

PUBLIC LANDS
PROCLAMATION

10:00 AM



RESOLUTION 2015-0727

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF TETON COUNTY,
IDAHO RECOGNIZING THE VALUE OF FEDERAL LANDS TO THE COUNTY'S
ECONOMY, RECREATION, HERITAGE AND QUALITY OF LIFE;
AND OPPOSING THE PROPOSAL FOR THE STATE OF IDAHO TO TAKE
WHOLESALE OWNERSHIP OF PUBLIC LANDS WITHIN THE STATE OF IDAHO**

WHEREAS, Teton County is home to federal public lands owned by all Americans; and,

WHEREAS, these federal public lands provide public recreational opportunities for residents and visitors for horseback riding, hunting, fishing, wildlife watching, hiking, backpacking, boating, riding snow machines and all-terrain vehicles, skiing, bicycling, sightseeing, and numerous other outdoor recreational activities; and,

WHEREAS, these federal public lands provide essential habitat for some of America's greatest wildlife populations; and,

WHEREAS, federal ownership and management of public lands in Teton County assure both the stewardship and preservation of these nationally significant lands and the wildlife and natural resources they contain; and,

WHEREAS, Teton County residents are actively collaborating among diverse interests and with public land managers to improve public land management and public access; and,

WHEREAS, federal public land management agencies employ residents of Teton County who are passionate and expert at their jobs, pay taxes, and contribute to our community; and

WHEREAS, Teton County's forests are naturally prone to fire, including periodic large-scale fires, as part of the ecosystem in which they have evolved over millennia, although a warming climate has accentuated the process; and federal money and expertise to suppress wildfires is essential to protecting our communities, infrastructure, and public lands; and,

WHEREAS, continued federal ownership and management of public lands in Teton County insure both public access to and environmental protection of these lands and the resources they contain.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE TETON COUNTY IDAHO BOARD OF COUNTY COMMISSIONERS: that the Board of County Commissioners of Teton County, Idaho opposes any and all efforts by the State of Idaho to obtain the wholesale transfer of federal lands in Idaho to the State of Idaho, **BE IT FURTHER RESOLVED** that the Board of County Commissioners strongly supports federal ownership and management of public lands in Teton County and the incredible value of federal lands to bring to our county's economy, recreation, heritage and quality of life.

PASSED, APPROVED AND ADOPTED THIS _____ DAY OF JULY, 2015, IN TETON COUNTY, IDAHO

Bill Leake, Chairman

Attest: _____
Mary Lou Hansen, Clerk

COMMISSIONERS PRESENT: Bill Leake, Cindy Riegel, Kelly Park

OTHER ELECTED OFFICIALS PRESENT: Clerk Mary Lou Hansen, Prosecutor Kathy Spitzer

Chairman Leake called the meeting to order at 9:01 am and led the Pledge of Allegiance.

LHTAC PRESENTATION

Laila Kral, Safety Engineer and Program Administrator for the Local Highway Technical Assistance Council, presented certificates and gifts to seven Road & Bridge employees in recognition of their training accomplishments. Equipment Operators Bill Clifton, Blaine Ball, Mike Beard, Ryan Vestal, Nathan Egbert and Tom Abbott have completed the 4-year, 80-hour "Road Scholar" program. Ms. Kral said the program includes 8 mandatory courses plus several elective courses and requires attendance each spring and fall. Participants are tested after each course and must receive a score of at least 80% in order to pass. Ms. Kral presented Road & Bridge Supervisor Clay Smith with a "Road Master" certificate and gift. The Master designation requires 80 hours of training in addition to the Road Scholar courses. Ms. Kral said having Road Scholar/Master graduates will help the county with State and Federal grant applications. The Board thanked the men for their work and dedication in completing this training program.

ADMINISTRATIVE

● **MOTION.** Commissioner Park made a motion to approve the minutes of the June 8 meeting as presented. Motion seconded by Commissioner Riegel and carried unanimously.

● **MOTION.** Commissioner Park made a motion to approve a retail alcoholic beverage license for the Downtown Driggs Community Association's Independence Day Celebration. Motion seconded by Commissioner Riegel and carried unanimously.

● **MOTION.** Commissioner Riegel made a motion to approve the property tax exemption as requested by the Roman Catholic Diocese of Boise. Motion seconded by Commissioner Park and carried unanimously. (Attachment #1)

FEDERAL LANDS RESOLUTION. The Board discussed Resolution 2015-0622 proposed by Commissioner Riegel (Attachment #2). She said counties in Idaho and other western states, including Teton County, Wyoming, are adopting similar ordinances to show their support for maintaining Federal ownership of public lands. With some states and national organizations advocating the sell-off of public lands to states or private entities, Commissioner Riegel said it was important for Teton County to show support for maintaining public lands. However, this resolution was intended as a draft document to start the conversation.

Commissioner Park said states make more money by managing public lands than does the Federal government. He said the funding levels for Federal PILT and SRS payments are chronically uncertain, even though they are intended to offset the lack of property tax revenue from Federally-owned lands. He wants to investigate the issue further before voting on it. Chairman Leake agreed that more information and discussion was necessary. However, the state's failure to adequately fund road infrastructure makes him very reluctant to let the state take over Federal lands.

DALE BURR PAYMENT. Sculptor Dale Burr reviewed his request for an additional \$1,400 payment in recognition of the extra time he has spent working on behalf of the county (Attachment #3).

● **MOTION.** Commissioner Park made a motion to approve use of contingency funds to make a final \$1,400 payment to Dale Burr after the Sentry Eagle sculpture is delivered. Motion seconded by Commissioner Riegel and carried unanimously.

COMMITTEES. Commissioner Riegel attended the June 17 Fremont-Teton Transportation Committee meeting. She learned that ITD is very interested in continuing to improve the Highway 33 corridor and wants Teton County to plan for needs 10-20 years in the future. They encourage the county to include all "wishes and

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Issue Brief No. 16



November 2014

Would a transfer of federal lands to the State of Idaho make or lose money?

by

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Executive Summary

Whether a transfer of federal lands to the State of Idaho would make or lose money depends on a) which lands are transferred; b) what management functions would continue following a transfer; c) how much additional timber would be harvested, which in turn generates monetary benefits and has employment impacts; and d) the timber stumpage price that could be expected. This analysis looks in depth at the Idaho Department of Lands (IDL) proposed transfer of 6.9 million acres of National Forest System lands and 9.5 million acres of BLM lands.

Under three timber quantity-price scenarios, and assuming that wildland fire management costs would be the annual average experienced on federal lands pro-rated to the IDL proposal, the state could expect net income from timber sales ranging from a loss of \$6 million/year under the low-end scenario to a gain of \$45 million/year under the medium scenario to a gain of \$129 million/year under the high-end scenario. (Low-end scenario is 500 million bf/year at \$150/mbf; medium scenario is 800 million bf/year at \$200/mbf; high-end scenario is 1 billion bf/year at \$250/mbf.)

If the State of Idaho were to provide recreation opportunities similar to those that currently exist on the transferred lands, as well as highway maintenance, the net income would be reduced by \$19 million/year. Payments to counties in 2012 were \$33 million on the lands propose for transfer. The costs of managing BLM lands, net of grazing and mineral receipts, would be \$53 million/year.

In total, after subtracting all these costs from the timber net income, the proposed transfer would result in a loss to the State of Idaho of \$111 million/year under the low-end scenario and \$60 million/year under the medium scenario. Under the high-end scenario the state would see a gain of \$24 million/year.

Employment impacts from new jobs in the forest products and supporting industries would range from 3,375 to 8,775 to 12,375 jobs in the low, middle and high scenarios respectively. These new jobs would provide wages and salaries ranging from \$99 million/year to \$257 million/year to \$363 million/year in the low, middle and high scenarios respectively. New state income taxes on those wages/salaries would range from \$16 million/year to \$41 million/year to \$58 million/year in the low, middle and high scenarios respectively. These estimates are all net of the loss of wages/salaries and state income taxes from federal jobs that would be lost after the transfer.

Background and introduction

The Idaho Legislature created the Federal Lands Interim Committee in 2013 to study the potential for transferring to state control some portion of almost 34 million acres of federal lands in Idaho (almost 64% of the state), including the surface estate rights and mineral estate rights. Under a resolution outlining the rationale for a transfer, the Legislature excluded from consideration lands in the National Wilderness Preservation System plus lands administered by the National Park Service, Department of Defense, and Department of Energy. That leaves 27.5 million acres of federal lands administered by the U.S. Department of Agriculture–Forest Service (USFS) and the U.S. Department of the Interior–Bureau of Land Management (BLM) in the transfer proposal, plus 49,000 acres of National Wildlife Refuge System lands (**Table 1**).

Would a transfer of federal lands to the State of Idaho make or lose money?

Should a transfer occur, a key question is what it would cost the State of Idaho to manage the transferred lands. The legislative committee was presented with two contradictory reports on the fiscal impacts of a transfer. Using different sets of assumptions, one report said the state would make money from the transfer, the other said it would not. To illuminate the committee's deliberations, Rep. Mike Simpson requested a report from the Congressional Research Service (CRS 2013) detailing how much it costs the federal government to manage lands in Idaho, and what revenues are produced. The CRS reported that information for FY 2012, and Rep. Simpson delivered it to the committee in September 2013 (**Table 2**).

Rep. Lawrence Denney, committee co-chair (and elected Secretary of State in November 2014), asked the University of Idaho's College of Natural Resources Policy Analysis Group to analyze the cost issue and include employment effects. The findings of that analysis are reported herein, and are sensitive to the upfront assumptions regarding a hypothetical transfer, and timber quantity-price scenarios describing future costs and returns following transfer.

Assumptions

The two contradictory estimates of cash flows were developed by the Idaho Department of Lands (IDL) and the Idaho Conservation League (ICL) and presented to the committee in August 2013 and December 2013, respectively (see Groeschl 2013, Hjerpe 2013). These two analyses are alike only in the amount of additional timber to be harvested each year and its unit value (**Table 3**). Different acreages for the transfer were used by IDL (16.4 million) and ICL (27.5 million). IDL excluded 9.3 million acres of roadless areas and some additional acres for Wild & Scenic River corridors; ICL included them. IDL estimated \$45 million/year for additional wildfire suppression and suppression preparedness; ICL estimated \$188 million/year. ICL included costs for recreation, road maintenance, and county payments; IDL did not. ICL noted that wages and state income taxes from lost federal jobs would be foregone and provided an estimate of that loss. IDL mentioned that wages and state income taxes from additional timber-related jobs should be included in the analysis, but did not provide an estimate. This analysis addresses these differences and proceeds as follows.

First, the 32 million acres of federal lands administered by the U.S. Forest Service in the National Forest System (NFS, 20.4 million acres), Bureau of Land Management (BLM, 11.6 million acres), and the U.S. Fish and Wildlife Service in the National Wildlife Refuge System (49,000 acres) are placed into several land-use categories (**Table 1**):

Second, the costs of land and resource management functions that are likely to be essential after a hypothetical transfer are allocated to the above land-use categories (**Table 4a** for NFS, **Table 4b** for BLM). Federal appropriations totaled \$148.8 million for FY 2012. Although this total included \$96 million in wildland fire management appropriations for the NFS and BLM, it did not include the additional \$118 million in wildfire suppression costs the two agencies expended in FY 2012, a year in which Idaho more than doubled its 10-year average of about 700,000 acres per year burned (**Figure 1**) and led the nation with almost 1.8 million acres burned. The wildland fire management costs used in this analysis are actual NFS and BLM expenditures averaged between 2007-2013.

Third, for the 5.3 million acres of NFS roaded timberlands and 600,000 acres of BLM timberlands, timber harvest quantity-price scenarios are developed based on the IDL and ICL analyses of sawtimber board feet (bf) volume and reviewers' comments on earlier drafts of this document. Additional timber harvests following transfer range from 500 million to 800 million to 1 billion bf/year. Timber stumpage values per thousand board feet (mbf) range from \$150/mbf to \$200/mbf to \$250/mbf. The combination of these three timber harvest quantities and three stumpage prices result in nine quantity-price scenarios. This analysis follows the IDL assumption that grazing revenues would be approximately equal to management costs after a transfer.

Fourth, using information in Morgan et al. (2013), the potential economic impacts from a gain in forest products industry employment are estimated, net of the potential loss of federal jobs following transfer of lands.

Additional timber harvest following transfer

The most recent statewide forest inventory report by the U.S. Forest Service estimated 155 billion bf of sawtimber on 12.2 million acres of National Forest System (NFS) timberlands in Idaho, and another 6 billion bf of sawtimber on 600,000 acres of BLM timberlands (**Table 5**). Wilderness areas are not included in that estimate; NFS roadless areas are. For the 6.9 million acres of NFS roadless timberlands,¹ this analysis subtracts 45 billion bf, leaving a remainder of 110 billion bf on 5.3 million acres of NFS roaded timberlands.

This analysis confirms IDL's finding that the historic level of 800 million to 1 billion bf/year of timber harvests from federal lands in Idaho is realistic. Between 1960 and 1990, timber harvests from federal lands in Idaho averaged 700 million bf/year, and in at least three years approached 1 billion bf/year (**Figure 2**). With this level of timber harvest from federal lands, the growing stick volume on Idaho's forest resource base, which is predominately National Forest System timberlands, increased during these three decades (**Figure 3**). Based on the reported annual growth rate on federal timberlands (**Table 5**), the amount of timber that could be harvested from NFS timberlands could be more than that, but this analysis treats the historic high harvest of 1 billion bf/year from federal lands as the maximum quantity.

Net cash flow to the State of Idaho after transfer

The IDL's analysis assumed it would take 10-15 years to ramp up to timber harvests on the transferred lands to their full potential and assumed timber stumpage value of \$200/mbf. IDL estimated cost of timber management at 40% of revenues, which translates into 8% of the quantity of timber harvested at a stumpage value of \$200/mbf in IDL's two quantity scenarios of 800 million or 1 billion bf/year. Under these scenarios annual net income from timber management would be either \$96 million or \$120 million/year (**Table 6**).

¹ Data compiled from Idaho roadless area documents (USFS 2008) identify 3.3 million acres of timberlands with 27 billion board feet of timber, thus averaging 8,200 bf/acre. It is likely that there are another 3.6 million acres of timberlands in roadless areas that managers did not identify as timberlands during the roadless area review, perhaps because they are poorly stocked. If these additional acres had an average of 5,000 bf/acre, then there are another 18 billion bf of timber in roadless areas.

Would a transfer of federal lands to the State of Idaho make or lose money?

IDL prepared their analysis in February 2013 (Schultz 2013) and presented it in August 2013 (Groeschl 2013). Since then IDL timber stumpage values have trended upwards to \$300/mbf, which perhaps could be a reasonable price scenario for this analysis (T. Schultz, personal communication). Before the Great Recession of 2008-2009 stumpage prices for IDL timber exceeded \$300/mbf in every year since 1993 (adjusted for inflation to 2013 constant dollars, **Figure 4**). Nevertheless the high-end scenario for this analysis is more conservative, with additional timber sales of 1 billion bf/year at \$250/mbf, for net income of \$170 million/year.

