



AMERICAN LANDS COUNCIL
access use ownership

KNOWLEDGE & COURAGE

KEYS TO THE

TRANSFER OF PUBLIC LANDS

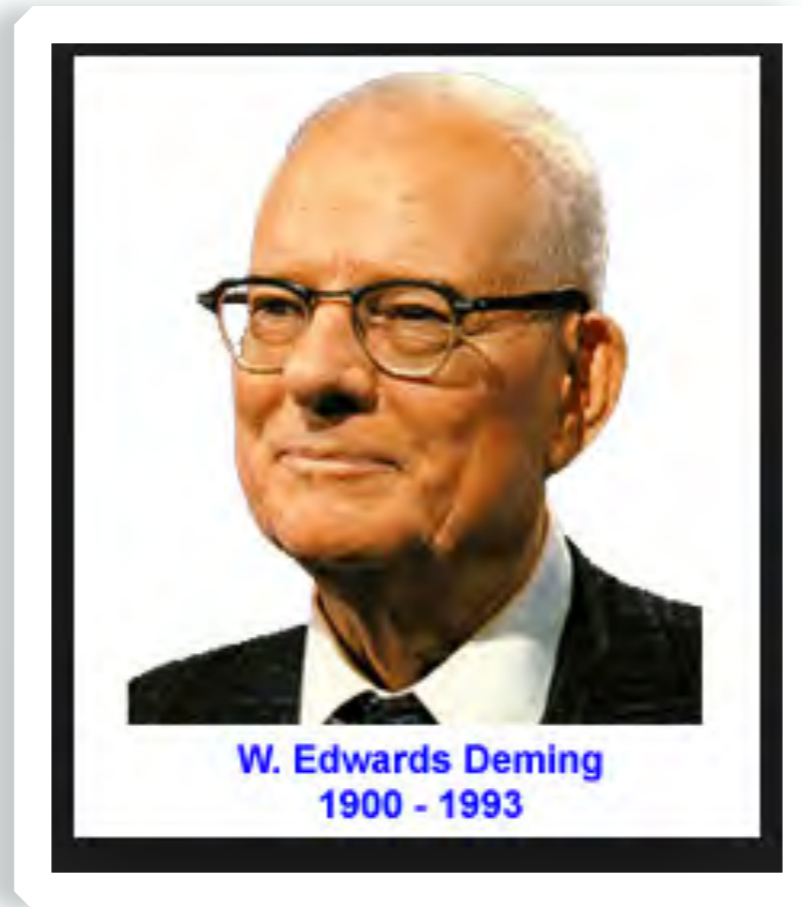
NATIONAL ASSOCIATION OF COUNTIES

FEBRUARY 22, 2015

GOALS FOR THIS PRESENTATION

- EDUCATE: I WANT YOU TO UNDERSTAND WHAT IS -VS- WHAT WAS INTENDED REGARDING FEDERAL OWNERSHIP OF LAND
- INSPIRE: I WANT TO CONVINCING YOU THAT THE TRANSFER IS POSSIBLE
- MOTIVATE: I WANT TO GIVE YOU A GLIMPSE OF THE BENEFITS OF THE TRANSFER OF PUBLIC LANDS
- I WANT YOU TO LEARN WHAT YOU CAN DO TO HELP

THERE IS NO DIFFERENCE
BETWEEN RIGHTS THAT
YOU DON'T HAVE, AND
RIGHTS THAT YOU DON'T
KNOW YOU HAVE



“Every system is perfectly designed to achieve the results that it gets.”

IF WE ARE IN A BAD PLACE
POLITICALLY, IT IS BECAUSE
WE HAVE ABANDONED THE
PRINCIPLES THAT WOULD
HAVE KEPT US FROM BEING
IN A BAD PLACE



ALC

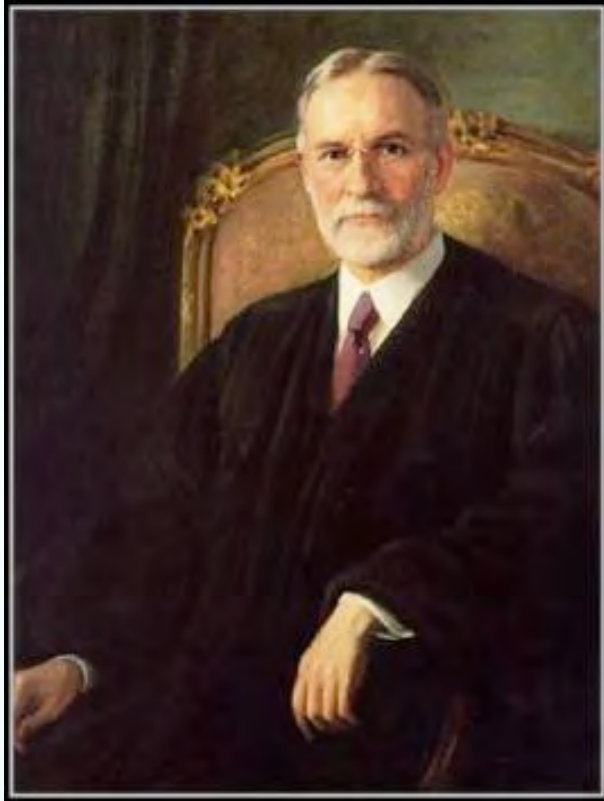
Declaration of Independence

- We hold these truths to be self evident, that all men are created equal. That they are endowed by their Creator with certain Unalienable rights, and that among these are life, liberty and the pursuit of happiness.
- That to ensure these rights, governments are instituted among men....

IF WE GET BACK TO A
GOOD PLACE, IT WILL BE
BECAUSE WE RETURN TO
THE PRINCIPLES THAT
ENSURE GOOD PLACES.
THERE IS NO OTHER PATH
TO GET THERE

BEWARE OF THE
KINGS FOREST
AGENDA.....WE
FOUGHT A
REVOLUTION TO
GET RID OF THAT

Property

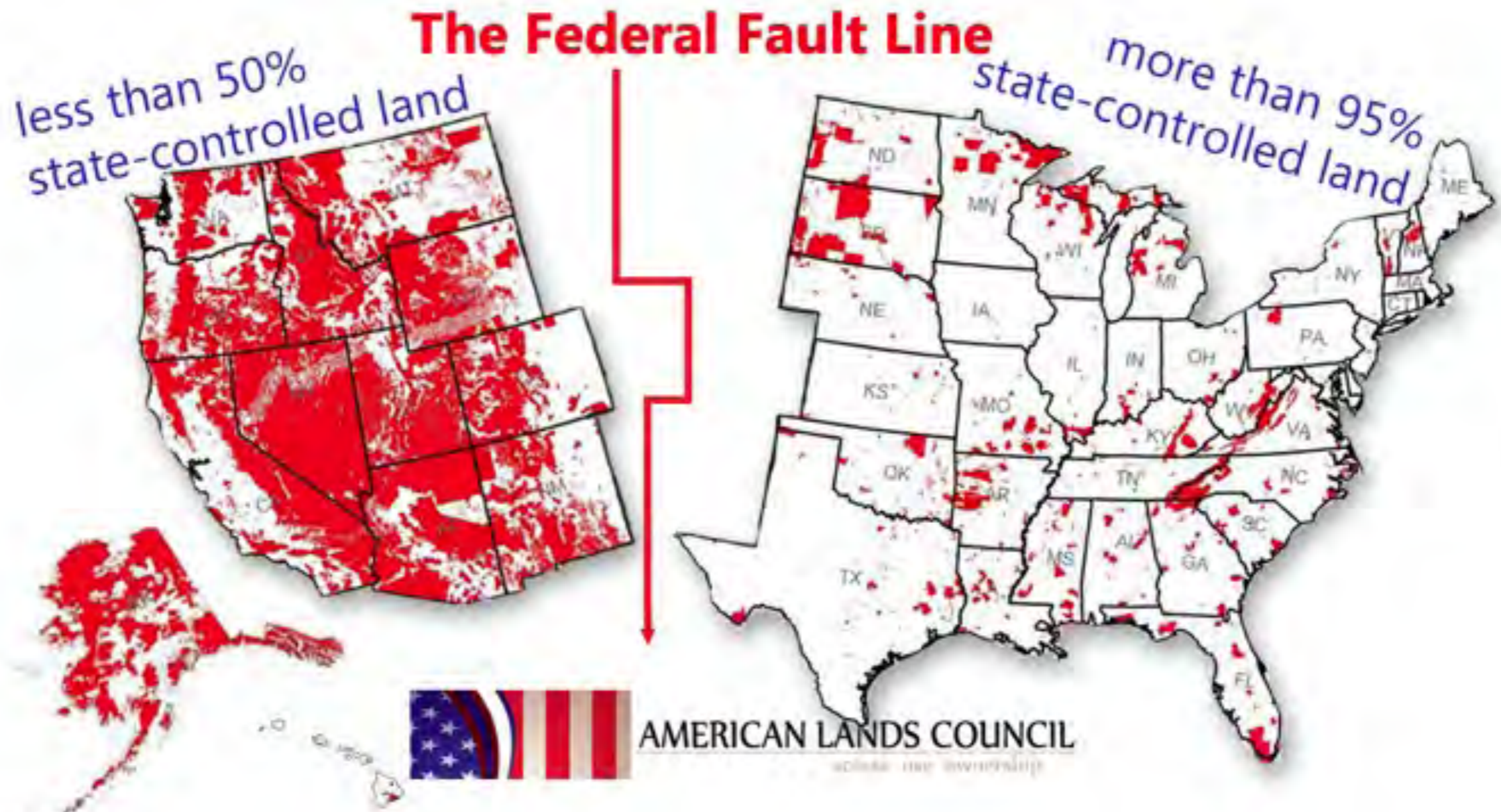


George Sutherland
U.S. Supreme Court
Justice
1921

“Man—has three great rights ... the right to his life, the right to his liberty, the right to his property. ... The three rights are so bound together as to be essentially one right. To give a man his life, but deny him his liberty, is to take from him all that makes his life worth living. To give him his liberty, but take from him the property which is the fruit and badge of his liberty, is to still leave him a slave.”

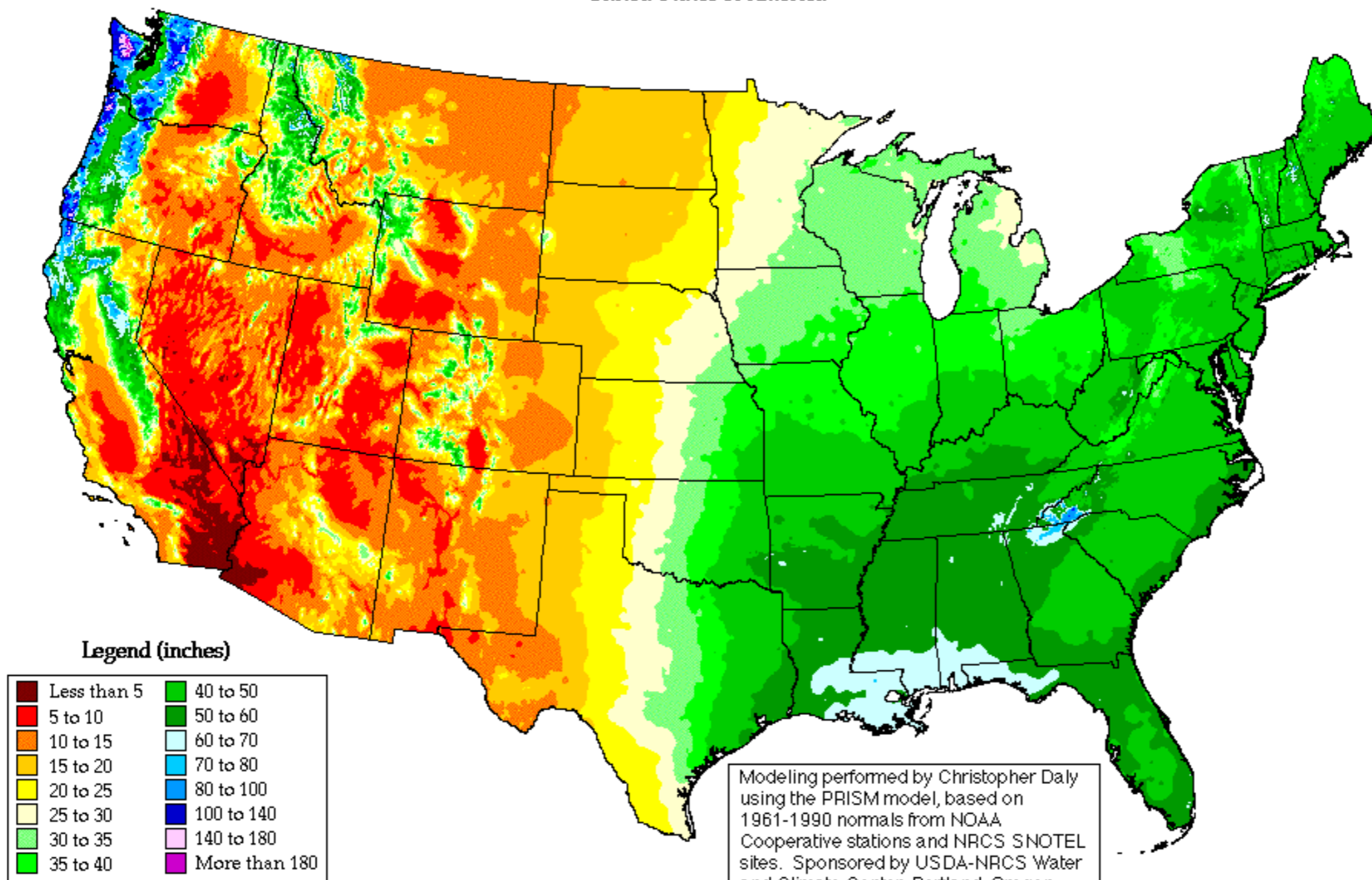
SOUTHERN UTAH UNIVERSITY

WHY THE DIFFERENCE??



