



Federal Land Ownership: Overview and Data

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Summary

The federal government owns roughly 635-640 million acres, 28% of the 2.27 billion acres of land in the United States. Four agencies administer 609 million acres of this land: the Forest Service (USFS) in the Department of Agriculture, and the National Park Service (NPS), Bureau of Land Management (BLM), and Fish and Wildlife Service (FWS), all in the Department of the Interior (DOI). Most of these lands are in the West and Alaska. In addition, the Department of Defense administers 19 million acres in military bases, training ranges, and more. Numerous other agencies administer the remaining federal acreage.

The lands administered by the four land agencies are managed for many purposes, primarily related to preservation, recreation, and development of natural resources. Yet each of these agencies has distinct responsibilities. The BLM manages 248 million acres and is responsible for 700 million acres of subsurface mineral resources. The BLM has a multiple-use, sustained-yield mandate that supports a variety of uses and programs, including energy development, recreation, grazing, wild horses and burros, and conservation. The USFS manages 193 million acres also for multiple uses and sustained yields of various products and services, including timber harvesting, recreation, grazing, watershed protection, and fish and wildlife habitats. Most of the USFS lands are designated national forests. Wildfire protection is increasingly important for both agencies.

The FWS manages 89 million acres of federal land (plus several large marine areas), primarily to conserve and protect animals and plants. The National Wildlife Refuge System includes wildlife refuges, waterfowl production areas, and wildlife coordination units. The NPS manages 80 million acres of federal land in 397 diverse units to conserve lands and resources and make them available for public use. Activities that harvest or remove resources generally are prohibited.

Federal land ownership is concentrated in the West. Specifically, 62% of Alaska is federally owned, as is 47% of the 11 coterminous western states. By contrast, the federal government owns only 4% of lands in the other states. This western concentration has contributed to a higher degree of controversy over land ownership and use in that part of the country.

Throughout America's history, federal land laws have reflected two visions: keeping some lands in federal ownership while disposing of others. From the earliest days, there has been conflict between these two visions. During the 19th century, many laws encouraged settlement of the West through federal land disposal. Mostly in the 20th century, emphasis shifted to retention of federal lands. Currently, agencies have varying authorities for acquiring and disposing of land, ranging from very restricted to quite broad. As a result of acquisitions and disposals, federal land ownership by the five agencies has declined by more than 18 million acres, from 647 million acres to 629 million acres, since 1990. Much of the decline is attributable to BLM land disposals in Alaska.

Numerous issues affecting federal land management are before Congress. They include the extent of federal ownership, and whether to decrease, maintain, or increase the amount of federal holdings; the condition of currently owned federal infrastructure and lands, and the priority of their maintenance versus new acquisitions; the optimal balance between land use and protection, and whether federal lands should be managed primarily to produce national or local benefits; and border control on federal lands along the southwest border.

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Introduction

Today the federal government owns and manages roughly 635-640 million acres of land.¹ Four agencies manage 609 million acres of this land: in the Department of the Interior (DOI), the National Park Service (NPS) manages 80 million acres, the Bureau of Land Management (BLM) manages 248 million acres, and the Fish and Wildlife Service (FWS) manages 89 million acres (plus 217 million acres of marine refuges and monuments); and in the Department of Agriculture, the Forest Service (USFS) manages 193 million acres.² Most of these lands are in the West, including Alaska. In addition, the Department of Defense administers 19 million acres in military bases, training ranges, and more. The remaining several million acres (estimated) are managed by a variety of government agencies.

Ownership and use of federal lands have stirred controversy for decades.³ Conflicting public values concerning federal lands raise many questions and issues, including the extent to which the federal government should own land; whether to focus resources on maintenance of existing infrastructure and lands or acquisition of new areas; how to balance use and protection; and how to ensure the security of international borders along the federal lands of multiple agencies. Congress continues to examine these questions through legislative proposals, program oversight, and annual appropriations for the federal land management agencies.

Historical Background

Federal lands and resources have been important in American history, adding to the strength and stature of the federal government, serving as an attraction and opportunity for settlement and economic development, and providing a source of revenue for schools, transportation, national defense, and other national, state, and local needs.

The formation of the U.S. federal government was particularly influenced by the struggle for control over what were then known as the “western” lands—the lands between the Appalachian Mountains and the Mississippi River that were claimed by the original colonies. The original states reluctantly ceded the lands to the developing new government; this cession, together with granting constitutional powers to the new federal government, including the authority to regulate federal property and to create new states, played a crucial role in transforming the weak central government under the Articles of Confederation into a stronger, centralized federal government under the U.S. Constitution.

¹ Total federal land in the United States is not definitively known. The estimate of 635-640 million acres presumes that the four federal land management agencies have reasonably accurate data on lands under their jurisdiction (609 million acres) as does the Department of Defense (19 million acres), as shown in **Table 1**. Other agencies (e.g., Agricultural Research Service, Bureau of Reclamation, Department of Energy, National Aeronautics and Space Administration) are presumed to encompass about 5-10 million acres of federal land. This excludes Indian lands, many of which are held in trust by the federal government, but are not owned by the federal government.

² For background on these agencies, see CRS Report R40225, *Federal Land Management Agencies: Background on Land and Resources Management*, coordinated by Ross W. Gorte.

³ In this report, the term *federal land* is used to refer to any land owned (fee simple title) and managed by the federal government, regardless of its mode of acquisition or managing agency; it excludes lands administered by a federal agency under easements, leases, contracts, or other arrangements. *Public land* is used to refer to lands managed by the Bureau of Land Management, consistent with § 103(e) of the Federal Land Policy and Management Act of 1976 (P.L. 94-579; 43 U.S.C. §§ 1701, et seq.).

Subsequent federal land laws reflected two visions: reserving some federal lands (such as for national forests and national parks) and selling or otherwise disposing of other lands to raise money or to encourage transportation, development, and settlement. From the earliest days, these policy views took on East/West overtones, with easterners more likely to view the lands as national public property, and westerners more likely to view the lands as necessary for local use and development. Most agreed, however, on measures that promoted settlement of the lands to pay soldiers, to reduce the national debt, and to strengthen the nation. This settlement trend accelerated with federal acquisition of additional territory through the Louisiana Purchase in 1803, the Oregon Compromise with England in 1846, and cession of lands by treaty after the Mexican War in 1848.⁴

In the mid to late 1800s, Congress enacted numerous laws to encourage and accelerate the settlement of the West by disposing of federal lands. Examples include the Homestead Act of 1862 and the Desert Lands Entry Act of 1877. Approximately 816 million acres of public domain lands were transferred to private ownership (individuals, railroads, etc.) between 1781 and 2010. Another 328 million acres were granted to the states generally, and an additional 142 million were granted in Alaska under state and Native selection laws.⁵ Most transfers to private ownership (97%) occurred before 1940; homestead entries, for example, peaked in 1910 at 18.3 million acres but dropped below 200,000 acres annually after 1935, until being fully eliminated in 1986.⁶

Although some earlier laws had protected some lands and resources, such as salt deposits and certain timber for military use, new laws in the late 1800s reflected the growing concern that rapid development threatened some of the scenic treasures of the nation, as well as resources that would be needed for future use. A preservation and conservation movement evolved to ensure that certain lands and resources were left untouched or reserved for future use. For example, Yellowstone National Park was established in 1872 to preserve its resources in a natural condition, and to dedicate recreation opportunities for the public. It was the world's first national park,⁷ and like the other early parks, Yellowstone was protected by the U.S. Army—primarily from poachers of wildlife or timber. In 1891, concern over the effects of timber harvests on water supplies and downstream flooding led to the creation of forest reserves (renamed national forests in 1907).

Emphasis shifted during the 20th century from the disposal and conveyance of title to private citizens to the retention and management of the remaining federal lands. During debates on the

⁴ These major land acquisitions gave rise to a distinction in the laws between *public domain lands*, which essentially are those ceded by the original states or obtained from a foreign sovereign (via purchase, treaty, or other means), and *acquired lands*, which are those obtained from a state or individual by exchange, purchase, or gift. (About 90% of all federal lands are public domain lands, while the other 10% are acquired lands.) Many laws were enacted that related only to public domain lands. Even though the distinction has lost most of its underlying significance today, different laws may still apply depending on the original nature of the lands involved.

⁵ U.S. Dept. of the Interior, Bureau of Land Management, *Public Land Statistics, 2010*, Table 1-2, http://www.blm.gov/public_land_statistics/pls10/pls10_combined.pdf.

⁶ U.S. Dept. of Commerce, Bureau of the Census, *Historical Statistics of the United States, Colonial Times to 1970* (Washington, DC: GPO, 1976), H.Doc. 93-78 (93rd Congress, 1st Session), pp. 428-429. The homesteading laws were repealed in 1976, although homesteading was allowed to continue in Alaska for 10 years.