What is a realistic stumpage value for timber from transferred NFS land? Because no one knows what the future holds, a variety of scenarios are used. As **Figure 4** indicates, average stumpage values of \$200-250/mbf for NFS timber were attained for eight years running (1993-2000, adjusted for inflation to 2013 constant dollars), but have been much lower since then. The low-end quantity scenario in this analysis is 500 million bf/year, as suggested in review comments by the Idaho Dept. of Fish and Game, and a low-end timber stumpage price of \$150/mbf, as suggested in review comments by the U.S. Forest Service. The low-end scenario would provide net income from timberlands of \$35 million/year (**Table 6**).

Additional management costs for the NFS transfer of 6.9 million acres should be deducted from the net timber income generated by the timber quantity-price scenarios (**Table 7**), in part to account for costs of “matrix” lands surrounding timberlands, which are either non-productive forest lands or other non-forested lands adjacent to timberlands. Costs must include wildland fire management, and should perhaps also include road maintenance, recreation and county payment costs that were not in the IDL analysis, even though these functions are not currently IDL responsibilities.

The transfer to the state of 11.1 million acres of BLM land outside of wilderness areas would cost the state \$67 million per year, with little potential for enhanced revenue production. The IDL proposal called for the transfer of 9.5 million acres of BLM lands, which on a pro-rated basis represents a cost of \$53 million to the state, which is used in this analysis. Additional grazing and mineral resource development may be possible after a transfer, but are highly speculative and have not been included in this analysis.

The total net cost to the State of Idaho for the IDL transfer proposal would range from a loss of \$111 million/year under the low-end scenario to a loss of \$60 million/year under the medium scenario to a gain of \$24 million/year under the high-end scenario. Only under the high-end scenario of 1 billion bf/year at \$250/mbf would the state realize a gain after covering costs of wildfire, recreation, highway maintenance and payments to counties.

Cost components are dominated by wildfire preparedness (\$35 million/year on NFS land and \$12 million/year on BLM land); wildfire suppression (\$85 million/year on NFS land and \$26 million/year on BLM land), and payments to counties (\$53 million/year). Because of its variability (see **Figure 1**), the wild card in this analysis is wildfire suppression. The question whether payments to counties should continue is likely to spark lively debate.

Economic impact in the State of Idaho after transfer

There would be a substantial positive economic impact in the state from additional timber-related jobs. In 2013, each million board feet of timber harvested in Idaho provided 9.6 direct jobs and 8.4 indirect and induced jobs (or 0.875 indirect and induced jobs for every direct job); these jobs provided wages and salaries of \$528,000 per million board feet harvested (Morgan et al. 2014).

Based on the low-end timber quantity-price scenario of 500 million bf/year, there would be 4,800 new jobs in the forest products industry. However, after the transfer there would be a loss of perhaps as many as 3,000 federal jobs under the IDL's set of assumptions (2,000 NFS jobs and 1,000 BLM jobs). The net gain in direct jobs would range from 1,800 (low-end timber quantity-price scenario) to 4,680 or 6,600 new direct jobs in the middle- or high-end scenarios. Adding to that the indirect and induced jobs would result in a total of 3,375 new jobs (low-end scenario) to 8,775 or 12,375 in the middle- or high-end scenarios. These new jobs would provide wages and salaries in a range from \$99 million/year (low-end scenario) to \$257 million/year or \$363 million/year (middle- and high-end scenarios). New state income taxes on wages/salaries would range from \$16 million/year (low-end scenario) to \$41 million/year or \$58 (middle- or high-end scenarios). These estimates are all net of the loss of wages/salaries and state income taxes from federal jobs that would disappear after the transfer.

Would a transfer of federal lands to the State of Idaho make or lose money?

Acknowledgements. The following individuals (listed in alphabetic order) provided ideas, information, or constructive criticism on earlier drafts of this document:

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Would a transfer of federal lands to the State of Idaho make or lose money?

	USDA – Forest Service	USDI – Bureau of Land Mgmt.	USDI – Fish & Wildlife Service	Total
Appropriated funds to agency	165,567 ^a	132,605 ^b	3,094 ^c	301,266
Federal Highway Admin. funds	15,983	0	25	16,008
Subtotal, appropriations	181,550	132,605	3,119	317,274
Payments in Lieu of Taxes (PILT)	16,467	9,562	16	26,045
Payments, Secure Rural Schools	31,200	0	0	31,200
Subtotal, payments to state	47,667	9,562	16	57,245
Total public land appropriations	229,217	142,167	3,135	374,519

Source: CRS (2013). Congressional Research Service Memorandum of September 19, 2013 to the Honorable Michael K. Simpson, US Congress House of Representatives.

^a Includes National Forest System land and resource management, planning and analysis (\$56.7 million), wildland fire management (\$44.1 million), capital improvement and maintenance (\$16.8 million) State & Private Forestry (\$5.2 million), Forest and Rangeland Research (\$3.3 million), land acquisition (\$0.8 million), and a variety of other unspecified cost allocations and funds (\$16.5 million).

^b Includes land and resource management, planning and analysis (\$60,157), wildland fire management (\$52.0 million), land acquisition (\$6.4 million), construction and access (\$1.4 million), recreation fees (\$1.8 million), range improvements (\$1.1 million), forest health (\$0.5 million), and a variety of other functions and funds (\$7.3 million).

^c Includes only funds for management of National Wildlife Refuge System lands; the agency also manages fish hatcheries (\$0.8 million), has administrative and regulatory functions under the Endangered Species Act and other federal laws (\$8.6 million), and provides a variety of appropriated grants to the state (\$13.8 million). It is assumed that these functions other than land management would continue if a land transfer were to happen.

Table 3. Comparison of assumptions in Idaho Department of Lands (IDL) and Idaho Conservation League (ICL) analyses of a hypothetical transfer of federal lands to the State of Idaho.

Assumptions		 Idaho Conservation League
US-FS lands transferred	6.9 million acres	unspecified
US-BLM lands transferred	9.5 million acres	unspecified
Total federal lands transferred	16.4 million acres	28.0 million acres
Timberlands transferred, roaded	7 million acres	unspecified
Timberlands transferred, roadless	0	> 9.3 million acres
Timber harvest, years 5-9	500 mmbf/yr	500 mmbf/yr
Timber harvest, years 10-20	800–1,000 mmbf/yr	1,000 mmbf/yr
Timber value (constant, years 1-20)	\$200/mbf	\$200/mbf
Wildfire suppression & preparedness costs	\$45 million/yr	\$188 million/yr
Recreation & road maintenance costs	0	\$22 million/yr
Loss of county payments (SRS & PILT)	0	\$54 million/yr
Loss or gain of wages & state income tax	gain, unspecified	loss, specified, not in cash flow analysis

mbf = thousand board feet ; mmbf = million board feet.

Source: Groeschl, D. (2013); Hjerpe (2013).

Would a transfer of federal lands to the State of Idaho make or lose money?

Table 4a. National Forest System (NFS) lands in Idaho: Cost allocation to land and resource management functions by land-use category (millions of dollars).

Land-use Category	% of all NFS land	Wildfire Prep.	Wildfire Supp.	Timber Mgmt.	Land Mgmt.	Recreation	FHWA Maint.	SRS & PILT	Total
Timberland, roaded	26.0%	9.1	22.1	5.0	0.5	3.8	11.0	32.0	83.5
Timberland, roadless	33.8%	11.8	28.7	--	0.5	1.3	--	7.5	49.8
Forest land, unproductive	2.6%	0.9	2.2	--	0.2	0.1	1.0	1.1	5.5
Forest land, reserved	16.9%	5.9	14.4	--	0.2	1.3	--	2.7	24.5
Other land, reserved	2.7%	1.0	2.3	--	0.2	0.1	--	1.1	4.7
Other land, not reserved	17.7%	6.3	15.1	--	0.4	1.0	4.0	2.9	29.7
Total	100.0% ^a	35.0 ^b	85.0 ^b	5.0 ^c	2.0 ^d	7.6 ^d	16.0 ^e	47.3 ^f	197.9 ^g
Total, less reserved areas	80.4%	28.1	68.3	5.0	1.8	7.6	16.0	44.2	169.4

^a Source: **Table 1**; cells do not add to total due to rounding.

^b Source: Brunelle, A., review comments. Wildfire preparedness is the average annual expenditure for 2011-2013. Wildfire suppression is the average annual expenditure for 2007-2013. Allocations to land-use category cells are based on “% of all land” column.

^c Source: IDL proposal assumes timberland management costs to be 40% of timber revenues; NFS sold 100 million board feet at an average of \$125/mbf.

^d Source: CRS (2013); with allocation to roaded timberland proportionally higher; USFS budget book for FY 2012 (see USFS 2014b) was helpful in identifying the % of all NFS expenditures for various land management activities including wildlife & fisheries, vegetation & watershed management, as well as recreation (recreation revenues of \$2.0 million are netted out of appropriated costs).

^e Source: CRS (2013); with Federal Highway Administration funds allocated only to roaded areas.

^f Source: CRS (2013); 100% of \$31.2 million in SRS payments allocated to roaded timberland; PILT appropriations for NFS lands totaling \$16,1 million allocated according to “% of all land” column.

^g Cells do not add to total due to rounding.

Would a transfer of federal lands to the State of Idaho make or lose money?

Table 4b. Bureau of Land Management's Idaho lands: Cost allocation to land and resource management functions by land-use category (millions of dollars).

Land-use Category	% of all BLM land	Wildfire Prep.	Wildfire Supp.	Timber Mgmt.	Land Mgmt.	PILT	Total
Timberland	5.3%	0.7	1.4	1.0	2.0	0.5	5.6
Forest land, unproductive	2.8%	0.3	0.8	--	1.0	0.3	2.4
Other land, reserved	4.5%	0.6	1.2	--	1.0	0.4	3.2
Other land, not reserved	87.4%	10.8	23.6	--	16.0	8.2	58.6
TOTAL	100.0% ^a	12.4 ^b	27.0 ^b	1.0 ^c	20.0 ^d	9.4 ^b	69.8 ^g
TOTAL, less reserved areas	95.5%	11.8	25.8	1.0	19.0	9.0	66.6

^a Source: **Table 1.**

^b Source: Wildfire preparedness and wildfire suppression are average annual expenditures for 2007-2013 (see BLM 2014b). Allocations to land-use category cell values are based on “% of all land” column.

^c Source: IDL assigns timberland management costs of 40% of timber revenues; BLM sold 28 million board feet in FY2013 and 11 million board feet in FY2012. Cell value is 40% of average of 19 million board feet at an average of \$125/mbf (as used in NFS analysis).

^d Source: CRS (2013); land management includes grazing, recreation, energy and minerals, etc., less 50% for planning and analysis to comply with federal laws; \$9.3 million in revenues from various sources are netted out of this allocation.

^e Source: CRS (2013); with Federal Highway Administration appropriations allocated only to roaded areas.

^f Source: CRS (2013); 100% of SRS payments allocated to roaded timberland; PILT appropriations allocated according to “% of all land” column.

^g Cells do not add to total due to rounding.

Table 5. Idaho forest inventory data on timberland by ownership category, 2009.

Sawtimber volume (billion board feet) ^a	155.3	5.9	15.7	21.2	198.1
Sawtimber volume (billion cubic feet) ^b	24.084	0.923	2.438	3.283	30.728
Growing-stock volume (billion ft ³) ^c	30.702	1.196	3.116	4.682	39.696
Gross growth (annual average, million ft ³) ^d	731.1	23.7	102.4	192.9	1,050
Growth rate %, all live trees	2.4%	2.0%	3.3%	4.1%	2.6%
Mortality (annual average, million ft ³) ^e	483.8	4.8	22.1	25.7	536
Mortality as % of gross growth	66%	20%	22%	13%	51%
Timber harvest (annual average, million ft ³) ^f	18	--	53	94	165
Timber harvest as % of gross growth	2.5%	--	51.8%	48.7%	15.7%

Source: developed from data in Witt et al. (2012) *Idaho's Forest Resources, 2004-2009*. Resource Bulletin RMRS-RB-14, U.S. Forest Service, Fort Collins, Co, 134 p.

^a All trees > 9" diameter at breast height on Idaho timberlands in 2009; Witt et al. (2012), Table 19, using same % of distribution by ownership as in Table 20.

^b Witt et al. (2012), Table 20.

^c All trees > 5" diameter at breast height on Idaho timberlands in 2009; Witt et al. (2012), Table 18.

^d Witt et al. (2012), Tables 21 & 25.

^e Witt et al. (2012), Table 25.

^f Witt et al. (2012), page 41, applying conversion factor of 5 bf/ft³.

Would a transfer of federal lands to the State of Idaho make or lose money?

Table 6. Net timber income from additional timber sales following hypothetical transfer of 5.9 million acres of federal timberlands to the State of Idaho.

Harvest Scenario	Additional harvest level (mmbf/year)	Stumpage value (\$/mbf)	Gross revenue (\$ million)	Management costs (\$ million)*	Net income from timber (\$ million)
Low	500	150	75	40	35
Low	500	200	100	40	60
Low	500	250	125	40	85
Medium	800	150	120	64	56
Medium	800	200	160	64	96
Medium	800	250	200	64	136
High	1,000	150	150	80	70
High	1,000	200	200	80	120
High	1,000	250	250	80	170

*In IDL analysis, management costs are 40% of the value of the timber harvested, which because the price did not vary from \$200/mbf is equivalent to 8% of the quantity of timber harvested.

Note: Shaded rows are the quantity-price scenarios referred to in the body of the report.

Would a transfer of federal lands to the State of Idaho make or lose money?