Annual Average Precipitation

United States of America



Period: 1961-1990

Modeling performed by Christopher Daly using the PRISM model, based on 1961-1990 normals from NOAA Cooperative stations and NRCS SNOTEL sites. Sponsored by USDA-NRCS Water and Climate Center, Portland, Oregon.

Oregon Climate Service
George Taylor, State Climatologist
(541) 737-5705

**“YOUR LAND IS ARID/
RUGGED”**

“YOU GAVE UP YOUR LANDS”
(“FOREVER DISCLAIM ALL RIGHT AND TITLE”)

**YOUR DEMAND FOR THE
TRANSFER IS CLEARLY
UNCONSTITUTIONAL**

FOREVER DISCLAIM ALL RIGHT AND TITLE ...?

*“that the people inhabiting the said territory, do agree and declare that they forever **disclaim all right and title** to the waste or unappropriated lands lying within the said territory; and that the same shall be and remain at the sole and entire disposition of the United States...”*

FOREVER DISCLAIM ALL RIGHT AND TITLE ...?

*“that the people inhabiting the said territory do agree and declare that they forever **disclaim all right or title** to the waste or unappropriated lands lying within the said territory, and that the same shall be and remain at the sole and entire disposition of the United States...”*

LOUISIANA

4.6%

PUBLIC LANDS

FOREVER DISCLAIM ALL RIGHT AND TITLE ...?

*“That the people inhabiting said territory do agree and declare that they **forever disclaim all right and title** to the unappropriated public lands lying within said territory, and that the same shall be and remain at the sole and entire disposition of the United States, and that ... **no taxes shall be imposed by said state** on lands or property therein belonging to or which may hereafter be purchased by the United States.”*



AMERICAN LANDS COUNCIL

defend the ownership

<p style="text-align: center;">Nebraska Enabling Act, April 19, 1864 22% Federally Controlled in 1896 1% Federally Controlled Today</p>	<p style="text-align: center;">Nevada Enabling Act, March 21, 1864 86% Federally Controlled in 1896 81% Federally Controlled Today</p>
<p><i>"Provided, That the constitution when formed shall be republican, and not repugnant to the constitution of the United States and the principles of the Declaration of Independence; And provided further, That said constitution shall provide, by an article forever irrevocable, without the consent of the Congress of the United States:" Section 4, Preamble, Nebraska Enabling Act, April 19, 1864</i></p>	<p><i>"Provided, That the constitution when formed shall be republican, and not repugnant to the constitution of the United States and the principles of the Declaration of Independence; And provided further, That said constitution shall provide, by an ordinance irrevocable, without the consent of the Congress of the United States and the people of said state:" Section 4, Preamble, Nevada Enabling Act, March 21, 1864</i></p>
<p><i>"That the people inhabiting said territory do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within said territory, and that the same shall be and remain at the sole and entire disposition of the United States, and that ... no taxes shall be imposed by said state on lands or property therein belonging to or which may hereafter be purchased by the United States." Section 5, Third, Nebraska Enabling Act, April 19, 1864</i></p>	<p><i>"That the people inhabiting said territory do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within said territory, and that the same shall be and remain at the sole and entire disposition of the United States, and that ... no taxes shall be imposed by said state on lands or property therein belonging to or which may hereafter be purchased by, the United States." Section 5, Third, Nevada Enabling Act, March 21, 1864</i></p>
<p><i>"... declaring the state admitted into the Union on an equal footing with the original states, without any further action whatever on the part of congress." Section 5, Nebraska Enabling Act, April 19, 1864</i></p>	<p><i>"... declaring the state admitted into the Union on an equal footing with the original states, without any further action whatever on the part of congress." Section 5, Nevada Enabling Act, March 21, 1864 (See also, Section 1)</i></p>
<p><i>"That sections numbered sixteen and thirty-six in every township, and when such section have been sold or otherwise disposed of by any act of congress, other lands equivalent thereto ... shall be, and are hereby, granted to said state for the support of common schools." Section 7, Nebraska Enabling Act, April 19, 1864</i></p>	<p><i>"That sections numbered sixteen and thirty-six in every township, and where such sections have been sold or otherwise disposed of by any act of congress, other lands equivalent thereto ... shall be, and are hereby, granted to said state for the support of common schools." Section 7, Nevada Enabling Act, March 21, 1864</i></p>

Why the Difference?

Hawaii

Enabling Act, Aug. 21, 1959

<20% Federally Controlled Today

“Hawaii is hereby declared to be a State of the United States of America, is declared admitted into the Union on an equal footing with the other States in all respects whatever,”- Sec. 1 Hawaii Enabling Act, Aug. 21, 1959

Alaska

Enabling Act, July 7, 1958

>62% Federally Controlled Today

“Alaska is hereby declared to be a State of the United States of America, is declared admitted into the Union on an equal footing with the other States in all respects whatever. – Sec. 1 Alaska Enabling Act, July 7, 1958

Why the Difference?

Hawaii

Enabling Act, Aug. 21, 1959

<20% Federally Controlled Today

Alaska

Enabling Act, July 7, 1958

>62% Federally Controlled Today

“The United States grants to the State of Hawaii, effective upon its admission into the union, the United States’ title to all the public lands and other public property, and to all lands defined as ‘available lands’... title to which is held by the United States immediately prior to its admission into the Union.” – Sec. 5(b) Hawaii Enabling Act, Aug. 21, 1959

No Such Language.

Why the Difference?

Hawaii

Joint Resolution of Annexation, 1898
<20% Federally Controlled Today

*Joint Resolution of Annexation of HI:
“Whereas, the Government of the Republic of Hawaii having, in due form, signified its consent, to cede absolutely and without reserve to the United States of America, all rights of sovereignty whatsoever kind in and over the Hawaiian Islands and their dependencies, and also to cede and transfer to the United States, the absolute fee and ownership of all public, Government, or Crown lands, public buildings or edifices, ports*

Alaska

Enabling Act, July 7, 1958
>62% Federally Controlled Today

“As a compact with the United States said State and its people do agree and declare that they forever disclaim all right and title to any lands or other property not granted or confirmed to the State or its political subdivisions by or under the authority of this Act,...that all such lands or other property, belonging to the United States,... shall be and remain under the absolute jurisdiction and control of the United States until disposed of under its authority.” – Sec 4 Alaska Enabling Act

Why the Difference?

Hawaii

Enabling Act, Aug. 21, 1959

~20% Federally Controlled Today

Alaska

Enabling Act, July 7, 1958

~62% Federally Controlled Today

“Within five years from the date Hawaii is admitted into the Union, each Federal agency having control over any land or property that is retained by the United States...shall report to the President the facts regarding its continued need for such land or property, and if the President determines that the land or property is no longer needed by the United States it shall be

“For the purpose of furthering the development of and expansion of communities, the State of Alaska is hereby granted and shall be entitled to select, within twenty-five years after the date of admission of the State of Alaska into the Union, from lands within national forests in Alaska which are vacant and unappropriated at the time of their selection not to exceed four hundred thousand acres of land, and from other public lands...not to exceed another four hundred thousand acres of land, all of which shall be adjacent to established communities or suitable for prospective community centers and recreational areas. – Sec. 6, Alaska Enabling Act, July 7, 1958

THE PROMISES ARE THE SAME!

UTAH

66.5% PUBLIC LANDS

“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 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,...”
Section 3, Utah Enabling Act, July 16, 1894



WHAT IS ENABLING LEGISLATION

EXAMPLES OF LEGAL AUTHORITY

- Enabling Acts are "**solemn compacts**" and "**bi-lateral [two-way] agreements**" that are to be performed "**in a timely fashion**" ([Andrus v. Utah, 1980](#));
- The federal government holds territorial lands "***in trust for the several states to be ultimately created out of the territory.***" ([Shively v. Bowlby, 1894](#));
- "*Whenever [i.e. once] the United States shall have **fully executed these trusts, the municipal sovereignty of the new states will be complete, throughout their respective borders, and they, and the original states, will be upon an equal footing, in all respects whatever.***" ". . . **the United States never held any municipal sovereignty, jurisdiction or right of soil** in and for the territory ... of the new States ... **except for temporary purposes, and to execute the trusts created by the acts** of the Virginia and Georgia Legislatures, and the deeds of cession executed by them to the United States, and **the trust created by the treaty** with the French Republic of the 30th of April, 1803, ceding Louisiana." ([Pollard v. Hagan, 1845](#)).



ARTICLE I, SECTION 8

- TO EXERCISE EXCLUSIVE LEGISLATION IN ALL CASES WHATSOEVER, OVER SUCH DISTRICT (NOT EXCEEDING TEN MILES SQUARE) AS MAY, BY CESSION OF THE PARTICULAR STATES, AND THE ACCEPTANCE OF CONGRESS, BECOME THE SEAT OF THE GOVERNMENT OF THE UNITED STATES, AND TO EXERCISE LIKE AUTHORITY OVER ALL PLACES PURCHASED BY THE CONSENT OF THE LEGISLATURE OF THE STATE IN WHICH THE SAME SHALL BE, FOR THE ERECTION OF FORTS, MAGAZINES, ARSENALS, DOCK-YARDS AND OTHER NEEDFUL BUILDINGS.

ARTICLE VI, CLAUSE I

- ALL DEBTS CONTRACTED AND ENGAGEMENTS ENTERED INTO BEFORE THE ADOPTION OF THIS CONSTITUTION, SHALL BE AS VALID AGAINST THE UNITED STATES UNDER THIS CONSTITUTION, AS UNDER THE CONFEDERATION.

U.S. Constitution Article IV, Section 3 – **New States**

The Congress shall have ***power to dispose*** of and make all ***needful rules and regulations*** respecting **the Territory** or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice ***any claims*** of the United States, or of any particular state.

Madison Debates
Tuesday, August 30, 1787
In Convention

Mr. WILSON ... There was nothing in the Constitution affecting one way or the other the claims of the U. S. & **it was best to insert nothing leaving every thing on that litigated subject in statu quo.**

Mr. MADISON ... **He thought it best on the whole to be silent on the subject.** He did not view the proviso of Mr. Carrol as dangerous; but to make it neutral & fair, it ought to go farther & declare that **the claims of particular States also should not be affected.**

...

Mr. CARROL withdrew his motion and moved the following. "**Nothing in this Constitution shall be construed to alter the claims of the U. S. or of the individual States to the Western territory,**"

Mr. Govr. MORRIS moved to postpone this in order to take up the following.

"The Legislature shall have **power to dispose of and make all needful rules and regulations** respecting the territory or other property belonging to the U. States; and **nothing in this constitution contained, shall be so construed as to prejudice any claims either of the U. S. or of any particular State.**" -The postponem. agd. to nem. con.

How the West Was Created . . .



**From the Journals of the Continental Congress,
Tuesday, October 10, 1780, pages 915-16:**

“Resolved, That the unappropriated lands that may be ceded or relinquished *to* the United States, *by* any particular states, . . . **shall be *disposed of*** for the common benefit of the United States, **and be settled and formed into distinct republican states,** which shall become members of the federal union, **and have the *same rights of sovereignty, freedom and independence, as the other states*** . . .

That the said lands ***shall be granted and settled*** at such times and ***under such regulations*** as shall hereafter be agreed on by the United States in Congress assembled.”

By the United States in Congress assembled. April 23, 1784 : Resolved, that so much of the territory ceded, or to be ceded by individual states, to the United States ... shall be divided into distinct states in the following manner ...

“THIRD. That they (the States) in no case shall interfere with the *primary disposal of the soil* by the United States in Congress assembled; nor with the *ordinances and regulations* which Congress may find necessary *for securing the title in such soil* to the bona fide purchasers.

...

That ... such state shall be admitted by its delegates into the Congress of the United States, *on an equal footing with the said original states* ...”

July 13, 1787, An Ordinance for the Government of the Territory of the United States, North-West of the River Ohio (Northwest Ordinance)

“... to provide also for the establishment of States,... and for their admission to a share in the federal councils on an *equal footing* with the original States ...

... The legislatures of those ... new States, shall never interfere with the *primary disposal* of the soil by the United States in Congress assembled, nor with any *regulations* Congress may find necessary *for securing the title in such soil* to the bona fide purchasers ...”

