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Federal Land Ownership: Overview and Data

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Summary

The federal government owns roughly 640 million acres, about 28% of the 2.27 billion acres of land in the United States. Four agencies administer 608.9 million acres of this land: the Bureau of Land Management (BLM), Fish and Wildlife Service (FWS), and National Park Service (NPS) in the Department of the Interior (DOI), and the Forest Service (FS) in the Department of Agriculture. Most of these lands are in the West and Alaska. In addition, the Department of Defense administers 14.4 million acres in the United States consisting of 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 247.3 million acres of public land and administers about 700 million acres of federal subsurface mineral estate throughout the nation. 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 FS manages 192.9 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 FS lands are designated national forests. Wildfire protection is increasingly important for both agencies.

The FWS manages 89.1 million acres of the total, 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 79.6 million acres in 401 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, 61.2% of Alaska is federally owned, as is 46.9% of the 11 coterminous western states. By contrast, the federal government owns 4.0% 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. Congress has provided varying land acquisition and disposal authorities to the agencies, ranging from restricted to broad. As a result of acquisitions and disposals, federal land ownership by the five agencies has declined by 23.5 million acres since 1990, from 646.9 million acres to 623.3 million acres. Much of the decline is attributable to BLM land disposals in Alaska and also reductions in DOD land.

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 benefit the nation as a whole or instead to benefit the localities and states; and border control on federal lands along the southwest border.

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Introduction

Today the federal government owns and manages roughly 640 million acres of land in the United States.¹ Four agencies manage 608.9 million acres of this land, as follows: Bureau of Land Management (BLM), 247.3 million acres; Forest Service (FS), 192.9 million acres; Fish and Wildlife Service (FWS), 89.1 million acres; and National Park Service (NPS), 79.6 million acres. Most of these lands are in the West, including Alaska. In addition, the Department of Defense (DOD) administers 14.4 million acres in the United States consisting of military bases, training ranges, and more.² The remaining acreage is 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 640 million acres presumes that the four major federal land management agencies have accurate data on lands under their jurisdiction (estimated at 608.9 million acres) as does the Department of Defense (estimated at 14.4 million acres), as shown in **Table 1**. Other agencies are presumed to encompass about 15-20 million acres of federal land, although this estimate is rough. The estimate of 640 million acres generally excludes lands in marine refuges and national monuments, and ownership of interests in lands only (e.g., subsurface minerals, easements, etc.). It also does not reflect Indian lands, many of which are held in trust by the federal government, but are not owned by the federal government.

² In addition, FS, FWS, NPS, and DOD manage acreage in the territories; FWS manages 209.8 million acres of marine refuges and national monuments; and DOD manages acreage overseas.

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 1.29 billion acres of public domain land was transferred out of federal ownership between 1781 and 2013. The total included transfers of 816 million acres to private ownership (individuals, railroads, etc.), 328 million acres to states generally, and 143 million acres 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, 2013*, Table 1-2, http://www.blm.gov/public_land_statistics/pls13/pls2013.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. Currently, there is renewed interest in some western states in assuming ownership of some federal lands within their borders. This interest stems in part from concerns about the extent, condition, and cost of federal land ownership and the type and amount of land uses and revenue derived from federal lands.¹⁰ 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.¹¹

Today, the federal government owns and manages roughly 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**.¹² 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, Iowa, and New York) to 84.9% 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; **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, 12 states each have more than 10 million acres managed by these five agencies within their borders. All 12 states where the federal government owns the most land are located in the West.¹³ 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

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 information on appropriations for federal land management agencies, and revenues derived from federal lands, see CRS Report R43822, *Federal Land Management Agencies: Appropriations and Revenues*, coordinated by Carol Hardy Vincent.

¹¹ For a description of these authorities, see CRS Report RL34273, *Federal Land Ownership: Acquisition and Disposal Authorities*, by Carol Hardy Vincent et al. 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.

¹² 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.doi.gov/pilt/upload/2013_PILT_AnnualReport.pdf. 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. Thus, these county-level data do not always match the data shown here. For additional information on PILT, see CRS Report RL31392, *PILT (Payments in Lieu of Taxes): Somewhat Simplified*, by M. Lynne Corn.)

¹³ The 12 western states are Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

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.

