



Colorado Chapter of The Wildlife Society

Position Statement: Federal Lands Transfer

Federal public lands are held in trust in perpetuity by the United States federal government for the people to ensure their values persist for future generations. Among the many values of federal public lands is the provision of critical habitats that facilitate the conservation of a wide range of our nation's most cherished species of wildlife. The transfer of lands out of federal ownership undermines years of wildlife conservation efforts and threatens the sustainability of wildlife habitat and populations on these landscapes (Organ and Mahoney 2007, Organ et al. 2012).

The position of the Colorado Chapter of The Wildlife Society is to:

- 1) Oppose efforts to unduly divest the American public of their lands under federal management for the benefit of the state of Colorado, private corporations, or individuals, through land sales or leasing agreements.
- 2) Support policy maintaining that lands currently under federal management shall remain under federal management to maximize the benefits of these lands to wildlife, science, and society as a whole, and to support strategic federal lands sale and acquisition (as provided under the Federal Land Transaction Facilitation Act).
- 3) Support federal and state funding necessary for federal land management agencies to effectively sustain wildlife and their habitats through science-based management and conservation.
- 4) Support the continued development of collaborative habitat and wildlife conservation projects between local, state, regional, and national stakeholders and natural resources professionals to improve wildlife habitat (on federal and non-federal lands) and conservation for the benefit and enjoyment of all citizens.
- 5) Support the dissemination of information regarding the benefits of federal management of public lands to all United States citizens regardless of their area of residence as federal public lands belong to all.
- 6) Support the continued participation of local residents in the land management process through the communication of science-based facts in areas where federally managed lands make up a large proportion of the landscape, such as in Colorado.
- 7) Recognize that federal land management can and should be improved through careful consideration of the best available science, the proper allocation of necessary resources, openness and clarity of management actions, and continued support for the North American Model of Wildlife Conservation (i.e., democracy and public accessibility of hunting).

Federal lands background

Twenty-eight percent of the 2.27 billion acres of the U.S. is under federal ownership (Vincent et al. 2017). These 640 million acres are primarily managed by four major federal agencies: in the U.S. Department of Agriculture, the Forest Service manages the 192.9 million acre National Forest System, while the Department of Interior manages 417.2 million acres through the Bureau of Land Management (BLM), National Park Service (NPS), and the U.S. Fish and Wildlife Service (FWS). The BLM oversees 248.3 million acres in the National System of Public Lands, NPS administers 79.8 million acres in 408 units including national parks, monuments, historic sites and other designations, and FWS manages the 89.1 million acre National Wildlife Refuge System along with various waterfowl production areas. These lands, especially in the western U.S. where 46.4% of the landscape is owned by the public and managed by federal agencies (compared to 4.2% in the eastern U.S.; Vincent et al. 2017), are integral to conserving wildlife habitats in a wide diversity of ecosystems, allowing public recreational access for camping, hunting, fishing and wildlife watching, and for long-term sustainable resource management.



Federal lands in the United States were obtained either through treaty or purchase. The first acquisition, the 1783 Treaty of Paris, included the 13 colonies and 237 million acres east of the Mississippi River ceded from England that became the American Public Domain (BLM 2017). In 1803, the Louisiana Purchase added 530 million acres to the public domain. Florida was acquired in 1819. Texas and portions of the Pacific Northwest were added in the 1840's, and 340 million acres came with the Mexican Cession in 1848 (Vincent et al. 2017). Another 19 million acres of the Southwest expanded the public domain in 1853, followed by the purchase of Alaska from Russia in 1867 (BLM 2017). States were carved out of the public domain but with much of the land remaining in federal ownership. The federal government granted states a percentage of land (sections 16 and 36 within each township) through the Morrill Land-Grant Acts to encourage settlement and opportunities to generate funding for schools (O'Toole 1997).

Originally, the primary vision for federal lands was to sell them to private landowners to create revenue for the federal treasury. In the aftermath of the American Revolution, the first such case of federal land sales recovered war debt (Lawton 2014). To oversee these transactions, the U.S. federal government developed a land survey system and the General Land Office (GLO) in 1812. In 1849, the GLO was transferred to the newly created

Department of Interior. In 1862, the Homestead Act further encouraged the disposal of the public domain by granting 160 acres of public land to any citizen for a small filing fee on the condition they permanently resided on the property for five years (Gates 1976). By 1934, 270 million acres of the American Public Domain had been transferred to private ownership through homesteading. Other portions of the public domain were ceded to the railroads and the military. The Department of Defense currently presides over 11.4 million acres. From 1781 to 2015, 1.29 billion acres of land were transferred out of federal ownership – 816 million acres to private citizens and 328 million acres to states (Vincent et al. 2017).