CLAIMS OF THE FEDERAL GOVERNMENT

- LANDS GRANTED AND SETTLED AT SUCH TIMES, UNDER SUCH REGULATIONS AS CONGRESS DETERMINES
- STATES CANNOT INTERFERE WITH PRIMARY DISPOSAL OF THE SOIL (FOREVER DISCLAIM.....)
- STATES CANNOT INTERFERE WITH THE ORDINANCES AND REGULATIONS WHICH CONGRESS MAY FIND NECESSARY IN SECURING SUCH TITLE TO THE BONA FIDE PURCHASER

CLAIMS OF THE STATES

- LANDS IN TRUST SHALL BE DISPOSED OF....
- CREATE NEW REPUBLICAN STATES
- SAME RIGHTS OF SOVEREIGNTY, FREEDOM AND INDEPENDENCE AS THE ORIGINAL (EQUAL FOOTING)

U.S. Constitution Article IV, Section 3 – **New States**

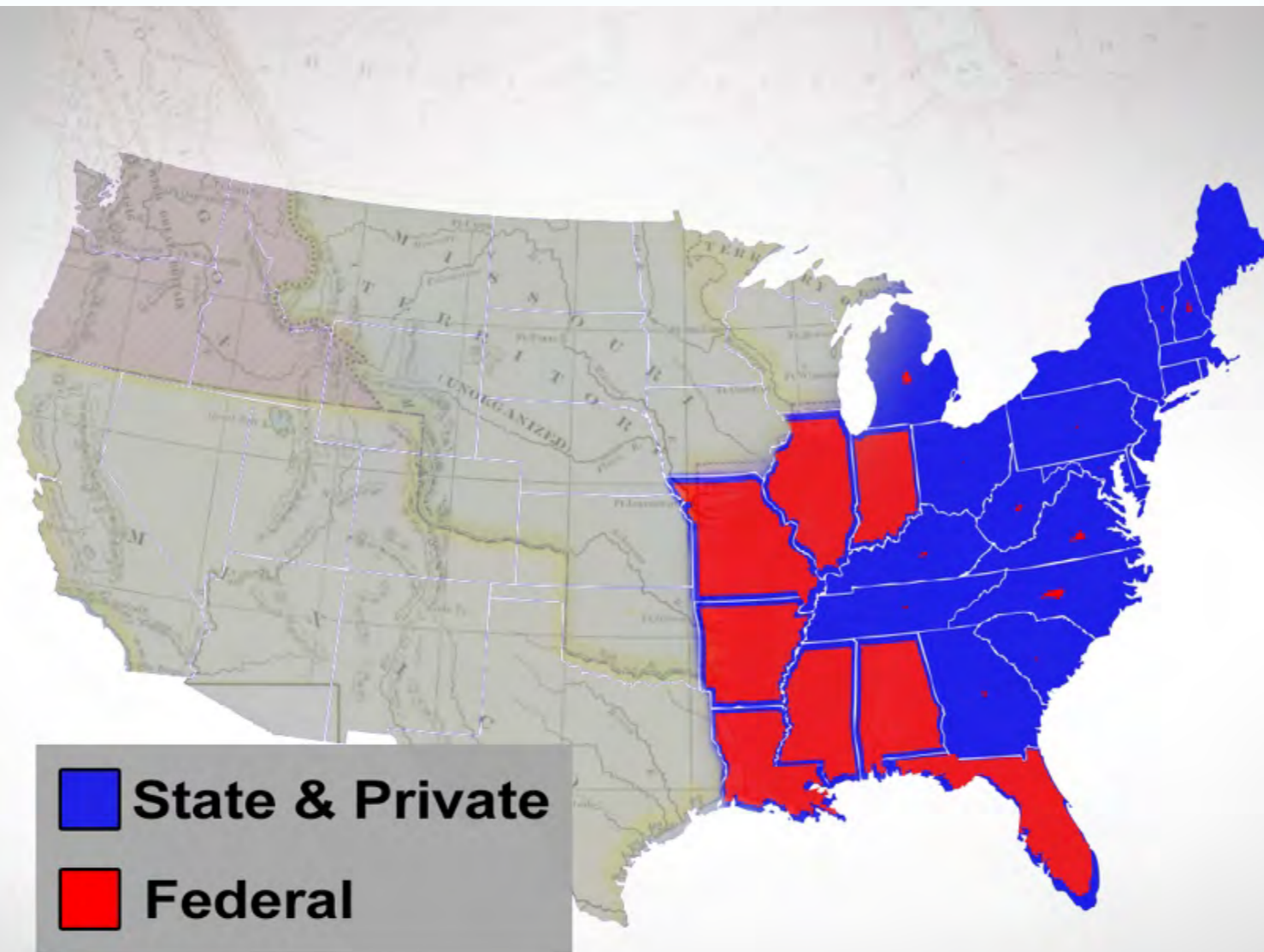
The Congress shall have ***power to dispose*** of and make all ***needful rules and regulations*** respecting **the Territory** or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice ***any claims*** of the United States, or of any particular state.

The Western States had had enough ...

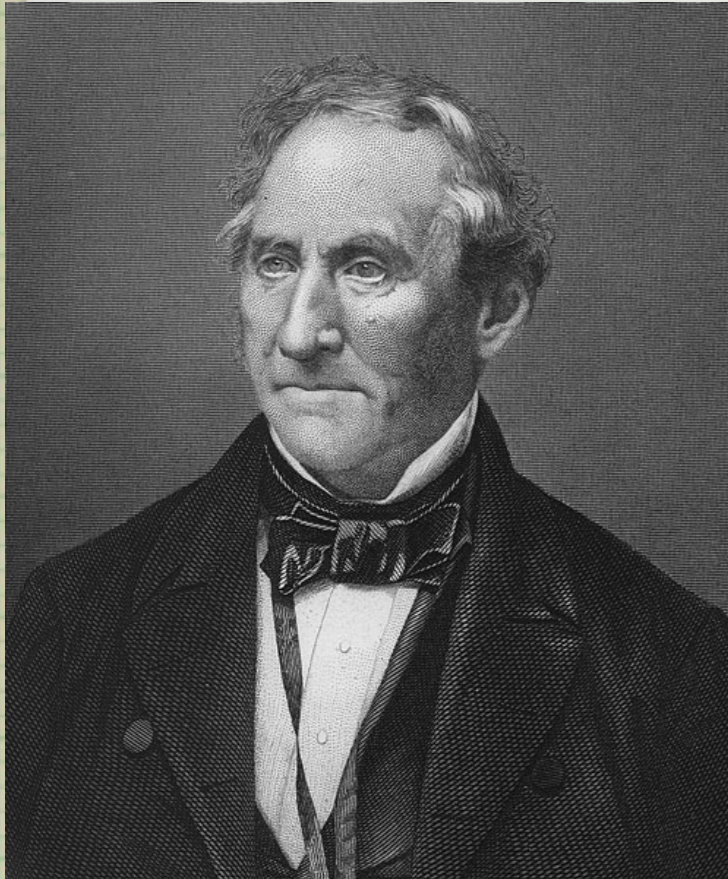
- ✓ *The federal government is not disposing of our public lands as it promised;*
- ✓ *We can't tax the lands to adequately fund education*
- ✓ *Our ability to grow our economy and generate well-paying jobs is stifled; and*
- ✓ *The federal government is hoarding our abundant minerals and natural resources.*

1828!

IL, MO, IN, AR, LA, AL, MS, Fl, were as much as 90% federally controlled for decades ...



ONE MAN...
ONE LEADER...
REFUSED TO BE SILENT OR
TAKE “NO”
FOR AN ANSWER



U.S. SENATOR
THOMAS HART
BENTON
(D-MO)

“... my election to the Senate of the United States ... found me **doing battle for an ameliorated system of disposing of our public lands;** and with some success. **I resolved to move against the whole system ...** I did so in a bill, renewed annually for a long time; and in speeches which had more effect upon the public mind than upon the federal legislation ...”

20th Congress, 1st Session, House of Reps., Rep. No. 125, Graduate Price of Public Lands, February 5, 1828

Mr. Duncan, from the Committee on the Public Lands, to which the subject had been referred, made the following

REPORT:

If these lands are to be withheld from sale, which is the effect of the present system, in vain may the People of these States expect the advantages of well settled neighborhoods, so essential to the education of youth, and to the pleasures of social intercourse, and the advantages of religious instruction. **Those States will, for many generations, without some change, be retarded in endeavors to increase their comfort and wealth**, by means of works of internal improvements, because they have not the power, incident to all sovereign States, of taxing the soil, to pay for the benefits conferred upon its owner by roads and canals.

When these States stipulated not to tax the lands of the United States until they were sold, they rested upon the implied engagement of Congress to cause them to be sold, within a reasonable time. No just equivalent has been given those States for a surrender of an attribute of sovereignty so important to their welfare, and to an equal standing with the original States.

A remedy for such great evils may be found in carrying into effect the **spirit of the Federal Constitution**, which **knows of no inequality in the powers and rights of the several States**;

20th Congress

No. 726.

2d Session

APPLICATION OF MISSOURI FOR A CHANGE IN THE SYSTEM OF DISPOSING OF THE PUBLIC LANDS.

COMMUNICATED TO THE SENATE JANUARY 26, 1829.

To the Senate and House of Representatives of the United States:

The memorial of the general assembly of the State of Missouri respectfully showeth: That the system of disposing of the public lands of the United States now pursued **is highly injurious, in many respects, to the States in which those lands lie, . . . with the present condition of the western States.** But the general assembly will state that a perseverance in the present system manifestly appears to them to be . . . an infringement of the compact between the United States and this State; and that **the State of Missouri never could have been brought to consent not to tax the lands of the United States whilst unsold; and not to tax the lands sold until five years thereafter, if it had been understood by the contracting parties that a system was to be pursued which would prevent nine-tenths of those lands from ever becoming the property of persons in whose hands they might be taxed.**

“... it is the real interest of each and all the States in the Union, and particularly of the new States, that **the price of these lands shall be reduced and graduated,** and that after they have been offered for a certain number of years **the refuse remaining unsold shall be abandoned to the States and the machinery of our land system entirely withdrawn.** It can not be supposed the compacts intended that the United States should retain forever a title to lands within the States which are of no value, and no doubt is entertained that **the general interest would be best promoted by surrendering such lands to the States.**”



President Andrew Jackson
1767-1845

1928

- IN 1932, IN RESPONSE TO PRESSURE FROM THE STATES TO CONGRESS AND PRESIDENT HOOVER, CONGRESS CONVENED CONGRESSIONAL HEARINGS ENTITLED "GRANTING REMAINING UNRESERVED PUBLIC LANDS TO THE STATES" - NOT IF, JUST HOW! THE PROPOSAL OF THE AGENCIES WAS TO GRANT ALL THE SURFACE LANDS OUTRIGHT TO THE STATES ... AND RETAIN ALL THE MINERALS IN FEDERAL OWNERSHIP

4. 896 ⁵¹ : P. 16 | 3

**GRANTING REMAINING UNRESERVED
PUBLIC LANDS TO STATES**

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SALT LAKE CITY*

HEARINGS

BEFORE THE
**COMMITTEE ON PUBLIC LANDS AND SURVEYS
UNITED STATES SENATE**

SEVENTY-SECOND CONGRESS
FIRST SESSION

ON

S. 17, 2272, and S. 4060

BILLS PROPOSING TO GRANT VACANT UNRESERVED
UNAPPROPRIATED LANDS TO ACCEPTING STATES
AND FOR OTHER PURPOSES

MARCH 15, 16, 19, 24, 29, AND 31, AND APRIL 1 AND 5, 1962

WITH INDEX

Printed for the use of the
Committee on Public Lands and Surveys



109900

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1962



- THE AGENCIES PROPOSED LEGISLATION THAT WOULD DEED THE TITLE, BUT RETAIN THE SUBSURFACE RESOURCES
- THE STATES UNITED AND DEFEATED THIS PROPOSAL THAT WOULD TREAT THE STATES UNEQUALLY WITH THE OTHER STATES WHERE THE FEDERAL GOVERNMENT TRANSFERRED TITLE TO ALL THEIR MINERALS WITH THE PUBLIC LANDS

- AS A STOP GAP, CONGRESS PASSED THE TAYLOR GRAZING ACT IN 1934 WHICH HAS AS ITS STATED PURPOSE IN THE FIRST LINE OF THE ACT: "THIS IS TO PROMOTE THE HIGHEST USE OF THE PUBLIC LANDS PENDING ITS FINAL DISPOSAL"

Taylor Grazing Act of 1934

-EXPCITE-

TITLE 43 - PUBLIC LANDS
CHAPTER 8A - GRAZING LANDS
SUBCHAPTER I - GENERALLY

-HEAD-

Sec. 315. Grazing districts; establishment; restrictions; prior rights; rights-of-way; hearing and notice; hunting or fishing rights

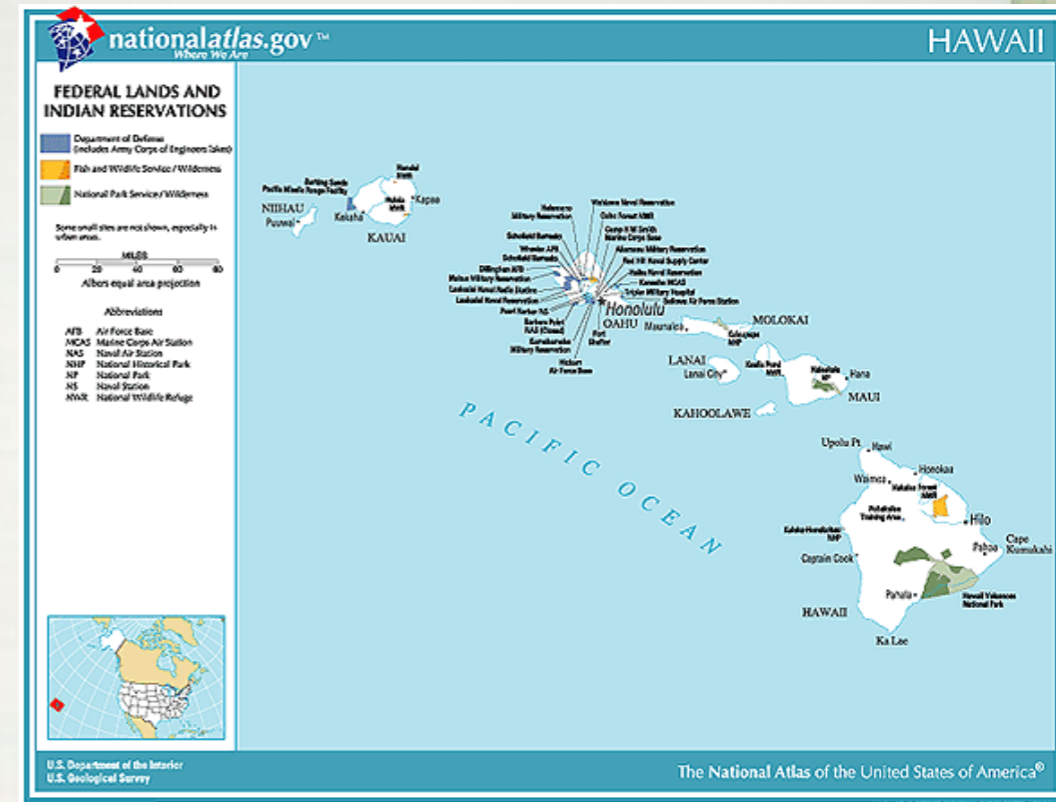
-STATUTE-

In order to promote the highest use of the public lands **pending its final disposal**, the Secretary of the Interior is authorized, in his discretion, by order to establish grazing districts or additions thereto and/or to modify the boundaries thereof, of

Hawaii (the last and Western-most State)

“... the United States grants to the State of Hawaii, effective upon its admission into the Union, the United States’ title to all the public lands and other public property within the boundaries of the State of Hawaii, title to which is held by the United States immediately prior to its admission into the Union.”