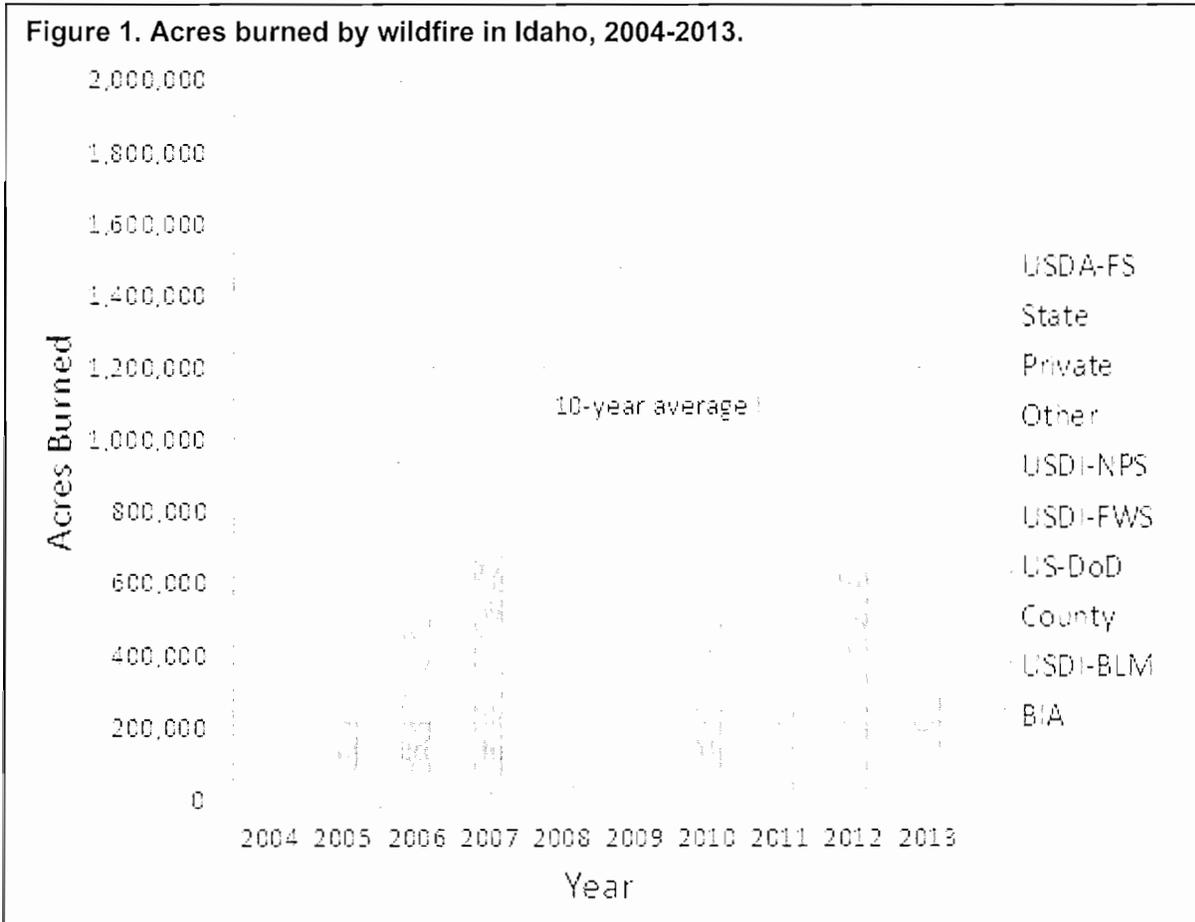
	Low Scenario	Middle Scenario	High Scenario
Table 7. Total net income from additional timber sales following hypothetical transfer to the State of Idaho of 5.9 million acres of federal timberlands plus 1.0 million acres of “matrix” lands* plus 8.9 million acres of BLM non-forest lands (millions of dollars/year).			
Net timber income (see Table 6)	\$35 to \$85	\$56 to \$136	\$70 to \$170
Cost of timberland management (5.9 Million acres)	\$0.8	\$0.8	\$0.8
Cost of “matrix” land* management (1.0 million acres)	\$0.2	\$0.2	\$0.2
Cost of wildland fire management (see Table 4a)	\$40	\$40	\$40
(a) Subtotal: timberland management	-\$6 to \$44	\$15 to \$95	\$29 to \$129
Cost of recreation area management (see Table 4a)	\$7	\$7	\$7
Cost of highway maintenance (see Table 4a)	\$12	\$12	\$12
(b) Subtotal (a) plus recreation and highway maintenance	-\$25 to \$25	-\$4 to \$76	\$10 to \$110
Cost or SRS payments to counties (see Table 4a)	\$31.2	\$31.2	\$31.2
Cost of PILT payments to counties (see Table 4a)	\$1.9	\$1.9	\$1.0
(c) Subtotal (b) plus payments to counties	-\$58 to -\$8	-\$37 to \$43	-\$23 to \$77
Cost of BLM lands (9.5 million acres; see Table 4b)†	-\$53	-\$53	-\$53
Total net cash flow to the State of Idaho	-\$111 to -\$61	-\$90 to -\$10	-\$76 to \$24

*“Matrix” lands are unproductive or roadless forest lands or other lands surrounding roaded timberlands.

†Includes payments to counties and costs for all wildfire and land management functions except timberland management, which is included in subtotal (a) above.

Would a transfer of federal lands to the State of Idaho make or lose money?

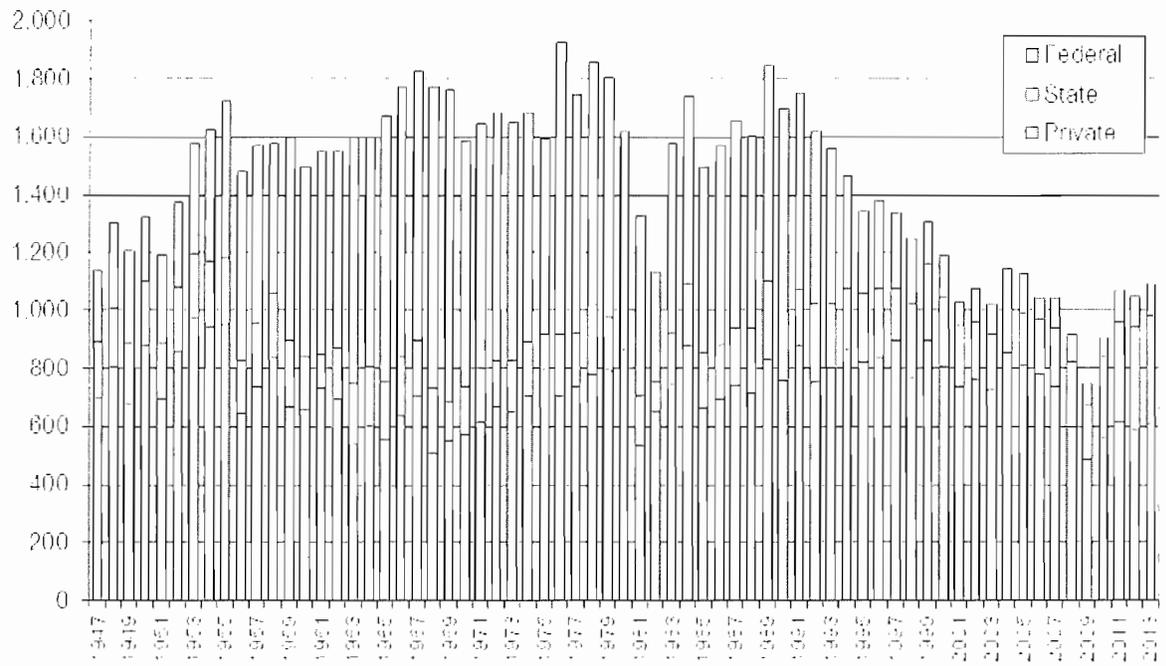
Figure 1. Acres burned by wildfire in Idaho, 2004-2013.



Source: Statistics webpage, National Interagency Fire Center, Boise, Idaho.

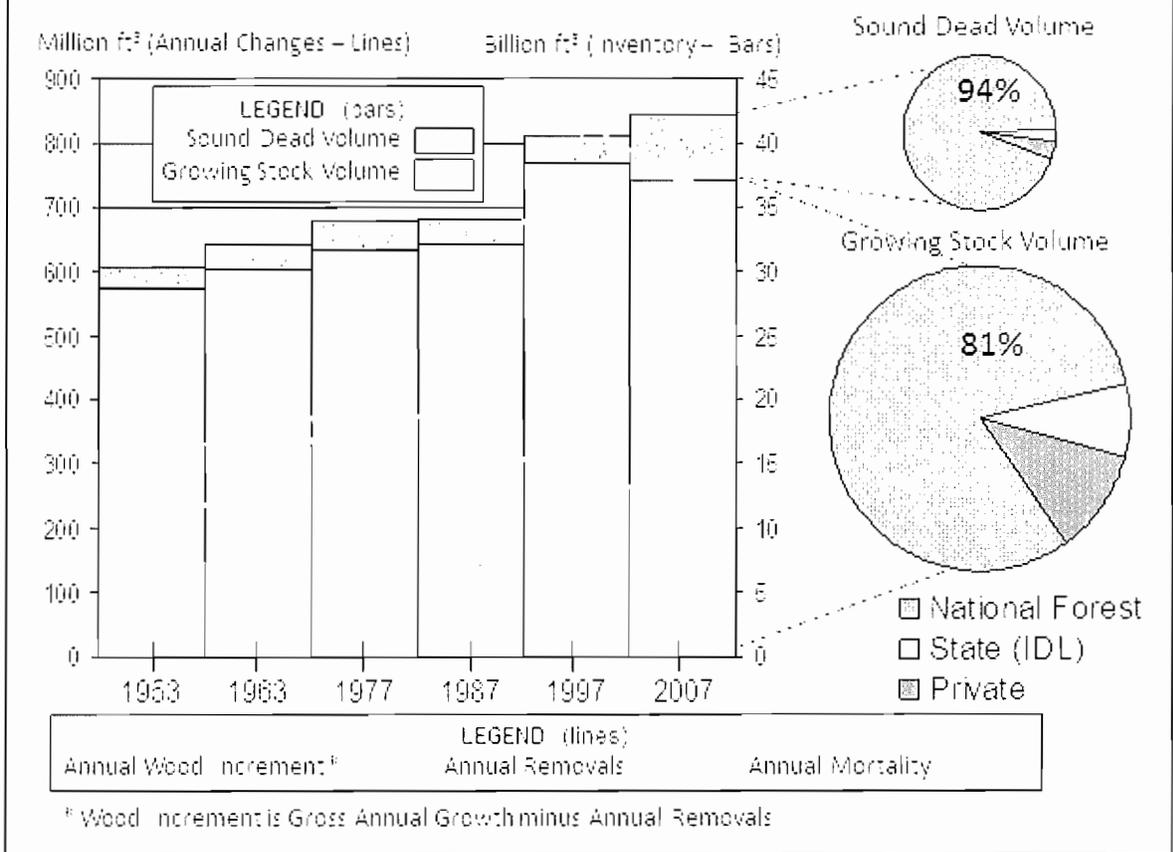
Figure 2. Idaho timber harvest by ownership, 1947-2013.

Millions of board feet, Scribner log scale



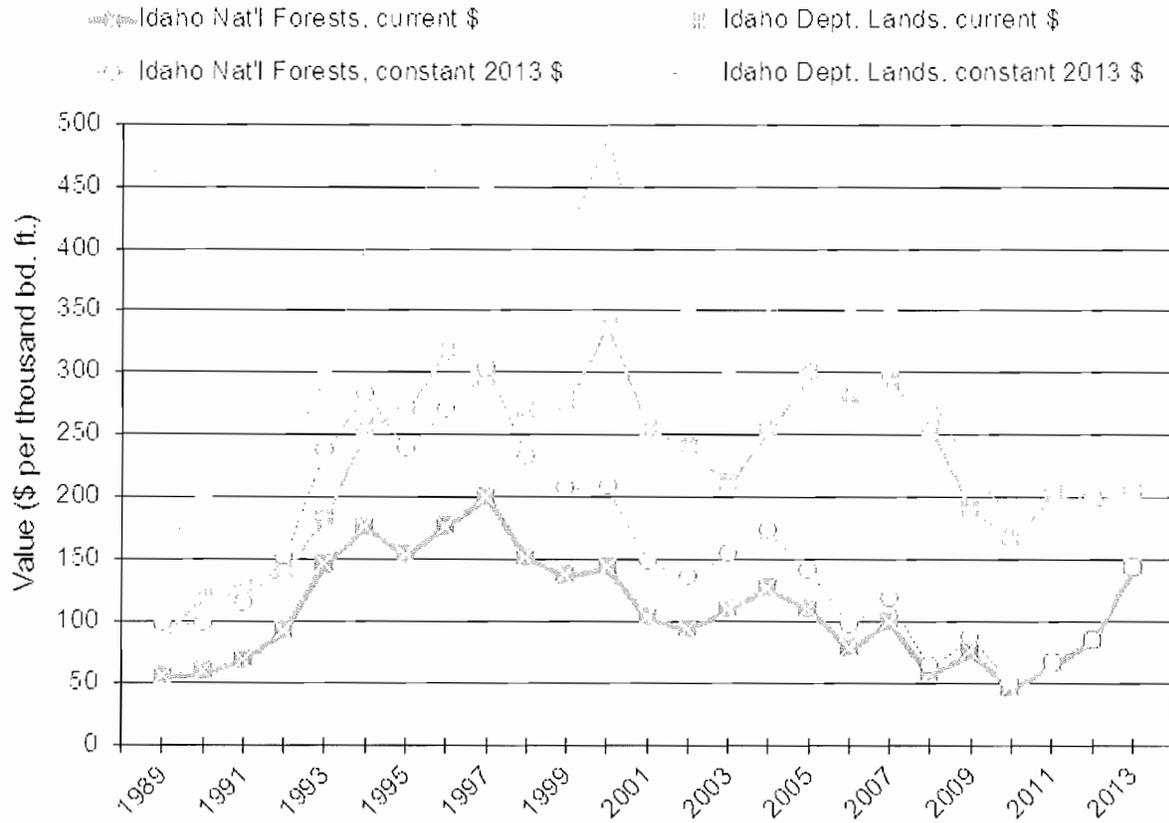
Source: Bureau of Business and Economics Research, The University of Montana, Missoula (from Morgan et al. 2014); U.S. Forest Service, Region One Office, Missoula, Montana.

Figure 3. Idaho forest inventory change, 1953-2007, and inventory by ownership, 2007.



Source: developed from data in Smith et al. (2009). *Forest Resources of the United States, 2007*. Gen. Tech Rep. WO-78, U.S. Forest Service, Washington, DC. 336 p.

Figure 4. Idaho timber harvest stumpage values, National Forest System (NFS) and Idaho endowment lands managed by the Idaho Department of Lands (IDL), 1989-2013.



Sources: U.S. Forest Service, Forest Management Cut and Sold Reports webpage; Idaho Department of Lands annual reports; U.S. Bureau of Labor Statistics, Producer Price Index for All Manufacturing Industries.

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Fiscal Impacts to the State of Idaho from HR 22 Implementation By Evan Hjerpe, Ph.D. Economist, Conservation Economics Institute

I. INTRODUCTION

In April 2013, the Idaho Legislature passed House Concurrent Resolution 22 (HR 22), which demands that the federal government “imminently transfer title to all public lands” within Idaho to the state government. While specifics of the plan are few, the Idaho Legislature tasked the Federal Lands Interim Committee to identify a process for transfer and management of these lands.

Because the concepts are at a preliminary stage, a detailed economic analysis of costs, revenues, and impacts is not possible. But an initial assessment of the potential fiscal impacts clearly illustrates the economic irrationality of this approach. We recommend that the Idaho Legislature clearly analyze and articulate the full cost accounting associated with implementation of HR 22.

