

Restoring State Sovereignty Over Federal Lands

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THE PROBLEMS

- The federal government controls over 60 percent of Alaska and nearly half of all western lands, limiting state sovereignty and local growth.
- Federal red tape and lawsuits delay land use, forest management, and housing development.
- EPA and USDA rules restrict prescribed burns, fueling more severe wildfires.
- Carbon-credit policies reward inaction and discourage active stewardship.
- Vast energy and mineral resources on public lands remain undeveloped, costing jobs and revenue.

THE SOLUTIONS

- Transfer select federal lands to states at fair market value.
- Shift permitting and water-rights oversight to state control.
- Empower states to manage forests and conduct prescribed burns.
- Reform incentives to reward active, responsible land management.
- Expand state-federal partnerships for responsible resource development.

In 1792, James Madison, one of America's most influential Founding Fathers, wrote, "Government is instituted to protect property of every sort; as well that which lies in the various rights of individuals ... This being the end of government, that alone is a just government, which impartially secures to every man, whatever is his own. ... That is not a just government, nor is property secure under it, where arbitrary restrictions, exemptions, and monopolies deny to part of its citizens that free use of their faculties, and free choice of their occupations, which not only constitute their property in the general sense of the word, but are the means of acquiring property strictly so called."¹

In recent decades, however, the federal government has strayed from Madison's vision. It has broadly reinterpreted Article IV, Section 3, Clause 2 of the U.S. Constitution—"The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property"—while seemingly ignoring the clause's limitation: "nothing in this Constitution shall be so construed as to Prejudice any Claims ... of any particular State."

This shift is most visible in the federal government's control of land. Today, Washington, DC controls more than 60 percent of Alaska's territory, and the 11 coterminous Western states collectively manage just 54 percent of their own lands. Meanwhile, Eastern states face far less federal oversight, with only a fraction of their territories reserved for federal use.²

The federal government's vast control over Western lands has given it an outsized influence in regional economies and opened the door to destructive agricultural and economic policies that undermine both prosperity and self-governance.

MAP OF ALL FEDERALLY OWNED LAND IN THE UNITED STATES

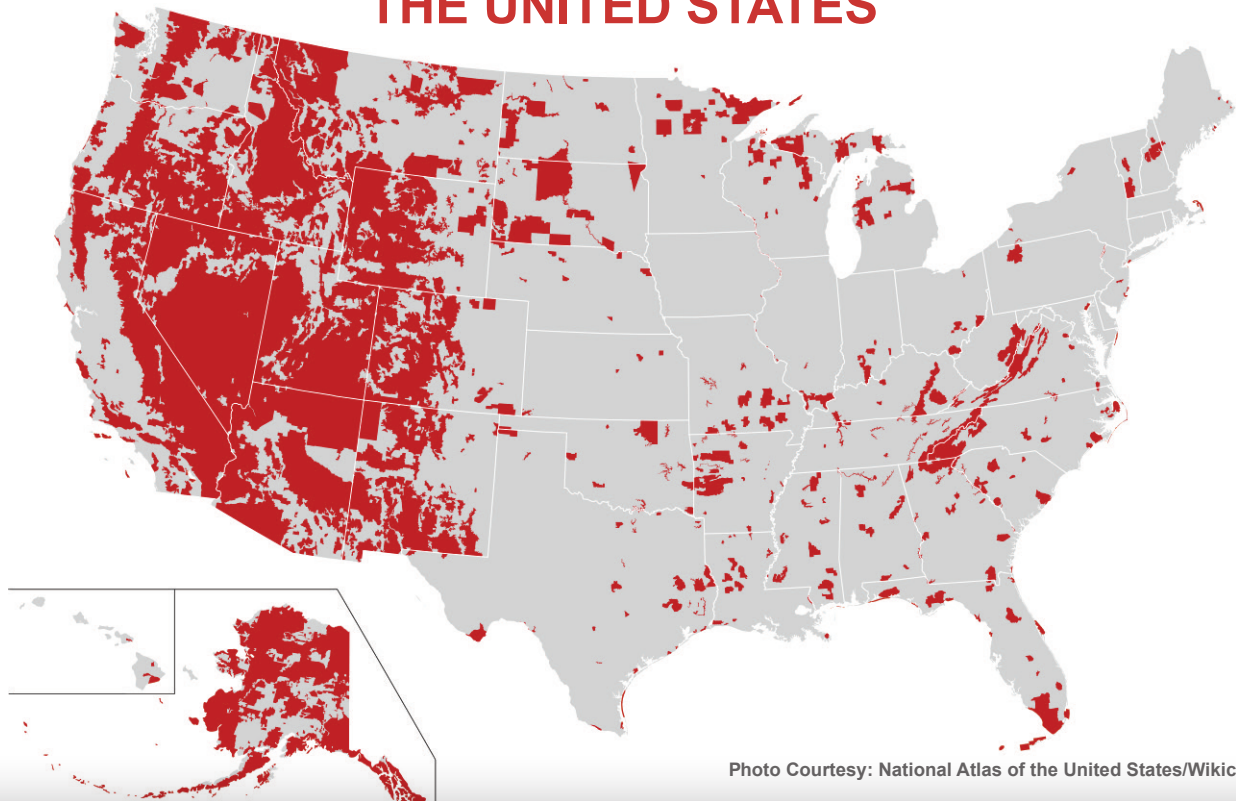


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BUREAUCRATIC CONTROL AND MISMANAGEMENT