Hawaii Enabling Act, March 18, 1959



The Federal Land Policy and Management Act of
1976 (FLPMA)

“Congress declares that it is the policy of the United States that the public lands be retained in Federal ownership, unless ... it is determined that disposal of a particular parcel will serve the national interest.”

FLPMA, sec. 102(a)(1)

- FOR NEARLY 200 YEARS, CONGRESS KNEW IT WAS DUTY BOUND TO TRANSFER TITLE TO THE PUBLIC LANDS, UNTIL 1976 WHEN CONGRESS UNILATERALLY ENACTED A POLICY TO "RETAIN THE PUBLIC LANDS IN FEDERAL OWNERSHIP." FEDERAL LANDS POLICY MANAGEMENT ACT (FLPMA).

HAWAII

-VS-

HAWAIIAN AFFAIRS

2009 U.S. Supreme Court
Hawaii v. Office of Hawaiian Affairs
(Unanimous Decision)

“[T]he 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.”

SO....

IS HOUSE BILL 148
CLEARLY
UNCONSTITUTIONAL???

Tab 3 **It's Been Done Before!**

As much as **90% of all lands in Illinois and Missouri** (and AL, LA, AR, IN, FL, etc.) **were federally controlled for decades!**

With so much land under federal control, these States persistently argued they could not:

- adequately fund education,
- grow their economies, or
- responsibly manage their abundant resources.

They banded together, refused to be silent or take “NO” for an answer, and compelled Congress to transfer title to their lands.

In 1959, Congress granted directly to the State of Hawaii (the last and western most State):

“the United States’ title to all the public lands ... within the boundaries of the State of Hawaii, title to which is held by the United States immediately prior to its admission into the Union.”

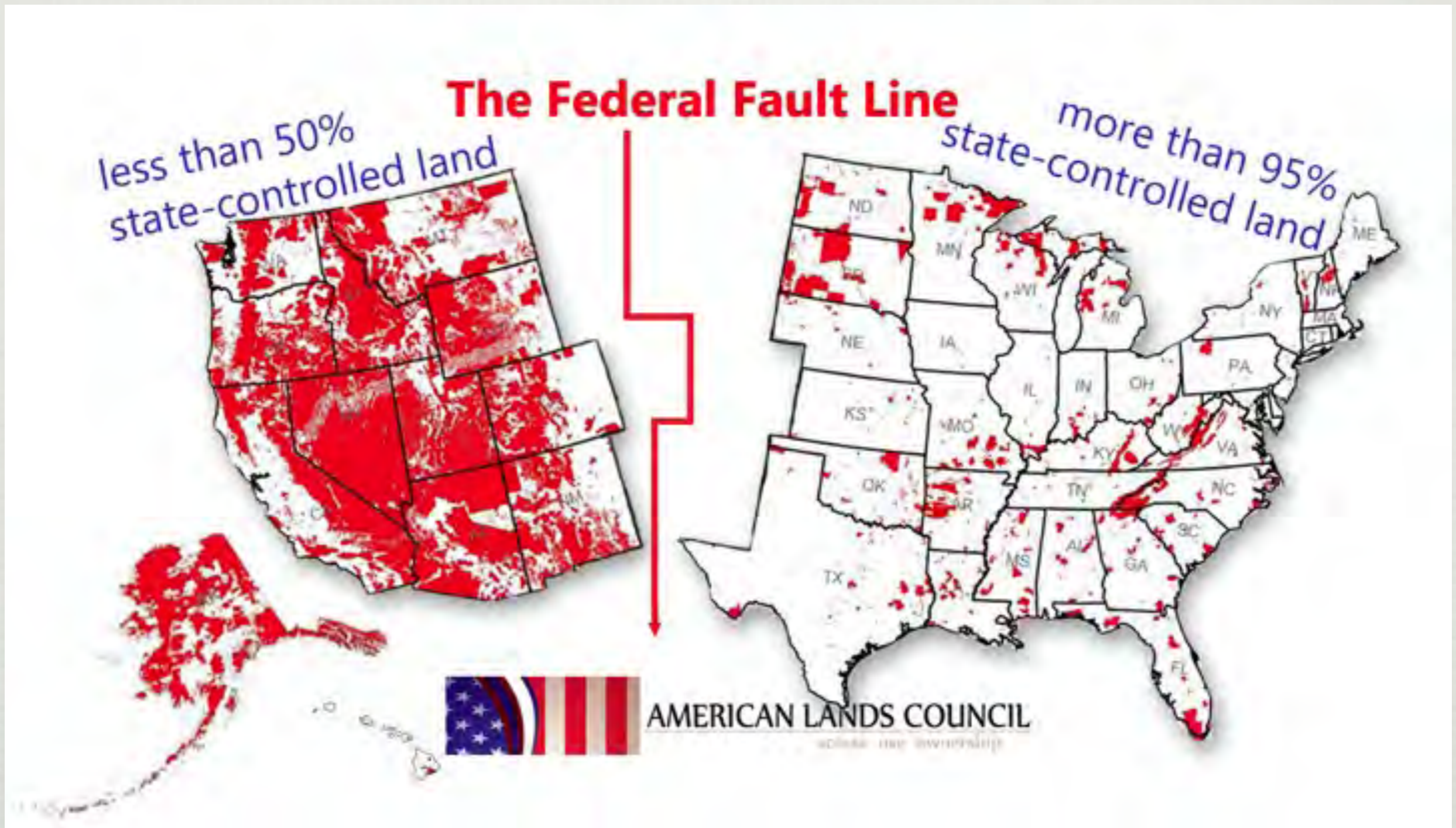
A Legal Overview of Utah's H.B. 148 — The Transfer of Public Lands Act

By Donald J. Kochan



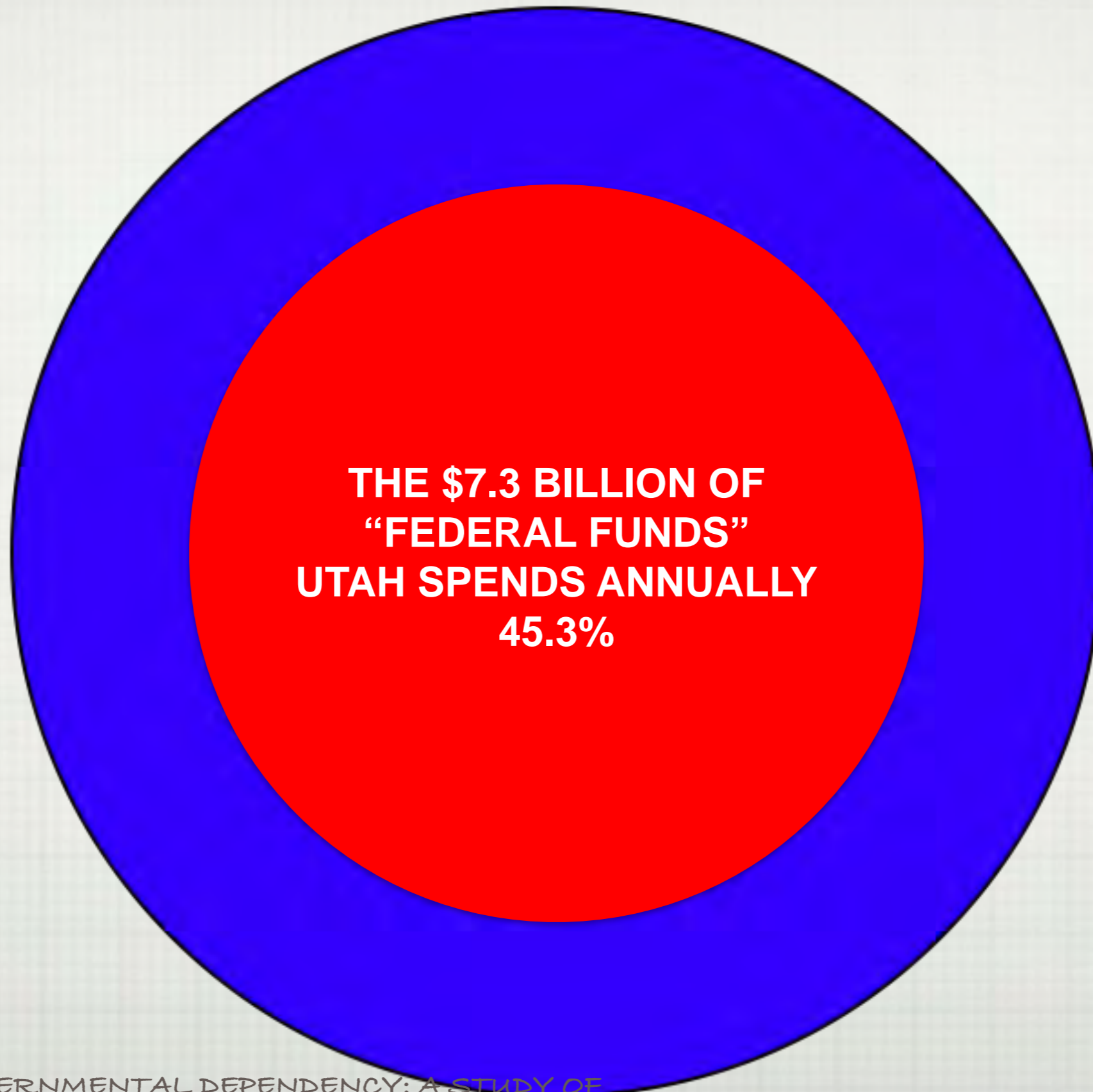
THE FEDERALIST SOCIETY JAN.
2013

WHY DOES IT MATTER?

