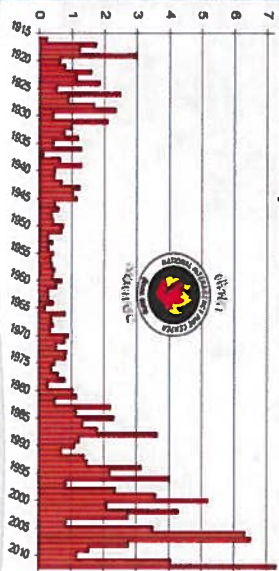
Decreased Logging = Increased Wildfire



TRENDING

Wildfires in 11 western states, * 1916-2012

Millions of acres burned by wildfire



By Sen. Jennifer Fielder - Montana
www.jenniferfielder.us

15

April 2014

TRENDING

USDA
FOREST HEALTH AND
WESTERN UTILITIES



AUGUST 27, 2013

USDA REPORT:
Nearly 10,000
miles of
electrical
transmission lines
on national forest
lands in the west
are at risk.

By Sen. Jennifer Fielder - Montana
www.jenniferfielder.us

17

April 2014

TRENDING

USDA:

"Fires are becoming larger and
more severe."

"Since 2000, ten western
states have had record fire
seasons."

"Trends indicate the amount
of wildfire and associated
damage will increase beyond
our recent experiences."

"The forest service does not
have the budget to treat the
affected acres."

- USFS Risk & Reliability Report, Aug 2013



By Sen. Jennifer Fielder - Montana
www.jenniferfielder.us

18

April 2014

TRENDING

**Failing Federal
Policies:**

Unfavorable federal
policies and unwise
priorities are the
greatest barriers to
proper management
and protection of
natural resources.



By Sen. Jennifer Fielder - Montana
www.jenniferfielder.us

19

April 2014

Totals for All Acres Burned			
Types of Burn	Acres Burned	Animals Burned	Pollution Spread (in pounds)
Wildfire	34,106,178	162,319,534	3,410,617,800
Prescribed Burns	5,518,085	16,548,255	550,568,500
Fire Use	1,355,804	4,007,412	133,580,400
Totals	40,979,067	172,875,201	4,095,166,700

Totals for Intentional Acres Burned Only		
Type of Burn	Acres Burned	Pollution Spewed (in pounds)
Prescriptive Burns	5,516,085	16,548,355
Fire Use	1,335,804	4,607,412
Totals	6,851,889	20,555,667
		685,188,900

April 2014

(U/FOUO) Below is a map from Inspire magazine with the caption "A diagram showing the combustible areas in the U.S."



07 May 2012

(U//FOUO) The Denver Division of the FBI is releasing this report to raise the awareness of local and state law enforcement partners and public safety officials about the possible threat of wildfires.

(U/FOUO) A1-2-2014 on the Arabian Peninsula (AQAP) has released issue 9 of its English-language "Noble" magazine. There is a portion of the magazine dedicated to attacking the United States by naming wildlife. The article instructs the audience to look for two necessary factors for a successful wildfire, which are dryness and high winds to help spread the fire. Specific fire conditions that are likely to spread fire quickly are Pinedone, coniferous (where the trees and branches are close together), and steep slope (trees often spread faster going up a slope).

WHY TRANSFER LANDS?



*** Protect public health & safety**

Sen Jennifer Fielder • Solving Federal Land Problems
www.jenniferfielder.us

22

April 2014

TRENDING

Washington DC financial “management”

National Debt 1940-Present

To Infinity... & Beyond!

The graph shows National Debt from 1940 to Present. The Y-axis is labeled 'National Debt from 1940 to Present' and ranges from 0 to 18,000. The X-axis is labeled 'Year' and ranges from 1940 to 2014. The debt starts near zero in 1940 and grows exponentially, reaching approximately 18,000 by 2014.

TRENDING

SHUTDOWN: Washington DC declared our treasured places, natural resources, and open spaces NON Essential???

The collage includes signs for: Grand Canyon Closed, Yellowstone National Park Closed, Statue of Liberty Closed, and National Park Service Closed. A sign also mentions 'Department of the Interior' and 'National Park Service'.

*PILT - Payments In Lieu of Taxes

...or Pennies in Lieu of Trillions?

*P.I.L.T. = 13 to 15 cents on the dollar

The illustration shows a man in a top hat standing next to a large stack of money. The caption reads: 'PILT = 13 to 15 cents on the dollar'.

Sen. Lisa Murkowski

U.S. Senate Energy and Natural Resources Committee

March 19, 2013 (3 Minutes)

The photograph shows Sen. Lisa Murkowski speaking at a podium. The nameplate on the podium reads 'SEN. MURKOWSKI'.

