

FEDERAL LANDS POLICIES

The vast federal estate, comprising nearly 30 percent of the land in the United States, is far too large. Many federal lands are in poor environmental condition. At the same time, natural resource production on multiple-use lands continues to decline. The 114th Congress can take significant steps to improve federal land management, even in the face of opposition by the Obama administration.

Congress should:

- ◆ Stop buying more private land to turn into federal land. Do not reauthorize the Land and Water Conservation Fund (LWCF), which expires on September 30, 2015. If reauthorized, require major reforms to the LWCF's federal land acquisition component.
- ◆ Place a moratorium on further designations of federal lands as Wilderness Areas and other preservation classifications.
- ◆ Reform the antiquated Antiquities Act of 1906.
- ◆ Require the U.S. Forest Service to increase timber production in National Forests with mandatory targets and timetables.
- ◆ Work to restore balance in the management of multiple-use lands to increase resource production by requiring the Department of the Interior to increase oil and gas leasing on federal lands and offshore areas, including in the Arctic National Wildlife Refuge, with mandatory targets and timetables.
- ◆ Review and hold hearings on the extent of lands withdrawn administratively from mineral production under the General Mining Act. Legislation should be drafted to reopen many multiple-use areas to mineral production.
- ◆ Conduct oversight hearings on the Bureau of Land Management's and the Forest Service's treatment of Taylor Grazing Act permittees. Develop legislation to protect and confirm the valid existing rights of permittees.
- ◆ Prohibit through an appropriations rider the consideration of climate impacts or the use of the social cost of carbon (SCC) guidance document in the preparation of environmental impact statements under the National Environmental Policy Act.
- ◆ Comply with Utah's Transfer of Federal Lands Act.

The four federal land agencies control nearly 30 percent of the land in the United States. Ownership is concentrated in the western states and Alaska and ranges from 28 percent in Washington to 47 percent in California to 81 percent in Nevada. Federal stewardship of those lands varies widely, but on average the environmental condition of federal lands is poorer than that of similar private lands.

The reason is not because there is too much natural resource production on federal lands. Production has declined at the same time environmental conditions have declined. For example, timber production in the National Forests has been reduced by over 80 percent since 1990, but the condition of the forests has declined dramatically over the same period. Federal land managers do not own the land they are managing and therefore do not have the same incentives as private landowners to take care of it.

In much of the rural West and Alaska, massive federal landownership means that the federal land agencies control local economies. Continuing declines in timber production, hard rock mining, oil and gas leasing, and livestock grazing resulting from federal management are having devastating economic effects on many rural communities.

The federal government already owns far more land than it can take care of properly. To improve the environmental condition of the federal estate, the first thing Congress should do is to stop acquiring more private land. Since the Land and Water Conservation Fund was enacted in 1965, the federal government has appropriated over \$15.5 billion to acquire about 5 million acres of private land, according to the Congressional Research Service. Federal taxpayers must pay the annual costs for managing and protecting those lands, which have been removed from economic production and property tax rolls. The LWCF's current 10-year authorization expires at end of fiscal year 2015. Congress should let it expire. Short of that, it should reform the LWCF so that any further land acquisitions are conditioned on selling 10 acres of federal lands back into private hands for every acre acquired or \$10 worth for every dollar spent.

After letting the LWCF expire, Congress should address the lockup of federal lands. More and more federal lands managed under the Multiple-Use and Sustained-Yield Act are being withdrawn from multiple uses and placed in specific preserva-

tion classifications that exclude other uses. Wilderness Areas and National Parks require congressional enactment, but most withdrawals are being done administratively by the Bureau of Land Management and the Forest Service. Placing land into a preservation classification almost always restricts recreational access and ends all natural resource production.

Through an appropriations rider, Congress should place a moratorium on all further reclassifications of multiple-use lands into preservation, while the Department of the Interior and the Forest Service produce an inventory itemizing the lands currently under preservation classification.

Congress should also reform the Antiquities Act so that the president cannot designate vast areas of federal lands as national monuments without congressional and state approval.

Most of the areas rich in minerals in the United States are federally owned. Congress should require that natural resource production be increased on multiple-use federal lands by setting mandatory targets and timetables for timber production and for oil and gas leasing. Congress should also develop legislation to reopen areas of mineral potential to entry under the General Mining Act.

Congress should investigate continuing attempts by the Bureau of Land Management and U.S. Forest Service to drive grazing permittees off the land and develop a response. Livestock grazing on federal lands is economically important in the intermountain West and is also essential to maintain ranges in good environmental condition.

Over the past four decades, environmental pressure groups have perfected the misuse of the National Environmental Policy Act

(NEPA) to delay proposed major projects to death. Now they have an ally in the Obama administration, which is requiring that the direct, indirect, and cumulative carbon dioxide emissions produced by the project be taken into account using the Department of Energy's SCC guidance document and a December 2014 guidance document issued by the White House Council on Environmental Quality, which oversees NEPA. Congress should prohibit the use of any funds to apply these two guidance documents or any other consideration of climate impacts in the preparation of NEPA environmental impact statements. Congress should prohibit the use of any funds to apply the SCC in NEPA environmental impact statements or any other federal regulations.

The Transfer of Federal Lands Act, enacted by the state of Utah in 2012, requires the federal government to transfer federal lands in Utah, excluding National Parks and Wilderness Areas, to the state by December 31, 2014. Congress should comply with the terms of the Act and prepare to comply with similar legislation being considered in other western states.

Experts: Myron Ebell, Marlo Lewis, Robert J. Smith

For Further Reading

American Lands Council. Library website, <http://www.americanlandscouncil.org/library>.

Robert J. Smith, Testimony on S. 2543, the National Heritage Partnership Act, before the Subcommittee on Parks of the Senate Committee on Energy and Natural Resources, June 24, 2004, <http://cei.org/pdf/4091.pdf>.

Carol Hardy Vincent, "Land and Water Conservation Fund: Overview, Funding History, and Issues," August 13, 2010, <http://www.cnie.org/NLE/CRSreports/10Sep/RL33531.pdf>.