

ADA COUNTY FISH AND GAME LEAGUE

Executive Summary

A position against the transfer of Federal Lands to the State

The ultimate intent of this legislation is to transfer Federal lands to the State for sale to private entities. This will seriously impact the citizens of Idaho to access hunting, fishing, hiking, camping and all other recreational activities. The Federal government currently shoulders the cost for management, firefighting and fire rehabilitation as well as subsidizing grazing and other land uses. Idaho cannot, by any calculation, assume these costs unless land is sold to offset the costs.

Rural counties will lose an aggregate of more than \$25 million dollars annually from Payment-In-Lieu of taxes. Idaho cannot and undoubtedly will not make-up this loss to counties. Furthermore, the income to local businesses from 2,600 Forest Service employees alone, mostly in rural counties, will be lost. Rural counties also benefit from the maintenance of thousands of miles of rural and backcountry roads, bridges, culverts, trails, campgrounds, etc., all of which allow private landowners access the cost of which counties simply cannot absorb.

The BLM in Idaho sustains more than 10,000 jobs, over \$247 million from mineral activities, \$417 million from recreation, \$18 million from timber activities, and \$247 million from grazing. How much of these values will be lost to Idaho's economy and rural counties in particular if the State takes over and then hands over ownership to the wealthy few?

There is no evidence that the management of State lands is more efficient or better than how Federal lands are managed. Every time the sagebrush rebellion rears its ugly head, it adds pressure on the USFS and BLM to increase land transfer/sales, it diminishes watershed management and protection and further demoralizes staff.

The Public Land Review Commission recommended that the first and most important action was that existing Federal lands should remain in Federal ownership. This, as well as other legal conclusions over times, emphasizes that the United States manages public lands through the power granted under the Supremacy Clause of the Constitution. In 1976, Congress formally declared that their natural policy was to retain ownership of federal lands through the Federal Land Policy and Management Act, instead of allowing lands to be taken over by private owners. Consequently, the Sagebrush Rebellion bills are diametrically opposed to the law of the land.

It is important to note that other states have attempted similar actions to assume ownership of Federal lands. Nevada is a case in point as well as Arizona where the governor, Jan Brewer, vetoed a bill to take over Federal lands arguing that doing so would dramatically increase the size of her state's government to manage the lands, provide fire protection and subsidize county costs of all types.

LEAGUE POSITION STATEMENT

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The Ada County Fish and Game League is against any bill the Idaho Legislature would consider that would transfer Idaho's public lands (i.e., Forest Service and BLM) to State or private citizens.

This document resents the facts and understanding the League used to support their position statement and display the damage this bill would do to Idaho hunters, fishermen, bird watchers, recreationists, and other public land users. The "League" urges all Idaho citizens and organizations to take a stand on this issue and contact your Legislatures and initiate a "grass root" effort to defeat this Legislation whose purpose is to eliminate the public lands.

INTRODUCTION

HISTORIC RECORD

The attempt by the few to take away Idaho citizens' rights to the public lands that they own has been going on for over a century, with some success, but a large part of the original Public Lands of the United States are still ours to use and enjoy. Today, the Sagebrush Rebellion is strongly financed by large private companies and organizations such as the American Legislative Exchange Council, funded by wealthy corporations such as Koch Industries. The Federal Government owns and manages about 63 percent of the lands in Idaho. Idahoans value their right to hunt, fish, recreate and enjoy our federal lands. We also worry about watershed protection that Idaho land management would not adequately consider.

Sagebrush Rebellion Bills have been introduced or considered many times by the Idaho Legislature. In 1981, Sagebrush Rebellion Incorporated, an Idaho organization, pushed a public lands transfer bill through the House only to have it tossed out because of pressure from Idaho groups. Especially from the Idaho Indian groups rightfully claiming that if the State took over the management of Federal lands, it would jeopardize Indian hunting and fishing rights guaranteed by Federal treaties.

THE PROBLEM

Our public land is one of the main reasons Idaho is such a great place to live. These lands are the places Idaho citizens go with their families to hike, bike, ski, bird watch or simply to relax and enjoy the scenery. Under State management most lands would be sold, no trespassing signs would go up, and more mineral development would scar many landscapes. Idaho has sold 560,000 acres of its State Trusts Lands given to it by the Federal Government. There is nothing to indicate they will not sell the land again, especially when confronted with the hefty price tag of managing these public lands.

