



**AMERICAN
LANDS COUNCIL**

**PUBLIC LANDS
BETTER ACCESS
BETTER HEALTH
BETTER PRODUCTIVITY**

BRIGHT FUTURE FOR TRANSFER OF PUBLIC LANDS!

Dear Friends:

With strong support from people like you, the American Lands Council has ignited an incredible national movement. Together we have educated millions, cultivated support of 1,000+ elected officials, and developed a nationwide coalition of very capable advocacy partners.

On the following pages you will find a FEDERAL LEGISLATIVE PATH for Transfer of Public Lands that is flexible, viable, and protects public access.

The 2016 Elections went very well, leaving ALC poised to make our goals for better, more accountable, locally-driven public land management a reality. In addition to an army of unwavering State and local elected officials, we now have a Congress AND a President who are inclined to sign our bill!

Although opposition pressure can be intense at times, and their tactics are often outrageous, we must stay the course of truth and liberty for the benefit of our lands, our lives, our families, and our country. The consequences of the failing federal land management model are just too dire to endure. The good news is we have laid the foundation, we have persevered, and we are now on the verge of a major breakthrough!

The bottom line is this: We truly want healthy air, water, and wildlife, abundant outdoor recreation, and safe, vibrant communities -- and we have before us the lawful, peaceful, feasible path to get there. We need YOU to [join ALC](#), [upgrade your membership](#), or [donate whatever you can](#) today! Together we can move The Only Solution Big Enough across the finish line!

Yours in Life & Liberty,

Jennifer Fielder, CEO



The American Lands Council™

An Association of Elected Officials, Resource Experts, Public Land Users & Citizens

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Ready to Roll: Legislative Path for State Acquisition of Federal Land Outlined

Goals of Public Land Transfer Reaffirmed at National Conference

By Jennifer Fielder, CEO – The American Lands Council
Nov 2, 2016

Last month, leaders from around the nation convened in Salt Lake City for the American Lands Council (ALC) annual conference where we once again unanimously reaffirmed support of ALC's Public Policy Statement which "urges timely and orderly transfer of federal public lands to willing states for local control that will provide better public access, better environmental health, and better economic productivity".

The ALC Policy specifically calls for keeping public lands public -- NOT selling them as proponents of federal control like to claim. In fact, our extremely debt-ridden U.S. government can sell public lands now, and they often do. Our critics never seem to mention that.

To be clear, ALC is not advocating transfer of National Parks, Wilderness, Indian Reservations, or Military Installations. Our efforts are focused on improving conditions on ordinary public lands that are supposed to be managed for multiple uses, but increasingly aren't. And despite rhetoric to the contrary, it is exactly that simple.

HOW IT WOULD WORK: We are refining concepts for a federal bill that would provide a mechanism allowing States to apply for specific tracts of federally controlled land as they are willing and ready to care for these areas responsibly. Under this framework, States could apply for small-scale pilot project areas first and, if successful, seek additional tracts in the future. Existing valid rights and uses would be honored and special safeguards would be built in to preserve public access routes.

Transferred lands would be administered in a manner that is consistent with each county's resource management plan. An equitable revenue-sharing arrangement between the State and counties is proposed so a large portion of any profits from mineral royalties, timber receipts, or grazing fees would stay with the county to help fund things like local roads, crime control, ambulance, fire departments, and other public services. The State's share of proceeds could be used to support schools, highways, healthcare or other public programs anywhere in the State. Proceeds would be calculated after management costs are factored in, including setting aside adequate funds for a firefighting reserve account. There would be no requirement to maximize profits like there are with school trust lands, so use fees could be much lower than current trust land fees are.

Such parameters would ensure no loss of public access while allowing State and local citizens to have a meaningful role in policy decisions.

Based on historic evidence, states typically generate land management revenues that exceed management costs. So YES, States can afford it --as long as they don't repeat Washington DC's 'Lock It Up & Let it Burn' mistakes.

In fact, one of the biggest cost-saving advantages of shifting from federal to State-based management would be a sharp reduction in frivolous lawsuits that have obstructed federal land managers for decades. For example, under State law, State foresters are able to efficiently implement selective logging projects to generate revenue and reduce wildfire risks. Federal land managers, on the other hand, are increasingly hamstrung by a growing myriad of federal regulations that prevent cost-effective management and result in massively expensive wildfires and lawsuits every year.

