

No Legal Footing For Federal Land Grabs, Say Western Attorneys General

By [MELODIE EDWARDS](#) · OCT 14, 2016

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There's no clear legal path forward for states who want to transfer federal lands into state management, according to a new report by the Conference of Western Attorneys General, chaired by Wyoming's attorney general Peter Michael.

The report looked at several legal strategies proposed by Wyoming, Utah and other states, like the argument that eastern and western states should have an equal percentage of public lands, or that the federal government can't hold lands indefinitely.

Wyoming Wilderness Society Representative Dan Smitherman said those arguments don't stand up.

“These attorneys general looked at all these arguments and said, there's no case law or no legal basis to indicate these would hold water, if they ever got in court.”

Smitherman added, with many Western states looking at acquiring federal land, the report is well timed.

“Public lands have been established in our case laws for over 100 years. The federal government has the supreme authority to not only maintain these lands, but to hold them as long as they want to.”

The Wyoming legislature has proposed several bills that would have transferred federal land to the state, two by State Senator Eli Bebout who says people need to understand what's being proposed.

“You know, there's some information out there. It's really misinformation that, at least for me personally as a member of the legislature, that I just want to sell public lands. That's ridiculous,” Bebout said. “That's not what the intent is at all. The intent is to look at better ways of managing our public lands for true multiple use and sustained yield.”

Two other recent bills sponsored by other lawmakers did include provisions discussing how to use income from federal lands sales.

Bebout says, for now, he's not interested in the legality of land transfers. He just wants to study the feasibility of the idea.

“You know, we have a right as a state to protect the multi-use and the sustain yield of these public lands. And the BLM quite frankly isn't doing that. Because we're not looking at the national parks, we're not looking at the national forest or any monuments. Only the BLM lands.”