A similar effort in Arizona was vetoed in 2012 by Governor Jan Brewer based primarily on “significant and unaccounted” fiscal impacts that would likely further burden the state treasury. The Arizona Governor also cited a lack of constitutionality.¹ With even a cursory look at the economics, it is clear that this resolution is bad business for Idaho communities and residents. Below, we describe a number of the significant and unaccounted fiscal impacts that would be felt by the state of Idaho, its communities and residents.

II. FISCAL IMPACTS OF HR 22

To determine the fiscal impacts of HR 22, we estimate a net present value of a federal lands transfer. Net present valuation is the appropriate accounting method for measuring the fiscal impacts of policy decisions that will generate various costs and revenues for many years into the future. In addition to the net present value analysis, we provide estimates of lost federal wages and broad risks to ecosystem services provided by federal lands.

HR 22 calls for the transfer of all Idaho’s public lands, except for Indian lands, or almost 34 million acres. The resolution states that, upon transfer of title, “the Legislature of the State...intends to cede national park land to the federal government,” and “all lands currently designated as part of the National Wilderness Preservation System pursuant to the Wilderness

¹ Brewer, Janice K. 2012. Correspondence to Arizona Secretary of State Ken Bennett. May 14.

Act of 1964, National Monuments, Department of Defense lands, and Department of Energy reservations.”²

Of the federal lands in Idaho (Table 1), 97 percent are managed by the U.S. Forest Service (USFS) and Bureau of Land Management (BLM). Other federal lands include national park lands, Department of Defense lands, and Department of Energy lands.

Table 1 Total acres of federal lands in Idaho excluding tribal lands.

Land Ownership	Acres
U.S. Forest Service	20,367,000
Bureau of Land Management	12,291,000
Other federal lands	1,124,000
Total	33,782,000

Source: Economic Profile System –HDT (<http://headwaterseconomics.org/tools/eps-hdt/>)

Once all federal lands aside from USFS and BLM lands are removed, the remaining lands total 32,658,000 acres. To estimate potential fiscal impacts of the resolution, we then remove lands designated as wilderness or national monuments, leaving approximately 28 million federal acres (Table 2).

Table 2 Total acres of USFS- and BLM-managed lands included in this analysis.

Land Management and Designation	Acres
U.S. Forest Service and Bureau of Land Management acres	32,658,000
Minus acres designated as wilderness	-4,480,000
Minus acres designated as national monuments	-273,000
Total	27,905,000

Source: www.wilderness.net

Based on the language of HR 22, we estimate the fiscal impacts associated with transferring 28 million acres of federal lands, or 83 percent of total nontribal federal lands. In the estimates provided below, we present costs of transferring all federal lands to the state, and then reduce them by 17 percent to represent the costs of transferring 83 percent of federal lands, per HR 22 language.³

III. NET PRESENT VALUATION OF HR 22

We determine the net present value of transferring public lands to the state of Idaho by estimating costs and revenues associated with the transfer of 28 million acres of USFS and BLM lands. Below, we provide full cost and revenue accounting categories for the net present value of a transfer of Idaho public lands. The categories include revenue, management costs, and loss of federal land payments. See the last page for a fact sheet summarizing the costs of HR 22 implementation.

² Note that the language “intent to cede” is less binding than “will cede” or “disclaims.” Despite this language, we conservatively remove these lands from the analysis.

³ While there can be differences in average costs of management for various types of federal acres (e.g., USFS, BLM, or Department of Defense), a general reduction based on overall acreage transferred provides coarse estimates.

A. Revenue

The primary revenue source cited by advocates of a takeover of Idaho public lands has been increased timber harvesting. With limited sawmills, reduced logging workforces, and volatile timber markets, a return to previous high logging levels on national forests in Idaho would require substantial time and resources, if it is possible at all. Despite these barriers, we conservatively estimate revenue to the state based on historic high-levels of harvest on national forest lands. We assume \$200 per thousand board feet (mbf) of stumpage to the state and a ten-year ramp-up period to one billion board feet (bbf) of annual harvest.⁴

B. Timber Management Costs

To produce this stumpage revenue, we provide a timber management cost. Based on the Idaho Department of Lands' state timber operations, timber management costs generally run about 40 percent of overall timber revenue. As such, annual timber management costs are incorporated into the net present valuation at 40 percent of annual timber revenue.

C. Fire Management Costs

Given the tremendous forest resources and arid environment of Idaho, wildfire is a prevalent natural disturbance that plays a critical role in maintaining ecological functions. To protect lives, structures, and property, vast effort is expended to suppress and control wildfires. However, years of fire suppression have contributed to greater fuels accumulation. Combined with warming climates, wildfire size and intensity are increasing, particularly in forests of the Northern Rockies.⁵ These trends are evident in Idaho forests, as both the number of acres burned and suppression costs are steadily increasing. For example, last year in Idaho, some 1.75 million acres burned and over \$210 million were spent just on suppression, with the federal government covering more than 90 percent of these costs.⁶

With such tremendous wildfires and associated management costs, what would be the fire management costs to the state of Idaho if federal lands were transferred to the state?

Wildfire Suppression Costs

According to the Idaho Department of Lands, fires burned over 840,000 acres annually between 2003 and 2008 across the state of Idaho (includes forest and range fires).⁷ When the number of acres burned for the last four years is added, the ten-year annual average is approximately 800,000 acres burned per year across Idaho. According to the Idaho Department of Lands' year-end fire reports, approximately 11,600 acres have burned annually over the last ten years on state and private lands for which the department maintains fire management responsibility, a figure

⁴ However, if a ten-year ramp-up is achieved, the regional markets will be flooded, reducing the price for timber and stumpage.

⁵ Westerling, A. L., et al. Warming and earlier spring increase western US forest wildfire activity. *Science* 313:5789 (2006): 940-943.

⁶ See State Forester David Groeschl's 2/19/13 presentation to the State Legislature: Idaho wildfires of 2012. Available at: http://www.idahoforests.org/img/pdf/FirestryDayatLegislatre_2013.pdf

⁷ Idaho Department of Lands. 2008. Managing fire on lands protected by the State of Idaho: A handbook for policy makers, landowners and Idaho citizens. 43 p.

indicating that more than 98 percent of acres burned in Idaho have been on federally managed lands.⁸

The state of Idaho has a strict fire suppression policy (i.e., Idaho Code §38-107 declares uncontrolled wildfire a nuisance due to its “menace to life and/or property” and requires reasonable efforts for “immediate” suppression). But federal land management agencies have more flexibility in allowing some wildfires to play their natural ecological role. These differences in fire management policy lead to larger average fires on federally managed lands and accordingly account for differences in per acre burned suppression costs. For example, the ten-year (2003–2012) average suppression cost per acre burned for state of Idaho-managed lands is approximately \$575/acre,⁹ whereas the national average for USFS and BLM ten-year suppression cost per acre burned is approximately \$205/acre,¹⁰ or almost three times less per acre. While “suppression cost per acre burned” is not a perfect metric, as effort expended affects the size of fires, it provides a good picture of current wildfire expenditures.

To estimate fire suppression costs, we assume that 28 million acres of USFS and BLM lands are transferred to the state of Idaho and that the average annual number of acres burned continues.¹¹ A conservative estimate of fire suppression costs for all federal lands assumes 788,400 acres burned (annual statewide average of 800,000 minus annual state and private average of 11,600) at the federal average suppression cost of \$205 per acre:

$$788,400 \text{ acres} \times \$205 \text{ per acre} = \$161,622,000 \text{ of annual suppression cost}$$

Because HR 22 calls for the transfer of 83 percent of federal lands, we reduce the total federal acres burned by 17 percent, providing an annual suppression cost of just over \$134,000,000.

Therefore, annual wildfire suppression costs would be approximately \$134 million for the state of Idaho and assume an amendment to the state’s strict suppression policy.

Among the 28 million acres of USFS and BLM lands in Idaho that might be transferred, approximately 7 million acres of roaded timberlands are currently managed by the USFS. These 7 million acres are a likely target for increased timber harvest. The resulting harvest would likely trigger strict fire suppression similar to the Idaho Department of Lands’ management of state and private timberlands to protect revenue targets, further increasing suppression costs.

As more forest is logged in future years, wildfire risk on those acres may decrease for some time. Similarly, as acres burn, fire risk is reduced for some time. But a decrease in fire risk on harvested and burned acres is unlikely to match the overall increasing risk in the remaining forested lands for some time. Furthermore, fire suppression begets more fire suppression need into the future by artificially extending the historical fire return intervals and providing for greater fuels accumulation. Due to this phenomenon, we maintain a constant suppression cost over the time

⁸ Available at: <http://www.idl.idaho.gov/bureau/FireMgt/fire-annual-reports.html>

⁹ *Ibid.*

¹⁰ Calculated from National Interagency Fire Center table “Federal fire fighting costs (suppression only),” available at: http://www.nifc.gov/fireInfo/fireInfo_documents/Supp_costs.pdf

¹¹ State management of federal lands could reduce the average number of acres burned through greater suppression efforts. But a substantial reduction in average acres burned would require a substantial increase in suppression funding.

horizon and believe this to be a conservative approach given the trends in fire costs and occurrence.

Wildfire Presuppression Preparedness

Fire management costs also include presuppression costs of preparedness. Preparedness includes having equipment, aircraft, and personnel trained and in place, but it is separate from costs of equipment and personnel used during wildfires. The much greater fire management role of the state of Idaho under a transfer of public lands would require much greater preparedness. From 1999 to 2008, the state of Idaho spent \$8.2 million annually on suppression. During this same period, the state spent \$6.65 million annually on preparedness, or approximately 80 percent of suppression expenditures.¹²

It is unclear whether preparedness costs increase at a similar rate to suppression costs when increasing the overall fire management area. But we do know that preparedness is a substantial part of the equation. To err on the conservative side, we reduce the ratio of preparedness to suppression for the state of Idaho by half and incorporate preparedness costs at 40 percent of previously estimated suppression costs:

$$\$134 \text{ million in annual suppression costs} \times 0.4 = \$54 \text{ million in annual presuppression costs}$$

Therefore, wildfire presuppression costs focused on preparedness would result in approximately \$54 million of new, annual management costs for the state of Idaho.

Wildfire Fuel Treatments and Rehabilitation

Other fire management costs include fuel treatments necessary to decrease wildfire intensity, especially near communities, and rehabilitation of severely burned areas. Fuel treatments such as fuels reduction projects in the wildland-urban interface and restoration thinning in unnaturally dense national forest lands are means to limit community damage from wildfires and help return normal fire regimes to forests. Currently, three USFS-funded collaborative forest landscape restoration programs are being implemented in Idaho. These projects are located on the Nez Perce Clearwater, Payette, and Idaho Panhandle National Forests and were collectively approved for almost \$4 million of federal funding in 2012. Much of this funding focuses on fuel treatments, and these projects have been shown to reduce wildfire intensity and provide safer conditions around communities. Numerous other fuels reduction projects, outside of the confines of the collaborative forest landscape restoration program, are annually conducted on USFS and BLM lands in Idaho.

The impact and location of severe wildfires often necessitate the seeding of native vegetation, stabilization of hillsides, or protection of water sources. These rehabilitation efforts can be very expensive and last long after the wildfire. The USFS provides funds for burned area emergency response activities, while the BLM provides funds for burned area rehabilitation actions. These federal expenditures vary based on wildfire severity, but they average millions of dollars annually in the West.

¹² Idaho Department of Lands. 2008. Managing fire on lands protected by the state of Idaho: A handbook for policy makers, landowners and Idaho citizens. 43 p.

Given the variable nature of these costs and the yet unquantified amount of avoided suppression costs in the future that would result from fuel treatments, we do not assign a dollar cost to fuel treatments and rehabilitation. However, in some years, these costs will be significant and would need to be covered by the state of Idaho.

D. Recreation Management Costs

Outdoor recreation is a major contributor to the Idaho economy, and the majority of outdoor recreation occurs on public lands. Outdoor recreation annually generates over \$6 billion of consumer spending in Idaho. This sector provides for over 75,000 jobs annually in Idaho and over \$450 million of state and local tax revenue.¹³ Outdoor recreation generates nearly eight times as many jobs in the state of Idaho as the forest products industry¹⁴ and is becoming a primary economic driver of Idaho's economy and visitor brand.

Both the USFS and the BLM invest heavily in outdoor recreation management in terms of trail, facility, and road maintenance and improvements. In fiscal year 2011, the USFS spent approximately \$23.5 million,¹⁵ and the BLM spent approximately \$3.5 million¹⁶ on recreation management and road maintenance in Idaho, for a total of \$27 million. A major decrease in recreation funding would jeopardize this industry and the public's access to prime hunting, fishing, hiking, and boating. We presume that the state would need to spend the same amount as the federal agencies to maintain the quality recreational opportunities and resulting economic impacts. Reducing these expenditures by 17 percent yields a total of \$22 million.

\$27 million in USFS and BLM costs x 0.83 = \$22 million in annual recreation, road, and facility management costs

Therefore, recreation, road, and facility management costs would be at least \$22 million annually.

E. Loss of Federal Land Payments (SRS and PILT)

Counties containing USFS federal lands have been receiving revenue-sharing funds since 1906. The USFS's 25 Percent Fund shared 25 percent of commodity receipts, primarily from timber sales, with counties for the development of schools and roads. In 1976, the Payment In-Lieu-of-Taxes (PILT) Act broadened county payments for almost all federal lands, including BLM lands. After major declines in western timber receipts in the 1990s, the Secure Rural Schools and Community Self-Determination Act (SRS) was authorized in 2000 to offer optional payments to counties that had experienced declining revenue-sharing payments. SRS offered counties payments equal to their three highest years of revenue sharing.

¹³ Outdoor Industry Association. 2012 Outdoor recreation economy report. 20 p. Available at: http://www.outdoorindustry.org/pdf/OIA_OutdoorRecEconomyReport2012.pdf.

¹⁴ Morgan, T., et al. 2011. Idaho's forest product industry current conditions and 2011 forecast. Station bulletin 97, contribution No. 1057 of the Idaho Forest, Wildlife, and Range Experiment Station, College of Natural Resources, University of Idaho. 4p.

¹⁵ Personal communication with Andy Brunelle, USFS, on 9/12/13.

¹⁶ BLM Idaho State Office. Office of Communications.

Combined, annual SRS and PILT payments to counties and the state of Idaho have averaged \$65 million over the last five years.¹⁷ Applying the 17 percent reduction factor yields an annual loss of \$54 million.

$$\text{\$65 million in annual SRS and PILT payments} \times 0.83 \text{ reduction factor} = \text{\$54 million of lost annual SRS and PILT payments}$$

Therefore, under a public lands transfer, the state of Idaho and counties would lose \$54 million a year in federal land payments.