WHY TRANSFER LANDS?



*** Protect our environment**

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April 2014

WHY TRANSFER LANDS?



*** Protect our wildlife**

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24

April 2014

WHY TRANSFER LANDS?



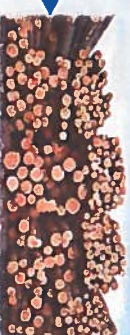
*** Protect multiple-use access**

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April 2014

WHY TRANSFER LANDS?



*** Protect & grow our economy**

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April 2014

WHY TRANSFER LANDS?

*** Place stewardship of our state's public lands in our state's hands!!!**

San Jennifer Fickler - Solving Federal Land Problems
www.sanjenifferickler.us

27
April 2014

NEVADA'S ECONOMY IS CONSTRAINED BY LIMITED PRIVATE AND STATE OWNED LAND

Federal, Private and State Land Percentage of State Area

Area	Federal Land	Private Land	State Land
Nevada	81.1	12.2	6.7
Arizona	42.3	43.2	14.5
Idaho	61.7	29.6	8.7
New Mexico	34.7	52.6	12.7
Utah	66.5	24.8	8.7

Sources: Congressional Budget Office: Federal Land Ownership: Overview and Status: <http://www.summitpost.org/public-and-private-land-percentages-by-us-states/186111>

2

NEVADA PUBLIC LAND MANAGEMENT TASK FORCE PRELIMINARY DRAFT REPORT TABLES AND MARCH 28, 2014 TASK FORCE RECOMMENDATIONS

Presentation to the Legislative Committee on Public Lands

April 24, 2014

STATE TRUST LANDS

Area	Acres of State Trust Land
Nevada	3,000
Arizona	9,302,265
Idaho	2,448,010
New Mexico	8,966,456
Utah	3,402,250

3

FIVE YEAR AVG. REVENUES, EXPENDITURES AND EMPLOYMENT FOR STATE TRUST LANDS (2008-2012)

	Arizona	Idaho	New Mexico	Utah
Revenue	\$237,677,036	\$64,104,703	\$628,912,986	\$131,147,884
Expense	\$16,808,662	\$22,214,968	\$13,103,300	\$9,176,088
Net Revenue	\$220,868,383	\$41,889,735	\$615,809,686	\$113,879,601
Total Acres Managed	9,266,468	2,460,385	8,963,363	3,406,877
Net Revenue/Acre	\$23.68	\$16.60	\$67.55	\$33.43
Total FTEs	165	262	163	70
Acres/FTEs	60,669	9,346	68,692	48,896

7

BLM NEVADA FIVE-YEAR AVERAGE NET REVENUE, FTEs AND MAJOR REVENUE SOURCES (2008-2012)

Category	5-Year Average
Net Revenue	-\$31,118,015
Net Revenue Per Acre	-\$0.91
Total FTEs	745
Acres Managed /FTE	64,279
Grazing Revenue	\$1,798,686
Rights of Way	\$6,791,031
Oil, Gas and Geothermal Lease Revenue	\$583,946
Sale of Land and Minerals	\$16,957,800
Rent of Land	\$737,591
Recreation Fees	\$3,106,434

11

ESTIMATED NET REVENUE FROM EXPANDED STATE LAND OWNERSHIP IN NEVADA USING FOUR OTHER STATE MODELS

	Assumed Net Revenue/Acre	Assuming all 47,783,458 Acres of BLM Land Transferred to Nevada	Assuming 4,000,000 acres of BLM Land Transferred to Nevada
Four State Avg. Model	\$28.69	\$1,579,721,112	\$114,360,000
Four State Low Observed Net Revenue Model	\$7.78	\$371,755,303	\$31,120,000

10

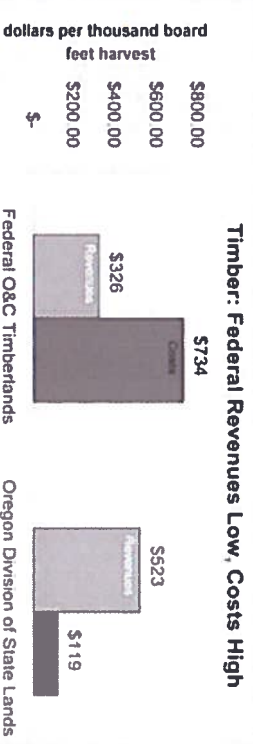


Figure 2.5. Timber Return
Note: 1998-2001 average, in 2000 dollars
Source: BLMND and FSD as cited in note 1; STLD as cited in note 3.