⁷ Act of March 1, 1872; 16 U.S.C. § 21, et seq. “Yo-Semite” had been established by an act of Congress in 1864, to protect Yosemite Valley from development, but was transferred to the State of California to administer. In 1890, surrounding lands were designated as Yosemite National Park, and in 1905, Yosemite Valley was returned to federal jurisdiction and incorporated into the park. Still earlier, Hot Springs Reservation (AR) had been reserved in 1832; it was dedicated to public use in 1880 and designated as Hot Springs National Park in 1921.

1934 Taylor Grazing Act, some western Members of Congress acknowledged the poor prospects for relinquishing federal lands to the states, but language included in the act left disposal as a possibility. It was not until the enactment of the Federal Land Policy and Management Act of 1976 (FLPMA)⁸ that Congress expressly declared that the remaining public domain lands generally would remain in federal ownership.⁹ This declaration of permanent federal land ownership was a significant factor in what became known as the Sagebrush Rebellion, an effort that started in the late 1970s to provide state or local control over federal land and management decisions. To date, judicial challenges and legislative and executive efforts generally have not resulted in broad changes to the level of federal ownership. Current authorities for acquiring and disposing of federal lands are unique to each agency.¹⁰

Today, the federal government owns and manages roughly 635-640 million acres of land in the United States—about 28% of the total land base of 2.27 billion acres. **Table 1** provides data on the total acreage of federal land administered by the four federal land management agencies and the Department of Defense in each state and the District of Columbia. (The lands administered by each of the five agencies in each state are shown in **Table 2**.) The figures understate total federal land, since they do not include lands administered by other federal agencies, such as the Bureau of Reclamation and the Department of Energy. **Table 1** also identifies the total size of each state, and the percentage of land in each state administered by the five federal land agencies. These percentages point to significant variation in the federal presence within states. The figures range from less than 0.3% of land in Connecticut to more than 81% of land in Nevada. **Figure 1**, **Figure 2**, and **Figure 3**, below, show these federal lands. **Figure 1** is a map of federal lands in the West;¹¹ **Figure 2** is a map of federal lands in the East; and **Figure 3** is a map of federal lands in Alaska and Hawaii.

While 15 states contain less than half a million acres of federal land, 11 states each have more than 10 million acres managed by these five agencies within their borders. All 11 states where the federal government owns the most land are located in the West.¹² This is a result of early treaties, land settlement laws and patterns, and laws requiring that states agree to surrender any claim to federal lands within their border as a prerequisite for admission to the Union. Management of these lands is often controversial, especially in states where the federal government is a predominant or majority landholder and where competing and conflicting uses of the lands are at issue.

⁸ P.L. 94-579; 43 U.S.C. §§ 1701, et seq.

⁹ FLPMA also established a comprehensive system of management for the remaining western public lands, and a definitive mission and policy statement for the BLM.

¹⁰ For a description of these authorities, see CRS Report RL34273, *Federal Land Ownership: Current Acquisition and Disposal Authorities*, by Carol Hardy Vincent, Ross W. Gorte, and M. Lynne Corn. For more information on the history and legal basis for federal land ownership, see CRS Report RL34267, *Federal Land Ownership: Constitutional Authority and the History of Acquisition, Disposal, and Retention*, by Kristina Alexander and Ross W. Gorte.

¹¹ The orange along the coast of California in **Figure 1** indicates Bureau of Land Management administration of numerous small islands along the length of the California coast.

¹² The 11 western states are Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

Table I. Federal Land by State, 2010

	Total Federal Land Acreage ^a	Total Acreage in the State	% of State
Alabama	871,232	32,678,400	2.7%
Alaska	225,848,164	365,481,600	61.8%
Arizona	30,741,287	72,688,000	42.3%
Arkansas	3,161,978	33,599,360	9.4%
California	47,797,533	100,206,720	47.7%
Colorado	24,086,075	66,485,760	36.2%
Connecticut	8,557	3,135,360	0.3%
Delaware	28,574	1,265,920	2.3%
District of Columbia	8,450	39,040	21.6%
Florida	4,536,811	34,721,280	13.1%
Georgia	1,956,720	37,295,360	5.2%
Hawaii ^b	833,786	4,105,600	20.3%
Idaho	32,635,835	52,933,120	61.7%
Illinois	406,734	35,795,200	1.1%
Indiana	340,696	23,158,400	1.5%
Iowa	122,602	35,860,480	0.3%
Kansas	301,157	52,510,720	0.6%
Kentucky	1,083,104	25,512,320	4.2%
Louisiana	1,330,429	28,867,840	4.6%
Maine	209,735	19,847,680	1.1%
Maryland	195,986	6,319,360	3.1%
Massachusetts	81,692	5,034,880	1.6%
Michigan	3,637,965	36,492,160	10.0%
Minnesota	3,469,211	51,205,760	6.8%
Mississippi	1,523,574	30,222,720	5.0%
Missouri	1,675,400	44,248,320	3.8%
Montana	26,921,861	93,271,040	28.9%
Nebraska	549,346	49,031,680	1.1%
Nevada	56,961,778	70,264,320	81.1%
New Hampshire	777,807	5,768,960	13.5%
New Jersey	176,691	4,813,440	3.7%
New Mexico	27,001,583	77,766,400	34.7%
New York	211,422	30,680,960	0.7%
North Carolina	2,426,699	31,402,880	7.7%
North Dakota	1,735,755	44,452,480	3.9%

	Total Federal Land Acreage ^a	Total Acreage in the State	% of State
Ohio	298,500	26,222,080	1.1%
Oklahoma	703,336	44,087,680	1.6%
Oregon	32,665,430	61,598,720	53.0%
Pennsylvania	616,895	28,804,480	2.1%
Rhode Island	5,248	677,120	0.8%
South Carolina	898,637	19,374,080	4.6%
South Dakota	2,646,241	48,881,920	5.4%
Tennessee	1,273,974	26,727,680	4.8%
Texas	2,977,950	168,217,600	1.8%
Utah	35,033,603	52,696,960	66.5%
Vermont	453,871	5,936,640	7.6%
Virginia	2,358,071	25,496,320	9.2%
Washington	12,173,813	42,693,760	28.5%
West Virginia	1,130,951	15,410,560	7.3%
Wisconsin	1,865,374	35,011,200	5.3%
Wyoming	30,043,513	62,343,040	48.2%
Total	628,801,639	2,271,343,360	27.7%
Territories	161,967 ^c	not applicable	

Sources: For federal lands, see sources listed in **Table 2**. Total acreage in state from U.S. General Services Administration, Office of Governmentwide Policy, *Federal Real Property Profile, as of September 30, 2004*, Table 16, pp. 18-19.

Notes:

- a. Understates total; includes lands of the four major federal land management agencies and the Department of Defense, but excludes lands administered by other federal agencies (e.g., Agricultural Research Service, Bureau of Reclamation, Department of Energy, National Aeronautics and Space Administration).
- b. Excludes Papahānaumokuākea Marine National Monument (88,647,881 acres) administered by FWS.
- c. Excludes marine refuges and monuments administered by FWS totaling 122,575,609 acres.