IV. LOSS OF FEDERAL INCOME AND WAGE INJECTIONS TO THE STATE OF IDAHO

According to the BLM Office of Communications, there are approximately 1,000 BLM jobs in Idaho. According to the USFS, there are approximately 2,000 USFS jobs in Idaho, dispersed in more than 60 communities (excluding the National Interagency Fire Center and Rocky Mountain Research Station positions). These federal wages are very important to the state, as they are injections of outside money into the Idaho economy. But these jobs are even more important to rural communities in Idaho that have fewer economic opportunities. Therefore, assuming 83 percent of these jobs are lost, the immediate impact of HR 22 would be the loss of approximately 2,500 federal jobs.

$$3,000 \text{ jobs} \times 0.83 = 2,500 \text{ jobs lost}$$

These lost federal wages would substantially affect rural communities and generated state income tax. At an assumed average annual federal wage of \$67,800,¹⁸ the effective Idaho state income tax is about 6.5 percent per job. Therefore, loss of federal jobs translates into an initial loss of almost \$170 million of annual wages in Idaho and more than an \$11 million loss of state income tax.

$$\text{\$67,800 annual wage} \times 2,500 \text{ jobs lost} = \text{\$170 million of lost annual wages}$$

$$\text{\$67,800 annual wage} \times 0.065 \text{ state income tax} \times 2,500 \text{ lost} = \text{\$11 million of lost state income tax}$$

Some of these lost federal jobs, wages, and income taxes may be replaced in later years by timber harvest operations. But such replacement would take many years, if ever, to fully offset the losses. Because some of these losses may be offset in future years, we conservatively do not include these losses in the net present valuation.

V. RISKS TO ECOSYSTEM SERVICES

Focusing only on marketized costs and revenues, the proposal neglects the numerous nonmarket and supporting ecosystem services produced on public lands, such as clean water, native biodiversity, climate regulation, and pollutant absorption. These ecosystem services are the benefits provided by nature to mankind. Though they typically don't show up in the accounting ledgers, they take substantial investments to maintain and are at tremendous risk when moving from multiple management objectives to a singular, profit-maximizing objective.

¹⁷ U.S. Department of Interior, PILT, 2013. U.S. Department of Agriculture, Secure Rural Schools, 2013.

¹⁸ Census Bureau, 2012. Available at: www.census.gov/compendia/statab/2012/tables/12s0647.pdf

The USFS and BLM manage some of the most important sources of freshwater in Idaho, streams and lakes that are critical for communities, anadromous fish habitat, and recreationists. Headwater watersheds are also the most susceptible to altered sediment loading by logging and road construction associated with industrial development. Other ecosystem services at risk include the numerous cultural benefits provided by healthy public lands, such as opportunities for solitude and scientific research. If lands are not managed for multiple objectives, as public lands are, numerous benefits provided by Idaho's public lands may be jeopardized.

The USFS and BLM spent a collective \$275 million in 2012, excluding fire suppression costs, to manage public lands and protect the production of ecosystem services in Idaho. For this analysis, we do not quantify the full cost of maintaining quality ecosystem services from public lands, but we acknowledge that these benefits are substantial and at risk under a transfer of public lands to the state of Idaho.

VI. SUMMARY OF FINDINGS

Annual revenues and costs described in section III, and the yearly net present value, are presented below in Table 3. After the first year of implementing HR 22, the state of Idaho would lose almost a quarter billion dollars. This is equivalent to the amount that the state appropriated to the entire public safety program from the general fund in fiscal year 2013.¹⁹ After five years of implementation, HR 22 would cost the state of Idaho almost one billion dollars. And after 20 years of implementation, the losses to the state would be well over two billion dollars.

Table 3 Net present valuation, with costs and revenues in millions of dollars.

Year	1...	5...	10...	20
Additional timber harvested annually (mmbf)	100	500	1,000	1,000
Gross revenue from additional timber harvest	\$20	\$100	\$200	\$200
Timber management costs	-\$8	-\$40	-\$80	-\$80
Fire suppression costs	-\$134	-\$134	-\$134	-\$134
Fire suppression preparedness costs	-\$54	-\$54	-\$54	-\$54
Recreation and road maintenance costs	-\$22	-\$22	-\$22	-\$22
Loss of SRS and PILT (county payments)	-\$54	-\$54	-\$54	-\$54
Net for the year	-\$252	-\$204	-\$144	-\$144
Net losses to the state (NPV)	-\$240	-\$992	-\$1,566	-\$2,249

Costs and revenues are discounted at an annual 5% rate.

Many other adverse economic impacts, not included in the final net present valuation, are likely to be incurred if HR 22 were implemented. Some of these have been detailed in sections IV and V of this report. In terms of employment, current federal jobs would be lost. Some of these may be offset by increases in timber harvesting and processing jobs. But increasing timber harvest also comes with opportunity costs that would likely result in a further loss of recreation and tourism employment. The cascading economic effects of the state of Idaho taking over federal lands are numerous and deserve great scrutiny.

¹⁹ *Idaho Fiscal Facts*, available at: <http://www.legislature.idaho.gov/budget/publications/FiscalFacts/current/FF.pdf>

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VII. CONCLUSION

An examination of the fiscal and other economic impacts that would likely result from implementation of HR 22 illustrates that the state of Idaho would incur multibillion dollar losses. Furthermore, shifting from a multiple-use management strategy to a primary objective of profit-maximization would harm Idaho's recreation economy, rural communities, and both Idaho and national residents who enjoy hiking, fishing, hunting, and wildlife viewing. There would likely be many additional costs not quantified in this analysis. Foremost among these would be the legal costs of pursuing legislation.

The Idaho Department of Lands produced a rough analysis of the potential fiscal impacts associated with HR 22.²⁰ However, the department's analysis looks at the hypothetical impacts of Idaho legislation based on the Utah HB 148, not the potential impacts of HR 22. As such, that analysis only considers the impacts of transferring about half of the nontribal federal lands in Idaho, whereas HR 22 calls for a transfer of all nontribal federal lands and includes an "intent" to cede about 17 percent of these lands back to the federal government. Additionally, the Idaho Department of Lands' rough analysis does not include any estimates of associated road and recreation management costs, nor does it include the loss of county SRS and PILT payments.

Fire suppression and preparedness costs estimated by the Idaho Department of Lands are also heavily underestimated. The Idaho Department of Lands estimated suppression and presuppression costs by extrapolating its current costs for protecting six million acres of state and timber association lands to only half of the potentially transferred federal lands. The six million acres for which the department has fire responsibility are very different from the federal lands pursued in HR 22. Idaho Department of Lands-managed acres are typically wetter, have more roads and access, and have less topographical variation than Idaho's public lands. A simple extrapolation of fire management costs on lands managed by the department to federal lands in Idaho results in a poor estimate of overall costs.

Finally and most importantly, the Idaho Department of Lands' economic analysis does not analyze any of the costs for the first 10 to 15 years after implementation of legislation. Its limited estimates of costs and revenues are simply a projection of what might exist many years into the future or after the lengthy ramp-up period to proposed timber harvest. Failure to conduct a net present valuation and to account for the most costly years of statement management completely undermines the presented economic estimates.

In conclusion, federal investments into public lands in Idaho are vast and substantial; they are the economic engine for driving primary state industry sectors and for protecting numerous nonmarket values critical to Idaho residents. Hundreds of millions of dollars are spent annually to manage public lands in Idaho for a variety of uses and users. Fully replacing these investments with revenues from extractive industries such as timber harvesting is not possible. Attempting to do so would be shortsighted and greatly reduce the number of beneficiaries of these public lands.

²⁰ Available at: <http://blogs.idahostatesman.com/wp-content/uploads/2013/02/2-Handout-State-Management-of-Federal-Lands-in-Idaho1.pdf>

A Legal Analysis of the Transfer of Public Lands Movement

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WSC + 12 pages follow

Introduction. On March 23, 2012, Utah's Governor signed into law the Transfer of Public Lands Act (TPLA).¹ The TPLA demands that the United States transfer title to federal public lands to Utah by December 31, 2014, turning approximately 30 million acres of federal public land and the resources they contain into state property.² Following on the TPLA's footsteps, the American Legislative Exchange Council enacted a model resolution demanding the conveyance of federal public lands to the states,³ and both the Republican National Committee⁴ and National Association of Counties⁵ passed resolutions supporting public land transfers. Idaho,⁶ Wyoming,⁷ Nevada,⁸ and Montana⁹ joined Utah, enacting legislation either calling for or studying a federal lands takeover.

Other efforts to enact transfer legislation show remarkable resilience, and interest appears to be growing. In Arizona, transfer legislation made it through both legislative chambers before falling to the Governor's veto pen.¹⁰ Unwilling to admit defeat, transfer backers then unsuccessfully attempted to amend the Arizona Constitution.¹¹ During 2013, the Colorado Legislature beat back two transfer bills,¹² New Mexico defeated five similar efforts only to thwart a similar effort the next year,¹³ and Washington State had to fight off a transfer bill.¹⁴ Following on its Transfer study bill, the Nevada Land Management Task Force recommended introducing state legislation requiring the federal government to convey federal public lands to Nevada.¹⁵

The frustration underlying the Transfer Movement stems from federal land ownership and management. In Utah, 65 percent of the land surface is federally controlled.¹⁶ Across the ten other contiguous Western states federal ownership ranges from 28 percent in Montana to over 83 percent in Nevada.¹⁷ Federal lands are not subject to state or local taxes,¹⁸ impacting revenue generation. Conflicts also arise where federal conservation lands surround state or private lands that are managed for revenue generation.¹⁹ These challenges notwithstanding, the Transfer Movement's legal strategy is not viable, and it does not address the underlying problems. This white paper examines and refutes the transfer effort's legal arguments.

Federal Ownership of Public Lands. The federal government's authority over public lands is set forth in the Property Clause of the United States Constitution, granting Congress the power to "dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States."²⁰ Utah and her sister states accepted the U.S. Constitution as the "supreme law of the land" as a condition of statehood.²¹ The Supreme Court has made clear that the Property Clause grants Congress an "absolute right" to decide upon the disposition of federal land and "[n]o State legislation can interfere with this right or embarrass its exercise."²² The power to make decisions regarding disposition includes the power to forego disposition and to retain property in federal ownership because, "it lies in the discretion of the Congress, acting in the public interest, to determine of how much of [its] property it shall dispose."²³ Furthermore, "inclusion within a State of lands of the United States does not take from Congress the power to control their occupancy and use . . . and to prescribe the conditions upon which others may obtain rights in them."²⁴

More than a century ago, the Supreme Court upheld the nascent National Forest System, concluding that the federal government could retain public lands for broad national benefits, and that it could do so indefinitely. In *Light v. United States*,²⁵ a Colorado resident who had been enjoined from grazing cattle on National Forest System lands argued that Congress could not withdraw public lands from settlement without state consent. The Supreme Court disagreed, holding that the United States owns the public lands "and has made Congress the principal agent to dispose of property," which includes the right to "sell or withhold [public lands] from sale."²⁶ As an owner and sovereign, "the United States can prohibit absolutely or fix terms on which its property

can be used. As it can withhold or reserve the land it can do so indefinitely.²⁷ As the owner of the public lands, the United States holds the public lands “in trust for the people of the whole country,” not solely for the benefit of adjacent landowners.²⁸ Stated simply, Congress has discretion to decide how much of the public domain to retain and how much to dispose of. State legislation cannot displace that discretion.

Historical Context. European settlers obtained land title via conquest over American Indians.²⁹ In the Eastern United States, the thirteen colonies then obtained title from Great Britain following the Revolutionary War,³⁰ conveying the frontier to the federal government.³¹ In the West, the federal government obtained land title via treaties with foreign powers, most notably the Louisiana Purchase, the Oregon Compromise, and the Treaty of Guadalupe Hidalgo.³² The federal government, after obtaining this land with federal blood and treasure, created federal territories and authorized formation of the Western states.³³ Federal ownership of the West came first, and states cannot demand that the federal government “give back” that which never belonged to them.

The federal government did, however, make extensive land grants to new states in order to fund state governments and public institutions. The federal government, upon statehood, granted Utah the right to title to approximately 7.5 million acres of land, or 13.8 percent of the land within the state.³⁴ To put this in perspective, the federal land granted to Utah is roughly equivalent to all the land in Maryland and Delaware, combined.³⁵ All Western states fared similarly, with New Mexico receiving a high of 12.4 million acres of federal land while Washington State received a low of 3.0 million acres.³⁶ In total, the eleven contiguous Western states received over 70 million acres of federal land.³⁷ In addition to grants to states (which totaled over 328 million acres nationwide), the federal government conveyed 959 million acres directly to settlers, miners, railroads, and others.³⁸

The persistence of federal land ownership across the West was not for lack of effort. Between 1822 and 1884 the federal government made almost 408 million acres of public land available for sale,³⁹ of which just over 179 million acres were sold.⁴⁰ Other public lands were available for settlement, often free of charge, through homesteading and similar laws. As of 1905, almost 450 million acres remained open to settlement,⁴¹ with 418 million acres in the eleven contiguous Western states.⁴² Land remained in federal ownership because it was too difficult to settle and develop. Outside of valleys with reliable snowmelt fed rivers, consistent year-around water sources were often unavailable, and even where rivers and streams existed, rugged topography and the cost of developing reservoirs and irrigation systems limited agricultural opportunities. Until the 1920s and the birth of large federal irrigation projects, much of the West was simply too dry for productive agriculture and homesteading.

In the West, the federal government tried to convey more public land to the states but many states, including Utah, refused. In 1932 President Hoover convened a committee to investigate turning over the public domain to the states. Although Congress drafted the necessary legislation,⁴³ those bills died for lack of Western support.⁴⁴ States were reluctant to acquire the public domain because they feared they would lose federal reclamation funds, mineral revenue, and highway funds, while facing increasing administrative costs.⁴⁵

Federal policy, however, has always been about more than disposal. As early as 1785, Congress reserved federal interests in minerals found on federal land.⁴⁶ Withdrawals for what would become National Parks began in 1832,⁴⁷ and Yellowstone National Park was established in 1872.⁴⁸ In 1891, the President received authority to withdraw federally owned forest lands from disposal,⁴⁹ and Presidents Harrison and Cleveland promptly set aside 17.5 million acres of new Forest Reserves (which became

National Forests)⁵⁰ — all before Utah was invited to become a state. Such an evolutionary public land policy makes sense in a constantly changing nation. Growing urbanization, an expanding population, and a finite land base have demanded continued evolution in federal land policy.

More recently, the Federal Land Policy and Management Act of 1976 (FLPMA) unified 3,000 separate and often conflicting public land laws into a coherent package.⁵¹ FLPMA expressly requires that “the public lands be retained in Federal ownership, unless . . . it is determined that disposal of a particular parcel will serve the national interest.”⁵² Yet even under a policy favoring retention, the BLM managed to dispose of over 24 million acres of land between 1990 and 2010.⁵³

In sum, it was early federal policy to dispose of public lands, the federal government did dispose of millions of acres of public land, and it attempted to dispose of many more. Much of the land sought by Utah and its neighbors was open to settlement but bypassed in favor of greener pastures. The federal decisions to retain land in federal ownership, many predating establishment of Western states, are clearly within the federal government’s constitutional authority and not contrary to state enabling acts.

