

**Testimony before the Federal Lands Action Group**  
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**The Environmental Implications of Federally Managed Lands in the West and Canadian Devolution**

Good afternoon, Members of the Federal Lands Action Group, and thank you for the opportunity to present today. I'm honored by the invitation.

My name is Karla Jones and I am the Director of the Task Force on Federalism at the American Legislative Exchange Council (ALEC). ALEC is a non-profit, non-partisan membership organization comprised of state legislators from across the country who share ALEC's commitment to free markets, limited government and federalism. The transfer of select federal lands to state control is an issue of great importance to the state legislators that count themselves as ALEC members, and we have published a white paper on the topic – [\*\*\*Federally Managed Lands in the West: The Economic and Environmental Implications for the States\*\*\*](#). The paper concluded that the states would serve as superior environmental and economic stewards of select lands within their borders and that America's own 19<sup>th</sup> century experience in transferring land from federal to state control as well as Canada's experience with territorial devolution serve as positive models for the transfer of lands today. This afternoon I will focus on the federal government's failed stewardship of federal lands and ways in which the states would be better. I will also present Canada's experience with devolution of its territories as a possible case study of what would happen following transfer of select federal lands to state control.

**Environmental**

One point on which everyone – Left, Right, Environmentalists, state lawmakers and even the U.S. federal government – can agree is that the federal government has done a poor job of managing the federal estate from an environmental perspective. The BLM admits that 21 percent of the grazing land it administers doesn't even meet its own standards for health and likely won't in the near future. However the most obvious indicator of federal mismanagement's environmental toll is that "catastrophic" has become the new normal for wildfire seasons out West. Large wildfires on federal lands increased 75 percent between 1989 and 2009. The Congressional Research Service cites poor logging practices, overgrazing and overly aggressive fire control on the federal lands as reasons. The Union of Concerned Scientists acknowledges that the federal government favors suppressing wildfires once they've started instead of keeping forests healthy enough that might prevent them in the first place.

And despite an emphasis on firefighting as opposed to prevention, the federal government has restricted roadbuilding that has made it more difficult to monitor remote areas and reach fires after they start. One of the more absurd episodes in during last year's wildfire season came when the federal government prohibited Montana firefighting helicopters from fighting fires on federal lands because, despite having a flawless safety record, the Montana helicopters did not conform to arbitrary federal standards. The federal government, after much pressure, eventually allowed the helicopters to fly, but in the meantime, many acres burned while Montana firefighters were grounded.

I don't need to tell you the impact that these fires have on the environment. Wildfires destroy forests and the animals that live there. The silt flowing into reservoirs from fire ravaged areas restricts the amount of water that these reservoirs can hold making drought conditions even worse. They reduce air

quality to dangerous levels and according to one study, the fires this past summer were responsible for 3 percent of the country's greenhouse gas emissions.

A handful of western states petitioning or thinking of petitioning for transfer of federal lands to state control have formed committees and working groups that have conducted feasibility studies with ideas that would help to prevent wildfires on lands if transferred. These ideas including better zoning, fire-resistant construction, reducing fuel loads and improved fire mitigation policies. Utah and Nevada have exhaustive reports detailing their plans. State and local control would be better control. The states are more accountable and more familiar with their own lands. Their citizens are the ones that benefit from healthy land in terms of beautiful landscapes, clean air and recreational opportunities. Additionally, when the states bear the financial costs of mismanagement directly, there is a greater incentive to manage them more proactively.

### **Canadian Devolution**

Giving the states control over select federal lands within their borders will increase accountability which will lead to better management. This is common sense, but Canada's experience with its territories gives us an excellent real world case study of what happens when the federal government cedes management of land to subnational governments. Canada calls the process devolution. There are many parallels between the Canadian experience with devolution in the territories – Yukon and Northwest Territories – but significant differences that should make the transition for America's western states more rapid.

The western Canadian provinces received control over the resources on their lands in 1930 – just 25 years after many of them became provinces – not unlike what happened with America's 19<sup>th</sup> century then-frontier states like Illinois, Missouri and Florida. However, the *territories* were still controlled by the government in Ottawa, including control over territorial natural resources. The Canadian national government provided subsidies to the territories to make up for the revenues that they were not able to earn from their own land. This system was similar to the PILT, SRS and other federal subsidies U.S. western states receive today. These payments were unilaterally revised and reneged on in Ottawa. Again, a situation familiar to the western states in the U.S. Inordinately long wait times for extraction leases were also a feature of the territories before devolution. While federal control was becoming more and more challenging for those living in the territories, most Canadians had no idea that there was even a problem. They didn't realize that there was a difference between how lands were managed in the provinces compared to the territories.

The result of the policy toward the territories was a Canadian national government that was unaccountable to the people and out of touch with the land itself. Agitation from territorial citizens during the 1960s, led to Ottawa's beginning to cede more control to the territories. This was done in a very incremental way. Yukon received control over the resources within its borders in 2003 and Northwest Territories in spring 2014. Nunavut is still a few years away from devolution.

By all accounts, devolution has been a resounding success. Unemployment rates in the territories are lower, mining activity has increased and local governments are showing a higher degree of accountability than the federal government had. Tourism is also up. Think tanks, Canadian MPs and current and former territorial Premiers are happy with the results so far of devolution. In a testament to devolution's success, former Alaska Lieutenant Governor Mead Treadwell noted that regional control over the territories' mineral rich lands has made it harder for his state and the other western states to compete for market share.

Devolution should be even more successful in the U.S. due to the differences between the western states and the Canadian territories. The territories had no real governmental structures in the years before devolution efforts began. America's western states have fully functioning democratic structures at the state and local levels and have controlled some of their lands for years. The states petitioning for transfer have conducted feasibility studies to determine if they're ready for transfer and in some cases, like Nevada, have put together sensible plans for gradual transfer.

It is time for the states to be given the opportunity to control the lands within their borders, and I thank the Federal Lands Action Group for the work that you are doing toward that end. I look forward to answering any questions you might have about my presentation.

[ALEC's Statement on Transfer of Public Lands](#)