Figure I. Western Federal Lands

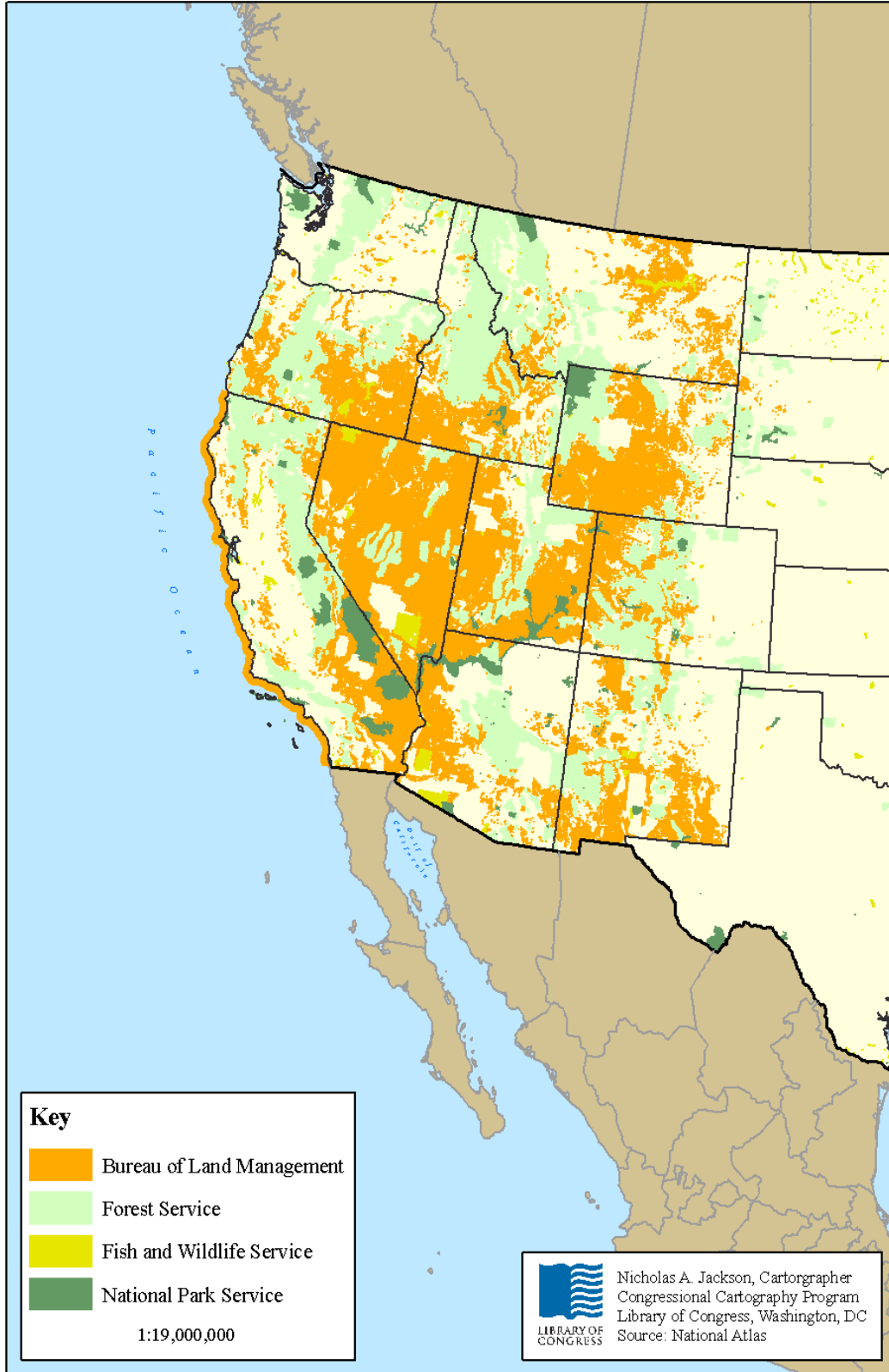
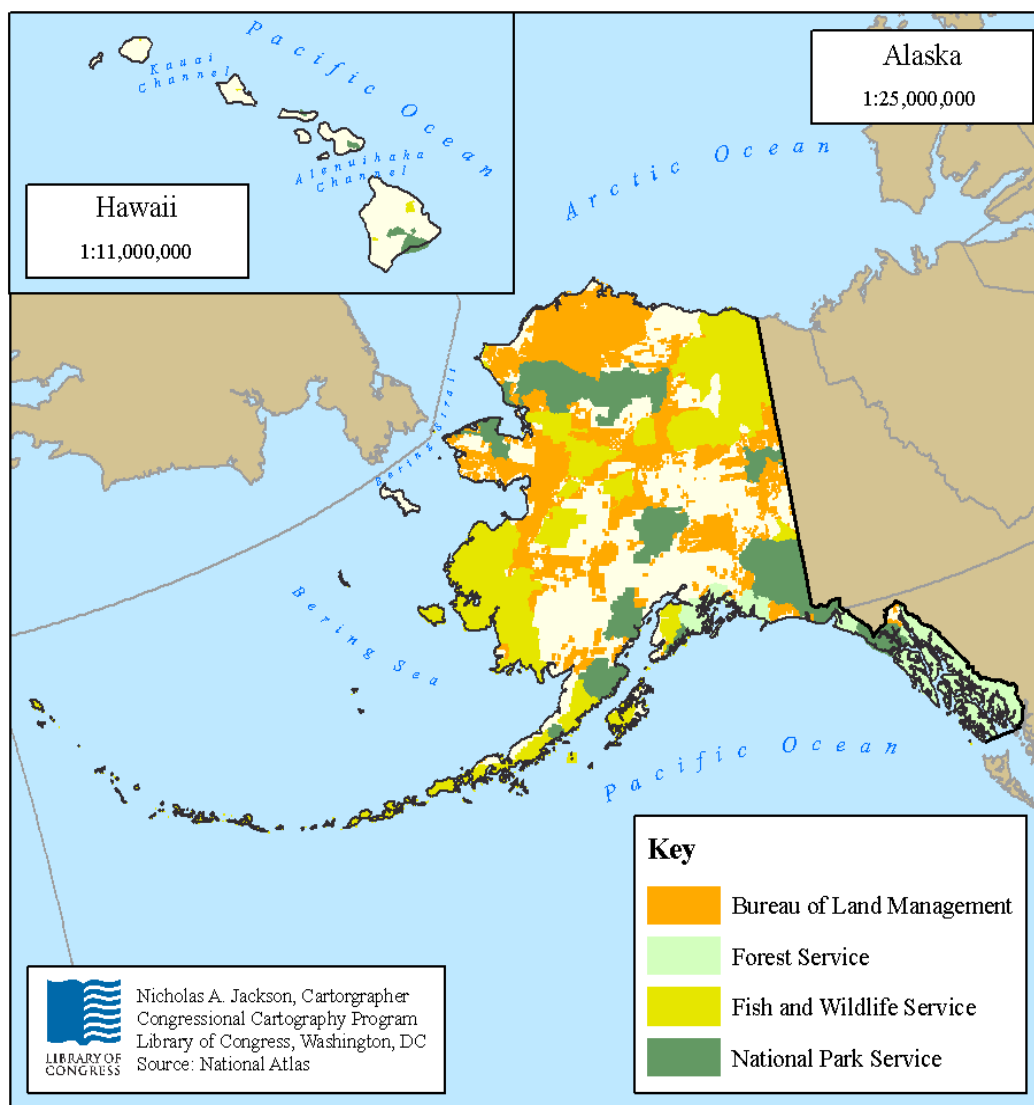


Figure 2. Eastern Federal Lands



Figure 3. Federal Lands in Alaska and Hawaii



Current Federal Land Management

The creation of national parks and forest reserves laid the foundation for the current federal agencies whose primary purposes are managing natural resources on federal lands. The four land management agencies—the Forest Service, the National Park Service, the Fish and Wildlife Service, and the Bureau of Land Management—administer 609.4 million acres (about 95%-96%) of the roughly 635-640 million acres of federal land, as shown in **Table 2**.¹³ The agencies receive

¹³ Some county-level data are available through the Payments in Lieu of Taxes (PILT) program, administered by the Department of the Interior; for these data, see <http://www.nbc.gov/pilt/search.cfm>. (For background information on PILT, see CRS Report RL31392, *PILT (Payments in Lieu of Taxes): Somewhat Simplified*, by M. Lynne Corn.) However, not all lands of the four major federal land management agencies are eligible for PILT payments, and PILT includes data on certain other agency lands (e.g., Bureau of Reclamation and Army Corps of Engineers lands). Thus, these county-level data do not always match the data shown here.

funding through the annual Interior, Environment, and Related Agencies appropriations laws, as well as through various trust funds and special accounts. These four agencies were created at different times and their missions and purposes differ. In addition, the Department of Defense administers 19.4 million acres of federal land in the United States. Numerous other federal agencies—the Post Office, the National Aeronautics and Space Administration, the Department of Energy, and many more—administer the remaining federal lands.

Forest Service

The Forest Service (USFS) is the oldest of the four federal land management agencies. It was created in 1905, when responsibility for managing the forest reserves (renamed national forests in 1907) was joined with forestry research and assistance in a new agency within the Department of Agriculture (USDA). In 1891, Congress had authorized the President to establish forest reserves from the public domain lands administered by the Department of the Interior.¹⁴ Earlier, Congress had directed studies of western forest lands and had authorized technical assistance to private forestland owners. The USFS administers 192.9 million acres of land, predominately in the West, but the USFS manages more than half of all federal lands in the East.

Forest reserves were originally authorized to protect the lands, preserve water flows, and provide timber. These purposes were expanded in the Multiple Use-Sustained Yield Act of 1960.¹⁵ This act added recreation, livestock grazing, wildlife and fish habitat, and wilderness as purposes of the national forests. The act directed that these multiple uses be managed in a “harmonious and coordinated” manner “in the combination that will best meet the needs of the American people.” The act also directed sustained yield—a high level of resource outputs in perpetuity, without impairing the productivity of the lands.