Table 1. Total Federal Land Administered by Five Agencies, by State, 2013

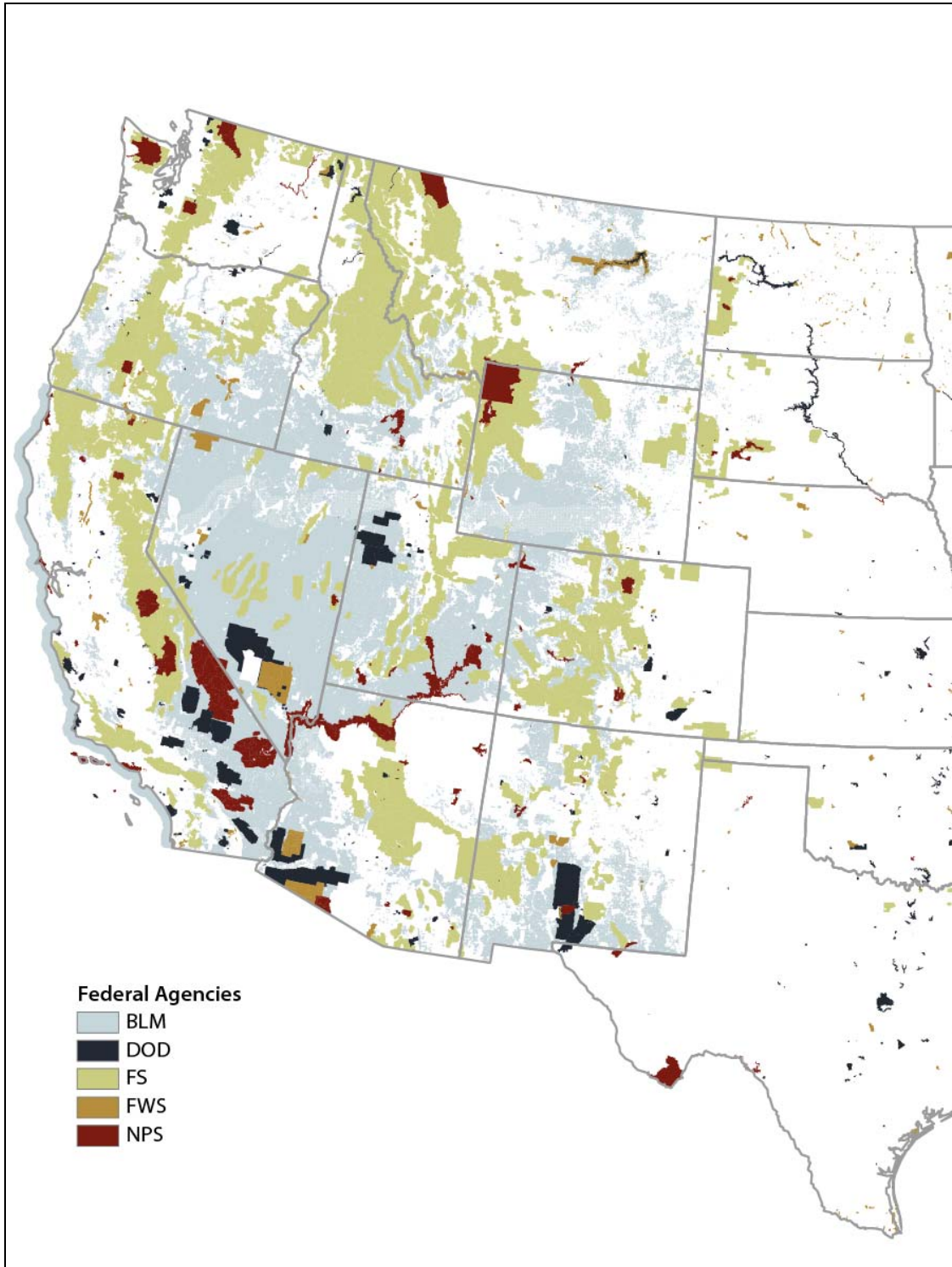
	Total Federal Acreage	Total Acreage in State	% of State
Alabama	844,026	32,678,400	2.6%
Alaska	223,803,098	365,481,600	61.2%
Arizona	28,064,307	72,688,000	38.6%
Arkansas	3,151,685	33,599,360	9.4%
California	45,864,800	100,206,720	45.8%
Colorado	23,870,652	66,485,760	35.9%
Connecticut	8,752	3,135,360	0.3%
Delaware	29,864	1,265,920	2.4%
District of Columbia	8,182	39,040	21.0%
Florida	4,599,919	34,721,280	13.2%
Georgia	1,474,225	37,295,360	4.0%
Hawaii	820,725	4,105,600	20.0%
Idaho	32,621,631	52,933,120	61.6%
Illinois	411,387	35,795,200	1.1%
Indiana	384,365	23,158,400	1.7%
Iowa	122,076	35,860,480	0.3%
Kansas	272,987	52,510,720	0.5%
Kentucky	1,094,036	25,512,320	4.3%
Louisiana	1,325,780	28,867,840	4.6%
Maine	211,125	19,847,680	1.1%
Maryland	197,894	6,319,360	3.1%
Massachusetts	61,802	5,034,880	1.2%
Michigan	3,633,323	36,492,160	10.0%
Minnesota	3,491,586	51,205,760	6.8%
Mississippi	1,546,433	30,222,720	5.1%
Missouri	1,635,122	44,248,320	3.7%
Montana	27,003,251	93,271,040	29.0%
Nebraska	546,759	49,031,680	1.1%
Nevada	59,681,502	70,264,320	84.9%
New Hampshire	798,718	5,768,960	13.8%
New Jersey	179,374	4,813,440	3.7%
New Mexico	26,981,490	77,766,400	34.7%
New York	104,590	30,680,960	0.3%

	Total Federal Acreage	Total Acreage in State	% of State
North Carolina	2,429,341	31,402,880	7.7%
North Dakota	1,736,611	44,452,480	3.9%
Ohio	305,641	26,222,080	1.2%
Oklahoma	701,365	44,087,680	1.6%
Oregon	32,614,185	61,598,720	52.9%
Pennsylvania	617,339	28,804,480	2.1%
Rhode Island	5,157	677,120	0.8%
South Carolina	846,420	19,374,080	4.4%
South Dakota	2,642,601	48,881,920	5.4%
Tennessee	1,273,175	26,727,680	4.8%
Texas	2,998,280	168,217,600	1.8%
Utah	34,202,920	52,696,960	64.9%
Vermont	464,644	5,936,640	7.8%
Virginia	2,514,596	25,496,320	9.9%
Washington	12,176,293	42,693,760	28.5%
West Virginia	1,133,587	15,410,560	7.4%
Wisconsin	1,793,100	35,011,200	5.1%
Wyoming	30,013,219	62,343,040	48.1%
U.S. Total	623,313,931	2,271,343,360	27.4%

Sources: For federal lands, see sources listed in **Table 2**. Total acreage of states is 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: Figures understate federal lands in each state and the total in the United States. They include only BLM, FS, FWS, NPS, and DOD lands. Thus they exclude lands managed by other agencies, such as the Bureau of Reclamation. Also, figures do not reflect land managed by the agencies in the territories; FWS-managed marine refuges and national monuments (totaling 209.8 million acres); and DOD-managed acreage overseas. Federal land figures do not add to the precise total shown due to small discrepancies in the sources used. Here and throughout the report figures also might not sum to the totals shown due to rounding.

