

# OUR WILD

## FOR SALE: Utah lands on the chopping block

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Former public access point to a parcel within Bears Ears National Monument that has been sold off to private interests.

### New research shows Utah has sold 4.1 million acres of state land for development

More than 54% of the original 7.5 million acres of trust lands granted to Utah at statehood have been sold, a telling sign of what the state would do if it took over public land. Now the state is demanding 31 million more acres of Our Wild—public forests, refuges and national treasures.

Utah is the essence of iconic Western beauty. From the glory of Zion National Park and the sweeping Canyonlands carved over eons by the mighty Green and Colorado rivers, to incomprehensible stone arches, verdant valleys and soaring peaks of the La Sal, Wasatch and Uinta mountain ranges, Utah provides the stunning backdrop for outdoor experiences that have come to define the American West.

More than just its image, Utah has cultivated its cultural heritage around the outdoors. Utah combines captivating landscapes with extraordinary access to opportunities for hiking, biking, camping, climbing, hunting, fishing and more. Across the state, outdoor recreation drives \$12 billion in annual consumer spending and supports 122,000 jobs, the vast majority of them dependent upon public lands.<sup>1</sup>

Unfortunately, Utah is also ground zero for the public lands takeover movement.

It's no secret that Utah's elected officials have led a sustained attack against national public lands, passing the Transfer of Public Lands Act in 2012 that demands the takeover of 31.2 million acres of federally managed public lands within the state. Governor Gary Herbert signed the act into law and state representatives led by U.S. House Natural Resources Committee Chairman Rob Bishop have championed legislation intended to further the public land takeover effort in Utah and beyond—land that rightly belongs to all Americans.

Yet, even as Utah has witnessed firsthand the value of national public lands through a robust tourism and outdoor recreation economy that thrives alongside the boom and bust cycles of the oil, gas and mining industries, history shows that the state has failed public interests miserably as a landlord.

Recent research found that more than 4 million acres of state land formerly open to the public is now in private ownership, including irreplaceable archeological sites, trophy big game habitat, national monument inholdings and scenic buffers overlooking spectacular national parks. Now the state wants more.



Since becoming a state in 1896, Utah has sold more than 54% (4.1 million acres) of the original 7.5 million acres granted.

### SOLD

Selling land is a part of Utah's management strategy for state lands, and in 2015 accounted for 1/3 of state land endowment revenues.



Many high value recreational lands in Utah have been sold off by the state and access for recreation has been blocked off.



State land is not public land, and unlike public land is often closed to recreation.

1. Outdoor Industry Association survey, 2012



# More than half of Utah state lands sold off. What's next?

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Exploring in Bears Ears National Monument.

**Utah's state trust lands aren't truly public lands.** They're assets obligated by the State Constitution to generate revenue for the state. Public access is neither a promise nor a priority and is often restricted to accommodate development, typically in the form of oil and gas drilling or mining. Undeveloped land that doesn't generate much income is simply sold.

The Utah School and Institutional Trust Lands Administration (SITLA) was created in 1994 to curb a long history of estate management and land disposal abuses, but state trust lands already have been reduced from 7.5 million acres to just 3.2 million acres and continue to diminish through twice-a-year auctions. What's more, SITLA's aggressive real estate development and leasing of state land continue to expand at near-record pace. Should public land transfer advocates get their way, Utah plans to expand state authority by establishing an autonomous new Department of Land Management with a director hand-picked by the governor.

## AT WHAT PRICE?

Studies conducted by three Utah universities and the state's own Office of Legislative Research and General Counsel conclude that management of current public lands would change drastically under state ownership, as Utah struggles to offset millions of dollars in new management costs.<sup>2</sup> Fiscal realities would force more development, decreased resource protection, and eventual sale. Meanwhile, public access for hunting, fishing, camping, and other uses would continue to diminish.

2. "The Transfer of Public Lands Movement: Taking the 'Public' Out of Public Lands," Keiter, Ruple, 2015

**"In short, the economic shortfall that would occur under all but the most optimistic of scenarios, and its associated imperative to develop public land, should concern everyone who values state fiscal responsibility or our public lands."**

(The Transfer of Public Lands Movement: Taking the 'Public' Out of Public Lands; University of Utah College of Law)



(Left) Former state trust lands near Canyonlands National Park sold at auction and now closed to the public. (Right) State trust lands being bulldozed for development near Zion NP.