National Park Service

The National Park Service (NPS) was created in 1916¹⁶ to manage the growing number of park units established by Congress and monuments proclaimed by the President. The National Park System has grown to 397 units with diverse titles—national park, national monument, national preserve, national historic site, national recreation area, national battlefield, and many more.¹⁷ The Park Service administers 79.7 million acres of federal land in 49 states, with two-thirds of the lands (52.6 million acres, 66% of the NPS total) in Alaska.

The NPS has a dual mission—to preserve unique resources and to provide for their enjoyment by the public. Park units include spectacular natural areas (e.g., Yellowstone, Grand Canyon, and Arches National Parks), unique prehistoric sites (e.g., Mesa Verde National Park and Dinosaur National Monument), and special places in American history (e.g., Valley Forge National Historic Park, Gettysburg National Military Park, and the Statue of Liberty National Monument), as well as recreational opportunities (e.g., Cape Cod National Seashore and Santa Monica Mountains National Recreation Area). The tension between providing recreation and preserving resources has caused many management challenges.

¹⁴ Act of March 3, 1891; 16 U.S.C. § 471. This authority was repealed in 1976.

¹⁵ P.L. 86-517; 16 U.S.C. §§ 528-531.

¹⁶ Act of Aug. 25, 1916; 16 U.S.C. §§ 1-4.

¹⁷ See CRS Report R41816, *National Park System: What Do the Different Park Titles Signify?*, by Laura B. Comay.

Fish and Wildlife Service

The first national wildlife refuge was established by executive order in 1903, although it was not until 1966 that the refuges were aggregated into the National Wildlife Refuge System administered by the Fish and Wildlife Service (FWS). Today, the FWS administers 88.9 million acres of federal land, of which 76.6 million acres (86%) are in Alaska.¹⁸ The FWS also administers refuges in Puerto Rico and the Virgin Islands (54.2 million acres in total) and several largely marine refuges around U.S. territories in the South Pacific. Several large marine national monuments are also administered by the FWS, but are not part of the National Wildlife Refuge System—the Papahānaumokuākea (88.6 million acres in Hawaii), the Rose Atoll (8.6 million acres in American Samoa), the Marianas Trench (10.5 million acres), and the Pacific Remote Islands Marine National Monument (49.3 million acres).

The FWS has a primary-use mission—to conserve plants and animals. Other uses (recreation, hunting, timber cutting, oil or gas drilling, etc.) are permitted, to the extent that they are compatible with the species' needs, but wildlife-related activities (hunting, bird-watching, hiking, education, etc.) are considered “priority uses” and are given preference over consumptive uses such as timber, grazing, and minerals. It can be challenging to determine compatibility, but the relative clarity of the mission generally has minimized conflicts over refuge management and use.

Bureau of Land Management

The BLM was formed in 1946 by combining two existing agencies.¹⁹ One was the Grazing Service (first known as the DOI Grazing Division), established in 1934 to administer grazing on public rangelands. The other was the General Land Office, which had been created in 1812 to oversee disposal of the federal lands.²⁰ The BLM currently administers more federal lands than any other agency—247.9 million acres. BLM lands are heavily concentrated (99.8%) in the 11 western states.

As defined in FLPMA, BLM management responsibilities are similar to those of the USFS—sustained yields of the multiple uses, including recreation, grazing, timber, watershed, wildlife and fish habitat, and conservation. Because of the similarity of their missions, merging the BLM and USFS occasionally has been proposed.²¹ However, each agency historically has emphasized different uses. For instance, most rangelands are managed by the BLM, while most federal forests are managed by the USFS. In addition, the BLM administers mineral development on all federal lands (about 700 million acres of federal subsurface minerals).

¹⁸ This total excludes federal lands for which the FWS has secondary jurisdiction (another federal agency has primary jurisdiction, and the lands are counted with that agency) and nonfederal lands administered under agreements, easements, and leases. It does include the Hanford Reach National Monument (WA; 32,965 acres), which is administered by the FWS but is not part of the National Wildlife Refuge System.

¹⁹ Paul W. Gates, *History of Public Land Law Development*, written for the Public Land Law Review Commission (Washington, DC: GPO, Nov. 1968), pp. 610-622.

²⁰ The General Land Office administered the forest reserves prior to the creation of the USFS in 1905.

²¹ See CRS Report RL34772, *Proposals to Merge the Forest Service and the Bureau of Land Management: Issues and Approaches*, by Ross W. Gorte.

Department of Defense

The National Security Act of 1947 established a Department of National Defense (later renamed the Department of Defense, or DOD) by consolidating the previously separate Cabinet-level Department of War (renamed Department of the Army) and Department of the Navy and creating the Department of the Air Force.²² Responsibility for managing the land on federal military reservations was retained by these departments, with some transfer of Army land to the Air Force upon its creation.

There are 4,127 defense sites within the 50 states and in U.S. territories that range in size from small parcels (less than an acre) to the 3.1 million acres (including some leased land) of the Nellis Air Force Range in Nevada. Although management of military reservations remains the responsibility of the various military departments and defense agencies, the secretaries of the military departments and the directors of defense agencies operate under the centralized direction of the Secretary of Defense. As stated in the defense instruction on natural resource conservation:

The principal purpose of DOD lands, waters, airspace, and coastal resources is to support mission-related activities. All DOD natural resources conservation program activities shall work to guarantee DOD continued access to its land, air, and water resources for realistic military training and testing and to sustain the long-term ecological integrity of the resource base and the ecosystem services it provides.... DOD shall manage its natural resources to facilitate testing and training, mission readiness, and range sustainability in a long-term, comprehensive, coordinated, and cost-effective manner.²³

Table 2. Federal Acreage in Each State Administered by the Four Federal Land Management Agencies and the Department of Defense, 2010

State	USFS	NPS	FWS	BLM	DOD
Alabama	670,185	16,714	32,207	3,523	148,603
Alaska	21,956,250	52,620,514	76,626,272	72,958,757	1,686,371
Arizona	11,264,619	2,618,735	1,683,269	12,203,495	2,971,169
Arkansas	2,598,743	98,320	373,051	6,078	85,787
California	20,821,541	7,570,527	286,664	15,306,243	3,812,558
Colorado	14,520,965	609,880	173,265	8,332,001	449,964
Connecticut	24	5,719	1,206	0	1,608
Delaware	0	0	25,100	0	3,474
Dist. of Col.	0	6,942	0	0	1,508
Florida	1,176,222	2,437,499	278,430	3,134	641,526
Georgia	867,199	39,754	482,694	0	567,072
Hawaii	1	357,772	298,980 ^a	0	177,033
Idaho	20,465,014	507,585	48,947	11,610,111	4,178
Illinois	297,713	12	87,886	0	21,123

²² Act of July 26, 1947; 50 U.S.C. Chapter 15.

²³ Department of Defense Instruction 4715.03 of March 18, 2011, p. 2.

State	USFS	NPS	FWS	BLM	DOD
Indiana	202,832	10,596	14,871	0	112,397
Iowa	0	2,708	70,564	0	49,331
Kansas	108,176	461	29,509	0	163,011
Kentucky	814,045	94,395	10,938	0	163,726
Louisiana	604,373	17,531	564,117	16,474	127,934
Maine	53,709	66,898	65,987	0	23,141
Maryland	0	40,543	46,504	548	108,391
Massachusetts	0	32,946	21,850	0	26,896
Michigan	2,875,957	631,718	115,217	0	15,073
Minnesota	2,841,630	139,570	483,787	1,447	2,777
Mississippi	1,173,898	104,004	211,164	241	34,266
Missouri	1,492,596	54,382	59,977	0	68,445
Montana	17,082,821	1,214,184	635,066	7,981,452	8,338
Nebraska	352,463	5,650	173,614	6,354	11,265
Nevada	5,764,262	774,751	2,335,400	47,805,923	281,442
New Hampshire	735,519	13,168	25,989	0	3,131
New Jersey	0	35,362	70,258	0	71,071
New Mexico	9,417,975	376,849	327,264	13,484,405	3,395,090
New York	16,228	33,483	27,997	0	133,714
North Carolina	1,255,614	363,169	419,969	0	387,948
North Dakota	1,106,034	71,250	484,681	58,841	14,950
Ohio	241,300	19,421	8,636	0	29,143
Oklahoma	400,928	10,008	106,594	1,975	183,831
Oregon	15,687,556	192,020	574,510	16,134,191	77,153
Pennsylvania	513,418	50,014	9,962	0	43,502
Rhode Island	0	5	2,369	0	2,874
South Carolina	630,741	31,538	126,653	0	109,705
South Dakota	2,017,435	141,312	205,128	274,437	7,929
Tennessee	718,019	356,342	52,037	0	147,576
Texas	755,365	1,201,670	527,418	11,833	481,664
Utah	8,207,415	2,097,106	107,885	22,854,937	1,766,260
Vermont	399,565	8,830	33,540	0	11,936
Virginia	1,664,467	304,289	129,566	805	258,944
Washington	9,289,102	1,833,697	181,693 ^b	429,156	440,166
West Virginia	1,043,794	65,044	19,133	0	2,981
Wisconsin	1,533,517	61,744	200,210	2,364	67,540
Wyoming	9,241,610	2,344,852	70,674	18,370,351	16,025