(continued on next page)

It will take work, but real corrections in how our public lands are managed are worth the effort. State management could open doors for badly needed jobs, while keeping public access open, increasing revenues for local governments, improving wildlife habitat, and stopping pests and wildfires BEFORE they erupt into multi-million dollar disasters.

We can have a healthy environment, abundant recreation, & safe, vibrant communities. All we need is people of all political stripes to begin working together to free the lands from distant, unaccountable federal bureaucracies so we can restore balance and tend our public lands wisely for the betterment of our communities, our environment, our States, and ultimately our nation as a whole.

Jennifer Fielder is a Montana State Senator and volunteers as CEO of the nonprofit American Lands Council. Founded in 2012 by UT & NV County Commissioners, ALC's Board now includes Directors from Utah, Nevada, Arizona, Wyoming, Montana, Alaska, & Washington. Since our founding, 19 States have introduced favorable legislation.



A UNIVERSAL FEDERAL BILL AUTHORIZING CONVEYANCE OF CERTAIN PUBLIC LANDS TO STATES

To provide for accountable conservation; preservation of public access; and statehood equality, this Act would facilitate conveyance of certain federally administered public lands to States.

PROPOSED COMPONENTS OF BILL

1. Provides a universal mechanism for conveyance of qualified public land to willing States.
2. Does not allow for transfer of National Parks, Wilderness, Indian reservations, or military lands.
3. State legislature designates purpose of land acquisition, and authorizes application for conveyance & administration in accordance with that purpose.
4. States will submit a conveyance schedule that allows for incremental acquisition of specific tracts of land over time as state is ready and willing to administer said tracts.
5. All related federally held rights & resources transfer with the land
6. Requires orderly, timely & cooperative state-federal transition period coordination.
7. State must enact laws concerning conveyed lands assuring:
 - a. No Loss of Public Access - Existing Public Access Routes shall be preserved in perpetuity;
 - b. Valid Existing Rights, Leases, Permits and Contracts will be honored;
 - c. An Equitable State - County Revenue Sharing Formula is in place;
 - d. State Management will be consistent with local County Resource Management Plan.
8. There is no need or requirement to sell conveyed lands. Resource revenues can offset management costs.
9. State land management is exempt from EAJA & NEPA.



Public Policy Statement

Ratified by unanimous consent Oct 9, 2014 at ALC Multi-State Workshop Salt Lake City, UT and Oct 20, 2014 by American Lands Council Board of Directors. Reaffirmed by same Oct 20, 2016.

