

# Federal Land Disposition to States – Opportunities and Issues

WSLCA Winter Conference

January 10, 2017

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# Overview

- Advancing Conservation & Education Act (ACE)
- New Mexico severed mineral estate transfer proposal
- Limitations on federal administrative transfers/exchanges – mitigation and plan compliance (sage grouse example)
- Out there proposals – “Take Back the Public Lands”

# Advancing Conservation and Education (ACE) Act of 2017

- Proposal developed by WSLCA 2010-2012 to supplement federal land exchanges
- Concept:
  - Allow western states to relinquish existing trust parcels inside federal conservation areas for replacement lands elsewhere
  - Can't select federal lands inside conservation areas
  - Can select federal producing minerals, at appraised value
- Introduced in 114<sup>th</sup> Congress as HR 5758/S 3316
  - House sponsors: Jared Polis (D-CO), Jason Chaffetz (R-UT)
  - Senate sponsors: Jeff Flake (R-AZ), Martin Heinrich (D-NM)

# ACE Provisions

- Eligible Areas
- Appraisal Provisions
  - “Yellow Book” compliance required, except:
  - <\$500,000/parcel or <\$500/acre allows use of statement of value
- Adjustment for Federal Mineral Revenue Sharing
  - appraised value for producing minerals reduced by current state revenue share
- 20 year Sunset

# Outstanding Issues

- Environmental NGOs want to expand areas off-limits to selection
- “Priority” conservation areas
- Utah tribal reservation issue
- Applicability of Obama-era mitigation proposals

**NEW MEXICO SEVERED MINERAL  
TRANSFER PROPOSAL**

**1916**

**640 Acres**

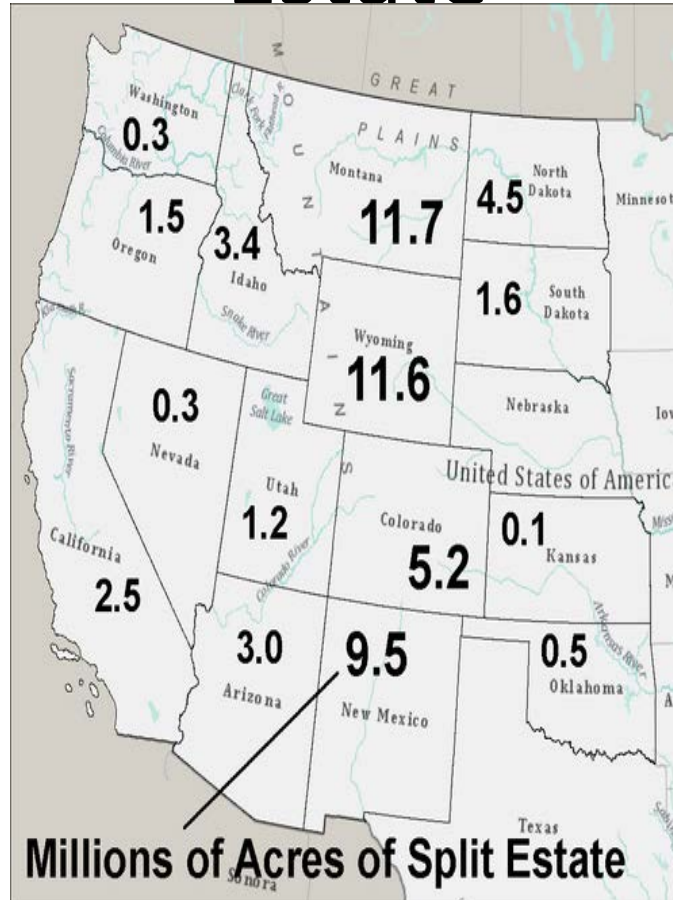
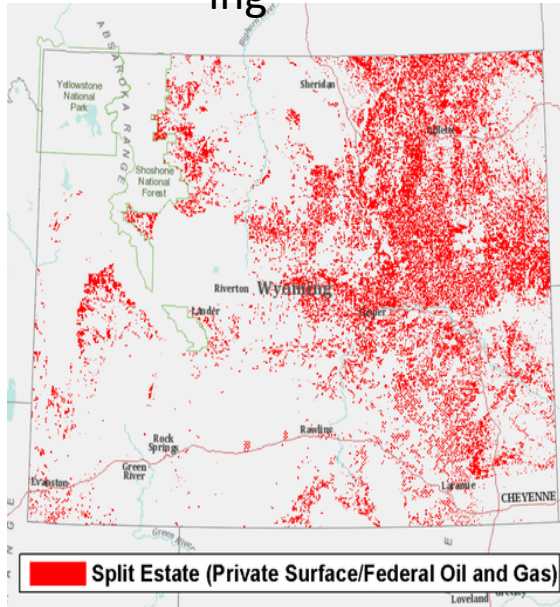


