



**AMERICAN
LANDS COUNCIL**

FOUNDATION

PUBLIC LANDS

BETTER ACCESS

BETTER HEALTH

BETTER PRODUCTIVITY

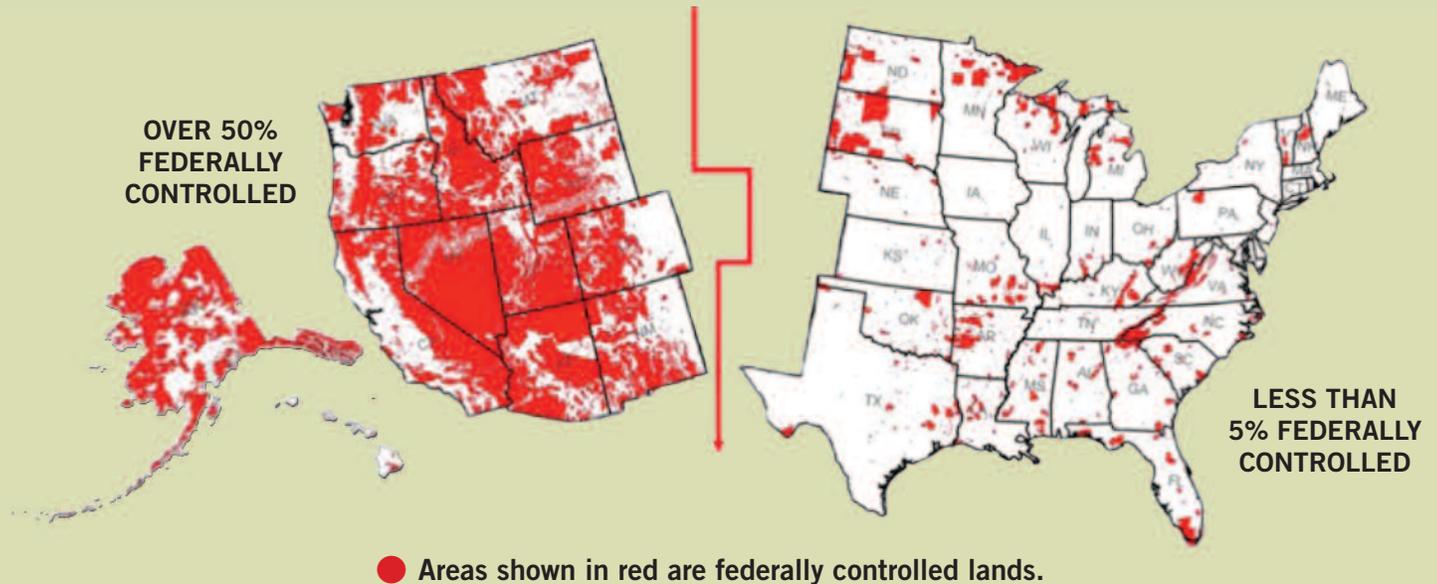


SUPPORT THE TRANSFER OF PUBLIC LANDS TO WILLING WESTERN STATES

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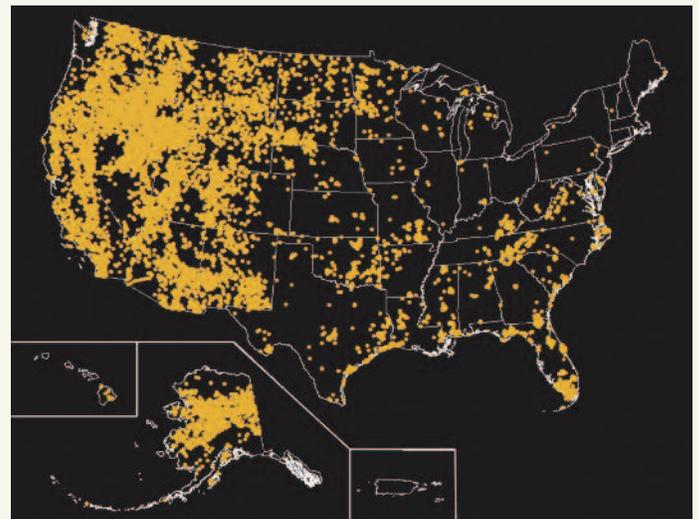
SO MUCH FEDERAL CONTROL OF THE WEST IS NOT ONLY UNFAIR, IT IS FAILING OUR STATES AND OUR NATION

