



Written by [Alex Newman](#) on December 17, 2014

Utah Demands Feds Surrender Lands by Dec. 31

With the federal government engaged in a *de facto* unconstitutional occupation of some two thirds of Utah's territory, citizens of the state and their elected representatives have had just about enough. So, on December 31, the State of Utah is formally demanding that Washington, D.C., relinquish control over more than 30 million acres of valuable land currently controlled by various federal bureaucracies.



While apparatchiks for an all-powerful U.S. government and far-left activists are fuming over the plan, Utah lawmakers, citizens, and experts say the time has come for the state to manage — and profit from — its own resources. Constitutionally speaking, experts say the lands should have gone to state control generations ago, as the federal government promised when Utah became a state.

The escalating battle now brewing between the feds and Utah formally got underway in 2012, when Republican Gov. Gary Herbert, riding a wave of public outrage over federal abuses and land grabs, signed the popular Transfer of Public Lands Act. Among other elements, the law calls on the federal government to hand over control of public lands purportedly owned by the U.S. government within Utah's borders.

The law also commissioned a study, released this month, examining various aspects of the process and finances — including how Utah would manage the land it is calling on the federal government to relinquish. According to the study, contrary to the hysterical claims of pseudo-environmentalists and federal supremacists demanding ever greater federal land grabs, transferring the lands to Utah would likely be “profitable” for the state.

Indeed, if Utah controlled its own lands — as opposed to bureaucrats and politicians in faraway Washington, D.C., who siphon away much of the state's wealth and mismanage the resources — the state could easily bring in enough revenue to cover the costs of managing the lands, and then some. According to the researchers, the vast swaths of federally owned land represent an overall “drag” on the state's economy — especially in the 20 out of 29 counties where the feds purport to own more than 40 percent of the land.

The 780-page study, “An Analysis of a Transfer of Federal Lands to the State of Utah,” was performed by economists from three leading Utah universities. It concluded that properly managing the lands by Utah authorities would cost the state government about \$250 million annually by 2017. Revenues from those same lands in 2013 were already more than \$330 million, with most of that coming from oil and gas royalties.

Depending on oil prices and other factors, a best-case-scenario would see the state's coffers bulging with over \$1 billion in additional revenue annually by 2035. By 2017, with a slight increase in drilling, the state could be earning nearly \$400 million per year — more than enough to offset the costs of taking over fire suppression and other management duties from the federal government.

“In conclusion, from a strictly financial perspective, it is likely the state of Utah could take ownership of



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the lands and cover the costs to manage them,” found the study, which was celebrated by Utahans but blasted by Big Green lobbyists given a megaphone by the establishment press. “Our research also suggests that it could put a strain on the state’s funding priorities in the early years as the state adjusts to the loss of federal dollars, evaluates land resources and conditions, and develops programs to replace those now managed by federal agencies.”

While the potential economic benefits to the people of Utah are clear, many of the officials leading the charge are also concerned about broader issues. As the Western territories were officially becoming states, like in the East, the federal government agreed to eventually transfer those lands to state control. However, as with so many other promises made by the D.C.-based political class, so far, the pledges have not been fulfilled. The 2012 Utah law specifically cited those agreements from when the state joined the Union.

Perhaps the most important issue at play in the whole land issue, though, is the U.S. Constitution. Lawmakers involved in the effort point to, among other key points, Article 1, Section 8 of the U.S. Constitution, which outlines what types of property the federal government is authorized to own. *The Federalist Papers*, too, make clear that the Founding Fathers never meant to have the federal government serve as landlord over half of the Western states, and in some cases, as much as 85 percent of the territory within states such as Nevada.

Despite the 2012 law requiring the feds to get out by December 31 of this year, the controversial federal bureaucracies unconstitutionally occupying and (mis)managing the vast territories — primarily the U.S. Bureau of Land Management and the U.S. Forest Service — have refused to cooperate so far, according to news reports. For the state lawmakers and officials behind the effort to restore state sovereignty over the land, however, that is simply not an option.

“We’re going to move forward and use all the resources at our disposal,” explained Utah Rep. Ken Ivory, who sponsored the 2012 law and also leads the American Lands Council, a group seeking to strip the feds of their gargantuan land holdings across the Western United States. Among other possibilities, state leaders are exploring a plan to hire a private law firm to lead the charge in court if Washington, D.C., refuses to surrender the lands by the deadline set in the law.

The first step in the process is to see whether the federal government will voluntarily comply with the Constitution and Utah’s law mandating that it be upheld. “That’s what you do any time you’re negotiating with a partner. You set a date,” explained Rep. Ivory. “Unfortunately, our federal partner has decided they don’t want to negotiate in good faith. So we’ll move forward with the four-step plan that the governor laid out.”

While the governor who signed the 2012 law has not been quite as enthusiastic as state lawmakers, he welcomed the report and vowed to continue considering the state’s options. “I expect that public discussion will be well-served by this report,” Republican Gov. Gary Herbert said in a statement about the study. “It is important to make decisions based upon a thorough review of accurate, relevant information.” He also said his office and the legislature would “continue to review” the study and “pose questions for further consideration of the legislature.”

As *The New American* [reported](#) earlier this year, Utah and its citizens are hardly alone in seeking to wrest control over the lands and the vast wealth currently claimed by the feds. In April, lawmakers and elected officials from nine Western states even met at the Utah Capitol for the Legislative Summit on the Transfer for Public Lands. “Legislators from across the West are saying enough is enough,”



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Washington State Rep. Matt Shea told *The New American* after the summit. “We are banding together to fight federal overreach wherever it rears its ugly head, not just talk about it.”

“The federal government cannot possibly know how best to manage land in the thousands of different locales like the people of those areas could,” the popular Republican lawmaker explained, echoing the sentiments of countless other policymakers and activists who say the federal government needs to be stripped of its vast, unconstitutional land holdings. “Clearly, the people of Western states would do a better job managing those lands.”

Already, the federal government alone purports to “own” about a third of the land in the United States — and with ongoing land grabs across the country under various pretexts, those numbers continue to mushroom. “The enabling acts of the Western States make it clear the federal government was meant to be a steward only until such time that the states could manage,” Rep. Shea explained. State and local governments also have vast land holdings.

Eventually, some advocates of reducing the gargantuan federal footprint across the Western states hope some of the land can be sold off and become private property rather than being owned by government. Getting the feds to relinquish control to state governments, though, would at least represent a good starting point.

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