Table 2.2. Timber: Federal vs. State (Mil 2000 \$)

	Revenues	Expenses	Revenue/Dollar Spent
Forest Service	410.6	630.5	.64
BLM	47.8	99.3	.48
State Trust Lands	78.9	11.0	5.61

Note: 1998-2001 average. In 2000 dollars. State Trust figures are based on the average for state-managed lands, including Idaho, Montana, Oregon, and Washington.
Sources: BLM and FSD as cited in note 1; STLD as cited in note 3.

Table 2.3. Grazing: Federal vs. State

	(Mil 2000 \$)		
	Revenues	Expenses	Revenue/Dollar Spent
Forest Service	6.7	45.3	0.16
BLM	14.0	76.9	0.19
State Trust Lands	13.2	4.4	2.87

Note: 1998-2001 average. In 2000 dollars. State Trust figures are based on the average grazing revenue only but all agriculture-related expenditures for state-managed lands, including Idaho, Montana, New Mexico, Oregon, and Utah.
Sources: BLM and FSD as cited in note 1; STLD as cited in note 3.

Table 2.5. Recreation: Federal vs. State

	(Mil 2000 \$)		
	Revenues	Expenses	Revenue/Dollar Spent
Forest Service	69.6	318.6	0.22
BLM	7.5	53.8	0.14
Montana Trust Lands	.5	.05	9.81

Note: 1998-2001 average. In 2000 dollars.
Sources: BLM and FSD as cited in note 1; STLD as cited in note 3.

Table 2.4. Minerals: Federal vs. State

	(Mil 2000 \$)		
	Revenues	Expenses	Revenue/Dollar Spent
All Federal Lands	1716.0	284.9	5.11
State Trust Lands*	41.4	0.5	46.79

Note: 1998-2001 average. In 2000 dollars. State Trust figures are the average for states, including Idaho, Montana, New Mexico, Oklahoma, Oregon, and Utah.
Sources: BLM and FSD as cited in note 1; STLD as cited in note 3.

Table 2.1. Land Management: Federal vs. State

	Revenues (\$ Million)	Expenses (\$ Million)	Revenue/Dollar Spent
Forest Service	767.8	3,384.1	0.23
BLM	1,680.5	1,781.5	0.94
NPS	226.3	1,925.2	0.12
Average State Trust Lands	68.9	9.5	9.32

Note: 1998-2001 average. In 2000 dollars. State Trust Figures are based on the average for state-managed lands, including Arizona, Colorado, Idaho, Montana, New Mexico, North Dakota, Oklahoma, Utah, Oregon, South Dakota, Utah, Wisconsin, and Wyoming.
Source: BLM, FSD, and NPSD as cited in note 1; STLD as cited in note 3.

U.S. House of Representatives - Natural Resources Committee
State Forests Management Superior to Federal Forests
for Job Creation, Revenue Production, Local Economies and Fire Prevention
February 26, 2013

Forest Management: Success versus Federal Failure

	Washington	Montana	Idaho
	Department of Natural Resources	Department of Natural Resources and Conservation	Department of Lands
Total Forest Acres	2.2 million	559,000	17.3 million
Average Harvested Volume (million board feet)/year	567.3	52.1	82.8
Average Harvested Volume (million board feet)/acre	257.9	93.2	4.8
State volume per acre over volume/acre than USFS	30X more	19X more volume/acre than USFS	52X more volume/acre than USFS
Average Revenue/acre	\$168 million	\$48.9 million	\$11.8 million
Revenue/acre	577	516	50.9
State value per acre over revenue/acre than USFS	1283X more revenue/acre than USFS	178X more revenue/acre than USFS	917X more revenue/acre than USFS
Average Price Bid for Timber Sale (dollar/thousand board feet)	\$310	\$6	\$172
	\$6	\$19	\$231
			\$16