THE FEDERAL FAULT LINE



THE PROBLEM

- Record-setting catastrophic wildfires — burning up millions of animals, emitting carcinogenic pollutants into our air, and destroying wildlife habitat and watersheds — are the result of decades of dysfunctional federal bureaucracy.
- Locking up access to our nation's abundant resources has needlessly placed America at the mercy of foreign powers for essential materials, such as timber and rare earth minerals vital to national defense, renewable energy, and electronics technologies.
- Federal policies are stifling the economic opportunity of western communities and requiring citizens in the East to pay for it. This is undermining every State's independence and flies in the face of our system of liberty and self-government.



Above: Wildfires greater than 250 acres

“By nearly all accounts, our federal lands are in trouble, both in terms of fiscal performance and environmental stewardship.”

— Property and Environmental Research Center (PERC), Bozeman, MT



AMERICAN LANDS COUNCIL FOUNDATION

LEADING THE CHARGE

The American Lands Council Foundation is a 501(c)(3) pending, tax-exempt, nonpartisan, nonprofit organization of elected officials, resource experts, and citizens who are leading the charge to transfer federal public lands to state control.

OUR GOAL

Our goal is to achieve thoughtful, accountable, locally driven stewardship to improve public access, environmental health, and economic productivity on our public lands.

BACKGROUND

The need for better management of federally controlled public lands is irrefutable. In depth legal, economic, environmental, and historical facts support the transfer of public lands from federal to state control.

AFFILIATION

The American Lands Council Foundation is affiliated with the American Lands Council, a 501(c)(4) nonprofit organization, founded in 2012 to support legislative efforts for the transfer of public lands for local stewardship.

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WELCOME TO THE WILD WEST

BY KEN IVORY, President, American Lands Council

Record setting catastrophic wildfires.

Trillions of dollars — yes, trillions — in rare earth minerals and energy resources locked up.

Eastern states paying billions in tax dollars to subsidize the western States to not manage their own lands and resources.

It's all true. Why? How can this be? The answer may surprise you. These alarming conditions exist because the federal government controls more than 50% of all lands west of Kansas.

The results have been disastrous. “Analysis paralysis” and “management by litigation” epitomize federal land management, and have handcuffed local stewards, resulting in one-size-fails-all consequences for western communities, and for our nation.

A solution does exist.

The only solution big enough is the transfer of public lands to willing western States for thoughtful, more responsive, and accountable stewardship.

By the transfer of public lands, we mean the lands that were intended to be multiple-use federal lands, NOT National Parks, military bases, Indian reservations or congressionally designated wilderness areas.

Our goal is to see that *federal* public lands become *state* public lands, to preserve and protect recreational access, ecosystem health, hunting and fishing opportunities, and valid existing rights such as mining and grazing.

There is a precedent. At one time, the federal government controlled as much as 90% of all lands in Hawaii and throughout what were then “western States,” from Michigan and Iowa to Louisiana and Florida! Through relentless solidarity, these States



**The only solution big enough:
the transfer of public lands to
willing western States.**

compelled Congress to honor the promise of statehood, divest federal ownership, and allow States to govern the land within their boundaries. So can we.

An objective comparison of state and federal public land management clearly reveals western States consistently out-perform the federal government. While the federal government manages public lands at a financial loss, states generate a net profit, and they do so while protecting the environment, providing recreation, enhancing fisheries and wildlife habitat, and generating jobs and revenues.

Better management is vital. States are equipped and motivated to provide it. Our history and experience confirm better decisions are made by those closest to the subject matter.



AFTER THE TRANSFER

The goal is to ensure that everything you could do before, you will be able to do after the transfer, only better. Federal public lands will become State public lands.