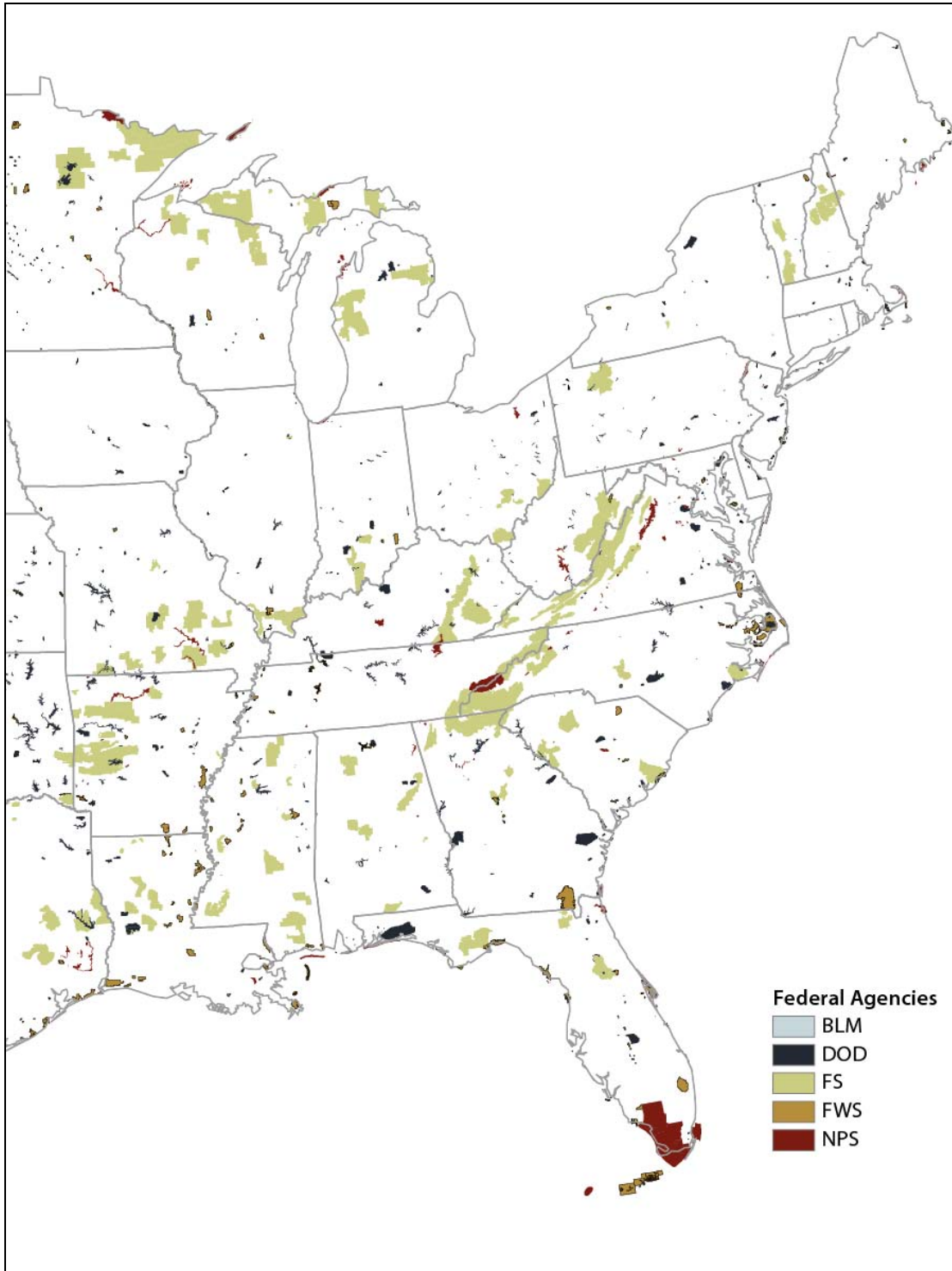
Figure I. Western Federal Lands Managed by Five Agencies



Source: Map boundaries and information generated by CRS using federal lands GIS data from the National Atlas, 2005, and an ESRI USA Base Map.

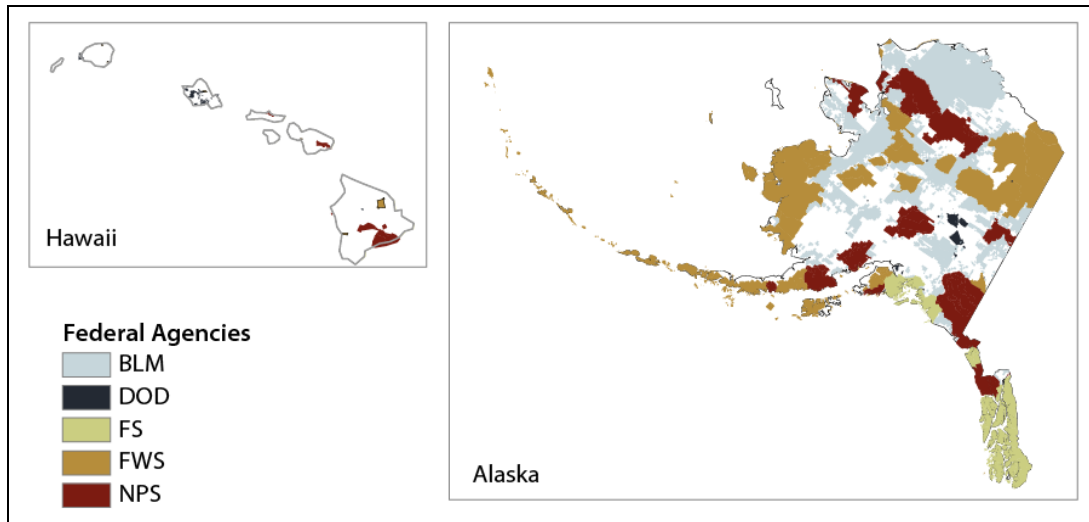
Notes: Scale 1:11,283,485. The line along the coast of California indicates BLM administration of numerous small islands along the length of the California coast. Also, the map may reflect a broader definition of DOD land than shown in the data in Table 2.

Figure 2. Eastern Federal Lands Managed by Five Agencies



Source: Map boundaries and information generated by CRS using federal lands GIS data from the National Atlas, 2005, and an ESRI USA Base Map.

Note: Scale 1:13,293,047. Also, the map may reflect a broader definition of DOD land than shown in the data in Table 2.

Figure 3. Federal Lands in Alaska and Hawaii Managed by Five Agencies

Source: Map boundaries and information generated by CRS using federal lands GIS data from the National Atlas, 2005, and an ESRI USA Base Map.

Note: Hawaii scale 1:8,000,000. Alaska scale 1:20,000,000. Also, the map may reflect a broader definition of DOD land than shown in the data in Table 2.

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—receive 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 14.4 million acres of federal land in the United States. Numerous other federal agencies—the Bureau of Reclamation, Post Office, the National Aeronautics and Space Administration, the Department of Energy, and many more—administer the remaining federal lands.