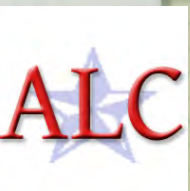


BUDGETS

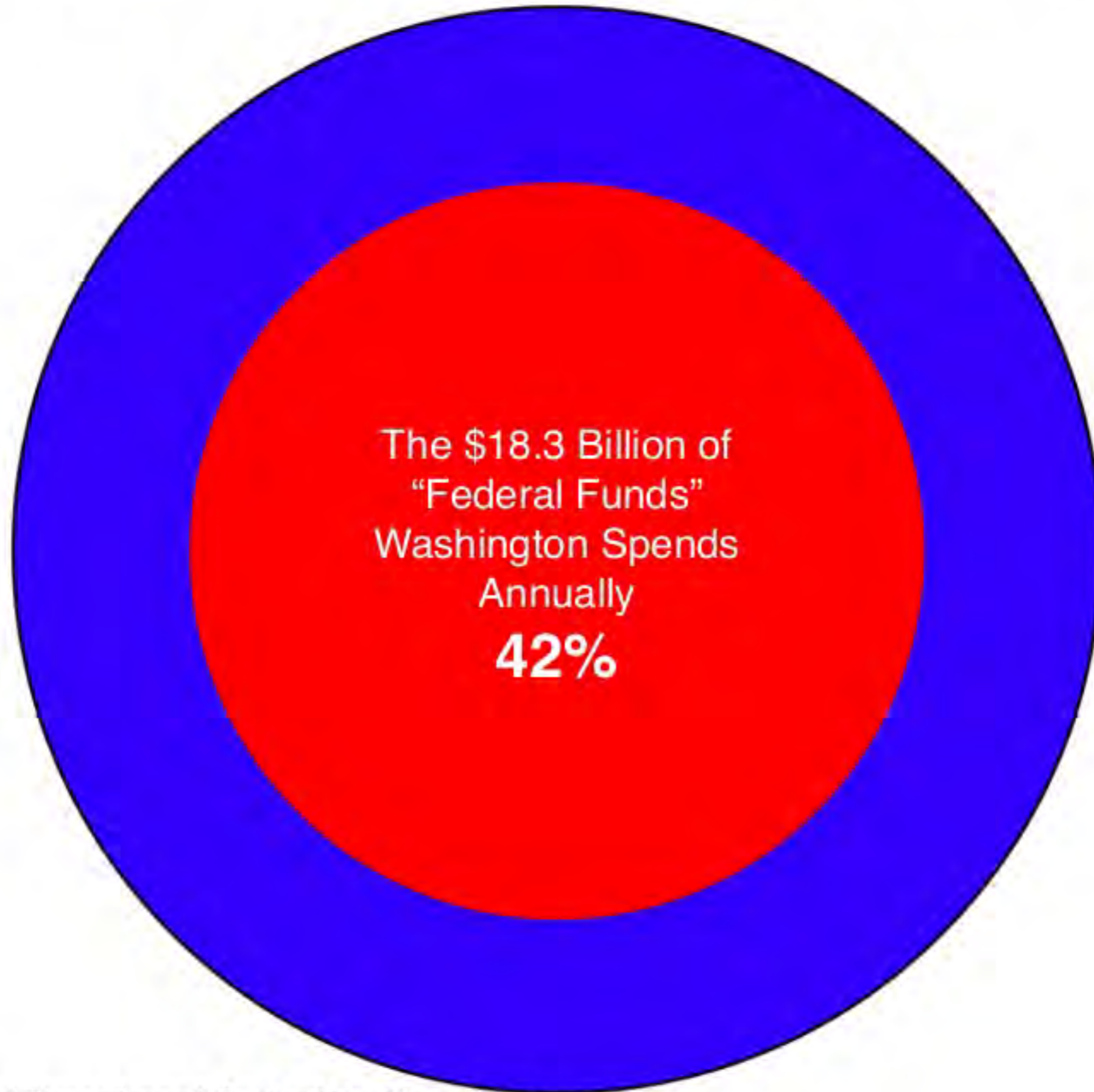
UTAH'S \$16.2 BILLION ANNUAL REVENUES



SOURCE: INTERGOVERNMENTAL DEPENDENCY: A STUDY OF
KEY DEPENDENCY MEASURES OF THE 50 STATES, 2012

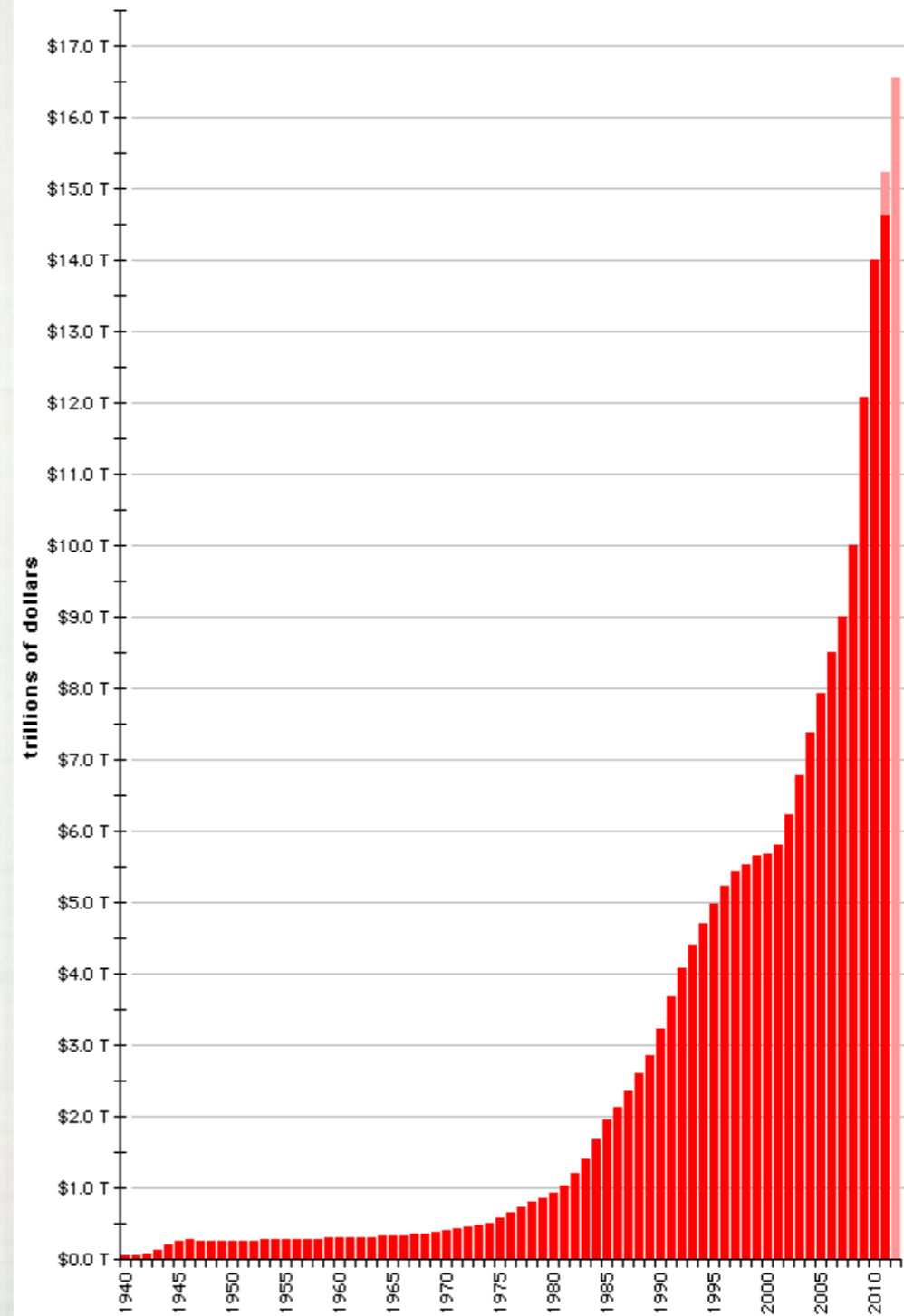


Washington's \$43.6 Billion Annual Revenues



The \$18.3 Billion of
"Federal Funds"
Washington Spends
Annually
42%

**TO INFINITY, AND
BEYOND!**



National Debt from 1940 to Present

Source: U.S. National Debt Clock
http://www.brillig.com/debt_clock/

Real federal deficit dwarfs official tally

By Dennis Cauchon, USA TODAY

Updated 5d 22h ago

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The typical American household would have paid nearly all of its income in taxes last year to balance the budget if the government used standard accounting rules to compute the deficit, a USA TODAY analysis finds.



By Jewel Samad, AFP/Getty Images

Congress exempts itself from including the cost of promised retirement benefits.

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Under those accounting practices, the government ran red ink last year equal to \$42,054 per household — nearly four times the official number reported under unique rules set by Congress.

A U.S. household's median income is \$49,445, the Census reports.

The big difference between the official deficit and standard accounting: Congress exempts itself from including the cost of promised retirement benefits. Yet companies, states and local governments must include retirement commitments in financial statements, as required by federal law and private boards that set accounting rules.

The deficit was \$5 trillion last year under those rules. The official number was \$1.3 trillion. Liabilities for Social Security, Medicare and other retirement programs rose by \$3.7 trillion in 2011, according to government actuaries, but the amount was not registered on the government's books.

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Sequestration results in PILT program reduction

 March 9, 2013

A presidential sequestration order will reduce payments to Quay and Roosevelt counties under the U.S. Department of Interior's Payment in Lieu of Taxes (PILT) program.

Failure to reach a deal on the national budget and avoid sequestration has resulted in a 5.1 percent reduction in the PILT program, which compensates counties for property taxes not collected on federal land.

Quay, Roosevelt and De Baca counties use PILT money for general operations, including fire departments and other local services.



A joint project of the
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Feds hold on to \$53M owed to Wyoming

Mead blasts Department of the Interior's newly announced decision to keep mineral royalties

By Trevor Brown
tbrown@wyomingnews.com

CHEYENNE – Gov. Matt Mead denounced a recent decision by the federal government to withhold \$53 million in mineral royalties payments owed to the state.

The U.S. Department of the Interior notified state officials Monday that it is withholding the funds as a result of the federal sequestration.

The move would cost the state about \$10.6 million each month for the period of March through July. And more cuts could be required in August or September.

Mead criticized the decision, saying the department is unfairly passing the federal cuts on to the state.

"When (Wyoming) reduced its budget by over 6 percent, it did not achieve its reductions by withholding mineral revenue due under state leases," he said in a statement. "That would be taking someone else's property."

"Similarly, the Department of the Interior should not be able to meet its budget reduction by taking mineral revenues, which belong to the states under the law."

April 7, 2013

Edition: U.S. ▼

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Lindsey Graham Calls Romney Position 'Offensive'



More In Politics: Obama 'Unconscionable'?... McCain Warns GOP... Maher On Libertarianism...

Feds want \$18 million back from timber counties



JEFF BARNARD AND BEN NEARY | March 29, 2013 07:04 PM EST | AP

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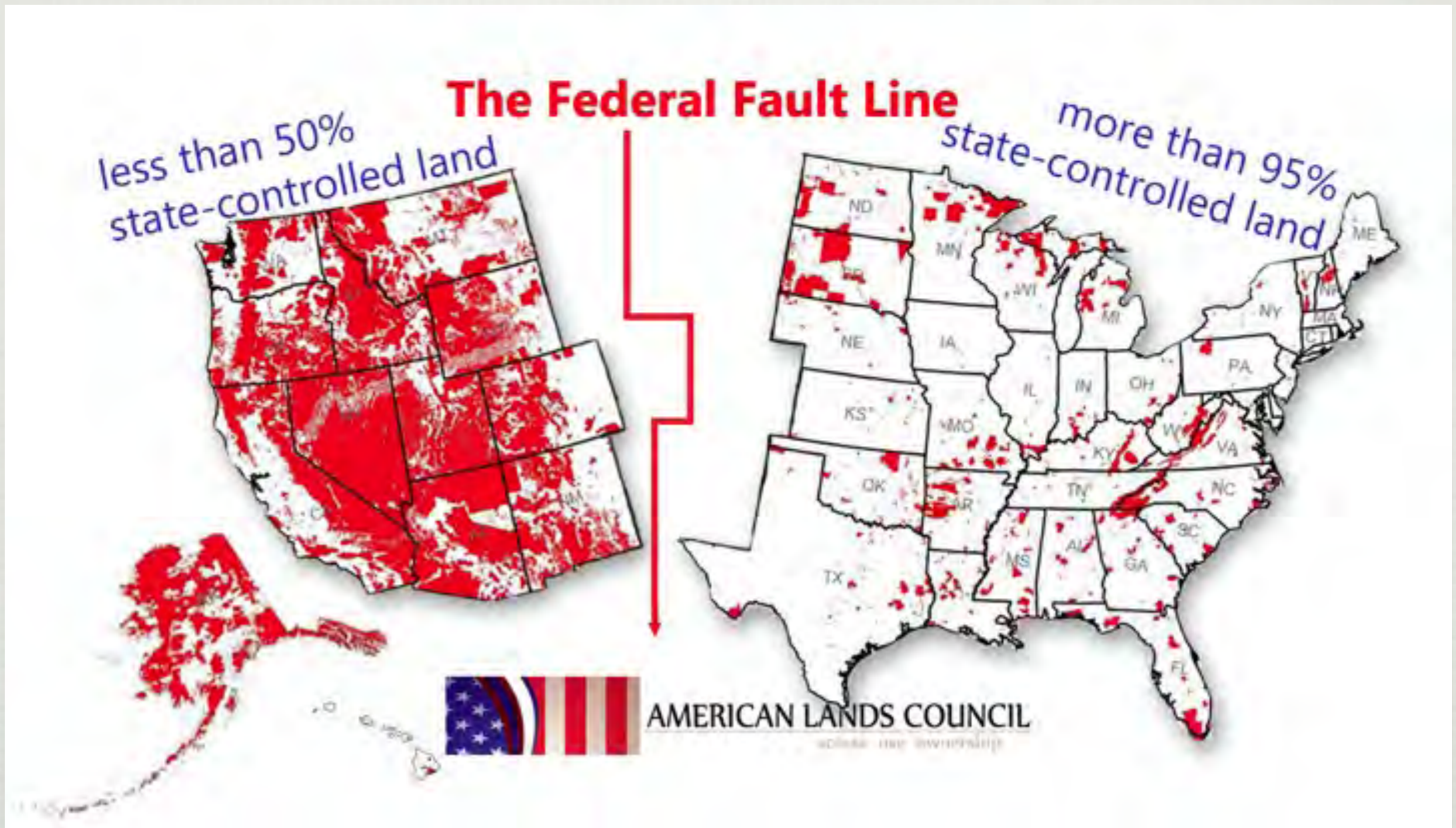
GRANTS PASS, Ore. — The U.S. Forest Service's demands that rural timber counties pay back millions of dollars in federal subsidies under automatic budget cuts have outraged members of Congress from both parties and caused concern in those counties with struggling economies.

Thirty-one members of the House this week sent a letter to the Obama administration protesting demands that they return \$17.9 million in revenues that pay for schools, roads, search and rescue operations in rural counties as well as for conservation projects.

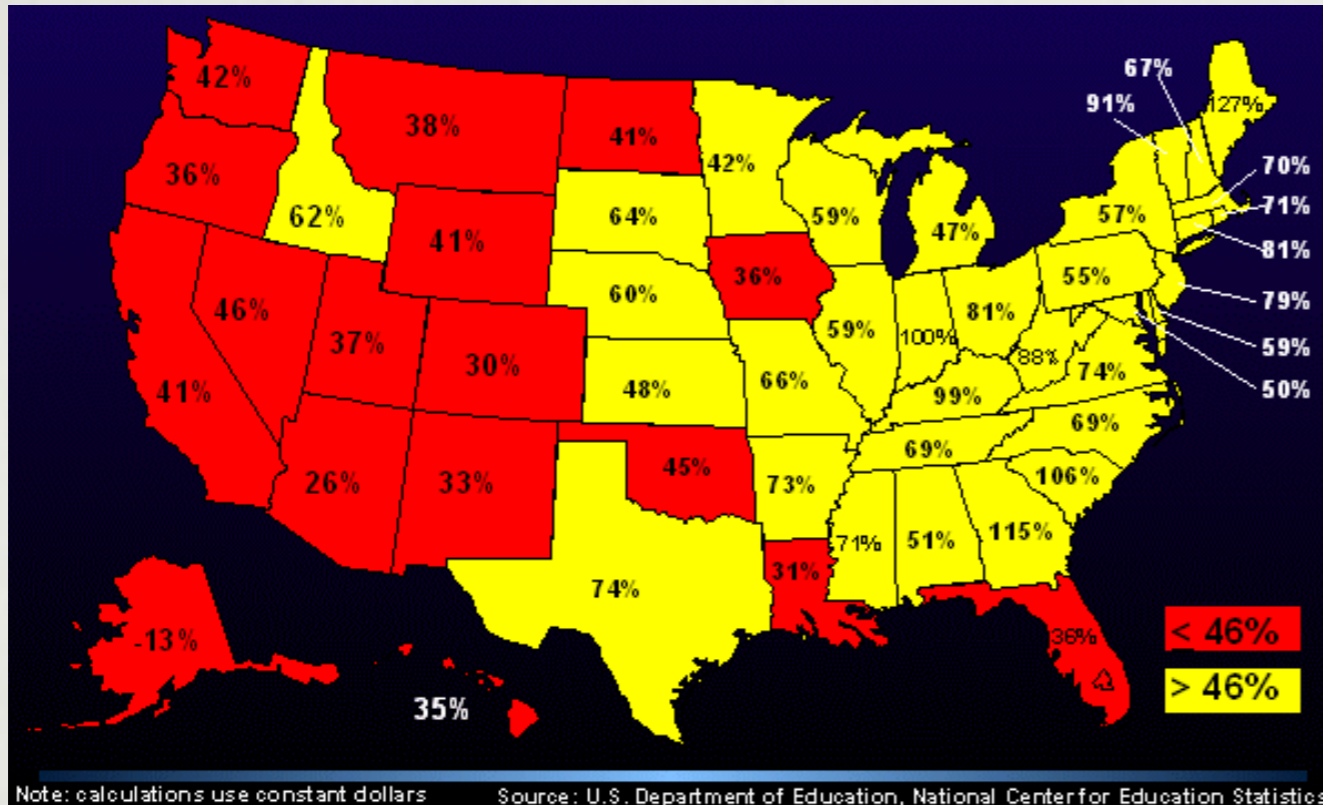
"For the administration to announce three months after the disbursement of these payments that they are subject to the sequester, and that states will receive a bill for repayment of funds already distributed to counties, appears to be an obvious attempt by President Obama's Administration to make the sequester as painful as possible," said the letter organized by House Resources Chairman Doc Hastings, R-Wash., and signed by 30 others, including Democrats.

