

## This land is whose land? Debate over federal land heats up in West

By Rob Nikolewski | New Mexico Watchdog  
April 23, 2014

SANTA FE — Nevada rancher Cliven Bundy may have brought the fight to the forefront, but western states' public officials for some time have battled to get control of federal lands back in the hands of the states.

Officials from nine states gathered in Salt Lake City last week for the Legislative Summit on the Transfer for Public Lands, which was planned long before the controversy over Bundy's cattle grazing on federal land became a national news story.

The issue is simple, those public officials say. Giant tracts of public land can be better managed by states, not the federal government.



“It’s the right thing to do for our people, for our environment, for our economy and for our freedoms,” Montana state Sen. Jennifer Fielder said at a news conference.

New Mexico state Rep. Yvette Herrell, R-Alamogordo, who was joined by Wendell Bostwick, president of the New Mexico Association of Counties, at the public lands summit, told New Mexico Watchdog the Bundy standoff “has brought awareness to the general population of what’s happening in the western states.”

However, Herrell said, “This is not a land grab, and this not about privatizing these lands.”

Herrell said those attending the land summit didn’t take a position in the Bundy standoff.

Here's a look at the amount of land the federal government owns in the West:

State land owned by the federal government			
Nevada	81.1%		
Utah	66.5%		
Idaho	61.7%		
Oregon	53.0%		
Wyoming	48.2%		
Arizona	42.3%		
New Mexico	34.7%		
Montana	28.9%		
Washington	28.5%		

Source: Congressional Research Service

Proponents of the land transfers say the feds take a huge bite out of states' economies by taking a little more than 50 percent cut in royalties from extractive industries such as mining, oil and gas that operate on federal land. They also say the federal forest policy has made wildfires worse in recent years and claim the feds too often over-regulate property through programs such as the Endangered Species Act.

“For instance, in Wyoming, the sage grouse is listed as an endangered species, yet you can still buy hunting licenses and hunt them,” said Herrell, who said 88 percent of the taxable land in Otero County — where she lives — is owned by the federal government.



SEEING RED: Large tracts of land in nine western states are owned by the federal government.

But opponents, especially environmental organizations, fiercely oppose the plan, fearing the move will lead to development and doubt a transfer of public lands will lead to the financial windfall of between \$500 million and \$1 billion for New Mexico that proponents cite.

“It’s laughable,” John Horning, executive director at WildEarth Guardians New Mexico, told New Mexico Watchdog last fall. “Public lands are a birthright for all Americans ... New Mexicans don’t own them, Americans own them.”

“Everybody wants to protect our environment,” Herrell said, adding that transfer would affect U.S. Forest Service land and the Bureau of Land Management, but would not touch tribal lands, designated wilderness areas, national and state parks or property controlled by the Department of Defense, such as the White Sands Missile Range.

“This is not about putting wells in the middle of the forest,” Herrell said.

But politically, the land transfer debate seems to be breaking down along partisan lines. Most lawmakers attending the Salt Lake City meeting were Republicans. Herrell has tried and failed in the past two sessions of the New Mexico Legislature to set up a task force to look into the issue, with Democrats in the House Health, Government and Indian Affairs Committee offering resistance earlier this year in the Roundhouse.



**LAND FIGHT:** There’s a movement to transfer public land from the federal government to individual states. Nearly 35 percent of New Mexico’s territory is controlled by the federal government.

“It’s not a red or blue thing, for sure,” Herrell said. “It’s really just the western states sticking together and seeing what they can do in terms of getting their land back.”

Utah has taken the lead, passing legislation two years ago demanding the federal government give up its land to state control.

But there are questions about whether that would be legal.

For example, the Enabling Act of 1910 that allowed New Mexico and Arizona admission into the Union contains language deferring public land issues to the federal government.

The act states “that the people inhabiting said proposed state do agree and declare that they forever disclaim all right and title to the unappropriated and ungranted public lands lying within the boundaries thereof.”

But Utah state Rep. Ken Ivory said the U.S. government should transfer federal lands back to the nine western states, as it did in the past for states such as Louisiana, Nebraska, North Dakota, South Dakota and Alabama.

“The federal government is exerting control over things that it was never supposed to control,” Ivory said Monday in an interview with Fox News. “In short, going from the Revolutionary War forward, the federal government was supposed to be a trustee.”

Opponents to the potential transfer are unmoved.

“I think the state is probably in over its head, acquiring federal land and managing it,” Horning said.

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