State	USFS	NPS	FWS	BLM	DOD
U.S. Total ^c	192,880,840	79,691,484	88,948,699	247,859,076	19,421,540
Territories	28,581	14,869	25,116	0	93,401
Marine areas	0	0	211,223,490 ^d	0	0
Agency Total	192,909,421	79,706,353	300,197,306 ^d	247,859,076	19,514,941

Sources: For USFS: U.S. Dept. of Agriculture, Forest Service, *Land Areas Report—As of Sept 30, 2010*, Tables 1 and 4, <http://www.fs.fed.us/land/staff/lar/LAR2010/lar2010index.html>. Data reflect land within the National Forest System, including national forests, national grasslands, purchase units, land utilization projects, experimental areas, and other areas.

For NPS: U.S. Dept. of the Interior, National Park Service, Land Resources Division, *National Park Service, Listing of Acreage by State, as of 12/31/2010*, unpublished document. Data reflect federally owned lands managed by the NPS. For information on acreage by unit, see the NPS website, <http://www.nature.nps.gov/stats/acreagemenu.cfm>.

For FWS: U.S. Dept. of the Interior, Fish and Wildlife Service, *Annual Report of Lands Under Control of the U.S. Fish and Wildlife Service, as of September 30, 2010*, Table 2, http://www.fws.gov/refuges/realty/archives/pdf/2010_Annual_Report_of_Lands.pdf. Data reflect all federally owned land over which the FWS has sole or primary jurisdiction.

For BLM: U.S. Dept. of the Interior, Bureau of Land Management, *Public Land Statistics, 2010*, Table 1-4, http://www.blm.gov/public_land_statistics/pls10/pls10_combined.pdf.

For DOD: U.S. Department of Defense, Office of the Deputy Under Secretary for Installations & Environment, *Base Structure Report, Fiscal Year 2010 Baseline (A Summary of DoD's Real Property Inventory)*, VIII. Total DoD Inventory, pp. DoD-36 to DoD-78, <http://www.acq.osd.mil/ie/download/bsr/bsr2010baseline.pdf>.

Notes: This understates total federal land in each state because it only includes lands of the four major federal land management agencies and the Department of Defense.

- Excludes Papahānaumokuākea Marine National Monument (88,647,881 acres) administered by FWS.
- Includes Hanford Reach National Monument (32,965 acres) administered by FWS but not as part of the National Wildlife Refuge System.
- Includes only lands in the 50 states and the District of Columbia.
- Includes lands and waters of marine refuges and national monuments administered by the FWS, both within and outside the National Wildlife Refuge System, including Papahānaumokuākea Marine National Monument (88,647,881 acres) in Hawaii (excluded from Hawaii total and U.S. total).

Special Systems of Federal Lands

Congress also has chosen to protect certain other resource values—wilderness, wild and scenic rivers, and national trails. Instead of creating a new agency for administering federal lands providing these values, Congress has established management guidelines and constraints for the existing agencies to use in conjunction with their existing missions and purposes. Each of the four agencies administers wilderness areas, portions of national trails, and wild, scenic, or recreational river segments, with the more restrictive management standards (the agencies' existing missions or the systems' constraints) applying to the areas. Most of the 30 national trails are administered by the NPS, although several trails have segments administered by the USFS and/or the BLM, and two trails are jointly administered by the NPS and the BLM. There are 203 wild, scenic, and recreational river units covering 12,597 miles of rivers. Each of the federal land agencies administers the rivers flowing through their lands, while the several state-nominated rivers that have been added to the system are administered by the states. Congress has also designated 759 wilderness areas with 109.7 million acres, 18% of the lands administered by the four agencies.

More than half of the wilderness (57.5 million acres) is in Alaska, and much of this is managed by the NPS; in the other 49 states, the USFS administers 30.4 million wilderness acres (58% of the non-Alaska federal wilderness).²⁴

The guidelines for managing river and trail corridors are akin to the direction for administering the national wildlife refuges: the primary purpose is identified (river- or trail-related recreation), and other uses and activities are permitted if, or at levels that are, compatible with the primary purpose. In contrast, the Wilderness Act²⁵ prohibits motorized and mechanical access to wilderness areas and roads and other developments within wilderness, although the act also provides exceptions to these general strictures.²⁶ Thus, wilderness designations can often be particularly controversial, because potential development of the areas is effectively prohibited, although other uses (e.g., hunting, fishing, and hiking) are compatible with wilderness.

Current Issues

Since the cession to the federal government of the “western” lands by several of the original 13 colonies, many issues and conflicts have recurred. The desirable extent of ownership continues to be debated. Some advocate disposing of federal lands to state or private ownership; others favor retaining currently owned lands; while still others promote land acquisition by the federal government, including through increased or more stable funding sources. Another focus is on the condition of federal lands and related infrastructure. Some assert that lands and infrastructure have deteriorated and that restoration and maintenance should be the focus of agency activities and funding, while others advocate expanding federal protection to additional lands. Debates also encompass the extent to which federal lands should be developed, preserved, and open to recreation and whether federal lands should be managed primarily to produce national benefits or benefits primarily for the localities and states in which the lands are located. Finally, management of and access to the federal lands along and near the southwest border raise questions about border security and role of law enforcement. These issues are discussed below.

Federal Land Ownership

The optimal extent of federal land ownership continues to be an issue for Congress. The debates encompass the extent to which the federal government should dispose of, retain, or acquire lands in general and in particular areas. Supporters of disposal are concerned about the influence of a larger, more dominant federal landowner on neighboring landowners, such as through impacts of federal land protection on private property rights, development, and local economic activity. Some also are concerned about perceived lower local tax revenues due to public ownership. They oppose further acquisitions, arguing that federal budget difficulties are constraining agencies’ abilities to protect and manage the lands and resources they already administer. Advocates of retention of federal lands and federal acquisition of additional lands view federal ownership as necessary to protect and preserve unique natural and other resources. They support public

²⁴ See CRS Report RL31447, *Wilderness: Overview and Statistics*, by Ross W. Gorte.

²⁵ P.L. 88-577; 16 U.S.C. §§ 1131-1136.

²⁶ See CRS Report R41649, *Wilderness Laws: Statutory Provisions and Prohibited and Permitted Uses*, by Ross W. Gorte.

ownership to protect lands from unregulated development and to provide public access, especially for recreation.

Some have expressed interest in selling federal lands to balance the budget or at least reduce the deficit. The *FY2012 Budget of the United States: Analytical Perspectives* estimated the value of all federal lands in 2010 at \$408 billion.²⁷ However, this should be considered a rough estimate, in part because the data on federal lands are approximations. Further, actual sales might yield substantially less income, since market values would also be affected by the structure of any sale program, such as the amount of land sold annually, the size of each sale and its location, and any constraints or limitations on subsequent use or disposal. Legislative efforts to sell federal lands generally have not focused on the sale of all or most federal lands because of the complexity of establishing a sale program, the current relatively weak real estate markets, and objections to selling federal assets to pay for current federal expenses. Rather, the broader legislative efforts have typically focused on the sale of segments of federal lands, such as BLM lands identified for disposal in land management plans.

The federal agencies have varying authorities for acquiring and disposing of land.²⁸ The NPS and FWS have virtually no authority to dispose of the lands they administer, and the USFS disposal authorities are quite restricted. The BLM has much broader authority under § 203 of FLPMA. DOD can dispose of lands it has deemed surplus to its needs.²⁹ The agencies' authorities to acquire land vary somewhat, although all have some general acquisition authority. Condemnation for acquiring land is feasible, but rarely is used by any of the agencies and its potential use has been controversial. The primary funding mechanism for federal land acquisition, for the four major federal land management agencies, has been appropriations from the Land and Water Conservation Fund (LWCF).³⁰ Further, it is not uncommon for Congress to enact legislation providing for the acquisition or disposal of land where an agency does not have standing authority to do so or providing particular procedures for specified land transactions.