The Idaho Constitution provides the authority to manage state endowment lands. The priority goal is --
- To manage in such a manner as will secure the maximum long-term financial return to the institution to which granted ..." This rush for economic benefit ignores good land management in favor of fast cash. Now compare Idaho's land management goal with the BLM goal as mandated under the Federal Land Policy and Management Act. This act was signed into law by President Gerald R. Ford) which keeps all

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public lands in perpetual trust for all citizens of the United States to enjoy and benefit. The Forest Service guiding Credo is, "where conflicting interests must be reconciled, the question shall always be answered from the standpoint of the greatest good of the greatest number in the long run." Idaho State Officials, regardless of good intentions, would find it hard to resist the overwhelming pressure to sell off the public lands (Secretary Cecil D Andrus). The Sagebrush Rebellion is really a scheme to sell off the public lands, all citizens now own, to the wealthy.

We should be very careful of what we ask for because we may get it and generations following us will suffer the consequences. Potentially, the most serious threat to the management of Idaho's public lands and in turn to the conservation and use of natural resources is the Sagebrush Rebellion. It is a political movement based on mythology and completely ignoring the facts. A major problem is that even after this bad bill gets beat in the Legislature it has continuing influence on Federal agencies. Their land sales increase, they tend to back off of better watershed management, and it demoralizes on-the-ground workers, who are on the front line in protecting the resources Idaho citizens depending on for their use and enjoyment.

The Forest Service spends more than 150 millions dollars per year managing the National Forest land in Idaho (not including fire suppression); while Idaho has been reducing it's funding to manage its State Park management. The seizure of public lands by the State will not provide the fiscal bonanza some entities expect and dream of. It, would, however, cause a nightmare to Idaho's budget demands. Idaho has a nearly half-billion dollar annual shortfall to maintain and improve its roadway and bridges with no plan in place to generate the needed revenue. And now the Sagebrush Rebellion backers want to take on another vast Federal back-country rural road system that they have no means or equipment to take care of.

The Federal land management agencies have not always been the best land managers at all times, but when you compare the condition of Idaho State Lands vs. the much better condition of Forest Service lands, the comparisons are dramatic.

FOREST SERVICE LAND BENEFITS

Idaho Forest Service lands support millions of users each year. The Forest Service manages 20.4 million acres on national forest land in Idaho. The Forest Service budget in 2010 was \$158 million for the Idaho National Forests. The Forest Service cost for firefighting was another \$175 million. The BLM's 2012 budget in Idaho was \$117 million and another \$22 million was spent on fire suppression. No way could Idaho afford to take over these lands even if they did it on the cheap.

Idaho's counties got \$26.5 million dollars in payments from the federal government in lieu of taxes for its lands in the state. It's hard to over-state the impact of the Payment-In-Lieu of taxes for rural counties. These payments make a difference in keeping a search and rescue crew on the job or a teacher in the classroom (Rocky Barker's Column Idaho Statesman). On top of this the Federal government covers the far biggest bill, firefighting and rehabilitation. The more than 2,600 Forest Service employees are scattered throughout Idaho and this professional staff draw income from the U.S.

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Treasury, bringing millions of dollars to Idaho through their purchases at local businesses and taxes paid to state and local coffers.

The Forest Service mission is to sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations. The Organic Act calls for the protection of the forest reserves, secure water supplies, and protect timber resources. In 2008, the Forest Service spent over 2 billion dollars fighting and managing fires. Most of this was in the West. Even back in 1897, the administration direction of the "Forest Reserves" was that all land is to be devoted to the most productive use for the permanent good of the whole people and not for the temporary benefit of individuals or companies. The Forest Service commitment and contribution to the value of recreation, wildlife management, timber production, and clean and abundant water is admiral and essential.

The push now to steal the Public Lands goes just opposite of these goals. The 1897 direction states that water, wood, and forage are to be conserved and widely used under business like regulations. Where conflicts and conflicting interests must be reconciled, the question will always be decided from the standpoint of the greatest good for the greatest number of citizens in the long run. This great thinking and action by sincere citizens is why we have such great resources in Idaho to fish, hunt, and recreate on. Citizens do not go out east or the Deep South to fish, hunt, and recreate, they go out west to do this because that is where their public lands are.