National Parks remain National Parks and designated wilderness remains wild. These lands are not being sought in the transfer.

With improved management on all other federal public lands, vast ecosystems will have the opportunity to recover, blue ribbon fisheries will be restored, threat of massive wildfires will be reduced, and big game will be able to flourish again.

People who love outdoor recreation will be welcome to camp, hike, hunt, fish, ride horseback, mountain bike, follow historic trails, look for ghost towns, and responsibly use their off-road vehicles to enjoy the areas they know and love so well.

KEY PUBLIC POLICY OBJECTIVES (FROM THE ALC PUBLIC POLICY STATEMENT)

- **Retain Public Ownership of Public Lands:** Federal public lands shall become state public lands to be managed in accordance with state and local plans; and
- **Improve Efficiency of Wildfire Control:** Provide state, local, and tribal government with adequate wildfire prevention and control resources and develop

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interstate/interagency cooperative agreements necessary to combat wildfires effectively; and

- **Increase Local Involvement and Accountability:** Ensure state-based public land management activities are consistent with local government plans, policies, and objectives; and
- **Protect Use Rights:** Protect all valid existing rights and multiple uses, and enhance the viability of compatible, land-based livelihoods; and
- **Preserve Customs and Culture:** Preserve and protect important wild, scenic, cultural and economic resources.

ALC's complete Public Policy Statement can be found at www.americanlandscouncil.org/policy_statements

SELF-RELIANT STATES ARE THE STRENGTH OF OUR NATION

“[O]ur Nation was and is a union of States, equal in power, dignity and authority. Indeed, the constitutional equality of the States is essential to the harmonious operation of ... the Republic.”

Self-reliant states are the foundation of America. Federal control over 50% of all lands in the West is not only bad for access, health, and productivity on public lands; it also undermines the independence and prosperity of all states.

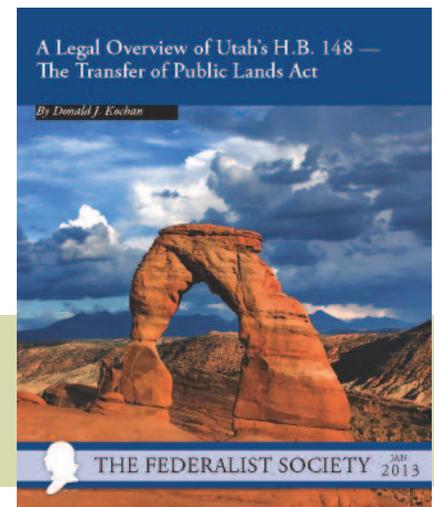
Federal control over much of the West prevents western States from funding basic public services, like education and public safety, through wise stewardship of their lands and resources. Instead, the federal government extracts billions from taxpayers in the East to subsidize crippled States in the West. As a result, dependent western States are often powerless to prevent federal overreach. This destabilizes the “constitutional equality” of the States.

For this reason, the U.S. Constitution in Article IV, Section 3, Cl. 2 only delegates to Congress “the power to dispose of” (i.e. sell, transfer or grant) territorial lands and other property — NOT to keep them forever. The history, course of conduct, and statehood enabling acts affirm the federal government was only to hold territorial lands “*in trust for the several states to be ultimately created out of the territory.*”^[1]

Congress and the courts have both affirmed “[t]he right of every new state to exercise all the powers of government which belong to and may be exercised by the original States of the Union must be admitted and remain unquestioned except so far as they are temporarily deprived of control over the public lands.”^[2]

Statehood enabling acts for all new states, east and west of the Rockies, contain virtually the same terms regarding transferring title to the public lands. However, only western States and western lands remain substantially under federal domination.

Statehood enabling acts are “solemn compacts” and “bi-lateral [two-way] agreements” to be performed “in a timely fashion,”^[3] that cannot be unilaterally changed by



“The legal arguments in favor of the TPLA are serious.”

