

Statement of

David Alberswerth, Senior Policy Advisor, The Wilderness Society

Before the

House Subcommittee on National Parks, Forests, and Public Lands

Regarding

H.R. 2852, the “Action Plan for Public Lands and Education Act of 2011”

September 22, 2011

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to provide testimony on behalf of The Wilderness Society regarding H.R. 2852, the “Action Plan for Public Lands and Education Act of 2011.” My name is David Alberswerth, and I am a Senior Policy Advisor to The Wilderness Society. The Wilderness Society works on behalf of its 500,000 members and supporters to protect wilderness and inspire Americans to care for our wild places and our public lands and forests.

We oppose enactment of H.R. 2852, which essentially requires the federal government to give away 5 percent of the “unappropriated public lands” -- which by its quirky definition encompasses National Forest System lands as well as those public lands managed by the Bureau of Land Management -- to each western state. This is an unwarranted and unmerited giveaway of assets owned by all Americans to a select few states.

We are somewhat surprised that such a proposal is being considered at all, given the federal government’s current budget woes. For, if enacted, this bill would amount to giving away free-of-charge literally tens of billions of dollars of American taxpayer assets without compensation to those taxpayers, at a time of deepening concern about the impacts of the federal deficit on our nation’s fiscal future.

We instead support current law as articulated in Section 102(a)(1) of the Federal Land Policy and Management Act (FLPMA) that, “the public lands be retained in Federal ownership, unless as a result of the land use planning procedure provided for in this Act, it is determined that disposal of a particular parcel will serve the national interest” (43 U.S.C. 1701(a)(1)).

It is important to understand that this landmark statute received broad bi-partisan support from Republicans and Democrats, including Members from all points of the compass, including especially the western states. In fact the primary sponsors and architects of the policy of western public land retention in federal ownership at the time of enactment were western Members of Congress, who held numerous public hearings over several years during the law’s development. The law itself was based on the recommendations of the bi-partisan Public Land Law Review Commission, which was comprised largely of representatives from western states. So, to state in the findings of H.R. 2852 that, “The

United States has broken its solemn compact with the Western States and breached its fiduciary duty to the school children who are designated beneficiaries of the sale of Federal land under the terms of the respective enabling Acts of the Western States,” is simply not the case and a misreading of the history of the issue of federal public land retention.

By this logic, one could equally argue that any Member of Congress from the State of Utah who sponsors this legislation is breaking Utah’s “solemn compact” with the United States of America by proposing such legislation because Utah’s enabling statute states that, “... the people inhabiting said proposed State do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof...”

Now it is easy to see from any land ownership map of Utah and many other western states that state and federal land ownership patterns do not necessarily provide for the optimal management of either the state lands or the federal lands. That is why FLPMA also provides for federal land disposals and exchanges. And though such exchanges between the federal government and the western states can be fraught with difficulty, state/federal land exchanges have occurred over the years to the mutual benefit of the states and the federal government -- including some successful ones sponsored by members of the Utah Congressional delegation that have benefitted both Utah and the citizens of the United States. In fact, I understand that members of the Utah Congressional delegation are considering some land exchange proposals even now.

In addition, there are other, better ways to enhance the revenues the western states already receive from federal revenue transfer programs. For instance, the current federal royalty rate for oil and gas extracted from public lands is only 12.5 percent, significantly below the royalty rates charge by many western states. For example, Wyoming charges a 16.66% royalty on oil and gas extracted from state lands, plus a 6% severance tax for an effective rate of over 20 percent. Since the federal government splits oil and gas royalty receipts from operations on federal public lands 50-50 with the western states, increasing the federal royalty rate to, say, 20 percent would be of obvious benefit to both American taxpayers and the treasuries of the states where oil and gas production occurs on federal lands.

In conclusion, our recommendation is that, instead of promoting a bill like H.R. 2852 which unnecessarily perpetuates conflicts, misunderstandings, and gridlock over the status and management of America’s public lands and national forests, the sponsors of this legislation should change direction and seek out practical solutions to the nettlesome issues of federal/state land and resource ownership patterns. It does take time and patience to arrive at solutions to these complicated issues that serve the interests of all stakeholders. But, Congress has done this in the past – there is no reason it cannot be done in the future.

Thank you.