To address any federal influence that may occur on local economies and services, Idaho Counties, working through the National Association of Counties, succeeded in the 1976 passage of Payment-In-Lieu of taxes (PILT) federal legislation. PILT provides federal reimbursement for the impact federal tax exempt lands have on County governments. PILT is an important program to Idaho Counties which shared more than \$26 million as part of the 2012 PILT program.

The State and Private Forestry arm of the Forest Service reaches across the borders of national boundaries to States, Native Americans, Communities, and nonindustrial private landowners and resource managers to help sustain the Nation's forest and protect communities and environment from wildfires. Another 100 or more employees in the Forest Service Research Laboratories in Idaho add to the knowledge base of solid land management. And it's the presence of Federal lands in Idaho that made it the logical location for the National Interagency Fire Center in Boise, where hundreds of full-time professionals direct firefighting across the nation.

In 2012, 1.7 million acres were charred by wildfires across Idaho, mainly on federal lands. These fires were put out and controlled primarily by federal agencies that have the resources to tackle such catastrophes. Costs to suppress these fires and to deal with emergency rehabilitation of watersheds and safety hazards cost some \$200 million. Forest Service Chief Tom Tidwell told the City Club of Boise that as much as 12 to 15 million acres will burn annually because of warming temperatures and drier years. It will take a national effort to manage this threat and keep Idaho's forest healthy and productive

The Forest Service plays a key role with the Department of Interior in implementing the National Fire Plan to manage the impacts of wildland fires on communities and environment. Idaho, alone, could

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never come with the money, resources and person-power to control and manage Idaho's wildfires. Idaho should not give up all the help it is getting free, like free firefighting services, Payments-In-Lieu- of taxes, large livestock grazing subsidies, mineral royalties, numerous campground and boat launching services, large backcountry trail systems, watershed protection and rehabilitation, constant clean-up operations, road building and maintenance, and on and on. These efforts would break Idaho's annual budgets. Idaho does not have the resources, by itself, to match this accomplishment.

BLM LANDS BENEFITS

The Idaho Bureau of Land Management (BLM) is responsible for protection of natural and cultural resources and management of 12 million acres of federal lands not included in National Forests, National Parks and Monuments, Indian Lands, and land withdrawals. The Federal Land Management and Policy Act of 1976 states it's the United States policy to retain its public lands in Federal ownership. The law mandates BLM to administer the public lands under the concept of multiple use, while protecting the long term health of the land.

The major multiple uses conducted on public lands in 2011 include a large group of benefits based on 2011 public land statistics and Idaho BLM Office information as follows:

- (1) --- Livestock grazing is conducted under a permits and lease system. 1454 livestock grazing permits and 412 leases include terms and conditions for conducting annual grazing practices. Rangeland studies are conducted to evaluate grazing use, rangeland health and trend. Range improvements are planned and completed to support management.
- (2) --- Wild horses are to be managed to maintain healthy thriving population levels established by land use plans. BLM conducts inventories and studies, gatherings and adoptions for a current population of 500 horses.
- (3) --- A diversity of fish and wildlife species are found on public lands including big game and small mammals, upland game birds, migratory waterfowl, sensitive and endangered species, and songbirds. BLM monitors the habitat and develops habitat management plans.
- (4) --- BLM conducts inventories, condition studies, and monitors grazing use for 4352 miles of riparian vegetation and 3959 acres of wetlands important for stream protection, water quality and fish and wildlife habitat.
- (5) The Idaho public and visitors, use the land for hunting, fishing, camping, hiking, biking, sightseeing, and numerous other outdoor recreation activities. In 2011, the public spent 3.5 million visitor days recreating on BLM lands
- (6) --- Outdoor recreation in Idaho (all federal lands) supports 37,000 jobs, generates \$154 million in state tax revenue, and generates \$2.2 annually in retail sales.
- (7) --- BLM manages 142,573 acres of designated wilderness and an additional 655,512 acres under wilderness study.

