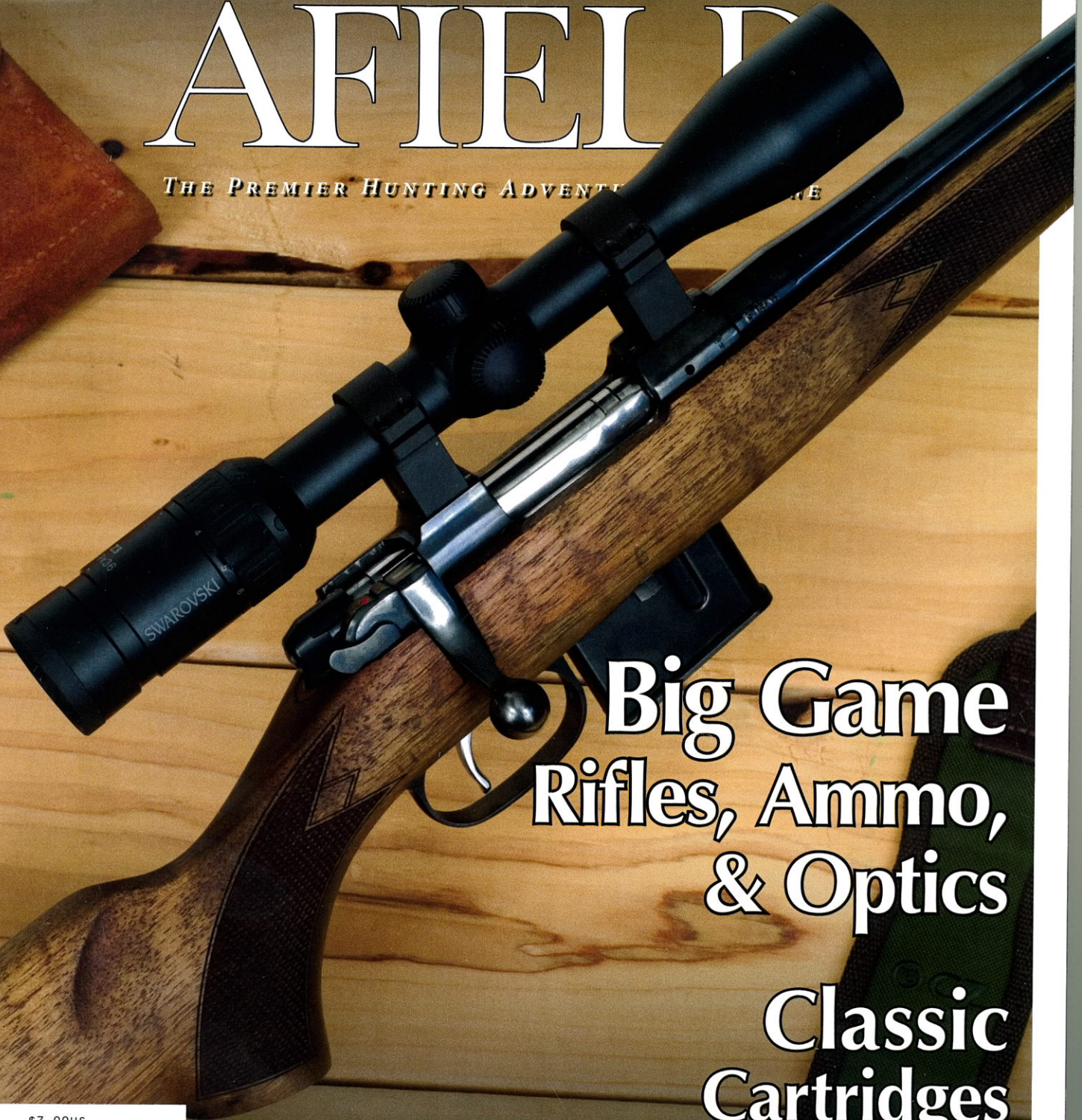




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WHO SHOULD OWN AMERICA'S PUBLIC LANDS?

The historical context of the public lands debate.



Public lands have been part of America's heritage since the 1700s. Today, they are crucial to all citizens who enjoy fishing, hunting, and other forms of outdoor recreation.

Everything humans do requires space, and it is often said that land is our greatest resource. In the field of economics, the word *land* refers not just to the soil or surface of the ground, but to all of nature, encompassing the broad suite of resources obtained from air, water, and earth. Land is integral to food production, community structure, and ecological

sustainability. Land is thus viewed as a sustaining space.

Land also generates wealth and prosperity. Land ownership, while a relatively new concept in human history, has emerged as a major determinant of economic and social progress. The very first landowners were those who planted stakes in the earth to claim an area of land as their own, and were prepared to defend their territory against would-be usurpers. Over time, property rights and land ownership became driving forces behind nation-building and the patterns and distribution of land ownership became inevitably tied to political visioning, discourse, and debate. Today, in all modern nations, some land is held or owned by central governments. In the United States, these lands are referred to as public lands, though there is ongoing debate over who should own and manage them. For any of us who care about the conservation of nature and the preservation of our traditions in the outdoors, this debate is one we simply cannot ignore.

As the United States expanded east to west across North America, the fledgling nation acquired land through purchase, treaty agreements, or, more often, conquest. Native Americans were forced to cede millions

of acres of their traditional territories, while other land parcels were politically, militarily, and/or commercially obtained from Mexico, Canada, Russia, Spain, England, and France. The first U.S. public lands were created in 1781 when New York agreed to surrender its claim to unsettled territory westward to the Mississippi River to the federal government. Other colonies followed New York's example and, by 1802, all land west of the colonies from the Appalachian Mountains to the Mississippi River became public domain, owned by the federal government. As the nation's drive westward continued, ever greater parcels of land became part of the federal government's domain, eventually encompassing 1.8 billion acres.