Ownership Changes, 1990-2010

Over the past two decades, total federal lands have generally declined. The federal government has acquired many new parcels of federal land and there have been many new federal land designations, including wilderness areas, wild and scenic rivers, and national park units. At the same time, there have been many disposals of areas of federal lands. Through the numerous individual acquisitions and disposals over the past 20 years, total federal land ownership has declined by more than 18 million acres, nearly 2.8% of the total of the five agencies, as shown in **Table 3**. BLM lands declined by more than 24 million acres while DOD lands declined by more

²⁷ http://www.whitehouse.gov/sites/default/files/omb/budget/fy2012/assets/technical_analyses.pdf, Table 31-2, page 479.

²⁸ See CRS Report RL34273, *Federal Land Ownership: Current Acquisition and Disposal Authorities*, by Carol Hardy Vincent, Ross W. Gorte, and M. Lynne Corn.

²⁹ For general information on the disposal of surplus federal property by the U.S. General Services Administration, see CRS Report R41892, *Disposal of Unneeded Federal Buildings: Legislative Proposals in the 112th Congress*, by Garrett Hatch; and the GSA booklet at <https://extportal.pbs.gsa.gov/RedinetDocs/cm/rcdocs/Customer%20Guide%20to%20Real%20Property%20Disposal1222985640423.pdf>. For information on DOD base closures, see CRS Report R40476, *Base Realignment and Closure (BRAC): Transfer and Disposal of Military Property*, by R. Chuck Mason.

³⁰ For the FWS, the Migratory Bird Conservation Fund (supported by sales of Duck Stamps and import taxes on arms and ammunition) provides a significant additional source of mandatory spending for land acquisition.

than 1 million acres.³¹ In contrast, the NPS, FWS, and USFS expanded their acreage over the past 2 decades, with the NPS having the largest increase in both acreage and percent growth—3.6 million acres (4.7%).

Table 3. Federal Acreage by Agency, 1990 and 2010

	1990	2010	Change 1990-2010	% Change Since 1990
USFS	191,367,364	192,880,840	1,513,476	0.79%
NPS	76,133,510	79,691,484	3,557,974	4.67%
FWS	86,822,107	88,948,699	2,126,592	2.45%
BLM	272,029,418	247,859,076	-24,170,342	-8.89%
DOD	20,501,315	19,421,540	-1,079,775	-5.27%
Federal Total	646,853,714	628,801,839	-18,051,875	-2.79%

Source: See sources listed in **Table 2**.

Notes: This understates total federal land, because it includes only lands of the four major federal land management agencies and the Department of Defense. Also, DOD figures for FY1990 and FY2010 were not readily available. Rather, the DOD figures were derived from the FY1989 Base Structure Report (published in February 1988) and the FY2010 Base Structure Report (with data as of September 30, 2009).

The total decline in federal lands over the past 20 years can be attributed primarily to a reduction in federal lands in Alaska. As shown in **Table 4**, federal land declined in Alaska by nearly 20 million acres between 1990 and 2010. This decline in Alaska is largely the result of the disposal of BLM land, under law, to the State of Alaska, Alaska Natives, and Alaska Native Corporations. In contrast, federal land increased slightly, by 93,328 acres (0.03%), in the 11 western states. This relative stability in the western states masks some larger changes—declines of more than 3 million acres in Arizona and in Nevada, with increases of more than a million acres in each of California, New Mexico, and Utah. In the other 38 states, federal land increased by nearly 1.7 million acres, raising the federal land from 3.9% to 4.1% of all lands in those states. As with the western federal lands, this increase was not uniform, with declines in some states and sizeable increases (in acreage and/or percentage) in others.

Table 4. Federal Acreage Administered by the Four Major Federal Land Management Agencies and the Department of Defense, 1990 and 2010

	1990	2010	Change 1990-2010	% Change Since 1990
Alabama	944,505	871,232	-73,272	-7.8%
Alaska	245,669,027	225,848,164	-19,820,863	-8.1%
Arizona	34,399,867	30,741,287	-3,658,580	-10.6%
Arkansas	3,147,518	3,161,978	14,460	0.5%
California	46,182,591	47,797,533	1,614,942	3.5%

³¹ Some of the decline in BLM lands (about 1 million acres primarily in the eastern states) resulted from a revision in the way BLM reported acreage withdrawn or reserved for another federal agency or purpose.

	1990	2010	Change 1990-2010	% Change Since 1990
Colorado	23,579,790	24,086,075	506,284	2.1%
Connecticut	6,784	8,557	1,774	26.1%
Delaware	27,731	28,574	843	3.0%
Dist. of Col.	9,533	8,450	-1,083	-11.4%
Florida	4,344,976	4,536,811	191,835	4.4%
Georgia	1,921,674	1,956,720	35,046	1.8%
Hawaii	715,215	833,786 ^a	118,571	16.6%
Idaho	32,566,081	32,635,835	69,754	0.2%
Illinois	353,061	406,734	53,673	15.2%
Indiana	274,483	340,696	66,214	24.1%
Iowa	33,247	122,602	89,356	268.8%
Kansas	281,135	301,157	20,022	7.1%
Kentucky	966,483	1,083,104	116,621	12.1%
Louisiana	1,578,151	1,330,429	-247,723	-15.7%
Maine	176,486	209,735	33,249	18.8%
Maryland	173,707	195,986	22,279	12.8%
Massachusetts	63,291	81,692	18,401	29.1%
Michigan	3,649,258	3,637,965	-11,293	-0.3%
Minnesota	3,545,702	3,469,211	-76,491	-2.2%
Mississippi	1,478,726	1,523,574	45,047	3.1%
Missouri	1,666,718	1,675,400	8,682	0.5%
Montana	26,726,219	26,921,861	195,642	0.7%
Nebraska	528,707	549,346	20,639	3.9%
Nevada	60,012,488	56,961,778	-3,050,710	-5.1%
New Hampshire	734,163	777,807	43,644	5.9%
New Jersey	146,436	176,691	30,255	20.7%
New Mexico	24,742,260	27,001,583	2,259,323	9.1%
New York	215,441	211,422	-4,019	-1.9%
North Carolina	2,289,509	2,426,699	137,190	6.0%
North Dakota	1,727,541	1,735,755	8,214	0.5%
Ohio	234,396	298,500	64,104	27.3%
Oklahoma	505,898	703,336	197,438	39.0%
Oregon	32,062,004	32,665,430	603,427	1.9%
Pennsylvania	611,249	616,895	5,647	0.9%
Rhode Island	3,110	5,248	2,138	68.8%
South Carolina	891,182	898,637	7,455	0.8%

	1990	2010	Change 1990-2010	% Change Since 1990
South Dakota	2,626,594	2,646,241	19,647	0.7%
Tennessee	980,416	1,273,974	293,558	29.9%
Texas	2,651,675	2,977,950	326,275	12.3%
Utah	33,582,578	35,033,603	1,451,025	4.3%
Vermont	346,518	453,871	107,353	31.0%
Virginia	2,319,524	2,358,071	38,548	1.7%
Washington	11,983,984	12,173,813	189,829	1.6%
West Virginia	1,062,500	1,130,951	68,451	6.4%
Wisconsin	1,980,460	1,865,374	-115,086	-5.8%
Wyoming	30,133,121	30,043,513	-89,608	-0.3%
U.S. Total	646,853,714	628,801,639	-18,052,075	-2.8%

Source: See sources listed in **Table 2**.

Notes: This understates total federal land, because it includes only lands of the four major federal land management agencies and the Department of Defense. Also, DOD figures for FY1990 and FY2010 were not readily available. Rather, the DOD figures were derived from the FY1989 Base Structure Report (published in February 1988) and the FY2010 Base Structure Report (with data as of September 30, 2009).

a. Excludes Papahānaumokuākea Marine National Monument (88,647,881 acres) in Hawaii.

Western Land Concentration

The concentration of federal lands in the West has contributed to a higher degree of controversy over federal land ownership in that part of the country. For instance, the dominance of BLM and USFS lands in the western states has led to various efforts to divest the federal government of significant amounts of land. One noted example, the Sagebrush Rebellion, promoted such divestiture in the late 1970s and early 1980s. However, it was not successful in achieving this end through legal challenges in the federal courts or in efforts to persuade the Reagan Administration and Congress to transfer the lands to state or private ownership.³²

As shown in **Table 1** and **Table 2**, the 11 western states plus Alaska have extensive areas of federal lands, and these lands account for about half of all the lands in these states. **Table 5** summarizes the data in **Table 1** to clarify the difference in the extent of federal ownership between western and eastern lands. As can be seen, more than 60% of the land in Alaska is federally owned, including 86% of FWS lands and 66% of NPS lands. Nearly half of the land in the 11 coterminous western states is federally owned, including 73% of USFS lands and 70% of BLM lands. In the rest of the country, the federal government owns 4% of the lands, with 62% of those managed by the USFS.