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- (8) --- There are -----acres of timbered lands on public lands. BLM conducts inventories and timber and wood product sales, and completes forests practices (plantings, thinning etc.).
- (9) --- Land activities include completing land exchanges, issuing patents, and rights-of-ways for power lines, pipelines, electric facilities and other commercial uses.
- (10) --- Mining activities include adjudicating mining claims. Review and approval of mining operations, and issuance of mineral patents.
- (11) --- Cadastral survey support is provided to all federal agencies to determine on-the ground boundaries of federal land.
- (12) --- BLM's stewardship responsibilities include protections of public lands from wildfires including preventing fires on public lands that threaten private property. Activities include prevention, suppression and land restoration.
- (13) --- In 2012, the BLM received \$117M for administration and \$22M for fire suppression. Idaho cannot afford to fund the infrastructure required to manage federal lands. Idaho counties receive nearly \$26.5M from the government in payments in lieu of taxes. The state also receives a portion of revenues BLM collects from sales and fees.
- (14) --- In Idaho, BLM annually contributes economically to more than 10,000 jobs, over \$247 million from minerals activities, \$417 million from recreation, \$18 million from timber activities, and \$247 million from grazing. (2)

THE LAW PROTECTS IDAHO CITIZENS FROM RAPE AND RUN TAKE-OVER LAND MANAGEMENT

Through war and purchase public domain lands were acquired by the federal government from numerous foreign countries as lands of the United States. These lands are typically governed by different laws than those lands acquired from states or individuals. Only Congress has the power to dispose of and make all needful Rules and Regulations respecting the Territory or other property belonging to the United States, not the States. When Congress so acts, all federal legislation overrides conflicting State Laws under the Supremacy Clause.

The Public Land Law Review Commission (PLLRC) authorized by Congress, examined the administration of federal lands and submitted 137 specific legal and policy recommendations for improving federal land management. The first and most important recommendation was that existing federal lands should generally be retained in federal ownership. At this time the United States had already sold millions of acres of high value recreation land to private interest that should have remained for multiple use benefits and for the enjoyment of citizens of Idaho.

The Continental Congress initiated the transfer of 233 million acres of western lands to the Federal Government many centuries ago. Since then other lands have been added to the public land base by war or purchase. No single State has contributed anything to the national domain. The Federal Government manages its public lands through the power granted to the Federal Government under the Supremacy Clause of the United States Constitution.

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Beginning in the 1880's, the Federal Government began a policy of retaining lands for the nation with the establishment of Yosemite Park and Yellowstone National Park. In 1981, Congress enacted the Forest Reserve Act giving the President power to reserve lands in the public domain for protection as public forests to protect the forest and provide favorable conditions for water flows. The reserves were created mainly for watershed protection. Over the following couple of decades some 190 million acres were reserved as national Forests including the 20.5 million acres in Idaho. In 1976, Congress formally declared that their natural policy was generally to retain the remaining lands in federal ownership for all citizens of the United States in the Federal Land Policy and Management Act, instead of letting these lands wind up under wealthy ownership.

Idaho's false claim to the takeover of Federal Lands flies squarely into the teeth of a century of United States Supreme Court decisions that quickly put these land raids to bed. Past Sagebrush Rebellion bills have almost no chance of passing, and little chance of any actual transfer of land according to most legal experts. These experts advise that the Sagebrush Rebellion Bills will prove unconstitutional and decades of Supreme Court decisions will continue to firmly support federal management of the Idaho citizen's public lands.

In 1978, the State of Nevada went to court against the federal government to challenge the constitutionality of federal land retention under FLPMA. The court ruled against the State of Nevada in that the Constitution of the United States reserved to Congress the authority to decide which federal lands to sell or to buy. In the 95th, 96th, and 97th, Congresses, bills were introduced to change the land retention policy of FLPMA. Congress wisely did not allow any of these bills to get out of committee or considered on the floor of Congress and very wisely kept the protection of these lands for all the citizens of the United States. Not just for the wealthy. Congress will continue to receive pressure today and in the future from the Sagebrush Rebellions, to eliminate the Forest Service and BLM and take over the management of these lands. Only if citizens continue to fight and knock-down these efforts, will we keep these lands for the benefit of all citizens, instead of just being disposed to only the wealthy.