— *The Transfer of Public Lands Act
A Legal Overview of Utah's HB 148*

(The Federalist Society is a national organization of 40,000 lawyers, law students, scholars and other individuals)

Congress — because “the consequences of admission are instantaneous, and it ignores the uniquely sovereign character of that event...to suggest that subsequent events [acts of Congress] somehow can diminish what has already been bestowed. And that proposition applies a fortiori [with even greater force] where virtually all of the State's public lands...are at stake.”^[4]

The Supreme Court recently reiterated that “our Nation was and is a union of States, equal in power, dignity and authority”^[5] where the “allocation of powers between the National Government and the States enhances freedom, first by protecting the integrity of the governments themselves, and second by protecting the people...”^[6]

The Supreme Court in *Shelby County* emphasized the fundamental significance that “the constitutional equality of the States is essential to the harmonious operation of the scheme upon which the Republic was organized.”

Failed federal land management accentuates the need to remedy the inequality of federal control over the lands, liberties, and the right of western States to govern themselves.

^[1] *Shively v. Bowlby*, (US 1894)

^[2] *Constitution of the U.S. (annotated)*, (74th Congress 1938)

^[3] *Andrus v. Utah*, (US 1980)

^[4] *Hawaii v. Office of Hawaiian Affairs* (US 2009, unanimous decision)

^[5] *Shelby County v. Holder*, (US 2013)

^[6] *Bond v. United States* (US 2011)



NEW WEST, OLD STORY

The transfer of public lands to the states is nothing new. This has all been done before — and in a BIG way.

During the 19th century, the federal government controlled — for decades — as much as 90% of all lands throughout the then “western States,” from Michigan and Iowa to Louisiana and Florida!

These “western States” banded together, refused to take “No” for an answer, and ultimately compelled Congress to transfer title to their lands.

In its 1829 Application to Congress, Illinois appealed to the self-evident principles of liberty, self-government, and the right and control of property, insisting that the transfer of federal lands was a matter “of highest importance to the State and of the most intense interest of its citizens” and of the nation as a whole. Illinois, and its neighboring States, argued relentlessly that:

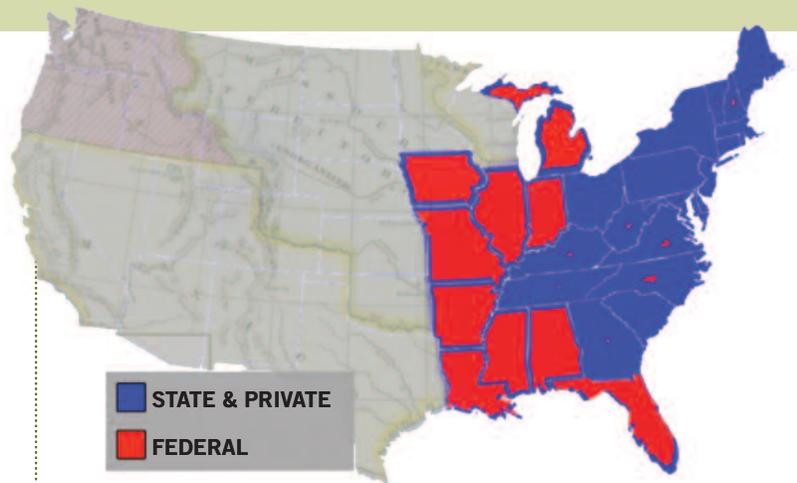
- they should have the same authority as States to the east to govern themselves and to manage the growth and progress of their lands;
- it was unfair for eastern States to have to subsidize federally controlled States in the West; and
- the transfer of their public lands was obligatory per the terms of their statehood enabling acts.

Fortunately, those 19th century “western States” had a true champion for their cause.

For nearly 30 years, U.S. Senator Thomas Hart Benton (D-MO) worked tirelessly for the transfer of public lands. Senator Benton unashamedly accused the federal government of becoming “**the monopolizer of vacant lands in the West: and this monopoly, like all monopolies, resulted in hardships to those upon whom it acted.**”

Of Benton’s tenacity to secure the transfer of their public lands, Theodore Roosevelt reflected:

“He never gave up the struggle, although repulsed again and again...for he had to encounter much opposition...As a



U.S. Senator Thomas Hart Benton (D-MO) worked tirelessly for the transfer of public lands for these “western States”.