Bureau of Land Management

The BLM was formed in 1946 by combining two existing agencies.¹⁴ 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.¹⁵ The BLM currently administers more federal lands in the United States than any other agency—247.3 million acres. BLM lands are heavily concentrated (99.9%) in the 11 western states and Alaska.¹⁶

¹⁴ 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.

¹⁵ The General Land Office administered the forest reserves prior to the creation of the USFS in 1905.

¹⁶ U.S. Dept. of the Interior, Bureau of Land Management, *Public Land Statistics, 2013*, Table 1-4, http://www.blm.gov/public_land_statistics/pls13/pls2013.pdf.

As defined in FLPMA, BLM management responsibilities are similar to those of the FS—sustained yields of the multiple uses, including recreation, grazing, timber, watershed, wildlife and fish habitat, and conservation. However, each agency historically has emphasized different uses. For instance, more rangelands are managed by the BLM, while most federal forests are managed by the FS. In addition, the BLM administers about 700 million acres of federal subsurface mineral estate throughout the nation.

Forest Service

The Forest Service (FS) 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.¹⁷ Today, the FS administers 192.9 million acres of land in the United States,¹⁸ predominantly in the West, but the FS manages more than half of all federal lands in the East.

Forest reserves—later renamed national forests—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 1960.¹⁹ This act added recreation, livestock grazing, and wildlife and fish habitat as purposes of the national forests, with wilderness added in 1964.²⁰ 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.

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 89.1 million acres of federal land in the United States, of which 76.7 million acres (86%) are in Alaska.²¹

¹⁷ Act of March 3, 1891; 16 U.S.C. § 471. This authority was repealed in 1976.

¹⁸ U.S. Dept. of Agriculture, Forest Service, *Land Areas Report—As of Sept 30, 2013*, Tables 1 and 4, <http://www.fs.fed.us/land/staff/lar/LAR2013/lar2013index.html>. Data reflect land within the National Forest System, including national forests, national grasslands, purchase units, land utilization projects, experimental areas, and other areas. The FS manages an additional 28,823 acres in the territories.

¹⁹ P.L. 86-517; 16 U.S.C. §§ 528-531.

²⁰ The Wilderness Act of 1964, P.L. 88-378; 16 U.S.C. §§ 1131-1136.

²¹ 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, 2013*, Table 1A, http://www.fws.gov/refuges/land/PDF/2013_Annual_Report_of_Lands_Data_Tables.pdf. Data reflect all federally owned land over which the FWS has sole or primary jurisdiction. The FWS also administers 2.1 million acres in the territories, and 209.8 million acres of lands and waters of marine refuges and marine national monuments both within and outside the National Wildlife Refuge System. The 209.8 million acres of marine areas are as follows: Papahānaumokuākea, 88.6 million acres; Marianas Trench, 61.1 million acres; Pacific Remote Islands Marine National Monument, 51.5 million acres; and Rose Atoll, 8.6 million acres. See 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, 2013*, Table 10, http://www.fws.gov/refuges/land/PDF/2013_Annual_Report_of_Lands_Data_Tables.pdf.

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.²² However, 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.

National Park Service

The National Park Service (NPS) was created in 1916²³ to manage the growing number of park units established by Congress and monuments proclaimed by the President. The National Park System grew to 401 units²⁴ with diverse titles—national park, national monument, national preserve, national historic site, national recreation area, national battlefield, and many more.²⁵ The Park Service administers 79.7 million acres of federal land in the United States, with about two-thirds of the lands (52.4 million acres, 66%) in Alaska.²⁶

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.

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.²⁷ 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 more than 4,800 defense sites worldwide 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

²² In some FWS lands, there are pre-existing property rights, particularly of subsurface resources, but also easements or rights of way. In such cases, use of these rights may conflict with primary uses of a refuge. Where possible, FWS may seek to acquire these rights through purchase from willing sellers.

²³ Act of Aug. 25, 1916; 16 U.S.C. §§ 1-4.

²⁴ While P.L. 113-291 subsequently established additional units of the National Park System, this report reflects the number of units in existence at the end of FY2013, consistent with the acreage data presented.

²⁵ See CRS Report R41816, *National Park System: What Do the Different Park Titles Signify?*, by Laura B. Comay.

²⁶ U.S. Dept. of the Interior, National Park Service, Land Resources Division, *National Park Service, Listing of Acreage by State, as of 9/30/2013*, unpublished document. Data reflect federally owned lands managed by the NPS. The NPS manages an additional 26,847 acres in the territories.

²⁷ Act of July 26, 1947; 50 U.S.C. § 3001 et seq. (2012)

Nevada. Although management of military reservations remains the responsibility of each of the various military departments and defense agencies, those secretaries and directors 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. . . .²⁸

Table 2. Federal Acreage in Each State by Agency, 2013

State	BLM	FS	FWS	NPS	DOD
Alabama	2,753	670,092	32,334	17,405	121,442
Alaska	72,363,733	22,207,400	76,673,836	52,431,579	126,551
Arizona	12,204,369	11,204,428	1,683,348	2,644,964	327,198
Arkansas	1,075	2,592,377	375,038	98,287	84,908
California	15,343,828	20,747,885	291,640	7,583,469	1,897,978
Colorado	8,335,703	14,482,727	174,230	661,472	216,520
Connecticut	0	23	1,522	5,719	1,487
Delaware	0	0	25,543	890	3,431
Dist. of Col.	0	0	0	6,975	1,207
Florida	351	1,193,051	281,986	2,469,065	655,466
Georgia	0	867,761	482,942	39,781	83,741
Hawaii	0	0	299,318 ^a	357,814	163,592
Idaho	11,612,848	20,444,413	49,652	511,600	3,118
Illinois	0	304,480	89,765	12	17,129
Indiana	0	203,048	15,590	10,748	154,979
Iowa	0	0	71,490	2,708	47,878
Kansas	0	108,635	29,509	462	134,381
Kentucky	0	819,439	11,695	94,678	168,223
Louisiana	738	608,441	572,662	16,799	127,141
Maine	0	53,880	68,606	66,966	21,673
Maryland	548	0	48,100	41,041	108,205
Massachusetts	0	0	22,696	32,960	6,146
Michigan	0	2,873,920	115,692	631,846	11,865
Minnesota	1,447	2,844,476	503,560	139,571	2,533

²⁸ Department of Defense Instruction 4715.03 of March 18, 2011, p. 2.