**Stock Raising Homestead Act**  
**For Ranching Purposes**

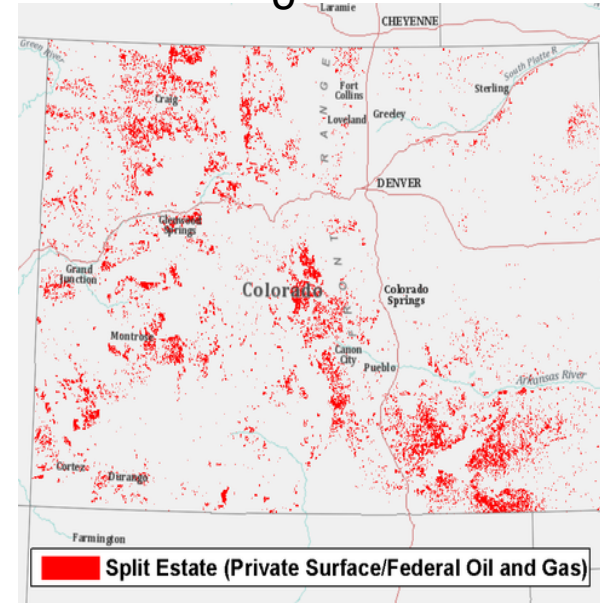
In 1916 The Stock Raising Homestead Act was passed. It provided settlers 640 acres of prairie for ranching purposes. Under this act, the minerals were reserved to the Fed Govt.