³² See CRS Report RL34267, *Federal Land Ownership: Constitutional Authority and the History of Acquisition, Disposal, and Retention*, by Kristina Alexander and Ross W. Gorte.

Table 5. Federal Acreage by State or Region and by Agency, 2010

	Alaska	11 Western States ^a	Other States	U.S. Total
USFS	21,956,250	141,762,880	29,161,710	192,880,840
NPS	52,620,514	20,140,186	6,930,784	79,691,484
FWS	76,626,272	6,424,637	5,897,790 ^b	88,948,699
BLM	72,958,757	174,512,265	388,054	247,859,076
DOD	1,686,371	13,222,343	4,512,826	19,421,540
Federal Total ^c	225,848,164	356,062,311	46,891,164	628,801,639
Acreage of States	365,481,600	752,947,840	1,152,914,460	2,271,343,360
Percent Federal	61.8%	47.3%	4.1%	27.7%

Source: For federal lands, see sources listed in **Table 2**. Total acreage in state from U.S. General Services Administration, Office of Governmentwide Policy, *Federal Real Property Profile, as of September 30, 2004*, Table 16, pp. 18-19.

Notes:

- The 11 western states are Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.
- Excludes Papahānaumokuākea Marine National Monument (88,647,881 acres) in Hawaii.
- This understates total federal land, because it includes only lands of the four major federal land management agencies and the Department of Defense.

Maintaining Infrastructure and Lands

Debates continue over how to balance the acquisition of new assets and lands with the maintenance of the agencies' existing infrastructure and the care of current federal lands. The deferred maintenance of federal infrastructure has been a focus of Congress and the Administration for many years. Deferred maintenance, often called the maintenance backlog, is defined as maintenance that was not done when scheduled or planned. DOI estimated deferred maintenance for the NPS for FY2010 at between \$8.77 billion and \$12.89 billion, with a mid-range figure of \$10.83 billion. Of the total deferred maintenance, 54% was for roads, bridges, and trails; 20% was for buildings; and 26% was for irrigation, dams, and other structures.³³

DOI estimates of the NPS backlog have increased, from \$4.25 billion in FY1999 to \$10.83 billion for FY2010 (based on mid-range estimates). It is unclear what portion of the change is due to the addition of maintenance work that was not done on time or the availability of more precise estimates of the backlog. The NPS, as well as the other land management agencies, has increased efforts to define and quantify maintenance needs in recent years. Further, it is unclear how much total funding was provided for the maintenance backlog over this 12-year period. Annual presidential budget requests and appropriations laws typically do not specify funds for the maintenance backlog, but instead provide funding for broader NPS activities, such as construction, facility operation, and regular and deferred maintenance.

³³ This information was provided to CRS by the DOI Budget Office on May 10, 2011.

While congressional and administrative attention has centered on the NPS backlog, the other federal land management agencies also have maintenance backlogs. The USFS estimated its backlog for FY2010 at \$5.27 billion.³⁴ Of the total deferred maintenance, \$3.11 billion (59%) was for roads.³⁵ Also for FY2010, DOI estimated the FWS backlog at between \$2.45 billion and \$3.60 billion and the BLM backlog at between \$0.40 billion and \$0.49 billion.³⁶ The four agencies together had a combined FY2010 backlog estimated at between \$16.88 billion and \$22.25 billion, with a mid-range figure of \$19.56 billion.

The NPS and the other agency backlogs have been attributed to decades of funding shortfalls. The agencies assert that continuing to defer maintenance of facilities accelerates their rate of deterioration, increases their repair costs, and decreases their value. Opinions differ over the level of funds needed to address deferred maintenance and whether to use funds from other programs.

With regard to the care of current lands, the condition (ecological health) of federal lands has long been a focus of attention. The poor condition of public rangelands due to overgrazing was the rationale for enacting the Taylor Grazing Act of 1934 and the creation of the BLM.³⁷ Some concern remains that commercial grazing on federal lands may prevent the restoration of native wildlife (e.g., deer, elk, and bison) and of ecologically sustainable conditions.³⁸ Concerns over forest health have arisen more recently. Severe forest fires in and around Yellowstone National Park in 1988 have been followed by more frequent severe wildfire seasons. The causes are widely attributed to poor logging practices (particularly harvesting the large pines and leaving the less tolerant firs), overgrazing, and fire control (which eliminated natural degradation of some biomass), all of which have led to a substantial increase in flammable biomass in western forests.³⁹ These concerns led the Clinton Administration to propose a national fire plan in 2000, the Bush Administration to propose a Healthy Forests Initiative in 2002, and Congress to enact the Healthy Forests Restoration Act of 2003.⁴⁰ Extended drought in many areas, widespread insect epidemics, and changing climatic conditions could exacerbate the ecological health problems of federal lands.⁴¹

Some assert that addressing the condition of infrastructure and lands is paramount, and that restoration should be the focus of agency activities and funding. They oppose new land acquisitions and unit designations until the backlog of maintenance activities has been eliminated or greatly reduced and the condition of current range, forest, and other federal lands is significantly improved. Others contend that expanding federal protection to additional lands is an essential aspect of a response to changing conditions and provides new areas for public use.

³⁴ U.S. Dept. of Agriculture, Forest Service, *Fiscal Year 2012 President's Budget: Budget Justification*, p. 16-45.

³⁵ This estimate of the deferred maintenance for roads reflects passenger-car roads. Including high-clearance roads, the total estimate of deferred maintenance for roads is \$4.4 billion. Using this total roads estimate would yield approximately a \$6.56 billion overall estimate of FS deferred maintenance.

³⁶ This information was provided to CRS by the DOI Budget Office on May 10, 2011.

³⁷ S.T. Dana and S.K. Fairfax, *Forest and Range Policy: Its Development in the United States*, 2nd ed. (New York: McGraw-Hill Book Co., 1980), pp. 158-164.

³⁸ See, e.g., <http://rangenet.org/directory/shumant/endgrazing.html>.

³⁹ See *Assessing Forest Ecosystem Health in the Inland West*, ed. R.N. Sampson, D.L. Adams, and M. Enzer (New York: Food Products Press, 1994); see also CRS Report RS20822, *Forest Ecosystem Health: An Overview*, by Ross W. Gorte.

⁴⁰ See <http://www.forestsandrangelands.gov/resources/overview/>.

⁴¹ See CRS Report R41691, *Forest Management for Resilience and Adaptation*, by Ross W. Gorte.

Protection and Use

The extent to which federal lands should be made available for development, opened to recreation, and/or preserved has been controversial. Significant differences of opinion exist on the amount of traditional commercial development that should be allowed, particularly involving energy development, grazing, and timber harvesting. How much land to dedicate to enhanced protection, what type of protection to provide, and who should protect federal lands are continuing questions. Another area under consideration involves how to balance the protection of wild horses and burros on federal lands with protection of the range and other land uses. Whether and where to restrict recreation, generally and for high-impact uses such as motorized off-road vehicles, also is a focus of conflict.

Debates also encompass whether federal lands should be managed primarily to emphasize benefits nationally or for the localities and states where the lands are located. National benefits can include using lands to produce wood products for housing or energy from traditional (oil, gas, coal) and alternative/renewable sources (wind, solar, geothermal, biomass). Other national benefits might encompass clean water for downstream uses; biodiversity for ecological resilience and adaptability; and wild animals and wild places for the human spirit. Local benefits can include economic activities, such as livestock grazing, timber for sawmills, ski areas, tourism, and other types of development. Local benefits could also be scenic vistas and areas for recreation (picnicking, sightseeing, backpacking, four-wheeling, snowmobiling, hunting and fishing, and much more).

At some levels, the many uses and values can generally be compatible. However, as demands on the federal lands have risen, the conflicts among uses and values have escalated. Some lands—notably those administered by the FWS and DOD—have an overriding primary purpose (wildlife habitat and military needs, respectively). The conflicts are greatest for the multiple-use lands managed by the BLM and USFS, because the potential uses and values are more diverse.

Other issues of debate include who decides the national-local balance, and how those decisions are made. Some would like to see more local control of land and a reduced federal role, while others seek to maintain or enhance the federal role in land management to represent the interests of all citizens.

Border Security⁴²

Border security presents special challenges on federal lands, in part because federal lands tend to be geographically remote, resulting in limited law enforcement coverage, and because they tend to include mountains, deserts, and other inhospitable terrain. Federal lands along the southwest border saw an apparent increase in illegal immigration, smuggling, and other illegal activity beginning in the mid-1990s as the U.S. Border Patrol (USBP) implemented a national border enforcement strategy that focused initially on deterring illegal entry in traditional crossing areas and channeled illegal traffic into more remote locations.⁴³ In general, federal efforts to secure the

⁴² For more details see CRS Report R42138, *Border Security: Immigration Enforcement Between Ports of Entry*, by Marc R. Rosenblum.