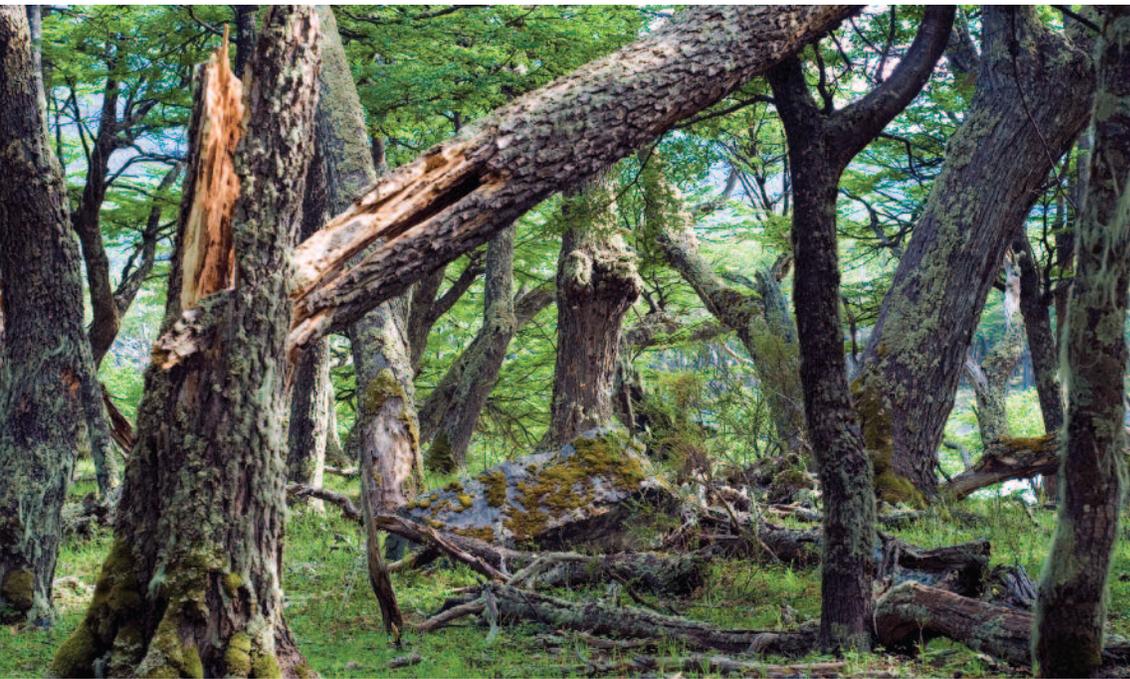
whole, his theory of a liberal system of land distribution was undoubtedly the correct one...”^[1]

Congress eventually transferred title to the public lands in those “western States,” which today have on average less than 5% federally controlled lands within their borders. **Imagine the economic, political, and societal difference for our nation if the federal government still retained as much as 90% of all lands from Michigan to Florida.**

Western States today face the same hardships and seek the same right of sovereignty. Ask yourself, “What can I do to be a modern-day Thomas Hart Benton? How can I help support **the only solution big enough?**” Become more involved and discover the power you truly have to make a change.

[1] Theodore Roosevelt, *Life of Thomas Hart Benton*, 1886

ARE SOME STATES BETTER THAN



North Dakota: home of the Missouri River, Theodore Roosevelt National Park, and...*a booming economy*? How is it that one of the most rural states in the nation also has an economy that is growing at five times the national average?

The answer is simple: North Dakota manages its own lands and resources. As a result, North Dakota has an unemployment rate of 2.8%, a state budget surplus of over \$1 billion, and a steady demand for new workers.