The Disclaimer Clauses. The enabling acts for all Western states contain similar language and pose a formidable barrier to transfer demands. Section III of the Utah Enabling Act states:

*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 to all lands lying within said limits owned or held by any Indian or Indian tribes; 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.*⁵⁴

This “forever” disclaimer was incorporated into, and remains part of, the Utah Constitution.⁵⁵ Furthermore, section XII of the Utah Enabling Act states that, “Utah shall not be entitled to any further or other grants of land for any purpose than as expressly provided in this Act.”⁵⁶ These disclaimer provisions are unambiguous and, as a matter of statutory construction, provide a clear measure of congressional intent.

Transfer proponents attempt to get around these disclaimers by contending that under section III, the federal government was obligated to “extinguish” title to additional lands, and that state disclaimers of rights to additional land are inoperative because the federal government failed to meet its extinguishment obligations. Traditional rules of statutory construction highlight four critical failings with this argument.

First, assuming that section III requires the federal government to extinguish title to unappropriated public lands, the provision does not require the federal government to extinguish title to *all* such lands. “Extinguish,” if read as referring to the immediately preceding language, applies to “*all* lands lying within said limits owned or held by any Indian or Indian tribes.”⁵⁷ “Extinguish,” if read to refer back to the first clause, as TPLA backers prefer, applies to “the unappropriated public lands lying within the boundaries thereof.”⁵⁸ “All” is notably absent from the clause the TPLA’s backers rely upon. Congress could have made the extinguishment language applicable to *all* unappropriated public lands just as it made the state’s disclaimer of title to Indian lands applicable to “*all* lands lying within said limits owned or held by any Indian or Indian tribes.” But Congress chose not to do so. According to the Supreme Court, courts “do not lightly assume that Congress has omitted from its adopted text requirements that it nonetheless intends to apply, and our reluctance is even greater when Congress has

shown elsewhere in the same statute that it knows how to make such a requirement manifest.⁵⁹ Transfer proponents' interpretation cannot stand because it would defeat congressional intent.

Second, even if Transfer advocates can get around the section III disclaimer, they run headlong into section XII's prohibition against land grants not "expressly provided for" in the act. The right to title to additional public land is not "expressly provided for," and is therefore in conflict with congressional intent. Furthermore, Transfer advocates' broad reading of section III risks making section XII superfluous, violating another cardinal rule of statutory construction.⁶⁰

Third, even if the federal government is obligated to dispose of public lands, that obligation does not require the federal government to *give* land to the states. Section XII of the Utah Enabling Act states that, "Utah shall not be entitled to any further or other grants of land for any purpose than as expressly provided in this Act."⁶¹ Text obligating the federal government to convey away lands is "strictly construed against the grantee."⁶² To the extent that the Utah Enabling Act is ambiguous, that ambiguity should be construed in the federal government's favor. Congress should be held to retain discretion over the manner of disposal, and a strong case can be made that disposal should generate value for the American people. Identical provisions are found in the enabling acts for most Western states admitted during the same period.⁶³ If additional disposal is required, states may need to pay for the additional land, or lands may need to be conveyed to non-state entities.

Finally, the obligation to "extinguish" title refers to title to Indian lands, not to public lands. Following the Civil War, federal Indian policy favored land disposal. "There was no place left to remove the Indian, and there was little sympathy for the preservation of a way of life that left farmlands unturned, coal unmined, and timber uncut. Policymakers had determined that the old hunter way and new industrial way could not coexist."⁶⁴ Under the General Allotment Act of 1887 (the Dawes Act), tribal members surrendered their shared interest in tribal reservations in return for individually owned land.⁶⁵ Upon allotment approval, the Secretary of the Interior issued patents to the Indian allottees, and these patents were held in trust for individual Indians.⁶⁶ Upon conclusion of the trust period, title to individual allotments was conveyed to individual Indian allottees.⁶⁷ Additional lands were held in common by the tribe; the remaining lands were declared "surplus,"⁶⁸ and made available for non-Indian settlement.⁶⁹

Allotment was an effective tool in extinguishing Indian land claims. "In 1887, when the Dawes Act provided for allotting tribal lands to individual Indians, the American Indian's heritage in land totaled 138 million acres. Less than 50 years later, when the allotment policy was abandoned, only 48 million acres were left in Indian hands."⁷⁰ Notably, the Dawes Act became law in 1887. None of the pre-1887 statehood enabling acts refer to "extinguishing" title to lands. However, the enabling acts authorizing admission of the next eight states, including Utah, all contain the extinguishment provision.⁷¹

Reading the Enabling Act and Utah Constitution's "extinguishment" requirements as referring to Indian lands comports with congressional policy and Utah history. Prior to white settlement in 1847, Utah was home to five major Indian tribes, of which the Utes controlled the greatest expanse of territory.⁷² From the Ute's initial reservation, 1,010,000 acres were added to the Uintah Forest Reserve (now the Uinta National Forest), 1,004,285 acres were opened to homestead entry, and thousands of acres were set aside for other purposes.⁷³ It is a well-established legal principle that statutes should be construed to affect congressional intent.⁷⁴ Thus "extinguish" should be read to refer to Indian land, not to ownership of public lands.

Federal Discretion to Sell Land. Transfer advocates next argue that “shall” in the Enabling Act’s ninth section obligates the federal government to dispose of federal public lands. Section IX reads:

That 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 admission of said State into the Union . . . shall be paid to the said State, to be used as a permanent fund.⁷⁵

Transfer advocates contend that “shall” is a term of obligation,⁷⁶ relieving the federal government of discretion to retain public lands. While “shall” is normally understood to be a term of obligation,⁷⁷ important exceptions exist. “Shall,” may also be “[u]sed before a verb in the infinitive to show . . . something that will take place or exist in the future.”⁷⁸ For example, “we shall arrive tomorrow.” This interpretation was recognized by legal scholars at the time of Utah’s admission to the Union and is reflected in legal dictionaries then in use.⁷⁹

Just as a will that included testamentary gifts to children that “shall be borne” creates a potential class of beneficiaries but does not obligate future births, “shall” in an enabling act indicates that at some future date, the federal government may sell public lands. If the federal government does sell more land, five-percent of the proceeds would go to the state, but the Utah Enabling Act does not obligate the federal government to dispose of public lands. Moreover, even if shall is interpreted as a term of obligation, at the turn of the 19th century, “shall” meant “[m]ay, when used against a government; and must, when used under other circumstances.”⁸⁰ The meaning attached to statutory terms at the time of their enactment controls, not the meaning some apply more than a century later.⁸¹

Moreover, the federal policy of retaining lands in federal ownership was firmly established well before Utah was offered statehood. For example, the federal government reserved mineral resources as early as 1785,⁸² as lands for Indian reservations since at least 1789,⁸³ and for National Parks and National Forests as already discussed — policies that the Supreme Court has repeatedly affirmed.⁸⁴ The states clearly knew that not all public lands would be given to them, and arguing that “shall” obligates more sales ignores this reality.

The Equal Footing Doctrine. Transfer supporters often refer to the equal footing doctrine as evidence of Western states’ right to title to federal public lands.⁸⁵ The equal footing doctrine holds that “all states are admitted to the Union with the same attributes of sovereignty (i.e., on an equal footing) as the original 13 states.”⁸⁶ The Utah Enabling Act, like the enabling acts of other Western states, guaranteed that Utah would be admitted on an equal footing with the existing states.⁸⁷

The doctrine traces its roots to the 1845 *Pollard v. Hagan* decision,⁸⁸ which involved competing claims to title to submerged lands, one originating with the state and the other from the federal government. Georgia, as one of the original thirteen states, obtained title to land via the Revolutionary War⁸⁹ and then conveyed title to its westernmost frontier, including the lands at issue, to the federal government. This conveyance required that the land be held in trust for newly created states. The federal government subsequently issued Mr. Pollard title to the submerged land at issue. Mr. Hagan contended that his title, which came from the State of Alabama, was superior. The Supreme Court held that since the original states held title to submerged lands as an attribute of sovereignty, and new states were admitted on par with the original states, Alabama received title to the submerged lands and the federal government had no

interest to grant to Mr. Pollard.⁹⁰ However, the equal footing doctrine does not apply to dry land⁹¹ or require an equal distribution of land to each state, as the 1996 case of *United States v. Gardner*⁹² makes clear.

In *Gardner*, the United States issued a permit to the Gardners to graze cattle on National Forest System lands. The Forest Service suspended the permit following a wildfire, providing time for vegetation to regrow. The Gardners resumed grazing prematurely, and the United States sued for damages to the range and to enjoin further grazing. The Gardners defended by challenging the federal government's title to the land, contending that after receiving the land from Mexico via the Treaty of Guadalupe Hidalgo, "the United States was entitled to hold the land in trust for the creation of future states, and was not authorized to retain the land for its own purposes."⁹³ The Gardners also argued that under the equal footing doctrine, "a new state must possess the same powers of sovereignty and jurisdiction as did the original thirteen states upon admission to the Union . . . [so] Nevada must have 'paramount title and eminent domain of all lands within its boundaries' to satisfy the Equal Footing Doctrine."⁹⁴

The court found the Gardners' arguments unavailing, holding that the "United States . . . was not required to hold the public lands in Nevada in trust for the establishment of future states. Rather, under the Property Clause, the United States can administer its federal lands any way it chooses, including the establishment of national forest reserves."⁹⁵ The *Pollard* doctrine applies only to submerged lands, not to the public lands acquired by treaty.⁹⁶ The court also noted that the equal footing doctrine "applies to political rights and sovereignty, not the economic characteristics of the states."⁹⁷ The doctrine is not intended to "eradicate all diversity among states but rather to establish equality among the states with regards to political standing and sovereignty."⁹⁸

The equal footing doctrine therefore does not require uniform disposal of federally owned lands. Rather, it guarantees that each state will have equivalent political rights. Retention of public lands in federal ownership is consistent with the equal footing doctrine, and as *Gardner* makes clear, the doctrine provides no tangible support for the Transfer Movement.

Conclusion. Utah's legal claims to federal land grow out of its statehood enabling act. Since similar statutory language is found throughout the Western states, a successful claim by Utah could fuel more claims and potentially end the public land system as we know it. Utah's claims, like those of its neighbors, are doomed to failure, however. The federal government has absolute control over federal public lands, including the constitutional authority to retain lands in federal ownership. Statutes authorizing Western states to join the Union required those same states to disclaim the right to additional lands and that disclaimer cannot be spun into a federal duty to dispose. Statehood enabling acts' guarantee of equal political rights also cannot be spun into a promise of equal land ownership. Furthermore, though statehood enabling acts guarantee states a share of the proceeds resulting from federal land sales, that guarantee is not an obligation to sell.

As a BLM spokeswoman recently said with respect to confrontations over public land management and Utah's antagonistic tone towards the federal government: "It is frustrating as we work to identify the best possible path forward for everyone when some of the entities we are trying to work with consistently feel the need to poke us in the eye and then complain we are not working with them."⁹⁹ This may be the larger lesson — that the Transfer Movement does more harm than good to the federal-state relationship needed for effective public land management.

Endnotes

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¹ H.B. 148, 2012 Gen. Sess. (Utah) (codified at UTAH CODE ANN. §§ 63L-6-101 through -104 (Supp. 2014)).

² UTAH CODE ANN. § 63L-6-103(1) (Supp. 2014). Under the TPLA, "public lands" are essentially all BLM and U.S. Forest Service managed lands, excluding congressionally designated Wilderness Areas. National Parks and Monuments are not "public lands" under the Act, though the Grand Staircase-Escalante National Monument is considered public land and would therefore be transferred to the state. *Id.* at § 102(3). Other states' transfer legislation apply slightly different definitions of public lands.

³ American Legislative Exchange Council, Resolution Demanding that Congress Convey Title of Federal Public Lands to the States approved Jan. 28, 2013 *available at* <http://www.alec.org/model-legislation/resolution-demanding-that-congress-convey-title-of-federal-public-lands-to-the-states/>.

⁴ Republican National Committee, Resolution in Support of Western States Taking Back Public Lands, adopted Jan. 24, 2014 *available at* <http://www.gop.com/wp-content/uploads/2014/01/RESOLUTION-IN-SUPPORT-OF-WESTERN-STATES-TAKING-BACK-PUBLIC-LANDS.pdf>.

⁵ National Association of Counties, Adopted Resolutions, 2013 Annual Conference 21 (July 19-22, 2013) *available at* <http://www.naco.org/legislation/Documents/2013-Annual-Conference-Adopted-Resolutions.pdf>.

⁶ H.R. Con. Res. 22, 62nd Leg., 1st Reg. Sess. (Idaho 2013) (adopted) (demanding the federal government to "imminently transfer title to all of the public lands within Idaho's borders directly to the State of Idaho.").

⁷ H.R. 228, 62nd Leg., Gen. Sess. (Wyo. 2013) (adopted) (creating a commission to study the takeover of federal public lands).

⁸ A.B. 227, 77th Reg. Sess. (Nev. 2013) (enacted) (creating a commission to study the takeover of federal public lands).

⁹ S.J.R. 15, 63rd Reg. Sess. (Mont. 2013) (adopted) (creating a commission to investigate, among other things, ownership of and jurisdiction over U.S. Forest Service and BLM managed lands).

¹⁰ S.B. 1332, 50th Leg., 2d Reg. Sess. (Ariz. 2013); Governor Jan K. Brewer, Veto Statement for S.B. 1332 (May 14, 2013) (on file with author).

¹¹ Arizona Secretary of State, State of Arizona Official Canvas, 2012 General Election, November 7, 2012 *available at* <http://www.azsos.gov/election/2012/general/electioninformation.htm>.

¹² S.J.R. 13-031, 2013 Reg. Sess. (Colo. 2013), and S.B. 13-142, 2013 Reg. Sess. (Colo. 2013).

¹³ H.B. 102, 2014 Leg. Sess. (N.M. 2014); H.B. 292, 2013 Leg. Sess. (N.M. 2013); S.B. 404, 2013 Leg. Sess. (N.M. 2013); S.J.M. 53, 2013 Leg. Sess. (N.M. 2013); S.J.M 56, 2013 Leg. Sess. (N.M. 2013); and S.M. 93, 2013 Leg. Sess. (N.M. 2013).

¹⁴ H.B. 2268, 63rd Leg. 1st Reg. Sess. (Wash. 2014).

¹⁵ A REPORT OF THE NEVADA LAND MANAGEMENT TASK FORCE TO THE NEVADA INTERIM LEGISLATIVE COMMISSION ON PUBLIC LANDS: CONGRESSIONAL TRANSFER OF PUBLIC LANDS TO THE STATE OF NEVADA 1 (2014) (on file with authors).

¹⁶ BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, PUBLIC LAND STATISTICS 2013 7 (2014).

¹⁷ *Id.*

¹⁸ See *United States v. State Tax Comm'n*, 412 U.S. 363 (1973). As a condition on admission into the United States, all of the western states also agreed that federal property was nontaxable.