⁴³ U.S. Government Accountability Office, *Border Security: Additional Actions Needed to Better Ensure a Coordinated Federal Response to Illegal Activity on Federal Lands*, GAO-11-177, November 2010, pp. 9-10; also see U.S. Border Patrol, “Border Patrol Strategic Plan: 1994 and Beyond,” July 1994.

border are subject to the National Environmental Policy Act of 1969 (NEPA),⁴⁴ which requires agencies to evaluate the potential environmental impacts of proposed programs, projects, and actions before decisions are made to implement them, and by related regulations (40 C.F.R. Part 1500) that require agencies to integrate NEPA project evaluations with other planning and regulatory compliance requirements to ensure that planning and decisions reflect environmental values.⁴⁵

There are extensive federal lands along the southwest border. The lands are managed by different federal agencies under various laws for many purposes, as described above. **Figure 4** shows federal lands within 50 and 100 miles from the border. Precise estimates of the acreage involved are not feasible because the agencies do not distinguish their lands by distance from the border. One estimate provided by the agencies to the House Committee on Natural Resources reported that within 100 miles of the border, there were about 26.7 million acres of federal lands (excluding 3.5 million acres of Indian lands).⁴⁶ Nearly half of this (12.3 million acres) was managed by the BLM, while the other federal lands were managed by DOD (5.8 million acres), USFS (3.8 million acres), NPS (2.4 million acres), FWS (2.2 million acres), and other federal agencies (0.2 million acres).

Border control on federal lands may be hindered by differences in missions and jurisdictional complexity among the Department of Homeland Security (DHS), USFS, and DOI.⁴⁷ The USBP is the lead agency for border security between ports of entry, but more than 40% of the southwest border abuts federal and tribal lands overseen by the USFS and four DOI agencies (including the Bureau of Indian Affairs, which is not a land management agency) that also have law enforcement responsibilities.⁴⁸ The three departments—DHS, USDA (for the USFS), and DOI—have signed Memoranda of Understanding (MOUs) on border security that govern information sharing, budgeting and operational planning, USBP access to federal lands, and interoperable radio communications, among other topics.⁴⁹

These efforts have addressed some of the identified concerns, but GAO has found that interagency coordination to protect border security on federal lands remains somewhat problematic, and that federal lands on the southwest border in parts of Arizona are “high-risk areas for cross-border threats related to marijuana smuggling and illegal migration.”⁵⁰ The 2010 GAO study also found that insufficient USBP resources, distance of resources from the border, and operational gaps between Border Patrol stations were the primary challenges to border security on public lands, and that most delays were not attributable to federal land management laws.⁵¹ GAO reported that two-thirds of USBP agents-in-charge at southwest border stations

⁴⁴ P.L. 91-190; 42 U.S.C. §§ 4321-4347.

⁴⁵ For more information on U.S. Customs and Border Protection (CBP) compliance with NEPA and the environmental impact of its border security programs, see CBP, “SBI Environmental Documents,” http://www.cbp.gov/xp/cgov/border_security/otia/sbi_news/sbi_enviro_docs/.

⁴⁶ <http://naturalresources.house.gov/Info/BorderOverview.htm>.

⁴⁷ A related issue is the authority, and litigation challenging the authority, to construct and maintain border barriers (the “fence”), including waivers from environmental protection statutes. However, this issue is not discussed in this report, because it is not limited to the federal lands. For information on issues related to the border barrier, see CRS Report R42138, *Border Security: Immigration Enforcement Between Ports of Entry*, by Marc R. Rosenblum.

⁴⁸ GAO-11-177, *Border Security: Additional Actions Needed*, p. 4.

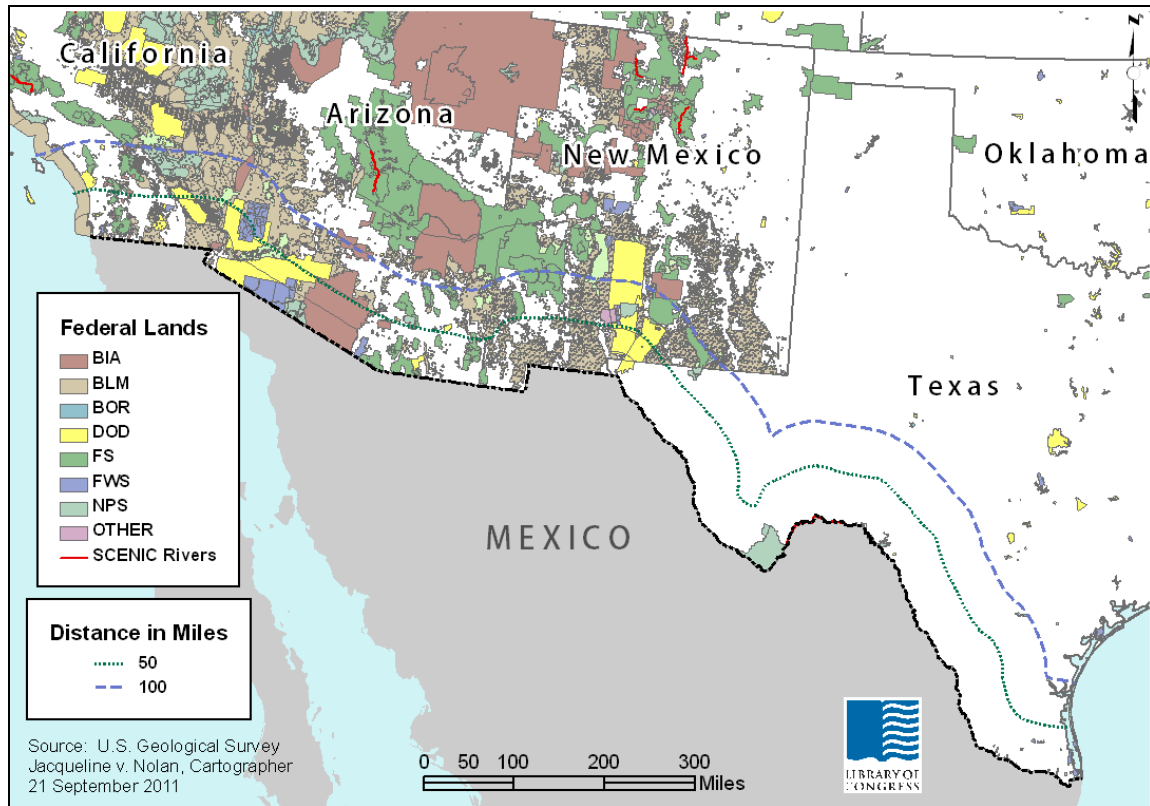
⁴⁹ See <http://robbishop.house.gov/UploadedFiles/DHS.pdf>.

⁵⁰ GAO-11-177, *Border Security: Additional Actions Needed*, p. 15.

⁵¹ GAO-11-177, *Border Security: Additional Actions Needed*, p. 15.

experienced delays and restrictions when they attempt to access certain federal lands, but that most found that the border security of their area had not been affected by land management laws.⁵² In April 2011, USBP Deputy Chief Ronald Vitiello testified that existing agreements with DOI and USDA allowed USBP to carry out its border security mission.⁵³

Figure 4. Federal Lands Near the Southwest Border



Nonetheless, the challenges of maintaining secure borders on public lands have been the subject of congressional hearings, and legislation has been introduced to broaden DHS's exemption from NEPA, land management statutes, and other environmental laws to facilitate border security activities on federal lands. Some oppose such legislation because they see it as removing important protections for sensitive and critical habitats and resources.

⁵² Restrictions reportedly include delays in getting permits or permission to access portions of federal land while land managers completed requirements of NEPA and the National Historic Preservation Act; limited access to some federal lands because of restrictions in the Wilderness Act on building roads and installing infrastructure in wilderness areas; and adjustments to the timing or location of ground and air patrols to minimize the impact of such efforts on endangered species or critical habitats under the ESA. See GAO, *Southwest Border: Border Patrol Operations on Federal Lands*, GAO-11-573T, April 15, 2011, pp. 9-15.

⁵³ U.S. Congress, House Committee on Natural Resources, Subcommittee on National Parks, Forests, and Public Lands, *The Border: Are Environmental Laws and Regulation Impeding Security and Harming the Environment?* testimony of U.S. Customs and Border Protection Deputy Chief Ronald Vitiello, 112th Cong., 1st sess., April 15, 2011.

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