

Center for Western Priorities ◆ November 2019

# FUNDING AMERICA'S PUBLIC LANDS FUTURE

*How innovation  
and leadership can  
conserve our  
natural heritage  
for future  
generations*





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# INTRODUCTION

From national parks to national forests, our system of public lands is quintessentially American, accessible to all while conserving our natural heritage for future generations. As our parks and public lands become more popular than ever, there is an intense need for increased funding to repair existing infrastructure, conserve habitat, and provide increased access. Right now, America needs leadership and innovation from elected officials to identify funding sources to ensure those public lands are conserved for future generations.

Throughout the country, 640 million acres,<sup>1</sup> from national monuments to wildlife refuges, are owned by and managed for the benefit of all Americans, used for everything from energy development to outdoor recreation. Public lands are an important asset that can drive robust local economies and help provide clean air and water. Communities adjacent to public lands are capitalizing on the burgeoning outdoor recreation industry for healthy and steady rural economies. Protected habitats support biodiversity, which is threatened by climate change and increasing human impact on the land.

Traditionally, Congress has provided funding for managing our public lands, bolstered in part by revenue from extractive industries operating on our public lands and waters. Companies leasing public lands are required to pay royalties, rent, and other fees in exchange for extracting publicly-owned resources and using the public's land. In recent years, funding to manage and conserve our public lands has not kept pace with what's necessary to take care of the public's resources. In this report, we discuss the state of conservation funding for our public lands and recommend options to boost funding in the years to come.





## KEY FINDINGS

Agencies within the Department of the Interior and Department of Agriculture play a critical role in managing our parks and public lands, balancing uses and conserving our natural heritage for future generations.

In recent decades, the Bureau of Land Management, Fish and Wildlife Service, National Park Service, and Forest Service have all received a smaller share of the federal budget, but face increasing challenges, including climate change, development, and increasing visitation.

Inadequate funding has left those four land management agencies with a collective maintenance backlog of \$19.38 billion.

Congress has permanently authorized the Land and Water Conservation Fund, a critical program

that helps conserve public lands and enhance recreation opportunities, but has yet to ensure full, dedicated funding going forward.

To ensure funding to manage our public lands and conserve our natural heritage, policymakers should consider establishing a Conservation Trust Fund with diverse funding streams that could augment general fund appropriations.

Funding options include:

**Oil and gas:** Increase rent and royalty rates for drilling on public lands to match leading states

**Coal:** Close loopholes that allow companies to skirt royalty payments and update royalty rates

**Renewable energy:** Establish a framework for wind and solar leases on public lands, including a royalty on generation

**Hardrock mining:** Update the Mining Law of 1872 by instituting a system of bids, rental rates, and royalties for the extraction of publicly-owned minerals

**Outdoor recreation:** Similar to existing taxes on hunting and fishing gear, institute a small tax on outdoor recreation equipment

**Other:** Use a portion of revenue from efforts to legalize sports gambling and marijuana for conservation

# MANAGEMENT OF AMERICA'S PUBLIC LANDS

Four agencies are responsible for managing the vast majority of the 640 million acres of public land throughout the country. Housed within the Department of the Interior and the Department of Agriculture, each agency has a different mission that directs their management of the land.

The **National Park Service** manages<sup>2</sup> over 85 million acres of land, including national parks and wild and scenic rivers. The mission<sup>3</sup> of this agency is to preserve natural and cultural resources in designated areas for present and future generations to enjoy. The agency strives to create accessible, informative, and enjoyable ways for the public to experience these areas.