¹⁹ See *e.g.*, *Utah v. United States*, 486 F.Supp. 995, 1002 (D. Utah 1979) (involving a dispute over the state's ability to access and develop state school trust lands which were located wholly within a federal Wilderness Study Area).

²⁰ U.S. CONST. art. IV, § 3, cl. 2. See *also*, *McKelvey v. United States*, 260 U.S. 353, 359 (1922) ("It is firmly settled that Congress may prescribe rules respecting the use of the public lands. It may sanction some uses and prohibit others, and may forbid interference with such as are sanctioned.").

²¹ See *e.g.*, UTAH CONST. art I, § 3.

²² *Gibson v. Chouteau*, 80 U.S. 92, 99 (1872) (upholding claim to land by a federal patent holder against a competing claim reliant on state law).

²³ *Ashwander v. Tennessee Valley Authority*, 297 U.S. 288, 336 (1936) (holding that where the United States holds title to a hydroelectric dam, rights to the water passing through the dam, and all features incident to power generation, the electricity produced "constitutes property belonging to the United States," and the Property Clause does not constrain Congress's power to determine the terms of property dispossession).

²⁴ *Utah Power & Light Co. v. United States*, 243 U.S. 389, 405 (1917) (holding that the Enclave Clause does not require cession of state jurisdiction over federal lands and that the United States retains authority under the Property Clause).

²⁵ 220 U.S. 523 (1911).

²⁶ *Id.* at 536 (internal citations and quotations omitted).

²⁷ *Id.*

²⁸ *Id.* at 537.

²⁹ *Johnson v. McIntosh*, 21 U.S. 543 (1823). See *also* 2 JOSEPH STORY, COMMENTARIES ON THE CONSTITUTION OF THE UNITED STATES § 1324 (1880).

³⁰ *Martin v. Waddell*, 41 U.S. 367, 410 (1842).

- ³¹ See generally PAUL W. GATES, HISTORY OF PUBLIC LAND LAW DEVELOPMENT, ch. III (1968).
- ³² *Id.* at ch. V.
- ³³ *Id.* at ch. XII.
- ³⁴ See 28 Stat. 107, 109-10 (1894); see also, GATES, *supra* note 31, at 804 (quantifying land grants to states). Acreage figures vary slightly by source. States also hold title to lands lying below the ordinary high water mark of bodies of water that were navigable at the date of statehood. See *Utah Div. of State Lands v. United States*, 482 U.S. 193 (1987). Within Utah, sovereign lands total approximately 1.5 million acres and 2,200 miles of shoreline, including the bed of the Great Salt Lake, Utah Lake, Bear Lake, and portions of the Colorado, Green, Jordan, and Bear rivers. See UTAH CODE ANN. § 65A-10-1(1) (2011).
- ³⁵ See U.S. CENSUS BUREAU, STATISTICAL ABSTRACT OF THE UNITED STATES: 2011, Table 358 – Land and Water Area of States and Other Entities: 2008, 223 (2012).
- ³⁶ GATES, *supra* note 31, at 804 (quantifying land grants to states).
- ³⁷ *Id.*
- ³⁸ PUBLIC LAND STATISTICS, *supra* note 16, at 5.
- ³⁹ GATES, *supra* note 31, at 802.
- ⁴⁰ *Id.*
- ⁴¹ *Id.* at 502.
- ⁴² REPORT OF THE COMMISSIONER OF THE GENERAL LAND OFFICE, 59th Cong. 1st Sess., H. Doc. 4958 5/2, 383 (1905).
- ⁴³ See S. 17, 72nd Cong., 1st Sess. (1932), S. 2272, 72nd Cong., 2d Sess. (1932), and S. 4060, 72nd Cong., 2d Sess. (1932).
- ⁴⁴ Don B. Colton, *Control of the Public Domain: A National or State Function?*, N.Y. TIMES, Apr. 10, 1932, pp. 1, 11 (“if I sense general Western sentiment correctly, and I have had an excellent opportunity to observe it, the West is not in favor of such legislation.”).
- ⁴⁵ UTAH CONSTITUTIONAL DEFENSE COUNCIL, REPORT ON UTAH’S TRANSFER OF PUBLIC LANDS ACT, H.B. 148, 17-19 (2012) (quoting George Dern, then Governor of Utah) (hereinafter CDC REPORT) available at <http://utah.gov/ltgovernor/docs/CDC-AGLandsTransferHB148.pdf>.
- ⁴⁶ An Ordinance for Ascertaining the Mode of Disposing of Lands in the Western Territories, May 20, 1785, 28 J. CONT. CONG. 375, 378 (1785). See also, 1 Stat. 464, 466 (1796) (reserving “every other salt spring-which may be discovered, together with the section of one mile square which includes it, and also four sections at the centre [sic] of every township, containing each one mile square.”).
- ⁴⁷ 4 Stat. 505 (1832) (withdrawn lands became Hot Springs National Park in Arkansas).
- ⁴⁸ 17 Stat. 32-33 (1872).
- ⁴⁹ Withdrawals to create forest reserves, which later became national forests, occurred

under authority granted by 26 Stat. 1095, 1102-03 (1891), which is commonly referred to as the Forest Reserve Act.

⁵⁰ SAMUEL TRASK DANA AND SALLY K. FAIRFAX, *FOREST AND RANGE POLICY* 58 (2d ed. 1980).

⁵¹ See H.R. Rep. No. 94-1163 (1976) (“These laws represented and effectuated Congressional policies needed when they were passed. Many of them are still viable and applicable today [1976] under present conditions. However, in many instances they are absolute and, in total, do not add up to a coherent expression of Congressional policies adequate for today’s national goals.”).

⁵² 43 U.S.C. § 1701(a)(1) (2012). Note, FLPMA allows for the sale of federal public lands if the tract to be sold is difficult and uneconomic to manage as part of the public lands and unsuitable for management by another federal agency; the tract was acquired for a specific purpose and no further federal use for the tract exists; or disposal will serve important public objectives. 43 U.S.C. § 1713(a).

⁵³ ROSS W. GORTE ET AL., *CONGRESSIONAL RESEARCH SERVICE, FEDERAL LAND OWNERSHIP: OVERVIEW AND DATA* 16 (2012). Congress also continues to dispose of public land when doing so is in the public interest. See e.g., Pub. L. No. 112-138 (2012) (granting National Forest System lands to the town of Alta, Utah), Pub. L. No. 106-460 (2000) (granting land to the Landusky, Montana School District), and Pub. L. No. 103-346 (granting land within a National Wildlife Refuge to the City of Imperial Beach, California).

⁵⁴ 28 Stat. 107, 108 (1894) (emphasis added).

⁵⁵ UTAH CONST. art. III.

⁵⁶ 28 Stat. 107, 110 (1894).

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ See e.g., *Jama v. Immigration & Customs Enforcement*, 543 U.S. 335, 341 (2005).

⁶⁰ *United States v. Menasche*, 348 U.S. 528, 538-39 (1955) (“It is our duty to give effect, if possible, to every clause and word of a statute, rather than emasculate an entire section.”) (internal quotations and citations omitted).

⁶¹ 28 Stat. 107, 110 (1894).

⁶² *United States v. Alaska*, 521 U.S. 1, 35 (1997) (“The statute is a grant of federal property, and the scope of that grant must be construed strictly in the United States’ favor.”). See also, *N. Pac. Ry. Co. v. United States*, 330 U.S. 248, 257 (1947) (internal citations omitted) (“where there is any doubt as to the meaning of a statute which ‘operates as a grant of public property to an individual, or the relinquishment of a public interest,’ the doubt should be resolved in favor of the Government and against the private claimant.”) quoting *Slidell v. Grandjean*, 111 U.S. 412, 437 (1884).

⁶³ See 25 Stat. 676, 681 (1889) (Montana, Washington, North Dakota, and South Dakota); 25 Stat. 215, 217 (1890) (Idaho); and 26 Stat. 222, 224 (1890) (Wyoming).

⁶⁴ COHEN’S HANDBOOK OF FEDERAL INDIAN LAW § 1.04 (2009).

⁶⁵ 28 Stat. 388 (1887). See also, *id.*

⁶⁶ 28 Stat. 388, 389.

⁶⁷ *Id.*

⁶⁸ 24 Stat. 388, 389-90, 25 U.S.C. § 348 (2012).

⁶⁹ COHEN, *supra* note 64, at § 1.04; see also, Marc Slonim, *Indian Country, Indian Reservations, and the Importance of History in Indian Law*, 45 GONZ. L. REV. 517, 522 (2009).

⁷⁰ COHEN, *supra* note 64, at § 1.04.

⁷¹ 25 Stat. 676 (1889) (Montana, North Dakota, South Dakota, and Washington State), 28 Stat. 107 (1894) (Utah), 34 Stat. 267 (1906) (Oklahoma), 36 Stat. 557 (1910) (New Mexico), and 36 Stat. 568 (1910) (Arizona). Idaho and Wyoming were both admitted to the Union in 1890, after petitioning Congress for statehood.

⁷² A HISTORY OF UTAH'S AMERICAN INDIANS 2 (Forrest S. Cutch ed., 2000).

⁷³ ROBERT KEITER ET AL., LAND AND RESOURCE MANAGEMENT ISSUES RELEVANT TO DEPLOYING IN-SITU THERMAL TECHNOLOGIES, DEP'T OF ENERGY TOPICAL REPORT 113 (2011).

⁷⁴ See e.g., *Takao Ozawa v. United States*, 260 U.S. 178, 194 (1922), ("It is the duty of this Court to give effect to the intent of Congress. Primarily this intent is ascertained by giving the words their natural significance, but if this leads to an unreasonable result plainly at variance with the policy of the legislation as a whole, we must examine the matter further. We may then look to the reason of the enactment and inquire into its antecedent history and give it effect in accordance with its design and purpose, sacrificing, if necessary, the literal meaning in order that the purpose may not fail.").

⁷⁵ 28 Stat 107, 110 (1894) (emphasis added).

⁷⁶ Donald J. Kochan, *Public Lands and the Federal Government's Compact-Based "Duty to Dispose": a Case Study of Utah's H.B. 148—The Transfer of Public Lands Act*, 2013 B.Y.U. L. Rev. 1133, 1158-59.

⁷⁷ See e.g., *Lexecon, Inc. v. Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26, 35 (1998) ("The mandatory 'shall' . . . normally creates an obligation impervious to judicial discretion.").

⁷⁸ AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE (2011). See also www.oxforddictionaries.com (defining "shall" as "expressing the future tense."), www.merriam-webster.com ("shall" is "used to say that something is expected to happen in the future."). See also, *Salahuddin v. Mead*, 174 F.3d 271, 274 (2d Cir. 1999) ("There is no doubt that 'shall' is an imperative, but it is equally clear that it is an imperative that speaks to future conduct.").

⁷⁹ 1 FREDERICK STROUD, THE JUDICIAL DICTIONARY OF WORDS AND PHRASES JUDICIALLY INTERPRETED 722 (photo. reprint 2003) (1890).

⁸⁰ 1 ARTHUR ENGLISH, A DICTIONARY OF WORDS AND PHRASES USED IN ANCIENT AND MODERN LAW 728 (1899).

⁸¹ See e.g., *Udall v. Tallman*, 380 U.S. 1, 16 (1965) (attaching great weight to

contemporary interpretations).

⁸² An Ordinance for Ascertaining the Mode of Disposing of Lands in the Western Territories, May 20, 1785, 28 J. CONT. CONG. 375, 378 (1785) (reserving to the United States “one third part of all gold, silver, lead and copper”). See also, 10 J. OF CONGRESS (Folwell’s Ed) 118, as cited in *United States v. Sweet*, 245 U.S. 563, 567 (1918).

⁸³ See Treaty with the Choctaw, 7 Stat. 21 (1786) (allocating lands “within the limits of the United States of America” and which are “under protection of the United States of America” to the Choctaw Nation).

⁸⁴ See e.g., *Ashwander v. Tennessee Valley Authority*, 297 U.S. 288 (1936), *Light v. United States*, 220 U.S. 523 (1911), and *United States v. Gratiot*, 39 U.S. 526 (1840).

⁸⁵ See e.g., *Kochan*, *supra* note 76, at 1182-83.

⁸⁶ *Minnesota v. Mille Lacs Band of Chippewa Indians*, 526 U.S. 172, 203 (1999).

⁸⁷ See 28 Stat. 107, 106 (1894).

⁸⁸ 44 U.S. 212 (1845).

⁸⁹ See Definite Treaty of Peace, U.S.-Britain, Sept. 3, 1783, 1 Malloy 586 at art. I (1910). See also, *Martin v. Waddell*, 41 U.S. 367, 410 (1842) (“when the revolution took place, the people of each state became themselves sovereign; and in that character hold the absolute right to all their navigable waters, and the soils under them, for their own common use, subject only to the rights since surrendered by the constitution to the general government.”).

⁹⁰ *Pollard v. Hagan*, 44 U.S. 212, 230 (1845).

⁹¹ *Scott v. Lattig*, 227 U.S. 229, 224 (1913).

⁹² 107 F.3d 1314 (9th Cir. 1996).

⁹³ *Id.* at 1317.

⁹⁴ *Id.* at 1318.

⁹⁵ *Id.*

⁹⁶ See e.g., *United States v. Oregon*, 295 U.S. 1, 14 (1935) (holding that title to dry lands did not pass to Oregon upon admission to the Union).

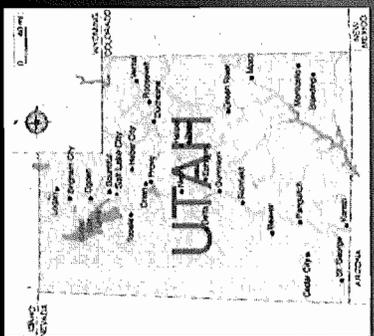
⁹⁷ *Id.* at 1319.

⁹⁸ *Id.* (citing *United States v. Texas*, 339 U.S. 707, 716 (1950)).

⁹⁹ Amy Joy O’Donoghue, *Battle Between Utah’s Rural Counties and BLM Intensifies*, DESERET NEWS, June 28, 2014 available at <http://www.deseretnews.com/article/865605994/Battle-between-Utahs-rural-counties-and-BLM-intensifies.html?pg=all>.



Utah House Bill 148



Requires in part that the United States government extinguish title to public lands in Utah and transfer title of those public lands to the State.



Hypothetical Federal Land Transfer

Federal Lands Interim Committee
August 9, 2013



ID Dept of Lands
IDL
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Legislative Action in 2013

During the 2013 legislative session, the Idaho Legislature passed two resolutions pertaining to public lands.

House Concurrent Resolution (HCR) 21 –

Established a committee to study the process for Idaho to acquire title to and control of public lands in the state.

House Concurrent Resolution (HCR) 22 –

Demanded that the federal government transfer title to all public lands in Idaho directly to the State.