The U.S. Department of the Interior, empowered by 43 U.S. Code Chapter 8A §315, can unilaterally decide which lands may be preserved or put to productive use. The U.S. Department of Agriculture (USDA), under 43 U.S. Code §1752, exerts sweeping authority over the Western states through its permit and lease systems—erecting barricades on grazing lands to protect a mouse,³ fining ranchers for watering their cattle,⁴ penalizing them for making necessary agricultural improvements,⁵ and even arresting ranchers for alleged land theft after they requested surveys to ensure they were not encroaching on federal property.⁶

In 2022, Idaho attempted to reclaim some of its water rights, but the federal government successfully sued to retain control of the state's waterways, despite 43 U.S.C. 666(a) affirming that state sovereignty supersedes federal jurisdiction.⁷

As a result, economic development on federal

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WILDFIRE RISKS AND FEDERAL INACTION

Even federal agencies admit that mismanagement has consequences. In 2005, the Department of Agriculture acknowledged that insufficient land management directly correlates with rising wildfire risks.⁹ Yet it still requires states to submit land management permits that can take up to four years for approval¹⁰—if environmental groups do not sue to block them first.¹¹ States face additional barriers, including National Ambient Air Quality Standard requirements¹² and environmental rules that prioritize animal habitats over fire safety.¹³

The U.S. Environmental Protection Agency (EPA) compounds the problem. Its regulation, 40 C.F.R. §50.14(b)(3)(ii)(C), prohibits states from exceeding prescribed burn limits, even when doing so is necessary to prevent catastrophic fires.

CARBON CREDITS AND MISGUIDED INCENTIVES

Federal policy not only restricts proactive management—it can also reward inaction. Under current carbon credit frameworks, states and private industries may earn credits by emphasizing carbon sequestration rather than active management.¹⁴ The USDA's pro-sequestration approach effectively assumes that nature prospers when dry, dead materials are left to decay rather than removed. Because of these incentives—and inaccurate claims that prescribed burns harm the environment¹⁵—federal programs often discourage the very land management practices needed to prevent catastrophic wildfires.

As a result, federal lands have become both the primary source of uncontrollable wildfires¹⁶ and significantly more prone to fire damage than lands managed by states.¹⁷

RESTORING STATE SOVEREIGNTY AND GROWTH

Empowering states to reclaim control over their lands is the only viable path toward reducing wildfire risks, strengthening private property rights, curbing the national debt, and reviving the Founders' vision of a self-reliant America.

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By ending carbon credit incentives and repealing “green” regulations that prioritize plants and animals over human safety, states could implement more effective land management programs that limit both the severity and frequency of wildfires. Returning land to state control would also stimulate economic growth. The U.S. Senate Energy and Natural Resources Committee has estimated that selling just 0.5 to 0.75 percent of land owned by the Bureau of Land Management and the Forest Service to the states would yield \$5-10 billion,¹⁸ while states could increase revenue through agricultural development, housing construction, and job creation.

UNTAPPED ENERGY AND RESOURCE WEALTH

America's 700 million acres of largely undeveloped federal land contain vast reserves of natural wealth, including major deposits of oil, natural gas, and critical minerals. According to the U.S. Geological Survey, these resources amount to roughly 29 billion barrels of oil and 392 trillion cubic feet of natural gas¹⁹—worth tens of trillions of dollars at current market prices. Developing these resources—whether by the states or the federal government—would create jobs and generate significant revenue to reduce the national debt.

Secretary of the Interior Doug Burgum has argued that revenue from resource development could be used to substantially reduce or altogether eliminate the nation's \$37 trillion debt.²⁰ President Donald Trump recognized this potential and issued several executive orders affirming that harvesting natural resources serves America's national interest.²¹

POLICY RECOMMENDATIONS

The United States should never depend on foreign nations for resources essential to its infrastructure and prosperity. Americans should not have to endure mounting debt, job shortages, unaffordable housing, struggling farms, and worsening wildfires—all preventable consequences of excessive federal control. Restoring state sovereignty over federal lands is essential to protecting the American way of life. Policymakers can take several concrete steps to achieve this goal.

First, Congress should authorize the transfer of select federally owned lands to the states at fair market value. This would restore constitutional balance, empower local decision-making, and generate significant revenue for the federal government while encouraging agricultural, residential, and commercial growth.

Second, permitting, leasing, and water rights oversight should be devolved to state governments. Streamlining regulatory authority at the state level would eliminate unnecessary federal interference, foster innovation, and promote efficient management of land and natural resources.

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Third, states should be granted greater control over forest management and prescribed burns. Removing unnecessary EPA and USDA restrictions would reduce wildfire frequency and severity, protect property, and allow faster response to environmental hazards.

Fourth, federal incentives that discourage active land management should be eliminated. They should be replaced with policies that reward responsible stewardship, fire prevention, and productive use of natural resources.

Finally, federal and state governments should partner to expand the responsible development of oil, gas, and mineral reserves on public lands. Such efforts could create millions of jobs, generate substantial public revenue, and help pay down the national debt while reducing reliance on foreign energy sources.

Endnotes

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