State	BLM	FS	FWS	NPS	DOD
Mississippi	5,020	1,191,774	210,894	104,015	34,730
Missouri	0	1,504,907	60,555	54,385	15,275
Montana	7,985,092	17,151,047	639,785	1,214,346	12,981
Nebraska	6,354	351,235	173,773	5,650	9,746
Nevada	47,782,464	5,759,160	2,345,956	774,751	3,019,170
New Hampshire	0	748,134	34,307	13,211	3,066
New Jersey	0	0	72,823	35,362	71,189
New Mexico	13,454,702	9,311,527	331,919	376,883	3,506,459
New York	0	16,352	28,768	33,703	25,767
North Carolina	0	1,254,557	420,068	363,483	391,233
North Dakota	58,970	1,103,162	487,941	71,258	15,280
Ohio	0	244,368	8,708	20,129	32,436
Oklahoma	1,975	400,146	106,728	10,008	182,508
Oregon	16,142,471	15,674,661	573,416	192,127	31,510
Pennsylvania	0	513,889	10,263	51,220	41,967
Rhode Island	0	0	2,415	5	2,738
South Carolina	0	630,991	127,657	31,972	55,800
South Dakota	274,522	2,006,319	206,498	147,028	8,234
Tennessee	0	718,674	54,093	358,797	141,611
Texas	11,833	756,910	547,117	1,204,897	477,523
Utah	22,853,486	8,187,926	109,805	2,097,756	953,947
Vermont	0	409,591	34,116	9,836	11,101
Virginia	805	1,662,875	130,188	304,825	415,903
Washington	429,083	9,323,705	150,024 ^b	1,834,543	438,938
West Virginia	0	1,045,855	19,796	65,071	2,866
Wisconsin	2,324	1,523,487	201,742	61,744	3,803
Wyoming	18,375,734	9,214,708	70,677	2,344,972	7,128
U.S. Total^c	247,252,228	192,932,426	89,080,785	79,648,788	14,399,704
Territories	0	28,823	2,092,276	26,847	65,520
Marine areas	0	0	209,774,187 ^d	0	0
Overseas	0	0	0	0	12,271
Agency Total	247,252,228	192,961,249	300,947,248^d	79,675,635	14,477,496

Sources: For BLM: U.S. Dept. of the Interior, Bureau of Land Management, *Public Land Statistics, 2013*, Table 1-4, http://www.blm.gov/public_land_statistics/pls13/pls2013.pdf.

For FS: U.S. Dept. of Agriculture, Forest Service, *Land Areas Report—As of Sept 30, 2013*, Tables 1 and 4, <http://www.fs.fed.us/land/staff/lar/LAR2013/lar2013index.html>. Data reflect land within the National Forest System, including national forests, national grasslands, purchase units, land utilization projects, experimental areas, and other areas. This source shows an agency total of 192,961,249 as reflected in this report. However, the individual state acreages in this source, and copied here, appear to sum to 192,961,259. The reason for the

discrepancy is not apparent. In this CRS report, the agency total is reflected as 192,961,249 and the U.S. total as 192,932,426.

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, 2013*, Table 1A, http://www.fws.gov/refuges/land/PDF/2013_Annual_Report_of_Lands_Data_Tables.pdf. Data reflect all federally owned land over which the FWS has sole or primary jurisdiction.

For NPS: U.S. Dept. of the Interior, National Park Service, Land Resources Division, *National Park Service, Listing of Acreage by State, as of 9/30/2013*, unpublished document. Data reflect federally owned lands managed by the NPS. For information on acreage by unit, see the NPS website, <https://irma.nps.gov/Stats/>.

For DOD: U.S. Department of Defense, Office of the Deputy Under Secretary for Installations & Environment, *Base Structure Report, Fiscal Year 2014 Baseline (A Summary of DoD's Real Property Inventory)*, as of September 30, 2013, VI. Total DOD Inventory, pp. DOD-17 to DOD-56, <http://www.acq.osd.mil/ie/download/bsr/Base%20Structure%20Report%20FY14.pdf>. The individual state acreages in this source and copied here appear to sum to three acres less than the U.S. total shown and four acres less than the agency total shown. The reason for the discrepancies is not apparent. In this CRS report, the agency total is reflected as 14,477,496 and the U.S. total as 14,399,704.

Notes: See notes for **Table I**.

- a. Excludes Papahānaumokuākea Marine National Monument (88,635,029 acres) administered by FWS.
- b. Includes Hanford Reach National Monument (32,965 acres) administered by FWS but not as part of the National Wildlife Refuge System.
- c. Includes only lands in the 50 states and the District of Columbia.
- d. Includes lands and waters of marine refuges and national monuments administered by the FWS, both within and outside the National Wildlife Refuge System.

Current Issues

Since the cession to the federal government of the “western” lands by several of the original 13 colonies, many issues 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, federal lands along and near the southwest border raise questions about border security and role of law enforcement. These issues are discussed below.²⁹

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. Some supporters of disposal are concerned about the costs of

²⁹ Additional discussion of federal land management issues is contained in CRS Report R43429, *Federal Lands and Natural Resources: Overview and Selected Issues for the 113th Congress*, coordinated by Katie Hoover.

federal land management and seek additional opportunities for development/extractive uses in part to raise additional revenue. Other advocates of disposal are concerned about the influence of a large, dominant federal landowner on neighboring landowners, such as through impacts of federal land protection on private property, development, and local economic activity. They oppose further acquisitions, contending 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 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 *FY2013 Budget of the U.S. Government: Analytical Perspectives* estimated the value of all federal lands in 2011 at \$463 billion.³⁰ 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 also would 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 recent 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 or smaller parcels of BLM and FS land.

Through legislation, Congress has provided varying authorities for acquiring and disposing of land to the federal agencies.³¹ With regard to acquiring land, the BLM has relatively broad authority, the FWS has various authorities, and the FS authority is mostly limited to lands within or contiguous to the boundaries of a national forest. DOD also has authority for acquisitions.³² By contrast, the NPS has no general authority to acquire land to create new park units. 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).³³ 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. Funding for acquisitions by DOD is provided in Department of Defense appropriations laws.