Over time, between 1781 and 1940, the federal government transferred approximately two-thirds of these public lands to individuals, states, and corporations, primarily through enactment of homesteading laws and land grants that allowed farmers to obtain parcels of land for agricultural use. Other large areas of federally owned land were eventually set aside for national parks and monuments, national forests, wildlife preserves and refuges, as well as for military bases and reserves for indigenous peoples.

This strategy of land dispersal worked well in the American Midwest. It encouraged settlement and stimulated economic and social progress, leading to the establishment of transportation and education systems. In the West, however, dispersal of federal lands proved far more difficult. The land there was mountainous, dry, and difficult to access. Farming was not widely feasible and thus did not attract settlers easily. The land was good for grazing, but cattle ranchers and sheep herders required much larger tracts of land than were available for claim through existing homestead policies. Though new policies were implemented to try to offset these hindrances, the imbalance between federally owned lands in the eastern and western U.S.

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states did not significantly lessen, with far greater tracts of federal lands persisting in the western regions of the country.

In the twentieth century, the political emphasis in the United States shifted toward the retention of federally owned lands. As conservation became a more important policy objective, efforts at public land dispersal to encourage settlement and economic development slowed and more land was set aside for parks, wilderness, and conservation purposes. This trend was further encouraged by the rise of environmentalism in the 1960s. As cities expanded and environmental awareness increased, undeveloped public lands were increasingly viewed as good for the environment, as safe havens for wild animals and plants, and as recreational destinations for the general public.

It was during this interval that U.S. President John F. Kennedy emphasized the need for increased focus on conservation and the importance of the federal government in providing leadership. At the same time, public lands in the western United States began to attract increasing numbers of recreational users from other states and around the world. New laws, including the Wilderness Act of 1964, the National Environmental Policy Act of 1969, The Wild Free-roaming Horses and Burros Act of 1971, and the Endangered Species Act of 1973 significantly influenced land management decisions and uses. With the passing of the Federal Land Policy Management Act (FLPMA) in 1976, Congress expressly stated that remaining public domain lands should remain federally owned.

Today, the federal government still owns almost 30 percent of the land area in the United States, or approximately 640 million acres. There are federal lands in all states, but the majority lie west of the Missouri River. About 92 percent of all federally owned lands exist in twelve western states and about 47 percent of the land in these states is federally owned. In some states, like Oregon, Utah, and Nevada, most of the land is, in fact, owned by the federal government. In contrast, east of the Mississippi, the federal government now owns only 4 percent of the land. Inevitably, therefore, public land issues more strongly confront residents of the American West, physically

and emotionally, than residents in other parts of the country. The relevance of public lands to conservation, however, is a debate of much wider geographic relevance.

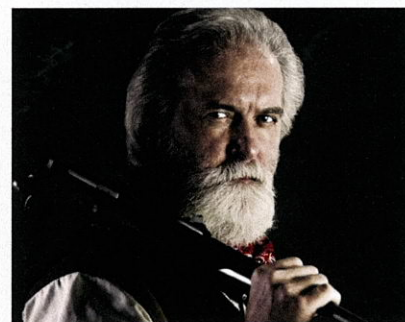
Since the passing of the Federal Land Policy Management Act (FLPMA) of 1976, there has been considerable and growing controversy in the United States regarding the extent to which the federal government should own land. Americans have questioned whether the land should be used to best benefit local people within a state or specified region, or benefit the nation as a whole. Some citizens perceive the federal government as a distant entity that has no business telling states how to use or maintain land within their boundaries. Others feel that state ownership could be more responsive to the preferences of resident people who wish to use the land, while also having more positive economic benefits arising from a diversified program of land development. Some state representatives, individuals, and corporations have therefore lobbied for public land transfers from federal ownership to state ownership.

Recently, federal legislation (HR 621) was introduced to make it easier for Congress to transfer federal lands to state or local governments. The new bill identified the potential transfer of 3.3 million acres of public lands to state ownership, a combined land area equal to the state of Connecticut. States in receipt of these transferred lands could then sell off or otherwise develop them, without public consultation at the state or federal level. For those opposed to public land transfers, the fear was that even those states gaining control of these lands but opposed to privatization or development could face financial realities—for land management responsibilities—that would inevitably force sell-offs in the long run. Results could range from a loss of access (for both people and wildlife) to complete loss of wilderness resulting from industrial development or other land modifications. Such transfers, it was further argued, could have serious consequences for the American outdoor recreation-based economy, worth approximately \$646 billion dollars annually. Certainly, America's public lands do serve as critical

theaters for recreationalists who help drive this appreciably rural and politically highly relevant financial enterprise.

The outdoor community responded to the prospect of HR 621 immediately and passionately, and with a concerted voice. Hunters and anglers stood with hikers and bikers and birders and photographers and the many other stakeholders who strongly and vocally opposed this bill in a combined effort to ensure that America's public lands, and their citizens' rights of access to them, would not be compromised. One of the most covered themes within this wider debate was the need to ensure public access for sustainable use for wildlife, certainly, but the greater significance of the fight against public land transfers may well have been the broad coalition of interests who stood in solidarity against the proposal. In this critical sense, the public lands debate may well represent a beacon of hope for wildlife and land conservation in the United States.

While HR 621 was withdrawn following the overwhelming and negative public response, this most recent experience serves as a reminder that the issue of public lands ownership in the U.S., despite more than two centuries of historical context and many decades of policy debate, remains a controversial topic in this nation. The issue will, undoubtedly, rise again.



Shane Mahoney

Born and raised in Newfoundland, Shane Mahoney is a biologist, writer, hunter, angler, internationally known lecturer on environmental and resource conservation issues, and an expert on the North American Conservation Model.