Forest Service Chief Thomas L. Tidwell sent letters to 41 states telling them they need to repay

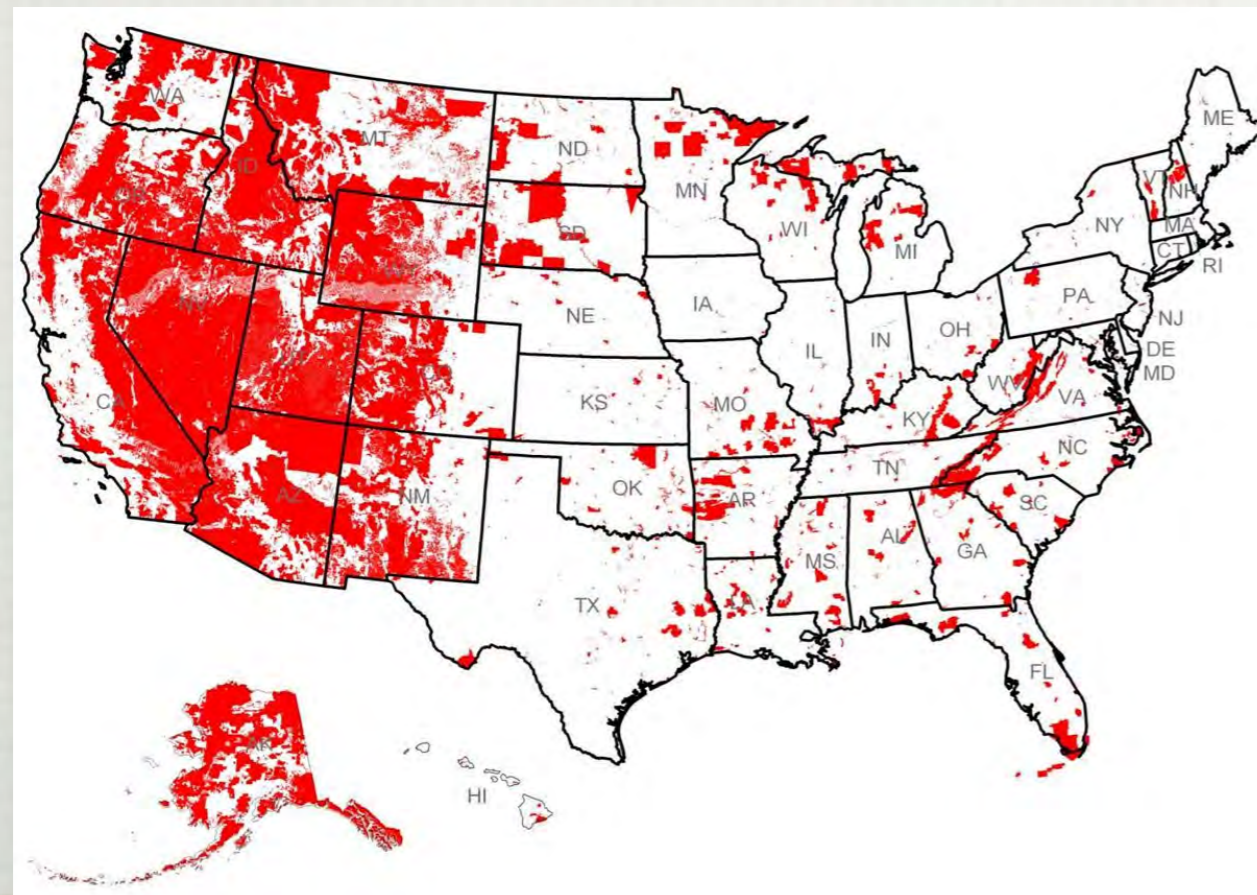
WHY DOES IT MATTER?



FUNDS FOR EDUCATION




The States in red have the hardest time growing education funds...



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Health care cuts mean fewer trauma centers and longer waits at the ER.
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\$2.6B needed for Utah to reach per-pupil national education spending average

By [Benjamin Wood](#), Deseret News

Published: Wednesday, May 22 2013 4:25 p.m. MDT

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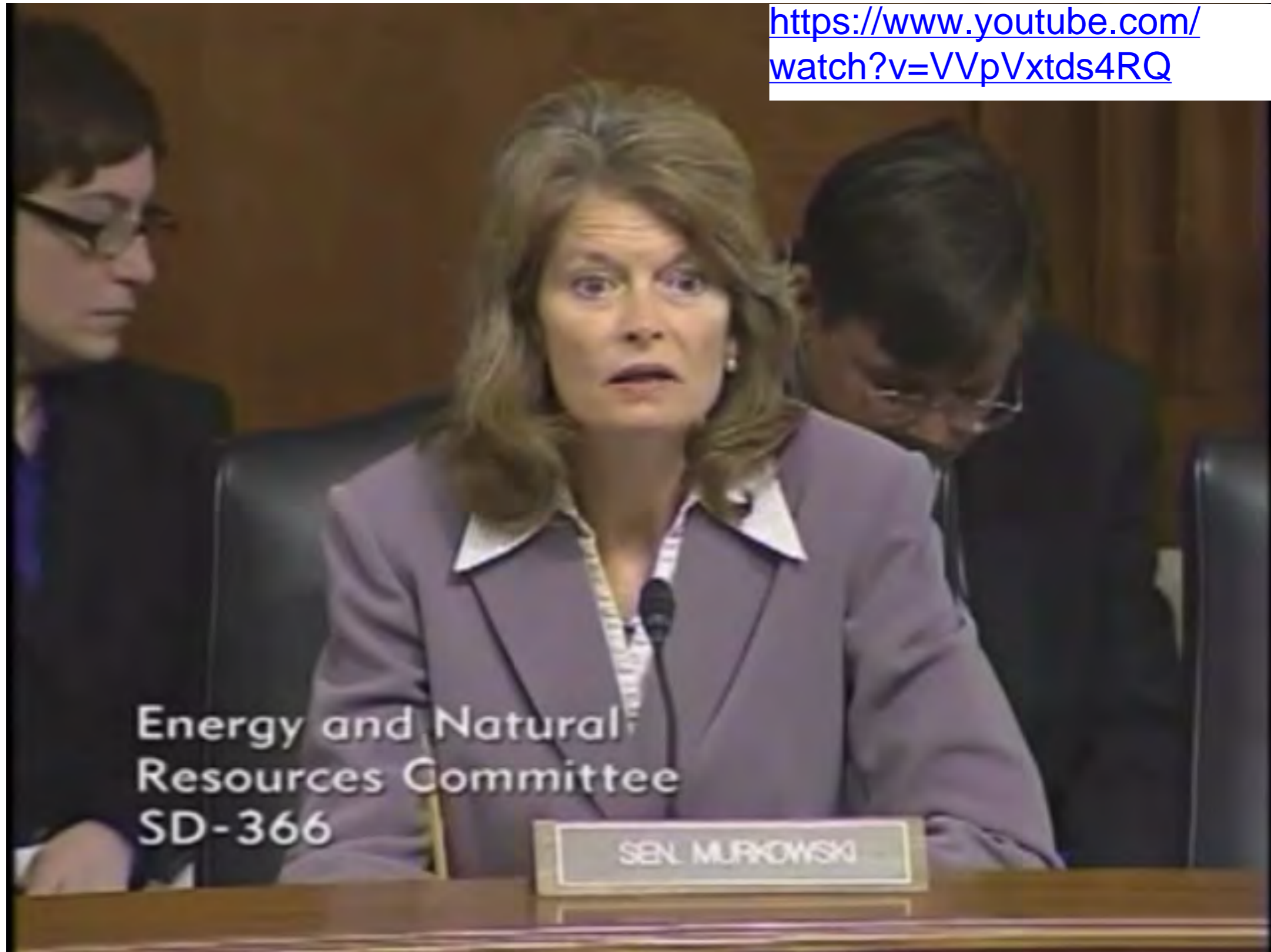
To match Washington, D.C. — currently the highest per-pupil spending rate in the country — Utah would need more than \$8 billion, which would require a 19.8 percent income tax rate and an additional annual household cost of \$13,013.

Shutterstock

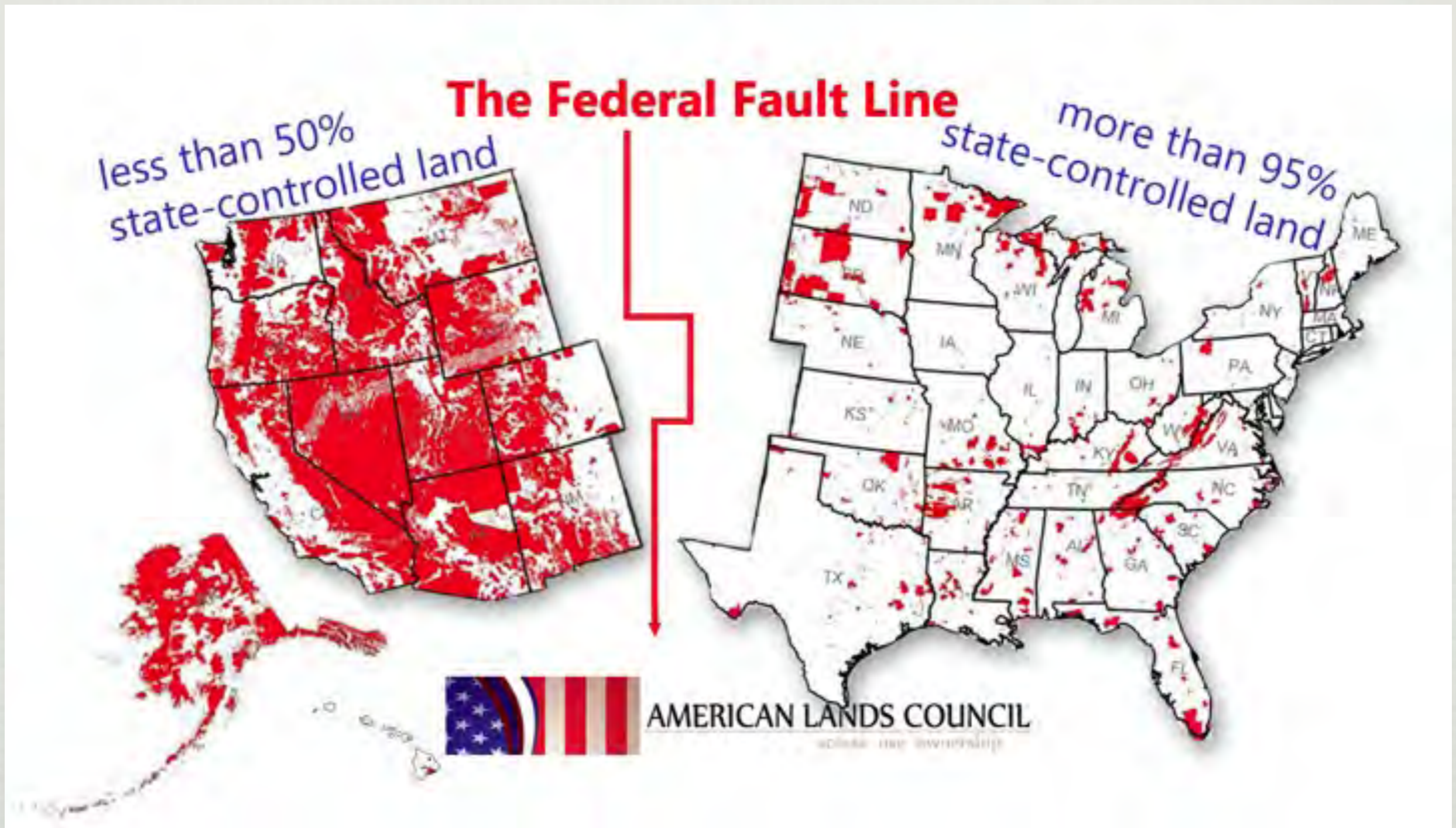
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Sen. Lisa Murkowski, U.S. Senate Energy and Natural Resources Committee,
March 19, 2013 (3 Minutes)

[https://www.youtube.com/
watch?v=VVpVxtDs4RQ](https://www.youtube.com/watch?v=VVpVxtDs4RQ)