With regard to disposal, the NPS and FWS have virtually no authority to dispose of the lands they administer, and the FS disposal authorities are restricted. The BLM has broader authority under § 203 of FLPMA. DOD lands that are excess to military needs can be disposed of under the surplus

³⁰ This source is on the website of the Office of Management and Budget at <http://www.gpo.gov/fdsys/pkg/BUDGET-2013-PER/pdf/BUDGET-2013-PER.pdf>, page 491. The FY2014 and FY2015 *Analytical Perspectives* do not contain similar estimates.

³¹ For information on the acquisition and disposal authorities of the four major federal land management agencies, see CRS Report RL34273, *Federal Land Ownership: Acquisition and Disposal Authorities*, by Carol Hardy Vincent et al.

³² See 10 U.S.C. § 2663.

³³ For information on the Land and Water Conservation Fund, see CRS Report RL33531, *Land and Water Conservation Fund: Overview, Funding History, and Issues*, by Carol Hardy Vincent.

property process administered by the General Services Administration.³⁴ 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, 1990-2013

Since 1990, total federal lands have generally declined. There have been many disposals of areas of federal lands. At the same time, the federal government has acquired many new parcels of land and there have been numerous new federal land designations, including wilderness areas, wild and scenic rivers, and national park units. Through the numerous individual acquisitions and disposals since 1990, the total federal land ownership has declined by 23.5 million acres, or 3.6% of the total of the five agencies, as shown in **Table 3**. BLM lands declined by 24.8 million acres (9.1%)³⁵ while DOD lands declined by 6.1 million acres (29.8%). In contrast, the NPS, FWS, and FS expanded their acreage during the period, with the NPS having the largest increase in both acreage and percent growth—3.5 million acres (4.6%). In some cases, a decrease in one agency's acreage was tied to an increase in acreage owned by another agency.³⁶

Table 3. Change in Federal Acreage Since 1990, by Agency

	1990	2000	2010	2013	Change 1990-2013	% Change Since 1990
FS	191,367,364	192,355,099	192,880,840	192,932,426	1,565,062	0.8%
NPS	76,133,510	77,931,021	79,691,484	79,648,788	3,515,278	4.6%
FWS	86,822,107	88,225,669	88,948,699	89,080,785	2,258,678	2.6%
BLM	272,029,418	264,398,133	247,859,076	247,252,228	-24,777,190	-9.1%
DOD	20,501,315	24,052,268	19,421,540	14,399,704	-6,101,611	-29.8%
U.S. Total	646,853,714	646,962,190	628,801,839	623,313,931	-23,539,783	-3.6%

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

Notes: See notes for **Table 1**. Also, DOD figures for FY1990, FY2000, and FY2010 were not readily available. Rather, the DOD figures were derived from the FY1989 Base Structure Report (published in February 1988), the FY1999 Base Structure Report (with data as of September 30, 1999), and the FY2010 Base Structure Report (with data as of September 30, 2009).

A reduction in federal lands in Alaska was a major reason for the total decline in federal lands since 1990. As shown in **Table 4**, federal land declined in Alaska by 21.9 million acres between

³⁴ For information on the disposal of surplus federal property by the U.S. General Services Administration (GSA), see 40 U.S.C. § 101 et seq. and CRS Report R43247, *Disposal of Unneeded Federal Buildings: Legislative Proposals in the 113th Congress*, by Garrett Hatch. While surplus DOD real property is routinely disposed of by the GSA, legislation authorizing BRAC rounds typically has authorized the Secretary of Defense to exercise GSA's disposal authority during BRAC rounds. For information on DOD disposal during BRAC rounds, see CRS Report R40476, *Base Realignment and Closure (BRAC): Transfer and Disposal of Military Property*, by R. Chuck Mason.

³⁵ 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.

³⁶ For instance, a decrease in BLM acreage and an increase in NPS acreage was the result of enactment of the California Desert Protection Act of 1994 (P.L. 103-433). Among other provisions, the law established one new national park unit and expanded two other park units on land that was owned by the BLM, and transferred ownership of the lands to the NPS. BLM estimated the total transfer of BLM land to the NPS for the three areas at 2.9 million acres.

1990 and 2013. 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. Federal land also decreased in the 11 western states, by 2.9 million acres. Reflected in this overall decline is a reduction of 6.3 million acres in Arizona³⁷ and an increase of 2.2 million acres in New Mexico. The other nine states had considerably smaller increases or decreases, with the next largest being an increase of 0.6 million acres in Utah. In the other 38 states, federal land increased by 1.2 million acres. This increase was not uniform, with declines in some states and varying increases (in acreages and percentage) in others.

³⁷ This reduction was due primarily to relatively large reductions of both BLM and DOD land in Arizona.

Table 4. Change in Federal Acreage Since 1990, by State

	1990	2000	2010	2013	Change 1990-2013	% Change Since 1990
Alabama	944,505	979,907	871,232	844,026	-100,479	-10.6%
Alaska	245,669,027	237,828,917	225,848,164	223,803,098	-21,865,929	-8.9%
Arizona	34,399,867	33,421,887	30,741,287	28,064,307	-6,335,560	-18.4%
Arkansas	3,147,518	3,418,455	3,161,978	3,151,685	4,167	0.1%
California	46,182,591	47,490,824	47,797,533	45,864,800	-317,791	-0.7%
Colorado	23,579,790	24,001,922	24,086,075	23,870,652	290,862	1.2%
Connecticut	6,784	9,012	8,557	8,752	1,968	29.0%
Delaware	27,731	28,397	28,574	29,864	2,133	7.7%
Dist. of Col.	9,533	8,466	8,450	8,182	-1,351	-14.2%
Florida	4,344,976	4,671,958	4,536,811	4,599,919	254,943	5.9%
Georgia	1,921,674	1,933,464	1,956,720	1,474,225	-447,449	-23.3%
Hawaii	715,215	682,650	833,786	820,725	105,510	14.8%
Idaho	32,566,081	32,569,711	32,635,835	32,621,631	55,550	0.2%
Illinois	353,061	403,835	406,734	411,387	58,326	16.5%
Indiana	274,483	394,243	340,696	384,365	109,882	40.0%
Iowa	33,247	83,134	122,602	122,076	88,829	267.2%
Kansas	281,135	300,465	301,157	272,987	-8,148	-2.9%
Kentucky	966,483	1,065,814	1,083,104	1,094,036	127,553	13.2%
Louisiana	1,578,151	1,565,875	1,330,429	1,325,780	-252,371	-16.0%
Maine	176,486	210,167	209,735	211,125	34,639	19.6%
Maryland	173,707	190,783	195,986	197,894	24,187	13.9%