## A REASON FOR CONCERN

Land deals typically put state lands in the hands of an elite few while locking out the public. Since summer of 2014, over 50 percent of all state trust land parcels sold were purchased by a single buyer. Lyman Family Farm Inc., a land speculator registered with the state as a "vegetable or melon farmer," has spent more than \$6.4 million to purchase over 5,200 acres of state trust lands valued for their conservation and cultural resources, including:

**Comb Ridge:** a 390-acre parcel held dear by hikers, hunters and a pioneer heritage group originally proposed as a portion of the new Bears Ears National Monument. Rich in both cultural and conservation value, the land includes portions of the Hole-in-the-Rock trail and the iconic ridge some Navajo call the "backbone of the world." The parcel was originally nominated for auction by the Hole in the Rock Foundation to protect and interpret the trail for the public, only to be outbid by \$200,000 by Lyman Family Farm.

**Cave Valley:** renowned for its plentiful hiking, sightseeing, camping and fishing along the southeast border of Zion National Park, the 200-acre parcel was offered at auction by SITLA with a minimum bid of \$860,000. Lyman outbid Montana-based recreation group Under Canvas Adventurers, settling at \$1.74 million and effectively closing off former public access.

**In 2015,** Lyman Family Farm Inc. bought three parcels of state land just outside of Bryce Canyon National Park for a total of \$292,000. Company president Joseph L. Hunt recently paid \$270,000 for 180 acres at Photograph Gap, near Canyonlands National Park and world-renowned rock climbing at Indian Creek. A local climber had hoped to buy the land with money left to him by two deceased brothers.



## UTAH BY THE NUMBERS:

**52,696,960**  
total state acreage

Arches National Park at night.  
© David Kingham, flickr.

**7.5 million**  
acres of federal land granted to Utah at statehood

**4.1 million**  
(and counting) acres of original land grant sold by the state

**31.2 million**  
additional acres of public land demanded by Utah's Transfer of Public Lands Act

With more than 54 percent of state lands already sold off, Utah's public lands heritage has never been at greater risk.

# WHY ACCESS MATTERS:

# PUBLIC LANDS ARE A WAY OF LIFE IN UTAH

**Outdoor recreation is a primary driver for Utah's robust tourism industry and depends upon public lands.**

## Yet the \$12 billion in annual consumer spending,

\$3.6 billion in wages and \$856 million in state and local tax revenue fostered by outdoor recreation in Utah are not calculated as revenue generated on state lands. Applying the state's development-oriented mandate on any newly acquired public lands will have disastrous consequences for the tourism economy.

## Federal Dollars Make Sense

If Utah assumed control of its public lands, the state would need to generate \$100 million more per year than the same lands currently generate. The loss of federal funding will necessitate dramatically increased development or sale. Any remaining outdoor recreation opportunities are likely to become "pay to play."<sup>3</sup>

## The Cost of Leaving

The Utah House of Representatives recently passed a resolution to acquire the new Bears Ears National Monument. To pay for the acquisition, the resolution's author, State Rep. Mike Noel, illustrated Utah's land management tactics with his plan to charge entry fees to lands the public can now enter for free. Noel and the state legislature previously adopted a resolution calling for the President to repeal monument designation at Bears Ears. That resolution cost the state some \$45 million in annual revenue when the Outdoor Retailer convention announced intentions to leave Utah in protest.

## State Budget Burdens

Despite an uptick in visitors, Utah's 43 state-owned parks have endured budget allocations slashed from more than \$12 million in 2007 to less than \$5 million today. Adding millions more acres to the state lands system will only magnify the financial burden of management and result in a radical shift away from multiple-use to profit maximization through increased development and sale.

**"Politicians in the state don't seem to get that the outdoor industry – and their own state economy – depend on access to public lands for recreation."**

— Yvon Chouinard, founder of Patagonia Inc.