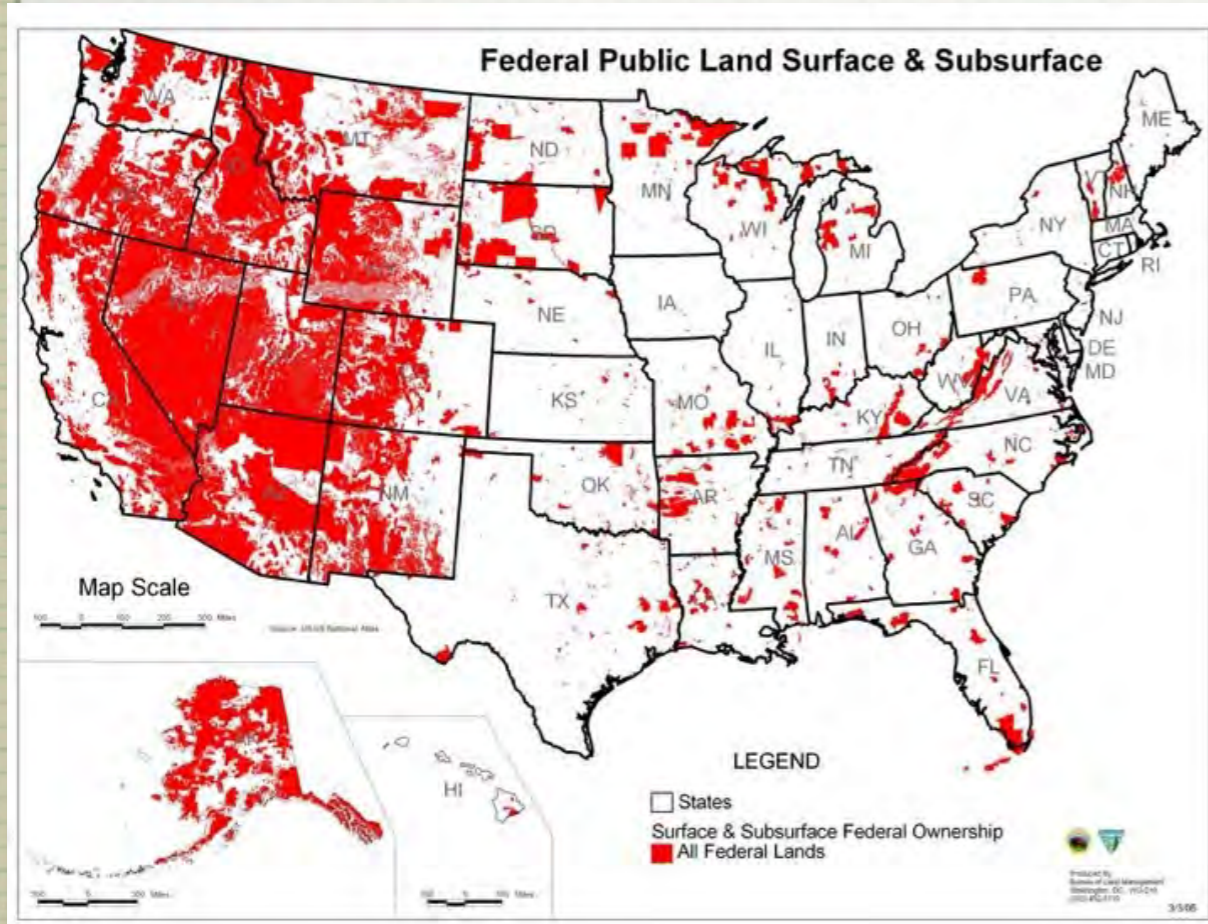
WHY DOES IT MATTER?



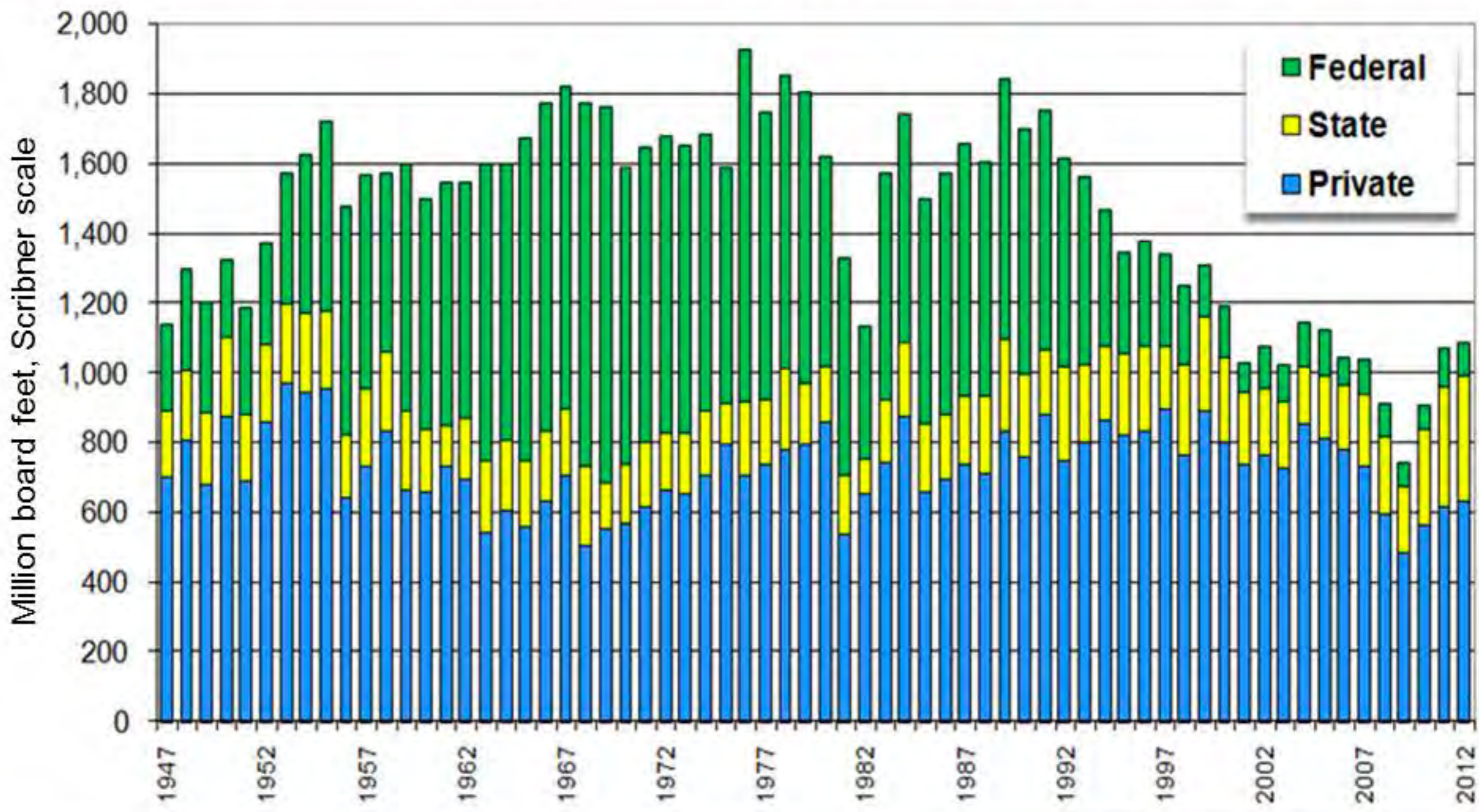
ENVIRONMENTAL CONCERNS



THIS MAP SHOWS LOCATIONS THAT EXPERIENCED WILDFIRES GREATER THAN 250 ACRES, FROM 1980 TO 2003. CREDIT: BUREAU OF LAND MANAGEMENT/U.S. FOREST SERVICE/U.S. FISH AND WILDLIFE SERVICE/BUREAU OF INDIAN AFFAIRS/NATIONAL PARK SERVICE/USGS

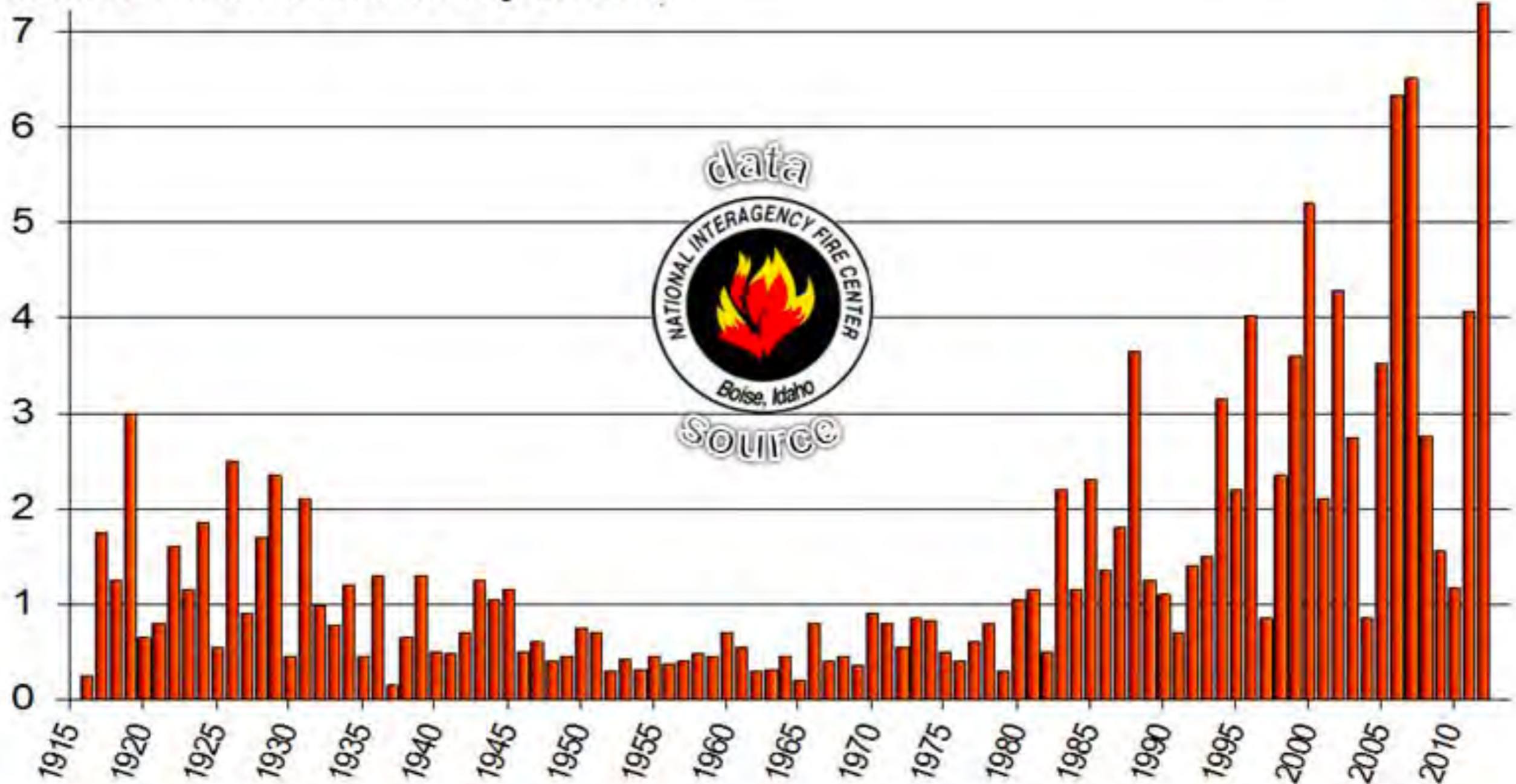


Idaho timber harvest by ownership, 1947-2012



Wildfires in 11 western states,* 1916-2012

Millions of acres burned by wildfire



*11 states: AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, WY

University of Idaho
College of Natural Resources



70,000 ACRE PRESCRIBED
BURN IN PIUTE COUNTY



**FEDERAL BUREAU OF INVESTIGATION
SITUATIONAL INFORMATION REPORT
Criminal Activity Alert
Denver Division**

07 May 2012

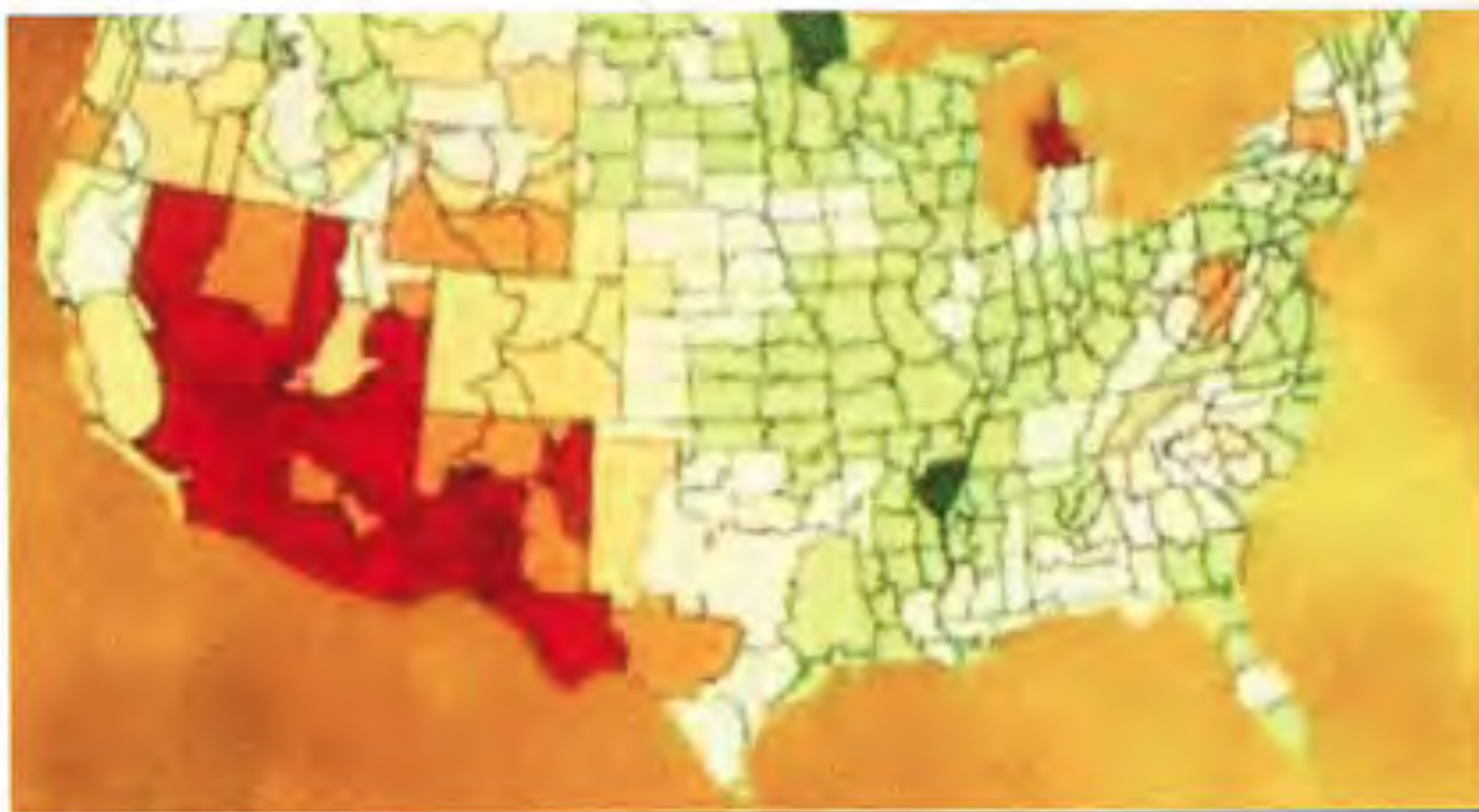
**(U) Al-Qaida In The Arabian Peninsula (AQAP) "Inspire" Magazine
Encourages The Use Of Wildfires As A Form Of Jihad**

(U//FOUO) The Denver Division of the FBI is releasing this report to raise the awareness of local and state law enforcement partners and public safety officials about the possible threat of wildfires.

