



Public Access Ensured by Keeping Public Lands in Public Hands

Summary: The desire of some states and local governments to own or control federal public lands carries significant repercussions for backcountry pack and saddle stock users. State-managed lands, for example, typically do not embrace the multiple-use mandate that guides federal land management agencies and includes promoting diverse opportunities for public outdoor recreation. There remains great uncertainty as to whether the type of access currently enjoyed by BCHA members to federal public lands would continue under either state or local control or management.

BCHA Mission includes to Perpetuate Heritage and Recreational Access

BCHA's mission statement has not wavered in 41 years. It includes the following objectives and purposes:

1. To perpetuate the common sense use and enjoyment of horses in America's back country and Wilderness areas.
2. To work to **ensure that public lands remain open to recreational stock use** (emphasis added).

These represent key tenets by which BCHA's Executive Committee analyzes the pros and cons of proposals that could affect use and enjoyment of public lands. BCHA's mission also includes promoting the sustained use of the back country "by horsemen and the general public commensurate with our heritage." The concept of heritage includes recognition of a unique national "birthright" enjoyed by all Americans—where every citizen enjoys partial ownership of an unparalleled system of national public lands, irrespective of an individual's wealth or socioeconomic status.

Federal Lands Never Controlled by States

As a condition of joining the Union, most former territories in the West renounced their claims to federal public lands in compacts with the federal government. Relevant sections of each western state's "disclaimer clause" in their constitution, or enabling act, are shown in the sidebar on the following page. Leaders of these former territories agreed to disavow all future claims to the public domain as a fundamental condition of statehood.

American Public Strongly Supports Continued Federal Ownership of Public Lands

According to a recent poll by The Colorado College,¹ more than two-thirds of Western voters (68%) view public lands as American places that belong to the country as a whole; only 24% say these lands belong more to the people of their respective state. The poll documented that a majority of voters in every state, including those that are relatively conservative, believe that federal public lands belong to the country as a whole.

A related study² demonstrates that a majority of Western voters oppose transfer of America's forests and public lands to state ownership. The majority polled believe that transfer of public lands would result in higher taxes, reduced access for recreation, increased resource extraction and a high risk that treasured public lands would be auctioned off to private individuals or corporations were states to assume full control of costs related to managing formerly federal landscapes.

Threat Associated with Transfer of Federal Lands Has Never Been Greater

Over the past century, many attempts have been made to shift control of the federal estate in order to benefit local governments and private corporations. The most recent and significant manifestation was the Sagebrush Rebellion of the 1970s and 1980s. In early 2015, congressional leaders in both the Senate and House of Representatives publicly renewed the effort to facilitate the transfer of federal lands to the states by taking the following actions:

¹ The Colorado College State of the Rockies Report: Conservation in the West Poll (2015), available online [here](#)

² Public Opinion Strategies, Sept. 2014, available [here](#)

Why States Don't Have a Legal Right to Seize America's Public Lands

To enter the Union, Western states signed onto an enabling act, where each agreed that federal parks and forests belong to all Americans



Arizona Enabling Act

"That the people inhabiting said proposed State do agree and declare that they forever disclaim all right and title to the unappropriated and ungranted public lands lying within the boundaries thereof..."



Colorado Enabling Act

"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..."



Idaho Enabling Act

"And the people of the state of Idaho do agree and declare that we forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof..."



New Mexico Enabling Act

"That the people inhabiting said proposed state do agree and declare that they forever disclaim all right and title to the unappropriated and ungranted public lands lying within the boundaries thereof..."



Nevada Enabling Act

"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..."



Montana Enabling Act

"That the people inhabiting said proposed States do agree and that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof..."



Utah Enabling Act

"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..."



Wyoming Enabling Act

"The people inhabiting this state do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof..."



Center for
Western Priorities

Non-Binding Senate Budget Resolution

The U.S. Senate approved on March 26, 2015, a budget resolution that would establish a procedure for selling, exchanging or transferring to the states federal lands that are not national parks, monuments or reserves. The amendment was sponsored by Sen. Lisa Murkowski, Chairman of the Senate Energy & Natural Resources Committee.

Budget Request in the House of Representatives

Also in March 2015, the Chairman of the House Committee on Natural Resources, Rep. Rob Bishop, requested \$50 million for the Fiscal Year 2016 federal budget in order to facilitate immediate transfer of public lands to states control.

Additional Downsides of Federal Land Transfer

There are numerous "downsides" to large-scale transfer to, or control of, federal public lands by the states. For example, states and local governments typically do not have the multiple use mandates by which federal agencies must abide (e.g., protection of watersheds, wildlife, fisheries, historic resources, promotion of recreation, commodity development, etc.). In contrast, states and counties typically take a myopic view of the benefits provided by public lands and are forced to maximize revenue, often to the detriment of other uses, including recreation. Were local governments to choose to maximize revenue through the enhancement of recreational opportunities, the result invariably would be higher fees for recreational access and amenities.

There also are issues associated with the lack of wildland fire-fighting resources/capability by the states and the potential for states/counties to sell off formerly public lands to the highest bidder, including billionaires and global corporations. These are some of potential downsides of the transfer of federal lands—the least of which would be great uncertainty over the public's ability to continue to access public lands in a manner that American citizens have been accustomed for over 150 years.

Conclusion

BCHA views the potential for large-scale transfer of federal lands to the states with great skepticism and concern. While our members continue to take issue, sometimes significantly, with indiscriminate restrictions to recreational stock use, we would much rather contend with federal multiple-use management agencies than grapple with 50 different state bureaucracies in order to ensure our continued use and enjoyment of public lands.