# Western States: Mineral Acres of Split Estate

Wyoming



Colorado





# A Solution: Early Childhood Education Land Grant Act

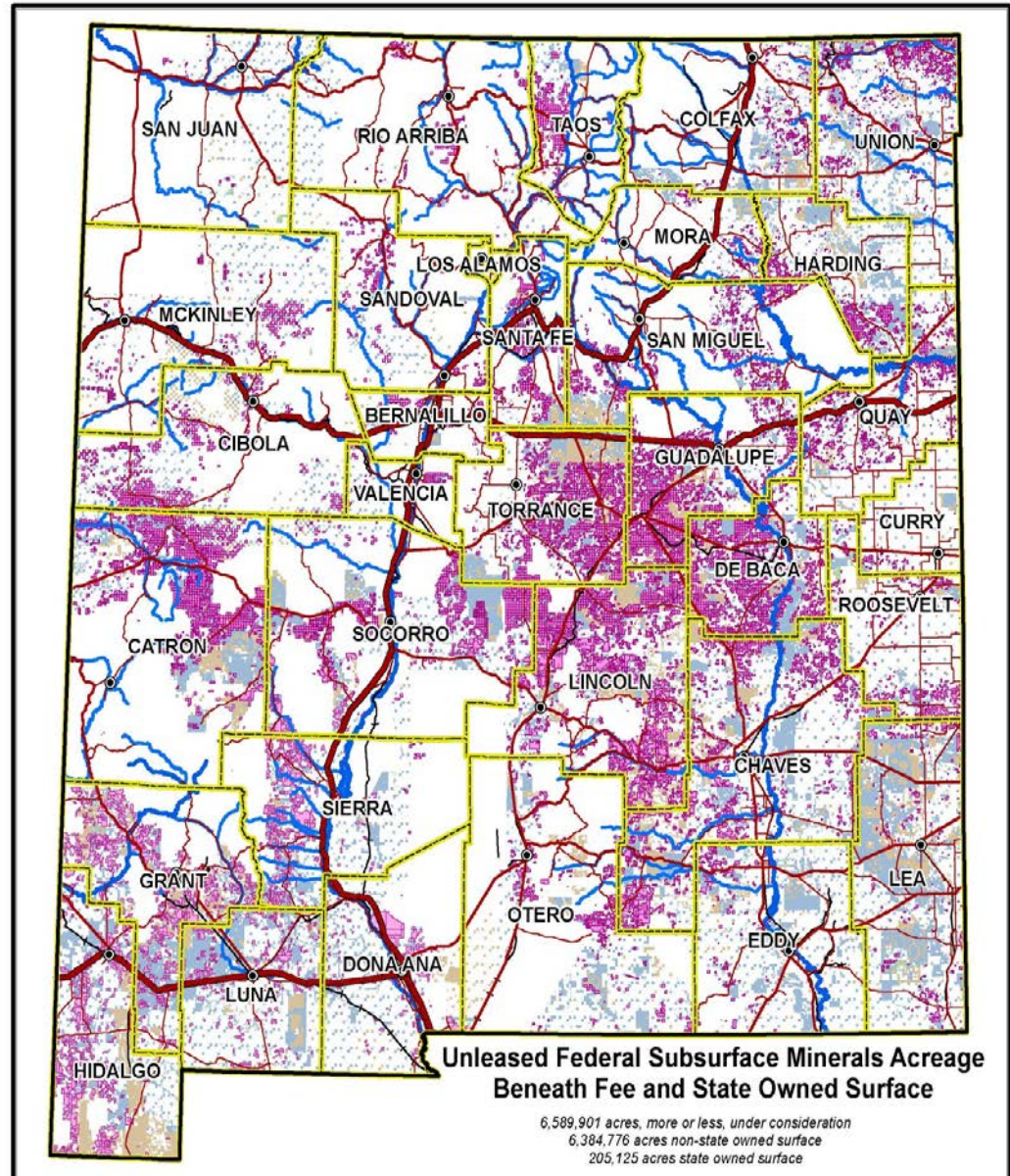
- The federal government holds a vast amount of unleased federal subsurface mineral acreage beneath private land within New Mexico – potentially upwards of 6.5 million acres.
- Congress can transfer these unleased mineral acres to the NM State Land Office to be held in trust to generate revenue for early childhood.
- For the first ten years the federal government will receive fifty percent of revenue generated.
- Land access would not change since private landowners already manage the surface above these minerals.

# Split Estate in New Mexico

**Unleased Federal Subsurface Mineral Acreage  
Beneath Private Land**  
6,589,901 Acres

**Legend**

- County Seats
- Interstate Freeway
- US Highway
- Rivers
- County Lines
- State Trust Lands**
  - Subsurface Estate
  - Surface Estate
  - Both Estates
- Unleased Federal Subsurface Acreage, Fee Surface
- National Monument Outlines
- CCAA Acreage



# Early Childhood Funding...

- Income Estimates
  - \$210 million in annual royalties to the Early Childhood Education Land Grant Permanent Fund.
- Create Jobs in the area of mineral extraction
- Provide a long-term, sustainable endowment and funding stream for early childhood education in New Mexico.
- Need Congressional Approval

# BLM Land Exchanges

- Pending legislated land exchanges
  - Utah Test and Training Range
  - Owyhee Exchange – Idaho
  - Other
- How do exchanges interact with new policies on mitigation (next slide)
- Funding issues?
- Opportunity for BLM comment.

# New BLM Policies on Mitigation

- Require mitigation on effectively all new public land actions
  - MS-1794 – Mitigation Handbook (12/22/2016)
  - M-37039 – Solicitor Opinion (12/21/2106)
- Applicability to state land exchanges/selections?
  - Utah in lieu selection example
- Will they survive new administration?