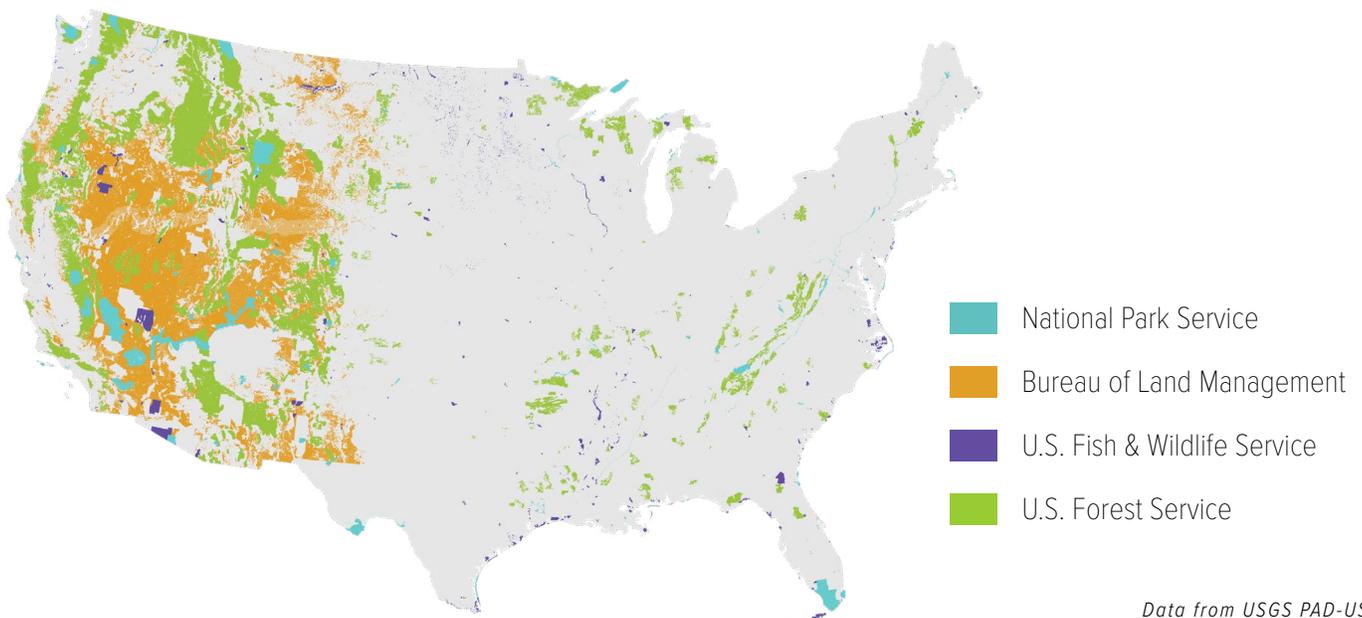
The **Bureau of Land Management** oversees the largest amount of land of any agency, mostly located in the western United States. The agency manages 245 million acres of surface land and 700 million acres of subsurface minerals for “multiple

uses<sup>4</sup>,” including conventional and renewable energy development, livestock grazing, hardrock mining, timber harvesting, and outdoor recreation.

The **U.S. Fish and Wildlife Service** is responsible<sup>5</sup> for enforcing the nation’s wildlife laws and conserving wildlife habitat on 150 million acres<sup>6</sup> of land and water across the country. The agency manages the National Wildlife Refuge System and partners with states to enact comprehensive habitat management across public and private land.

The **U.S. Forest Service** manages 193 million<sup>7</sup> acres of national forests and grasslands. Unlike the other three agencies which are housed in the Department of the Interior, the Forest Service is within the Department of Agriculture, which results in a focus<sup>8</sup> on productivity and forest sustainability for present and future generations. The agency aims to balance resource use and extraction with outdoor recreation and preservation of wilderness areas.

## LANDS IN THE CONTINENTAL U.S. HELD BY THE FOUR PRIMARY FEDERAL LAND MANAGEMENT AGENCIES



Data from USGS PAD-US<sup>22</sup>

# BENEFITS OF PUBLIC LANDS

*From boosting local economies to improving public health, public lands have broad positive impacts on our everyday lives.*

## Cultural

Public lands protect historical and culturally significant sites, including Chaco Canyon, Gettysburg, and more. From national monuments to national historic places, land management agencies are responsible for educating the public about these special places.