**Raising revenue has come at a cost to public interests. In addition to the outright sale of more than 65,000 acres since 1994, the constitutional mandate to maximize income from state trust lands administered by SITLA has led to several unfortunate decisions:**

- In 2005, SITLA offered to lease 356 acres of land near "Little Hole," an important access point along the Blue Ribbon trout waters of the Green River below Flaming Gorge Reservoir, one of the nation's premier recreational fisheries. When a developer proposed building a destination fishing lodge at the site, SITLA put the parcel up for sale over the objections of Trout Unlimited, the Rocky Mountain Elk Foundation, and the Utah Division of Wildlife Resources (UDWR). In the end, the UDWR was forced to pay \$1.4 million to secure access and prevent development on the parcel.
- U.S. Oil Sands, a Canadian company, has leased about 32,000 acres of lands administered by SITLA, including 6,000 acres surrounding Uintah County's Tavaputs Plateau with the intention of developing a tar sands mine. The initial mining site has attracted several protests and resulted in the arrest of a science teacher from Salt Lake City, and her husband, who were taken to jail along with eight others for trespassing during a nature hike used to take inventory of ecological impacts near the mine site.

- In 2013, SITLA leased 96,000 acres in the Book Cliffs area of eastern Utah to Anadarko Petroleum for oil and natural gas development. The lease area is home to prized mule deer and elk herds and cutthroat trout recovery efforts, eliciting vehement opposition from sportsmen and even energy-friendly officials like Gov. Herbert and Congressman Bishop, none of whom had an opportunity to provide input on the transaction. Despite the opposition, the SITLA board voted unanimously to grant the lease.
- In 1989, 2,440 acres near the Green Springs golf course in St. George were sold for \$200 per acre when adjoining private land sold for \$12,000-\$18,000 per acre. The down payment was not made for months; access was cut off and not reestablished to the property; a significant portion of the payment was interest free for 10 years; and there was an Attorney General opinion that the statute under which the sale occurred was unconstitutional, resulting in a law suit against the state.

**"I am very sad Utahns have to dismantle their greatest natural resource to fund education. That is a tragedy."**

— SITLA board member Leslie Castle, while voting to approve drilling leases for Anadarko Petroleum in the Book Cliffs

Open public lands are a major economic driver. Utah outdoor recreation generates \$12 billion in annual consumer spending, \$3.6 billion in wages and salaries and 122,000 jobs.

Nationwide, the outdoor recreation industry creates more than three times the number of jobs (7.6 million) than the fossil fuels industry and more than oil, natural gas and mining combined.

According to a 2016 poll, 76 percent of Utahns believe that public lands are essential to the Utah economy.

From 2001-2013, counties in Utah with at least 30 percent protected national land saw job growth four times faster than counties with no protected land.<sup>4</sup>

A new University of Utah report shows tourism spending in Utah hit a record of \$8.17 billion in 2015. That marked a 20 percent increase from the year before, putting tourism among the largest industries in the state, according to the report by the university's Kem C. Gardner Policy Institute.<sup>5</sup>

At least 82 percent of Utah residents participate in outdoor recreation each year (not including hunting, fishing and wildlife viewing).<sup>5</sup>

In Utah upwards of 75-percent of hunters utilize public lands.<sup>6</sup>

3. "The Transfer of Public Lands Movement: Taking the 'Public' Out of Public Lands," Keiter, Ruple, 2015

4. Headwaters Economics, "West is Best: How Public Lands in the West Create a Competitive Economic Advantage," Nov. 2012

5. Outdoor Industry Association, 2012 poll

6. Backcountry Hunters Anglers, Our Public Lands Not for Sale, 2014, [http://www.backcountryhunters.org/images/Public\\_Lands\\_Report.pdf](http://www.backcountryhunters.org/images/Public_Lands_Report.pdf).

# Will your favorite spot end up on the auction block?



These iconic Utah landscapes are just some of the many places that could be sold if handed over to the state of Utah.

It didn't take Utah long to flip more than half of its state lands from public to private. And the trend continues today. Utah's land-grab politicians callously ignore the genuine threat to the state's rich heritage and thriving outdoor recreation economy by pursuing a legally and ideologically flawed effort to take America's public lands and treat them as their own disposable property. Once those public lands are gone, they're gone for good—taking Utah's legacy as an outdoor destination along with them.

Public lands and rural communities in Utah face very real challenges, but undermining the system is a major part of the problem, not the solution. Instead of cashing in on a politically motivated bonanza, Utah's elected officials need to address the challenges of effective land management head-on and recognize the enduring impacts of placing the public on the wrong side of locked gates.

History shows that access to Utah's lands has been lost to the highest bidder time and again, and state officials can't be trusted to take over another 31 million acres of Our Wild.

**“That the people inhabiting said proposed State do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof.”**

— Utah Enabling Act of 1896

## UTAH IS HOME TO:

**35** million acres of national public lands

**5** national parks

**7** national monuments

**6** national forests



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