Throughout U.S. history, federally-owned lands have been disbursed to private individuals, the military, railroads and other corporate entities, and to states. In fact, as new lands were obtained by the U.S. government, the main goal for many years was to facilitate the transition of ownership to non-federal entities, especially private individuals. However, mounting evidence that land disposal was at times surrounded by corruption and monopolization by single land owners energized efforts to retain portions of the public domain for the protection of natural and cultural resources and opportunities for recreational use.

By the late 19th Century, the federal government began to change the policy of land disposal and create systems of federal lands for resource use and conservation, including wildlife management (Lawton 2014). For example, Yellowstone was the first national park set aside in 1872 and the National Park Service was created to manage a system of national parks in 1916. The first federal wildlife refuge, Pelican Island, was established in 1903. The Forest Reserve Act of 1891 gave the president authority to establish “Forest Reserves” and in 1905 the U.S. Forest Service was created with management authority over these national forests. This federal policy direction reflected a change in thinking among many Americans. Many visionaries (e.g., Henry David Thoreau, John Muir, George Perkins Marsh, George Catlin – who called for a “Nations Park” in 1832 to preserve the American Bison and American Indian, and John Wesley Powell) promoted a view that the unique landscapes of the federal public lands should be the pride of a growing nation and that the important resources contained within them were the birth right of all U.S. citizens, current and future. This philosophy demanded the careful management of these resources as a public trust.

Federal lands in Colorado and the West

The state of Colorado has a unique respect for public lands and support for their continued administration, management and protection by federal agencies. In May 2016, Colorado became the first state in the U.S. to establish a day of recognition of the value of public lands. As such, the third Saturday in May is celebrated as Colorado Public Lands Day (Colorado Public Lands Day Act 2016).

“Conservation means development as much as it does protection. I recognize the right and duty of this generation to develop and use the natural resources of our land; but I do not recognize the right to waste them, or to rob, by wasteful use, the generations that come after us.”

Theodore Roosevelt

Federal public lands in Colorado comprise 36% of the state. The USFS manages nearly 14.5 million acres and the BLM oversees 8.3 million. Ninety percent of Coloradans, over 7.5 million visitors annually, recreate on these public lands (Colorado Public Lands Day 2017). Across the West, where public lands dominate many landscapes, they attract and support a wide variety of recreation, often free of charge, including hunting, fishing, wildlife watching, camping, hiking, sightseeing, exploration of cultural resources, and many other outdoor recreational pursuits (e.g., climbing, water sports, biking, motor sports). Further, public lands provide opportunities for sustainable resource use and management, activities that not only drove western expansion, but continue to fuel local and regional communities and the national economy. It is challenging to quantify the value of U.S. Forest Service, BLM, USFWS, and National Park Service lands to applied ecological research that informs land management. Because public lands dominate landscapes across the West, they provide a variety of critical ecosystem services including water supply. Much of the scarce water in the West, that supports 66 million people in 3,400 communities, comes from public lands -- 33% from the National Forests (Southwick Associates 2017). This resource has been valued at \$7.2 billion annually (Southwick Associates 2017).

The presence of public lands is a major driver for community vibrancy and resiliency. Rural counties across the 11 western states with a larger proportion of federal lands are more economically healthy than rural counties with less federal public land (Rasker 2018). Counties with a higher proportion of federal land attract more employers, retirees, entrepreneurs, and those seeking an outdoor-based lifestyle. As a result, these counties experience twice the economic growth as rural counties with the lowest percentage of federally managed lands (Rasker 2018).

Outdoor recreation, including hunting, fishing and wildlife watching, contributes \$28 billion to local economies in Colorado (\$887 billion nationwide) and generates over \$2 billion in state and local tax revenue for Colorado communities which supports education, transportation infrastructure, and health care, among other services. Outdoor recreation in Colorado also generates \$9.7 billion in wages for 229,000 workers (Southwick Associates 2017). Across the U.S., 40 % of Americans (101 million people) engage in wildlife-related recreation, collectively spending \$156 billion annually (USFWS 2016). Hunting spending has been described as “the lifeblood of countless small communities nationwide” (Southwick Associates 2012). Together, hunting and fishing revenues support over 480,000 jobs worth \$18.8 billion, and federal, state and local tax income from these pursuits exceeds \$4.5 billion every year (Southwick Associates 2012). An additional 86 million Americans watch wildlife and spend \$76 billion annually to do so (USFWS 2016).