	1990	2000	2010	2013	Change 1990-2013	% Change Since 1990
Massachusetts	63,291	63,998	81,692	61,802	-1,489	-2.4%
Michigan	3,649,258	3,692,271	3,637,965	3,633,323	-15,935	-0.4%
Minnesota	3,545,702	3,581,741	3,469,211	3,491,586	-54,116	-1.5%
Mississippi	1,478,726	1,544,501	1,523,574	1,546,433	67,707	4.6%
Missouri	1,666,718	1,676,175	1,675,400	1,635,122	-31,596	-1.9%
Montana	26,726,219	26,745,666	26,921,861	27,003,251	277,032	1.0%
Nebraska	528,707	556,347	549,346	546,759	18,052	3.4%
Nevada	60,012,488	60,180,297	56,961,778	59,681,502	-330,986	-0.6%
New Hampshire	734,163	754,858	777,807	798,718	64,555	8.8%
New Jersey	146,436	164,865	176,691	179,374	32,938	22.5%
New Mexico	24,742,260	26,829,296	27,001,583	26,981,490	2,239,230	9.1%
New York	215,441	229,097	211,422	104,590	-110,851	-51.5%
North Carolina	2,289,509	2,415,560	2,426,699	2,429,341	139,832	6.1%
North Dakota	1,727,541	1,729,430	1,735,755	1,736,611	9,070	0.5%
Ohio	234,396	289,566	298,500	305,641	71,245	30.4%
Oklahoma	505,898	696,377	703,336	701,365	195,467	38.6%
Oregon	32,062,004	32,703,212	32,665,430	32,614,185	552,181	1.7%
Pennsylvania	611,249	598,165	616,895	617,339	6,090	1.0%
Rhode Island	3,110	4,867	5,248	5,157	2,047	65.8%
South Carolina	891,182	872,173	898,637	846,420	-44,762	-5.0%
South Dakota	2,626,594	2,642,646	2,646,241	2,642,601	16,007	0.6%
Tennessee	980,416	1,251,514	1,273,974	1,273,175	292,759	29.9%
Texas	2,651,675	2,855,997	2,977,950	2,998,280	346,605	13.1%

	1990	2000	2010	2013	Change 1990-2013	% Change Since 1990
Utah	33,582,578	34,982,884	35,033,603	34,202,920	620,342	1.8%
Vermont	346,518	428,314	453,871	464,644	118,126	34.1%
Virginia	2,319,524	2,381,575	2,358,071	2,514,596	195,072	8.4%
Washington	11,983,984	12,646,137	12,173,813	12,176,293	192,309	1.6%
West Virginia	1,062,500	1,096,956	1,130,951	1,133,587	71,087	6.7%
Wisconsin	1,980,460	2,006,778	1,865,374	1,793,100	-187,360	-9.5%
Wyoming	30,133,121	30,081,046	30,043,513	30,013,219	-119,902	-0.4%
U.S. Total	646,853,714	646,962,190	628,801,639	623,313,931	-23,539,775	-3.6%

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

Notes: See notes to **Table 1** and **Table 3**.

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 FS 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.³⁸ Currently there is similar interest in some western states, as noted above.

As shown in **Table 1** and **Table 2**, the 11 western states plus Alaska have extensive areas of federal lands. **Table 5** summarizes the data in **Table 1** to clarify the difference in the extent of federal ownership between western and other states. As can be seen, 61.2% of the land in Alaska is federally owned, which includes 86.1% of the total FWS lands and 65.8% of the total NPS lands. Of the land in the 11 coterminous western states, 46.9% is federally owned, which includes 73.3% of total FS lands and 70.6% of total BLM lands. In the rest of the country, the federal government owns 4.0% of the lands, with 63.0% of those managed by the FS.

Table 5. Federal Acreage by State or Region and by Agency, 2013

	Alaska	11 Western States ^a	Other States	U.S. Total
FS	22,207,400	141,502,187	29,222,849	192,932,426
NPS	52,431,579	20,236,884	6,980,326	79,648,788
FWS	76,673,836	6,420,452	5,986,498	89,080,785
BLM	72,363,733	174,519,780	368,715	247,252,228
DOD	126,551	10,414,947	3,858,203	14,399,704
U.S. Total	223,803,098	353,094,249	46,416,591	623,313,931
Acreage of States	365,481,600	752,947,840	1,152,913,920	2,271,343,360
Percent Federal	61.2%	46.9%	4.0%	27.4%

Sources: For federal lands, see sources listed in **Table 2**. Total acreage of states is 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: See notes for **Table 1**.

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

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

³⁸ See CRS Report RL34267, *Federal Land Ownership: Constitutional Authority and the History of Acquisition, Disposal, and Retention*, by Kristina Alexander.

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 FY2013 at between \$9.12 billion and \$13.42 billion, with a mid-range figure of \$11.27 billion. Of the total deferred maintenance, 58% was for roads, bridges, and trails; 15% was for buildings; and 26% was for irrigation, dams, and other structures.³⁹

DOI estimates of the NPS backlog have increased, from \$4.25 billion in FY1999 to \$11.27 billion for FY2013 (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 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.

While congressional and administrative attention has centered on the NPS backlog, the other federal land management agencies also have maintenance backlogs. The FS estimated its backlog for FY2013 at \$5.56 billion.⁴⁰ Of the total deferred maintenance, \$3.27 billion (59%) was for roads.⁴¹ Also for FY2013, DOI estimated the FWS backlog at between \$1.63 billion and \$2.39 billion and the BLM backlog at between \$0.67 billion and \$0.82 billion.⁴² The four agencies together had a combined FY2013 backlog estimated at between \$16.98 billion and \$22.19 billion, with a mid-range figure of \$19.58 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 ecological condition of federal lands has long been a focus of attention. For example, 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.⁴³ Today, the health and productivity of federal lands and resources might be affected in some areas by various land uses, such as livestock grazing, recreation, and energy development. Many other variables might impact the health of federal lands and resources, including wildfires, community expansion, invasive weeds, and drought. Some assert that addressing the condition of infrastructure and lands is paramount. They support ecological restoration as a focus of agency activities and funding and an emphasis on managing current federal lands for continued productivity and public benefit. 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

³⁹ This information was provided to CRS by the DOI Budget Office on February 5, 2014.