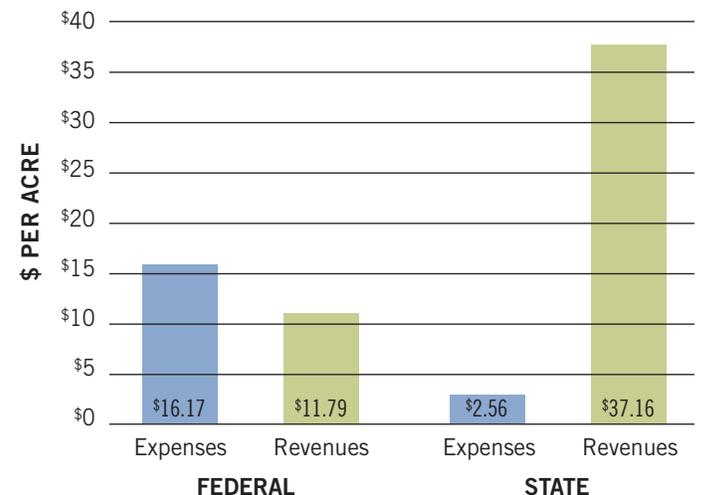
Many western States have the same terms of statehood as North Dakota for the disposal of federal title to their public lands. Montana and Washington State not only have the same statehood terms, they share the very same statehood enabling act document with North and South Dakota — one statehood document created four different states. But in North and South Dakota the federal government

In the few minutes it took you to read this page, the national debt of the United States has increased by about \$9.5 million.

honored its obligation to transfer title to the public lands for local stewardship.

Unfortunately, federal control of western lands restricts the liberty of locally elected — and directly accountable — leaders of western States to govern their own diverse lands and resources to meet the needs and interests of their own diverse people.

FEDERAL VS. STATE LAND MANAGEMENT: REVENUE AND EXPENSES PER ACRE



Source: PERC Study — Divided Lands: State vs. Federal Management in the West

OTHERS?



As if that weren't bad enough, the federal government extracts tax revenues from citizens in eastern States to subsidize western communities. Why? Because those western communities are not at liberty to manage their own lands and resources to generate revenues for educating their children, caring for their sick and poor, and funding public safety and transportation.

A recent study published by the Property and Environment Research Center (PERC)^[1] exposes the glaring disparity between productivity on state and federal public lands throughout the West. The study reveals that the federal government loses 27 cents for every dollar it spends on land management, a loss to taxpayers of approximately \$2 billion per year. States, on the other hand, generate on average \$14.51 for every dollar they spend managing public lands. The study declares, "By nearly all accounts, our federal lands are in trouble, both in terms of fiscal performance and environmental stewardship" and concludes "states have clearly demonstrated their ability to generate greater returns from land management than the federal government."

It is clear that, but for the federal government constricting the liberty of western communities to govern themselves,

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their lands and resources; we would be experiencing a national economic renaissance.

In the few minutes it took you to read this page, the national debt of the United States has increased by about \$9.5 million. There are no easy answers to this monumental problem, but there is a simple one: the transfer of public lands to state stewardship.

^[1] *Divided Lands: State vs. Federal Management in the West*

THE OPPORTUNITY TO STAND FOR SOMETHING BIG ENOUGH



“This is a wonderful time to be alive. We’re lucky not to live in pale and timid times. We’ve been blessed with the opportunity to stand for something ... worth fighting for, worth devoting our lives to.” — Ronald Reagan

We have the opportunity to solve the catastrophic wildfire crisis that is “scorching the earth and burning through the United States’ bank account” (*The Washington Post*, June 25, 2014) and, in the process, generate living wage jobs and sustainable funding for education, public safety and other essential communities services.

We have the opportunity, with the abundance of resources locked up in federally controlled western lands, to chart our own economic, national security, and energy future, rather than remain “in the grips of China” (*60 Minutes*, March 22, 2015) or other foreign powers.

We have the opportunity to reestablish self-reliant states and communities that are the strength of our nation, rather than extract subsidies from the East that cripple western communities in the West and weaken our nation.

The American Lands Council is the leading force, and your vehicle, for the only solution big enough for the very real crisis facing our communities, states and nation.

“Men make history and not the other way around. In periods where there is no leadership, society stands still. Progress occurs when courageous, skillful leaders seize the opportunity to change things for the better.” — Harry S. Truman

WHAT CAN I DO?