IDL Information Provided to Committees

February 13, 2013 – IDL provided a rudimentary analysis to the chairmen of House and Senate Resources committees

This rudimentary analysis used information from the Bureau of Land Management (BLM) and the U.S. Forest Service

The analysis used the active management model of 2.4 million acres of state endowment trust lands in Idaho to come up with the potential management costs and revenues associated with managing a portion of federal lands in Idaho

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Federal Land in Idaho

53,500,000 acres

= Idaho's total land size

34,500,000 acres

= Total managed by the federal government in Idaho

20,400,000 acres

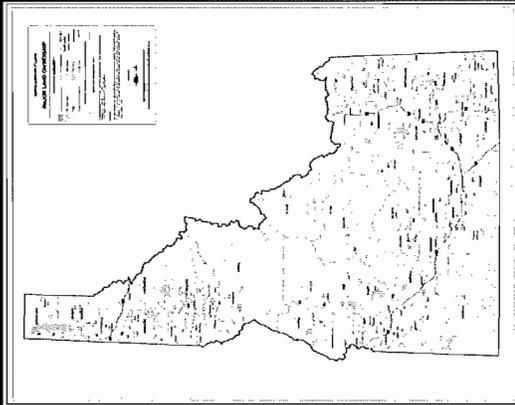
= Total managed by the Forest Service in Idaho (the Forest Service is the largest landowner in Idaho)

11,700,000 acres

= Total managed by the BLM in Idaho

2,400,000 acres

= Other federal lands in Idaho



Lands Hypothetically Transferred to the State

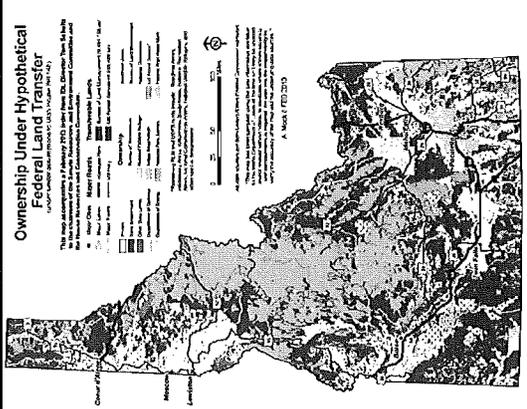
What amount of federal lands in Idaho would be transferred to the State under assumptions similar to those of Utah HB 148?

Numerous federal ownerships and special designations of federal lands would be excluded under assumptions similar to Utah HB 148.

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Lands Hypothetically Transferred to the State



16,400,000 acres
 = Total number of acres transferred to the State under these assumptions

= 48 percent of the total 34,500,000 acres owned by the federal government in Idaho

Of this, 9,500,000 acres are owned by the BLM and 6,900,000 acres are owned by the Forest Service



Standing Timber Volume on Federal Lands



What is the amount of standing timber volume on all federal forested lands in Idaho?

167.6 billion board feet = Total volume of sawtimber on ALL federal forested lands in Idaho (17,200,000 acres), including the special designations

68 billion board feet = Amount one could assume is on the roughly 7,000,000 acres of Forest Service land transferred to the State under assumptions of Utah bill

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Forest Service and BLM Management Costs

FIRE SUPPRESSION COSTS: February 2013 estimates indicated the federal government paid approximately \$195,000,000 to suppress wildfires in Idaho in 2012

- \$22,150,000 = BLM wildfire suppression costs
- \$50,211,413 = Forest Service suppression costs in northern Idaho
- \$122,522,475 = Forest Service suppression costs in southern Idaho

LAND MANAGEMENT COSTS: Outside of costs for fire suppression, the BLM and Forest Service spent approximately \$275,000,000 to manage their lands in 2012

- \$117,000,000 = BLM management costs
- \$158,000,000 = Forest Service management costs (K1 & 4)

These numbers do NOT include:

- Forest Service costs associated with research (nearly 100 scientists and employees in Boise, Moscow, and other locations in Idaho)
- Forest Service portion of the National Interagency Fire Center (nearly 100 full-time staff)
- Other Forest Service regional office employees

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Potential costs and revenues under State management

What are the potential costs and revenues associated with managing 16,400,000 acres of federal lands under existing State authorities?

Rudimentary analysis maintains many assumptions.

Forest lands: Bringing approximately 7,000,000 acres of transferred forestlands under State management would take 10-15 years.

Liabilities

Legal framework

Recreation

Fire protection



Potential Net profit under State management

Using these assumptions and the numbers presented earlier, if the State acquired 16,400,000 acres of federal land, it could generate a

Net Profit of \$51-75 million annually for public schools or other public institutions in Idaho

after the lands were brought fully under State management



How did IDL arrive at this estimate?



Fire Suppression

The IDL currently protects 6,000,000 acres and spends an average of \$15,000,000 annually for pre-suppression and suppression costs.

If the State had to provide fire protection on 16,400,000 additional acres, the State would have to spend an additional estimated \$45 million per year for pre-suppression and suppression costs.

Forest Management

Using a specific cost structure, the estimated range of net revenue the State could generate from timber sales is about \$96-120 million.

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How did IDL arrive at this estimate?

Subtracting the \$45,000,000 the State would assume in additional fire costs from the amount that could be made from the sale of timber means the State could net about \$51-75 million per year.

These estimated revenues to the State do not factor in the rise in employment associated with increased economic activity on the lands.

It would take several years and investment in mill infrastructure before the wood processing facilities in Idaho could process this greater range of additional timber volume.



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Analysis of Potential Impacts of Legislation Similar to Utah HB 148

Current Federal Ownership

53,500,000 acres Idaho's total land size
 34,500,000 acres Federal land ownership in Idaho
 20,400,000 acres U.S. Forest Service (USFS) ownership
 11,700,000 acres Bureau of Land Management (BLM) ownership

Lands Hypothetically Transferred to the State Under Similar Assumptions to Utah HB 148

16,400,000 acres Lands transferred to the State
 9,500,000 acres Transferred lands currently owned by BLM
 6,900,000 acres Transferred lands currently owned by USFS

Assumptions

- ⇒ **Rangeland:** Managing approximately 9,500,000 acres of BLM land - mostly rangeland - would produce little to no net revenue to the State.
- ⇒ **Minerals:** It is unknown at this time what acquiring some or all of the federal mineral estate would generate in terms of revenue to the State. Unlike Utah, there is no oil and gas production in Idaho. However, permitting requirements are more streamlined under State regulations as opposed to federal regulations, creating savings for industry.
- ⇒ **Forest lands:** Bringing approximately 7,000,000 acres of transferred forestlands under State management would take 10-15 years in order to allow for mill investments and mill capacity to increase in order to absorb the additional volume without significantly depressing markets; appropriate initial funding for hiring forest management and fire management staff and to cover additional operating expenses and capital outlay; and carry out the needed forest inventory and planning work.
- ⇒ Using information available from the Idaho Geological Survey, there could be thousands of abandoned mines on the lands eligible for transfer under legislation with as-

sumptions similar to Utah HB 148. This would probably include many sites with dangerous mine openings or soil and water contamination. The State's potential liability for these sites would increase significantly. Therefore, the State would reserve the right to reject any lands eligible for transfer based on potential environmental hazards. (Idaho Geological Survey, BLM Abandoned Mine Land Worksheet, FY17-FY18, United States Government Accountability Office)

⇒ This analysis reflects management under the *State's legal framework. The State, like all landowners, must comply with the Clean Water Act, Endangered Species Act, and a host of other national environmental laws, but the State is not required to follow the National Environmental Policy Act (NEPA) in its management.

⇒ The State would make the transferred lands accessible and open to recreationists. However, IDL management does not include management for recreational trail construction and maintenance, camp sites, and other recreational opportunities, so a State agency would have to be delegated these responsibilities to maintain recreational expectations on the transferred lands.

⇒ The federal government would still provide management and fire protection on the remaining 18,100,000 acres of federal lands in Idaho that would not be transferred to the State.

Hypothetical Management Costs and

Estimated Net Revenues Under State's Legal Framework* (and after lands transition fully to State management)

\$51-75 million Net revenue to public schools or other public institutions if the State managed the 16,400,000 acres of transferred land under the State's legal framework

BREAKDOWN

800 mmmbf to 1 bbf Additional timber harvested annually (consistent with USFS historic harvest levels)
 \$160-200 million Gross revenue from additional timber harvest
 \$64-80 million Management costs (40 percent of gross revenue)
 \$96-120 million Net revenue from harvest
 \$45 million Additional pre-suppression and suppression fire

Under similar assumptions to Utah HB 148, approximately 16,400,000 acres or 48 percent of the total 34,500,000 acres owned by the federal government in Idaho would be transferred to the State.

- ⇒ Lands that are Bankhead Jones lands, managed by the BLM
- ⇒ Lands that are National Grasslands, managed by the USFS
- ⇒ National Monuments
- ⇒ National Conservation Areas
- ⇒ National Recreation Areas
- ⇒ Wilderness
- ⇒ Wilderness Study Areas
- ⇒ Uplands of Wild and Scenic Rivers
- ⇒ Historic and Scenic Trails
- ⇒ National Wildlife Refuges
- ⇒ U.S. Bureau of Reclamation
- ⇒ U.S. Corps of Engineers
- ⇒ U.S. Department of Defense
- ⇒ U.S. National Wildlife Service
- ⇒ U.S. National Park Service
- ⇒ U.S. Department of Energy
- ⇒ Indian Reservations managed by a Tribe

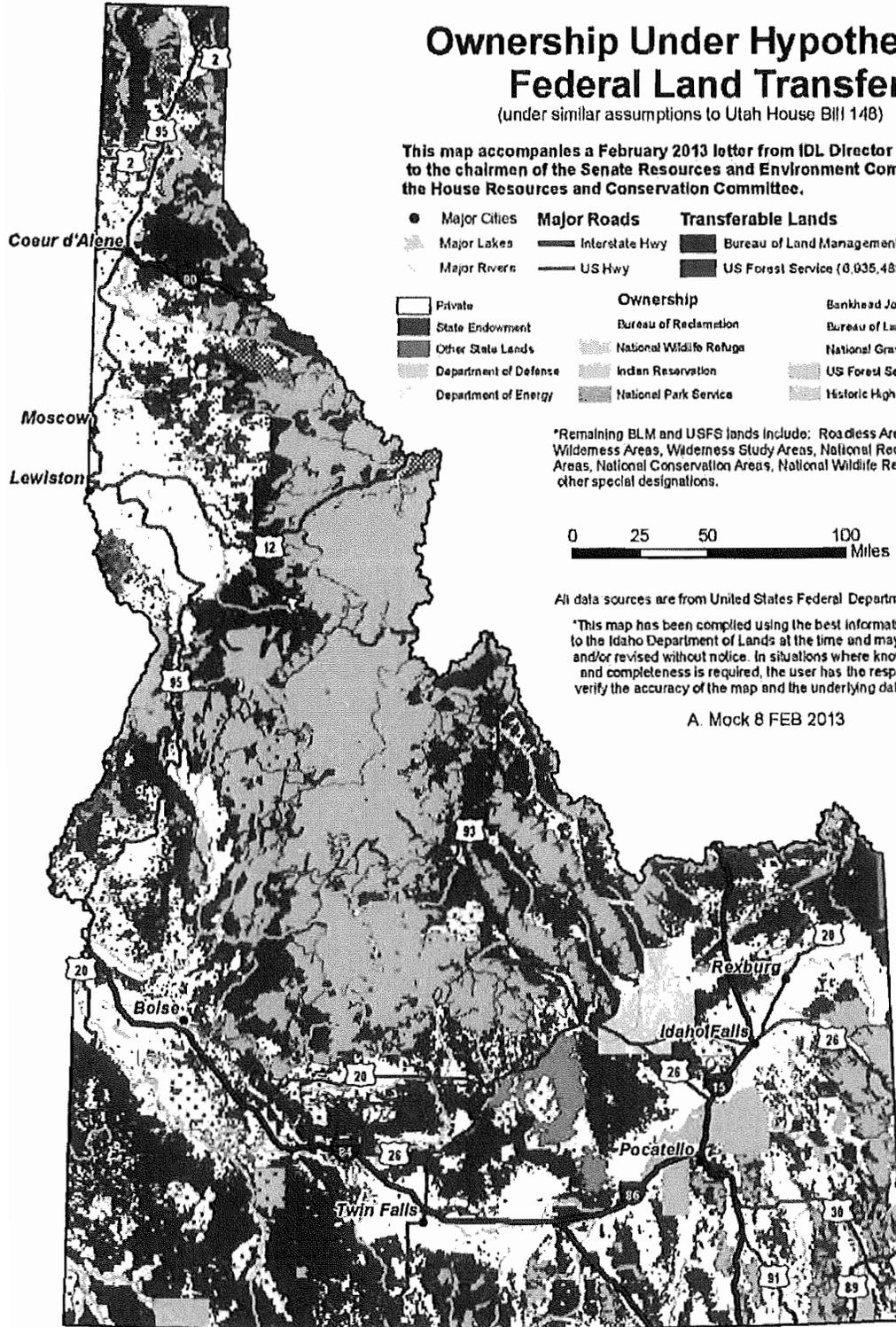
The following federal ownerships and special designations of federal lands were excluded to arrive at the total hypothetically transferred lands:

⇒ All roadless areas (the BLM owns 934 acres with roadless designations and the USFS owns approximately 8,500,000 acres with roadless designations)

Ownership Under Hypothetical Federal Land Transfer

(under similar assumptions to Utah House Bill 148)

This map accompanies a February 2013 letter from IDL Director Tom Schultz to the chairmen of the Senate Resources and Environment Committee and the House Resources and Conservation Committee.



- | | | |
|-------------------------|----------------------------|--|
| ● Major Cities | Major Roads | Transferable Lands |
| ▨ Major Lakes | ▬ Interstate Hwy | ▨ Bureau of Land Management (9,484,193 ac) |
| ▨ Major Rivers | ▬ US Hwy | ▨ US Forest Service (8,035,489 ac) |
| ▨ Private | Ownership | ▨ Bankhead Jones |
| ▨ State Endowment | ▨ Bureau of Reclamation | ▨ Bureau of Land Management* |
| ▨ Other State Lands | ▨ National Wildlife Refuge | ▨ National Grasslands |
| ▨ Department of Defense | ▨ Indian Reservation | ▨ US Forest Service* |
| ▨ Department of Energy | ▨ National Park Service | ▨ Historic High Water Mark |

*Remaining BLM and USFS lands include: Roadless Areas, Wilderness Areas, Wilderness Study Areas, National Recreation Areas, National Conservation Areas, National Wildlife Refuges, and other special designations.



All data sources are from United States Federal Department Websites

This map has been compiled using the best information available to the Idaho Department of Lands at the time and may be updated and/or revised without notice. In situations where known accuracy and completeness is required, the user has the responsibility to verify the accuracy of the map and the underlying data sources.

A. Mock 8 FEB 2013

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