⁴⁰ U.S. Dept. of Agriculture, Forest Service, *Fiscal Year 2015 Budget Justification*, p. 14-29.

⁴¹ This estimate of the deferred maintenance for roads reflects passenger-car roads only.

⁴² This information was provided to CRS by the DOI Budget Office on February 5, 2014.

⁴³ 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.

expanding federal protection to additional lands is an essential aspect of a response to changing conditions and provides new areas for public use.

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. Whether and where to restrict recreation, generally and for high-impact uses such as motorized off-road vehicles, also is a focus. 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.

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 FS, 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 Security⁴⁴

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

⁴⁴ For more details see CRS Report R42138, *Border Security: Immigration Enforcement Between Ports of Entry*, by Lisa Seghetti.

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.⁴⁵

In general, federal efforts to secure the border are subject to the National Environmental Policy Act of 1969 (NEPA),⁴⁶ which requires agencies to evaluate the potential environmental impacts of proposed programs, projects, and actions before decisions are made to implement them. They also are governed 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.⁴⁷ However, the Secretary of the Department of Homeland Security (DHS) has authority under law to waive NEPA and other environmental laws for construction of fencing and other barriers along the U.S. international borders to deter illegal crossings.⁴⁸

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.⁴⁹ 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), FS (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 DHS, FS, and DOI.⁵⁰ 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) that also have law enforcement responsibilities.⁵¹ The three departments—DHS, USDA (for the FS), 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.⁵² These efforts addressed some of the

⁴⁵ 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.

⁴⁶ P.L. 91-190; 42 U.S.C. §§ 4321-4347.

⁴⁷ 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/.

⁴⁸ See CRS Report WSLG536, *Proposed Waiver Authority for Border Construction Is Not New, But Is It Improved?*, by Michael John Garcia.

⁴⁹ This figure excludes 3.5 million acres of Indian lands. See the map on the website of the House Committee on Natural Resources at <http://naturalresources.house.gov/Info/BorderOverview.htm>.

⁵⁰ 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 Lisa Seghetti.

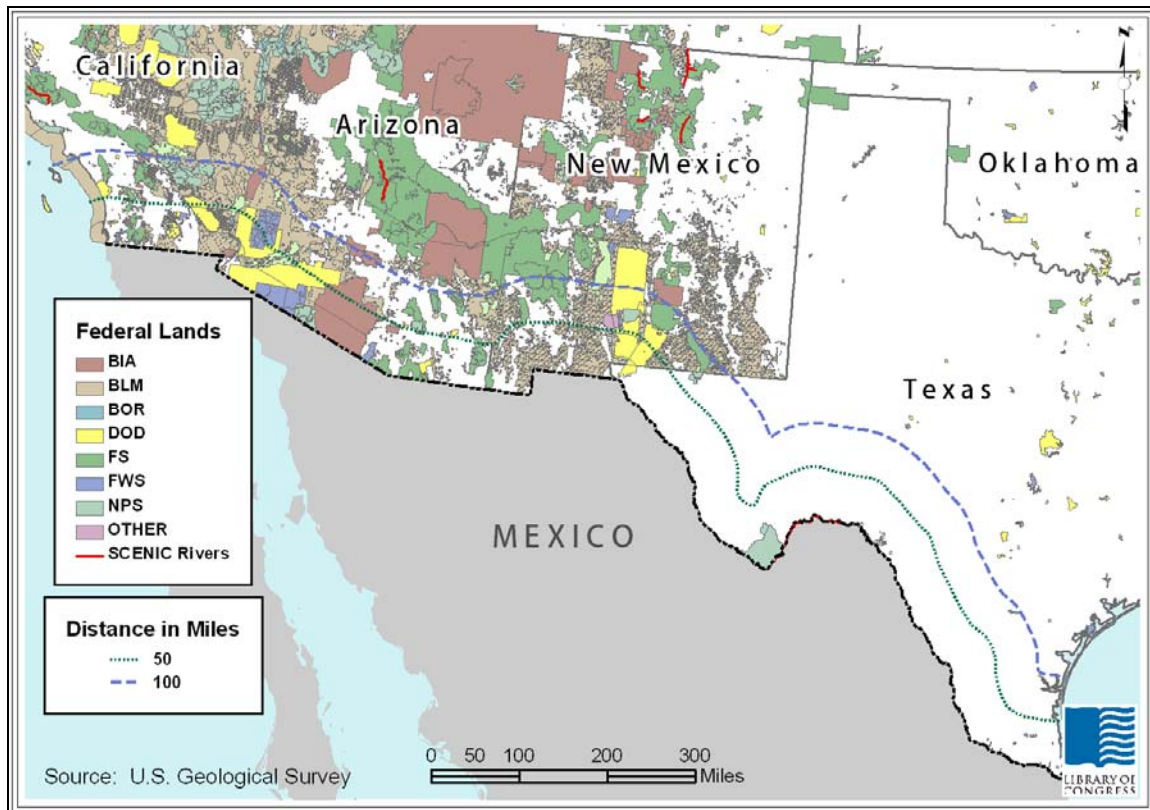
⁵¹ GAO-11-177, *Border Security: Additional Actions Needed*, p. 4.

⁵² See the website of Rep. Rob Bishop at <http://robbishop.house.gov/UploadedFiles/DHS.pdf>.

identified differences, and in 2011, USBP Deputy Chief Ronald Vitiello testified that existing agreements with DOI and USDA allowed USBP to carry out its border security mission.⁵³

Nonetheless, the challenges of maintaining secure borders on public lands have been the subject of public discussion. In 2010, GAO found that interagency coordination to protect border security on federal lands remained somewhat problematic.⁵⁴ In the past, legislation was introduced to broaden DHS's exemption from NEPA, land management statutes, and other environmental laws to facilitate border security activities on federal lands.⁷ Some oppose such legislation on the grounds that it would remove important protections for sensitive and critical habitats and resources.

Figure 4. Federal Lands Near the Southwest Border



Note: Adapted by Jacqueline V. Nolan, Cartographer, Library of Congress, September 21, 2011.

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.

⁵⁴ GAO-11-177, *Border Security: Additional Actions Needed*, p. 15.

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