Land Management: States Outperform the Feds

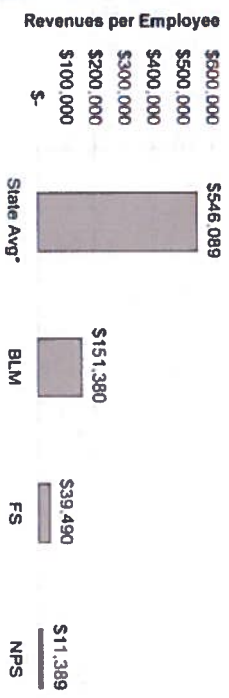


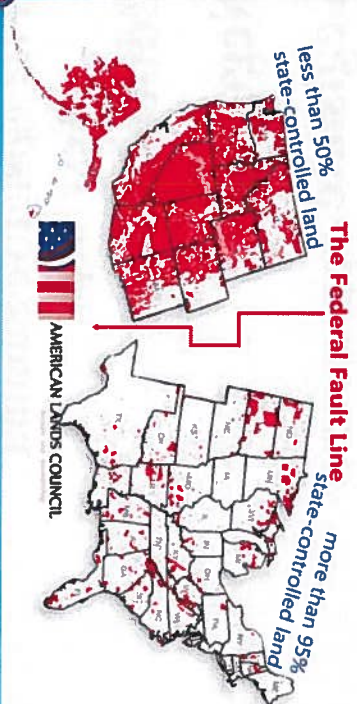
Figure 2.4. Revenues per Employee, State vs. Fed.
Note: 1998-2001 average. In 2000 dollars. State Trust Figures are based on the average for state-managed lands, including Arizona, Colorado, Idaho, Montana, North Dakota, Oklahoma, Oregon, South Dakota, Utah, and Wyoming.
Source: BLM, FSD, and NPSD as cited in note 1; STLD as cited in note 3.

Multi-State Observed High, Observed Low, and Average Management Costs and Revenues for States and BLM: Selected States, 1989-1994 Cont'd.

	State Managed Public Lands	Federally Managed Public Lands
	High	Low
Net Profit Per Acre	\$9.57	\$4.36
Acres Per FTE	95,037	9,888
Revenues Per FTE	\$949,088	\$152,437
Net Profit Per FTE	\$906,571	\$43,761
Grazing Revenues	\$5,901,873	\$437,464
Grazing Revenue/Acre	\$0.68	\$0.12
ALUM Per Acre	0.1968	0.0571
Timber Revenues	\$25,406,596	\$24,259

Source: Table 2 from "Alternatives for Management of a Expanded State Land Base in Nevada", InterTech Services Corporation, prepared for Eureka County, Nevada, February, 1996.

What Do We Do About It?



2014 Utah Transfer of Public Lands Legislation

- HJR 101** The Utah legislature passed a landmark package of bills to transfer the Transfer of Public Lands from the federal government to the state of Utah. The package includes the Utah Public Lands Act and transfers the "vast majority" of the state's public lands to the state.
- HJR 102** These bills demonstrate that the Transfer of Public Lands is not a "land grab" but rather an effort to bring reasonable management and new protection to public lands in Utah and throughout the West.
- HJR 103** Provides additional protection to public lands in Utah and throughout the West.
- HJR 104** Provides additional protection to public lands in Utah and throughout the West.
- HJR 105** Provides additional protection to public lands in Utah and throughout the West.
- HJR 106** Provides additional protection to public lands in Utah and throughout the West.
- HJR 107** Provides additional protection to public lands in Utah and throughout the West.
- HJR 108** Provides additional protection to public lands in Utah and throughout the West.
- HJR 109** Provides additional protection to public lands in Utah and throughout the West.
- HJR 110** Provides additional protection to public lands in Utah and throughout the West.
- HJR 111** Provides additional protection to public lands in Utah and throughout the West.
- HJR 112** Provides additional protection to public lands in Utah and throughout the West.
- HJR 113** Provides additional protection to public lands in Utah and throughout the West.
- HJR 114** Provides additional protection to public lands in Utah and throughout the West.
- HJR 115** Provides additional protection to public lands in Utah and throughout the West.
- HJR 116** Provides additional protection to public lands in Utah and throughout the West.
- HJR 117** Provides additional protection to public lands in Utah and throughout the West.
- HJR 118** Provides additional protection to public lands in Utah and throughout the West.
- HJR 119** Provides additional protection to public lands in Utah and throughout the West.
- HJR 120** Provides additional protection to public lands in Utah and throughout the West.

American Lands Council
AMERICAN LANDS COUNCIL

Sign The Petition!

Text **SIGN** to 1 (801) 416 – 2543

Or visit us online at:

www.americanlandscouncil.org/petition

Governor Herbert Signing
2104 Transfer of Public Lands Bills
April 16, 2014



AMERICAN LANDS COUNCIL

HOME RESOURCES KEY EVENTS JOIN BLOG DONATE PAGE

UT HW 67 POLITICAL SUBDIVISION JURISDICTION, 2014

Chief Sponsor: Peter K. Roberts, Sherbrooke Gordon David P. Roberts...