CITIZENS

- **Tell People You Know** — Please sign the Petition at the ALC website, like the ALC on Facebook and follow our Twitter pages, and share the news, blogs, posts and resources.
- **Tell Your Elected Leaders** — In our constitutional republic, YOU are the boss. Persistently encourage local, state, and national leaders to stand like Thomas Hart Benton (D-MO) who refused to take “No” for an

answer and secured the transfer of public lands for his “western States.”

- **Open Doors** — Individuals, leaders, and organizations are hungry for answers big enough to secure better stewardship for our lands and resources, and greater opportunity for our communities, states, and nation. Open the door to explore with them how they may contribute their energies and resources to help achieve the only solution big enough.

LEADERS & LEGISLATORS

- **Educate** — Share the vision of the only solution big enough with constituents, colleagues, organizations, community, state and national leaders; through conferences, articles, appearances, etc.
- **Negotiate** — Through hearings, correspondence, conferences, meetings, and other actions; communicate the unwavering expectation to commence plans for a timely and orderly transfer of public lands and develop policies in good faith to prepare for a successful transition.
- **Legislate** — Pass resolutions, ordinances, and legislation at the local, state and national levels, supporting the transfer of public lands and facilitating a successful transition (studies, logistics, interstate compacts, federal devolution), etc.
- **Litigate** — Combine our common legal and financial resources, public and private, in defense of the “constitutional equality of the states... essential for the harmonious operation of ... the Republic.”^[1]

If **you** are ready to “seize the opportunity to change things for the better,” contact us at info@AmericanLandsCouncil.org

^[1] <https://www.law.cornell.edu/supremecourt/text/12-96>



WHO SUPPORTS OUR CAUSE?

Since 2012, nearly every State in the West has introduced transfer of public lands related legislation and the U.S. Congress has now begun the process of studying and drafting federal legislation. Additionally, local, state and national groups and organizations have adopted resolutions supporting the transfer of public lands to willing western States as the only solution big enough. Below are a few quotes from a small sampling of these resolutions.

National Association of Counties Resolution Adopted July 22, 2013

“NACo believes all fifty states are equal and that every state should receive everything that was promised to them in their enabling acts, including land transfers, if requested by an individual state with consultation with the affected counties.”

Republican National Committee Resolution Adopted December 18, 2013

“...Whereas, States east of Colorado pay billions each year to subsidize western states to not use their lands and resources to educate their own children and care for their own communities. ...Now Therefore be it Resolved, that the Republican National Committee calls upon the federal government to honor to all willing western states the same statehood promise to transfer title to the public lands that it honored with all states east of Colorado; and Resolved, that the Republican National Committee calls upon all national and state leaders and representatives to exert their utmost power and influence to urge the imminent transfer of public lands to all willing western states for the benefit of these western states and for the nation as a whole.”

Georgia House of Representatives Resolution (HR106) Adopted March 18, 2015

“Whereas, the enabling acts of the new states west of the original colonies established the terms upon which all such states were admitted in to the union, and contained the same promise to all new states that the federal government would extinguish title to all public lands lying within their respective borders. ...Now, therefore, be it resolved by the House of Representatives that in order to provide a fair, justified, and equitable remedy for the federal government’s past and continuing breaches of its solemn promises to extinguish title of public lands, the States making up the union of the United States encourage the federal government to imminently extinguish both its title and government jurisdiction on the public lands that are held in trust by the United States and convey title and jurisdiction to willing States in which the federal public lands are located.”

A compilation of resolutions supporting the transfer of public lands can be found on our website at:
AmericanLandsCouncil.org/tags/Resolutions_of_Support

REDUCE WILDFIRE THREATS
PROTECT OUR ENVIRONMENT
PROTECT OUR WILDLIFE
KEEP ACCESS OPEN
REVIVE OUR ECONOMY

SUPPORT THE TRANSFER OF
FEDERAL PUBLIC LANDS TO
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COURTESY OF AMERICAN LANDS COUNCIL FOUNDATION
WITH THE ASSISTANCE OF FEDERALISM IN ACTION