(U//FOUO) Al-Qaida in the Arabian Peninsula (AQAP) has released issue 9 of its English-language "Inspire" Magazine. There is a portion of the magazine dedicated to attacking the United States by starting wildfires. The article instructs the audience to look for two necessary factors for a successful wildfire, which are dryness and high winds to help spread the fire. Specific fire conditions that are likely to spread fire quickly are Pinewood, crownfires (where the trees and branches are close together), and steep slope fires (fire spreads faster going up a slope).

UNCLASSIFIED//FOR OFFICIAL USE ONLY

(U//FOUO) Below is a map from Inspire magazine with the caption "A diagram showing the combustible areas in the U.S."



Ecuador auctions off Amazon to Chinese oil firms

Indigenous groups claim they have not consented to oil projects, as politicians visit Beijing to publicise bidding process


Jonathan Kaiman in Beijing
The Guardian, Tuesday 26 March 2013 13.16 EDT

 Jump to comments (292)





Indigenous groups in Ecuador say the planned oil projects would devastate the environment and threaten their traditional way of life. Photograph: Alamy

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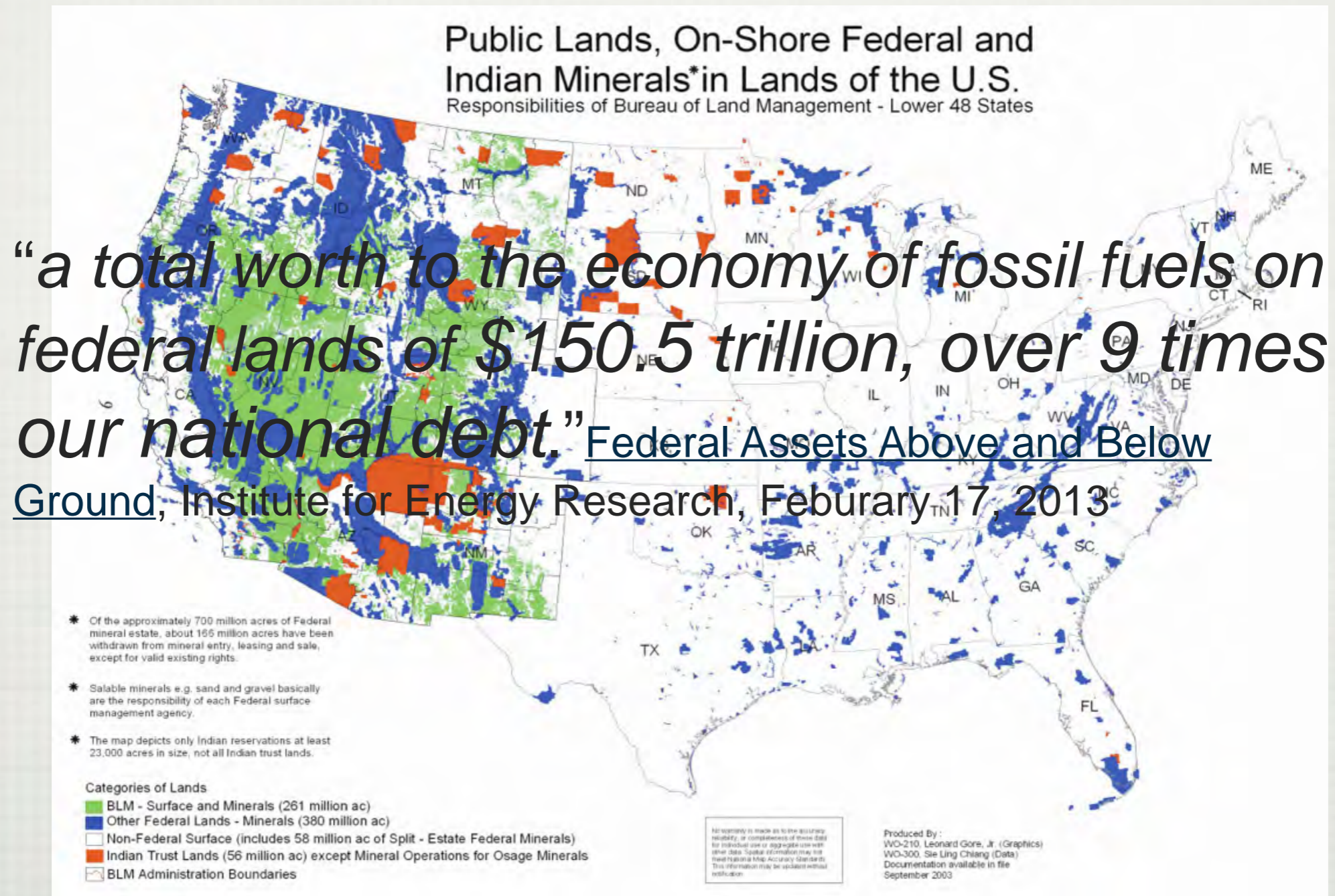
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Peru declares environmental state of emergency in its rainforest
Government reports

MORE THAN \$150 TRILLION IN MINERALS LOCKED UP IN FEDERALLY CONTROLLED LANDS ...



CAN STATES
DO BETTER?

PUBLIC LAND MANAGEMENT IN THE 21ST CENTURY: DELEGATION OF RESPONSIBILITY TO STATE AND LOCAL GOVERNMENTS

PRESENTATION TO THE NEVADA LAND
MANAGEMENT TASK FORCE

MIKE L. BAUGHMAN, Ph.D., CEcD
PRESIDENT
INTERTECH SERVICES CORPORATION
August 16, 2013

STATE VS. FEDERAL MANAGEMENT: AN ECONOMIC COMPARISON

- **States Can and Do Manage Public Lands Profitably** (Table 2 from 1996 Intertech Report)
- **BLM Consistently Spends More Than It Takes In To Manage Public Land** (Table 2 from 1996 Intertech Report)
- **BLM Labor Is Less Efficient Than States in Managing Land** (Table 4 from 1996 Intertech Report)
- **Wildfire Suppression Costs Are Greater Per Acre for BLM than for States** (Tables 9 and 14 from 1996 Intertech Report)

**U.S. House of Representatives - Natural Resources Committee
 State Forests Management Superior to Federal Forests
 for Job Creation, Revenue Production, Local Economies and Fire Prevention
 February 26, 2013**

Forest Management: Success versus Federal Failure

	Washington		Montana		Idaho	
	Department of Natural Resources	USFS	Department of Natural Resources and Conservation	USFS	Department of Lands	USFS
Total Forest Acres	2.2 million	9.3 million	559,000	17.1 million	971,678	20.5 million
Average Harvested Volume (million board feet)/Year	567.3	79.9	52.1	82.8	232.7	93.7
Average Harvested Volume(million board feet)/Acre	257.9	8.6	93.2	4.8	239.4	4.6
State volume per acre over Forest Service	30X more volume/acre than USFS		19X more volume/acre than USFS		52X more volume/acre than USFS	
Average Revenues/Year	\$169 million	\$589,926	\$8.9 million	\$1.6 million	\$53.8 million	\$1.2 million
Revenues/Acre	\$77	\$0.06	\$16	\$0.09	\$55	\$0.06
State value per acre over Forest Service	1283X more revenue/acre than USFS		178X more revenue/acre than USFS		917X more revenue/acre than USFS	
Average Price Bid for Timber Sale (dollar/thousand board foot)	\$310	\$6	\$172	\$19	\$231	\$16

Multi-State Observed High, Observed Low, and Average Management Costs and Revenues for States and BLM: Selected States, 1989-1994

	Multi-State Averages ¹					
	States			BLM		
	Observed High	Observed Low	Average	Observed High	Observed Low	Average
Revenues	\$133,243,099	\$24,879,522	\$62,313,472	\$4,619,065	\$1,847,799	\$3,126,573
Expenses	\$21,524,275	\$5,703,916	\$11,416,671	\$40,072,452	\$20,286,000	\$29,156,971
Net Profit (Loss)	\$127,539,183	\$15,610,897	\$50,896,802	(\$18,438,201)	(\$35,453,387)	(\$26,030,398)
Total Acres Managed	13,320,000	2,389,144	7,222,470	22,092,130	11,863,284	15,212,061
Revenues Per Acre	\$15.96	\$5.72	\$9.48	\$0.36	\$0.12	\$0.22
Expenses Per Acre	\$9.01	\$0.43	\$3.20	\$3.11	\$1.13	\$2.08

Source: Table 2 from "Alternatives for Management of a Expanded State Land Base in Nevada", Intertech Services Corporation, prepared for Eureka County, Nevada, February , 1996.

Multi-State Observed High, Observed Low, and Average Management Costs and Revenues for States and BLM: Selected States, 1989-1994 Cont'd.

Net Profit Per Acre	\$9.57	\$4.36	\$6.29	(\$2.75)	(\$1.01)	(\$1.86)
Acres Per FTE	95,037	9,888	50,817	73,178	15,549	35,684
Revenues Per FTE	\$949,088	\$152,437	\$425,366	\$9,154	\$4,398	\$6,179
Net Profit Per FTE	\$908,571	\$63,761	\$355,100	(\$42,680)	(\$73,273)	(\$51,751)
Grazing Revenues	\$5,901,873	\$437,464	\$2,313,048	\$3,024,634	\$807,132	\$1,812,621
Grazing Revenues/Acre	\$0.68	\$0.12	\$0.41	\$0.27	\$0.07	\$0.15
AUMs Per Acre	0.1968	0.0571	0.1312	0.1721	0.0652	0.1084
Timber Revenues	\$25,408,596	\$24,259	\$12,716,428	\$738,673	\$11,934	\$212,391

Source: Table 2 from "Alternatives for Management of a Expanded State Land Base in Nevada", Intertech Services Corporation, , prepared for Eureka County, Nevada, February , 1996.



U.S. Supreme Court Affordable
Care Act Decision (June, 2012)
**Federal Govt Powers Limited
By Constitution**

“The Federal Government has expanded dramatically over the past two centuries, but it **still must show that a constitutional grant of power authorizes each of its actions.**” (Emphasis added.)



U.S. Supreme Court Affordable
Care Act Decision (June, 2012)
**States' Powers NOT Limited
by Constitution**

**“The same does not apply to the States,
because the Constitution is not the source of
their power. ... state governments do not need
constitutional authorization to act. ... Our
cases refer to this general power of governing,
possessed by the States *but not by the*
Federal Government, as the ‘police power.’”**



U.S. Supreme Court Affordable
Care Act Decision (June, 2012)
**State Jurisdiction Checks
Federal Power**

“The Framers thus ensured that **powers which ‘in the ordinary course of affairs, concern the lives, liberties, and properties of the people’** were held by governments *more local and more accountable than a distant federal bureaucracy.*”



U.S. Supreme Court Affordable
Care Act Decision (June, 2012)
**State Jurisdiction Checks
Federal Power**

“The independent power of the States also serves as a check on the power of the Federal Government: ‘By **denying any one government complete jurisdiction over all the concerns of public life, federalism protects the liberty of the individual from arbitrary power.**’”



U.S. Supreme Court Affordable
Care Act Decision (June, 2012)
**States Must Act Like
Independent Sovereigns**

“In the typical case we look to the States to defend their prerogatives by adopting “the simple expedient of not yielding” to federal blandishments when they do not want to embrace the federal policies as their own.

The States are separate and independent sovereigns.

Sometimes they have to act like it.

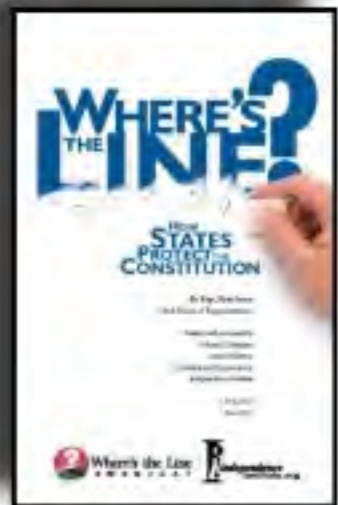
KNOWLEDGE & COURAGE

- IF WE FAIL TO SECURE THE SAME STATEHOOD PROMISES AND RIGHTS FOR OUR STATES AND OUR FUTURE, IT WON'T BE BECAUSE IT IS ILLEGAL, UNCONSTITUTIONAL, OR IMPOSSIBLE -- IT WILL SIMPLY BE BECAUSE WE AND OUR LEADERS LACK THE KNOWLEDGE AND THE COURAGE TO DO WHAT HAS ALREADY BEEN DONE BEFORE -- REPEATEDLY!



***"it will be their own **FAULTS**,
if the several states suffer the
federal sovereignty to
interfere in the things of
their respective
jurisdictions."***

John Dickinson (Fabius), Letter III, 1788 (all caps in original)





AMERICAN LANDS COUNCIL

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Money and Manpower to Move the Message

National “Why?” Campaign via internet, social media, web outreach

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