NEVADA ASSEMBLY BILL 227 - NEVADA LANDS

AN ACT relating to public lands; creating the Nevada Land Management Task Force to conduct a

DAVID HKS 21 - STUDY COMMITTEE

A COMMITTEE RESOLUTION SIGNED BY SENATORS OF THE LEGISLATIVE ASSEMBLY

WONNING HB 228 - TRANSFER OF PUBLIC LANDS

A BILL, by AN ACT relating to public lands, creating the task force on the transfer of federal lands, creating a

STAN LEONARDSON, FINANCIAL SERVICES, 2013 TRANSFER OF PUBLIC LANDS

A summary of 2013 TPL legislation in the western states by Leonardson Financial, Inc.

MI 31 IS 2013 LEGISLATION

Transfer of Public Lands Task Force...

Chair Salt Lake Tribune | Politics

Twitter: @SaltLakeTribune | Facebook: Salt Lake Tribune | LinkedIn: Salt Lake Tribune | YouTube: Salt Lake Tribune

Home News Sports Business Technology Education Health Environment Arts & Culture Local Government

Henry Walker Homes - Utah

Chief Executive Officer, Henry Walker Homes, Inc. | 801-464-1234 | hwalker@hwhomes.com

Western lawmakers gather in Utah to talk federal land takeover

The state's lawmakers from 8 states gather in Utah, discuss ways to take control of federal lands.

TCHAIKOVSKY'S SUITE No. 3

April 25-26

UTAH SYMPHONY

TPPL Legislative Summit

Next Steps:

Educate

Negotiate

Legislate

Litigate

What Can You Do Now?

Educate

Donate

Delegate

30

• Educate

- Know & Share Key Points from www.AmericanLandsCouncil.com
- Think Benjamin Franklin with a Facebook Page, Twitter, YouTube, email, etc....
- #TransferPublicLands & #HonorThePromise
- Will YOU Be The ONE ... to Open The Next Door?

www.AmericanLandsCouncil.org

AMERICANLANDSCOUNCIL

RESOURCES

ALL	FEATURED	VIDEO	PRESIDENTIAL	WHITE HOUSE	REGULATIONS	ACTIVITIES	LEGISLATION
SUPPORT MATERIALS	FAQS	STATEMENTS	OP-EDS				



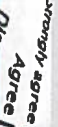
TRANSFER OF PUBLIC LANDS
 A major step in the transfer of public lands from the U.S. Forest Service to the BLM...



FOX AND FRIENDS: NEW POWER ON THE
 Fox and Friends discuss the transfer of public lands with Gary...



THE CLEAN BECK SHOW: RESISTANCE
 Clean Beck and her team discuss the transfer of public lands...



For more information Text the word "Land" to 58885

www.AmericanLandsCouncil.org

AMERICANLANDSCOUNCIL

For Family Controlled Lands



#TransferPublicLands

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For more information Text the word "Land" to 58885

<https://www.youtube.com/user/AmericanLandsCouncil/videos>

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- by Channel
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- History
- Watch Later

PLAYLISTS

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For more information Text the word "Land" to 58885

For more information Text the word "Land" to 58885

A man with long dark hair and a beard, wearing a striped sweater, sitting on a brown horse.

For more information Text the word Lands to 58885





• Delegate

- “Hire & Inspire” local, state, and national representatives who have the Knowledge & Courage to Battle For the Only Solution Big Enough - #TransferPublicLands
- Sen. Jennifer Fielder MT Flathead Republican Women Association (Job Interviews - Bookmarks)
- Rep. Alan Clemmons South Carolina (Resolution)
- Commissioner Alan Gardner (Resolutions)

- [illegible]

AMERICAN LANDS COUNCIL

DATE: 05/20/2013 4:17 PM 13 JPM B:00 DocId: 1428

**American Lands Council
Candidate "Job Interview"**



In order to "hire" the right representatives (at the local, state and national level) to represent the public and encourage to secure the Transfer of our Public Lands, we have to ask the right questions:

1. Will you complete and return the ALC Transfer of Public Lands Candidate Questionnaire?
(<http://www.americanlands.org/transfer>)
2. Do you fully support the Resolutions passed in support of the Transfer of Public Lands?
(<http://www.americanlands.org/transfer/resolutions>)
3. On a scale of 1-10, how important is the Transfer of Public Lands to you?
4. What specifically are you doing to:
 - Rally the allies; and
 - Secure the transfer of our public lands?

MT Sen. Kimberly Kitter



Sen. Kitter presented comprehensive historical take on the preservation happenings. All four candidates for U.S. Congress went on the record in favor of transferring federal



1. Will you complete and return the ALC Transfer of Public Lands Candidate Questionnaire?

3. On a scale of 1-10, how important is the Transfer of Public Lands to you?
4. What specifically are you doing to:
 - Educate;
 - Rally the allies; and
 - Secure the transfer of our public lands?