In the West, public lands represent a foundational pillar of our nation’s democracy of hunting, fishing and wildlife watching. In the West, 71% of hunting occurs on public lands including the ~80% of federal lands that are open for hunting, with 99% of BLM and USFS lands, 66% of USFWS units, and 17% of NPS units accessible to the public for hunting and fishing (Crafton 2018). About 82% of wildlife watchers who travel to see wildlife use public lands (National Wildlife Federation 2013).

Wildlife use of Colorado's public lands

The vast federal public lands in Colorado support important habitat for wildlife species, including many species of high economic importance and several of declining or vulnerable status. For example, the Gunnison Sage-grouse which was designated as a distinct species in 2000 (Young et al. 2000), and protected as a threatened species under the Endangered Species Act in 2014 (fws.gov), currently occupies 7 small, isolated populations in Colorado and Utah; 6 of which reside solely in Colorado. Much of this range (54%) is federal public land. Similarly, federal land comprises 70% of Greater Sage-grouse range (Federal Register 2013).



Photo by Gary Kramer

In addition to sage-grouse, many big game populations rely on federal public lands for critical habitat to ensure their survival in Colorado. High-elevation elk calving grounds are largely on federal public lands. In many cases, where winter range is on public land, less urban development pressure provides more secure long-term habitat. Further, federal public lands provide critical migration corridors connecting breeding and winter ranges (Connor et al. 2001, Boyd 1970). Public lands also serve as the primary location of elk hunting in the western United States (Ranglack et al. 2017).

Publicly protected wild and scenic rivers, such as the Cache la Poudre, are home to valuable fisheries ranging from greenback cutthroat and rainbow trout, to native dace, sucker, and darter species (Turner 2009, Davies 2013, GCTRT 1998). Colorado's near-endemic Brown-capped Rosy-Finch is an alpine resident which breeds at the highest altitude of any species north of the Mexican border (Johnson et al. 2000). Eighty-one percent of the rosy-finch's habitat falls on federally managed public land (NABCI 2011). Boreal toads, a state endangered species impacted by fungal disease, largely exist on high-elevation federal public lands (Colorado Parks and Wildlife 2017). These few examples begin to paint the picture that much of Colorado's biodiversity depends on the lands owned by the public and managed by federal agencies.

Transfer of federal lands

The majority of Americans oppose selling federal public lands or transferring them to states or private entities (National Wildlife Federation 2013). In Colorado, 74% of residents oppose federal land transfers and 98% of Coloradoans believe that these federal public lands are essential to the health of the Colorado economy (National Wildlife Federation 2013). Nonetheless, recent efforts by the U.S. Congress as well as several western state legislatures, including Colorado, have put forth various bills promoting the transfer of federal lands to states (e.g., American Land Act, H.R. 1017; Disposal of Public Lands Act, H.R. 2852).

Some proponents of federal land transfer to states suggest that at statehood the federal government claimed portions of the state, however the reverse is true (Lawton 2014). Much of the land within state boundaries was under federal ownership before the authorization to form the state (Keiter and Ruple 2014). As states were added to the Union, they were carved out of pre-existing federal lands (this started in 1804 with Ohio and most of the states since are the “public lands states”) (Kerr 2016). Further, the original charters for the western states explicitly indicated that the state was giving up any claim (disclaimer clauses) to federal lands within its boundaries as a provision of statehood (Keiter and Ruple 2014, Lawton 2014).

The evolution of federal land management and policy has developed a system of impact assessment, public comment, and multiple-use conservation. These principles provide reasonable assurances that federally-owned lands will continue to serve the public and consider wildlife and conservation under a system that emphasizes science-based land health. Federal land management decisions result from a robust process accountable to numerous conservation laws and policies (e.g., National Environmental Policy Act, 1969; Federal Land Policy and Management Act, 1976; National Forest Management Act, 1976; Clean Water Act, 1972; Clean Air Act, 1970; Endangered Species Act, 1973). While some citizens oppose federal land ownership because of the regulatory “burdens” that stem from federal land policies, these laws create a balanced approach to multiple-use management of lands owned by all U.S. citizens. The transfer of lands under federal management to state or private control potentially jeopardizes the continued use of these lands for the public and for future generations, especially if federal protections are removed by states or corporations which can exploit lands for short-term economic benefits. Currently, several states have sold half of their state land trust properties and the remaining federal land grants are often leased for natural resource extraction (National Wildlife Federation 2013). In Colorado, maintenance and management of over 20 million acres of federal land is an expensive undertaking that would strain the state budget.

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