1. **WE URGE THE TIMELY AND ORDERLY TRANSFER OF FEDERAL PUBLIC LANDS TO WILLING STATES FOR LOCAL CONTROL THAT WILL PROVIDE BETTER PUBLIC ACCESS, BETTER ENVIRONMENTAL HEALTH, AND BETTER ECONOMIC PRODUCTIVITY;**
2. **WE SUPPORT EXCLUDING EXISTING NATIONAL PARKS, CONGRESSIONALLY DESIGNATED WILDERNESS AREAS, INDIAN RESERVATIONS, AND MILITARY INSTALLATIONS FROM THE TRANSFER; AND**
3. **WE SUPPORT EQUIPPING FEDERAL, STATE, AND LOCAL AGENCIES WITH RESOURCES NECESSARY TO PLAN FOR A SUCCESSFUL TRANSITION TO STATE-BASED OWNERSHIP AND MANAGEMENT OF THE TRANSFERRED PUBLIC LANDS; AND**
4. **WE URGE MANAGEMENT PRIORITIES FOR THESE LANDS THAT WILL:**
 - i. **IMPROVE PUBLIC ACCESS:** Protect public access, rights of way, and multiple-uses on public lands for all people including sportsmen, tourists, recreational users, subsistence and sustenance activities, and emergency access; and
 - ii. **IMPROVE ENVIRONMENTAL HEALTH:** Reduce catastrophic wildfire fuel loads that threaten communities, infrastructure, watersheds, critical wildlife habitat, and our environment. Facilitate restoration of healthy forests, range lands, and waterways; and
 - iii. **IMPROVE ECONOMIC PRODUCTIVITY:** Secure jobs and economic growth through responsible natural resource stewardship and use including tourism and recreational opportunities; and
 - iv. **RETAIN PUBLIC OWNERSHIP OF PUBLIC LANDS:** Federal public lands shall become state public lands to be managed in accordance with state and local plans; and
 - v. **IMPROVE EFFICIENCY OF WILDFIRE CONTROL:** Provide state, local, and tribal government with adequate wildfire prevention and control resources and develop interstate/interagency cooperative agreements necessary to combat wildfires effectively; and
 - vi. **INCREASE LOCAL INVOLVEMENT & ACCOUNTABILITY:** Ensure state-based public land management activities are consistent with local government plans, policies, and objectives; and
 - vii. **PROTECT USE RIGHTS:** Protect all valid existing rights and multiple uses, and enhance the viability of compatible, land-based livelihoods; and
 - viii. **PRESERVE CUSTOMS & CULTURE:** Preserve and protect important wild, scenic, cultural and economic resources; and
 - ix. **INCORPORATE FEDERAL AGENCY EXPERTISE:** Seek to utilize federal expertise and research through employment and/or cooperative agreements; and
 - x. **GENERATE SELF-SUPPORTING FINANCE:** Foster compatible economic productivity to support essential government services such as local roads, utilities, emergency services, public health and safety, education, justice, and other civic functions while reducing tax burdens on citizens nationally and offsetting federal Payment in Lieu of Taxes and Secure Rural Schools funds.



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GOAL: We want a healthy environment, abundant recreation, & safe, vibrant communities. But 'one-size-fails-all' federal bureaucracy is giving us just the opposite:

- Forests are overgrown and going up in smoke in record numbers, killing wildlife, destroying habitat, choking off water supplies, spewing carcinogenic pollutants, and threatening the health, safety and welfare of western communities.
- Tens of thousands of roads and trails are being blocked off by federal agencies all over the west, restricting recreation access, delaying emergency crews, & contributing to catastrophic wildfires.
- Western States are held hostage -- denied the ability to care for our own lands, protect our communities, and determine our own destiny on terms of equality and fairness with States east of the Rocky Mountains.

SOLUTION: It's time to #FreeTheLands from federal bureaucracy so we can tend them with local care, more like a park, or a garden, and less like a "hands-off, don't-touch" museum.

LEGISLATIVE CASE: Congress has the unquestioned Constitutional power to transfer public lands to States ([Article IV Sect. 3 Cl 2](#)). In fact, they have done so many times since the inception of our nation. Millions of acres of what are presently State owned public lands were transferred from the federal government to eastern and western States. In fact, lands within Hawaii and all States east of the Rocky Mountains were once up to 90% federally controlled, until these States compelled Congress to honor the [promise of Statehood Equality](#).

LEGAL CASE: In 2015, Utah commissioned a team of nationally renowned constitutional law experts to conduct an exhaustive legal analysis (http://www.americanlandscouncil.org/ut_tpl_legal_analysis). Their official report confirmed the federal government has no lawful authority to permanently retain control of so much land within a state or to treat western states unequally, like second class citizens. The constitutional obligations of the federal government and the terms of the statehood enabling acts are the same for all states east and west of the Rocky Mountains, yet the federal government still controls over half of all land in the western United States. (Video Summary here https://www.youtube.com/watch?v=-h16B6_Me80)

ECONOMIC CASE: The Property and Environment Research Center reports that **for every dollar federal bureaucrats spend managing public lands they lose 27 cents, while western States generate more than \$14 on average for every dollar they spend managing comparable state-owned public lands.** See <http://www.perc.org/articles/divided-lands-state-vs-federal-management-west>. Another economic study found that for every \$1 invested in proper vegetation management, up to \$500 could be saved in total economic losses and fire suppression costs. --"The Total Costs of Wildfires" Mowery & Gray, 2014.

Who knows and cares about western lands more than westerners do? Nobody!
Join Us Today at: www.AmericanLandsCouncil.org