## Healthy communities

Public lands benefit public health through clean air and water and access to recreation. Forests and rivers naturally filter<sup>9</sup> air and water, and outdoor spaces have been shown to have positive impacts<sup>10</sup> on physical and psychological health.

## Climate Change

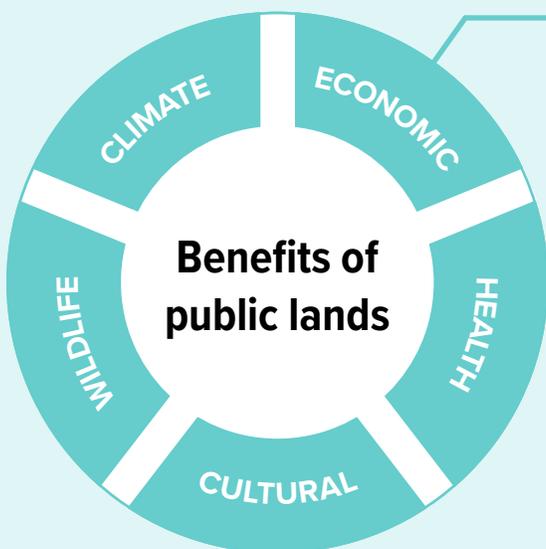
Although fossil fuels extracted from public lands account for roughly a quarter<sup>11</sup> of all greenhouse gas emissions in the United States, public lands are poised to be a climate solution. Forests, vegetation, and soils on public lands can sequester carbon, and new renewable energy generation can tap significant wind and solar resources.

## Wildlife

Public lands, including national wildlife refuges, provide key habitat for wildlife. With a recent United Nations report finding that 1 million species<sup>12</sup> face extinction, protected lands are vital for maintaining biodiversity. As a result of human encroachment throughout the West, an animal can travel an average of only 3.5 miles<sup>13</sup> before encountering significant human development. Continuous habitat is vital for the survival of species, and this fragmentation is an increasing threat.

## Economic

From recreation to drilling, activities on public lands have a significant economic impact. According to the Interior Department<sup>14</sup>, lands and activities managed by the agency generated \$315 billion in Fiscal Year 2018. Public lands are the foundation of the \$887 billion<sup>15</sup> outdoor recreation economy, supporting 7.6 million jobs<sup>15</sup> and providing \$65.3 billion<sup>15</sup> in federal tax revenue. National parks have a particularly significant impact on local economies, with every federal dollar invested creating a \$10 return.<sup>16</sup>



**National Parks** create a 10x return on investment

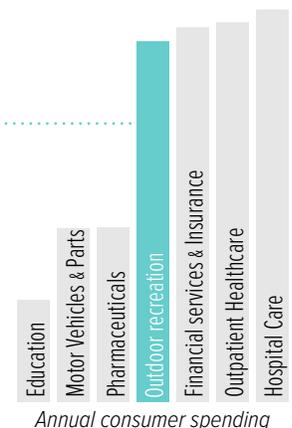


**Outdoor Recreation...**

Contributes **\$887 billion** ..... in annual consumer spending,

supports **7.6 million jobs**,

and provides **\$124.5 billion** in federal tax revenue.



Data from Outdoor Industry Association<sup>15</sup> and National Park Service<sup>16</sup>

# THE CURRENT STATE OF LAND MANAGEMENT AND CONSERVATION FUNDING

Managing such an expansive and diverse set of landscapes requires sustained investment. Each year, Congress decides how much funding to allocate to each federal agency through the appropriations process. In recent years, competing priorities have resulted in land management agencies receiving insufficient funding. From the skyrocketing cost of fighting wildfires to rising park visitation, increased investment is imperative for conservation and land management.



Unfortunately, the Trump administration has not recognized the importance of sustained investment, as its proposed budgets have annually attempted to gut funding for land management agencies, including zeroing out the Land and Water Conservation Fund, an important and popular conservation program. Thankfully, Congress has pushed back on such cuts, allocating agency funding at relatively steady levels<sup>17</sup> over the past decade.

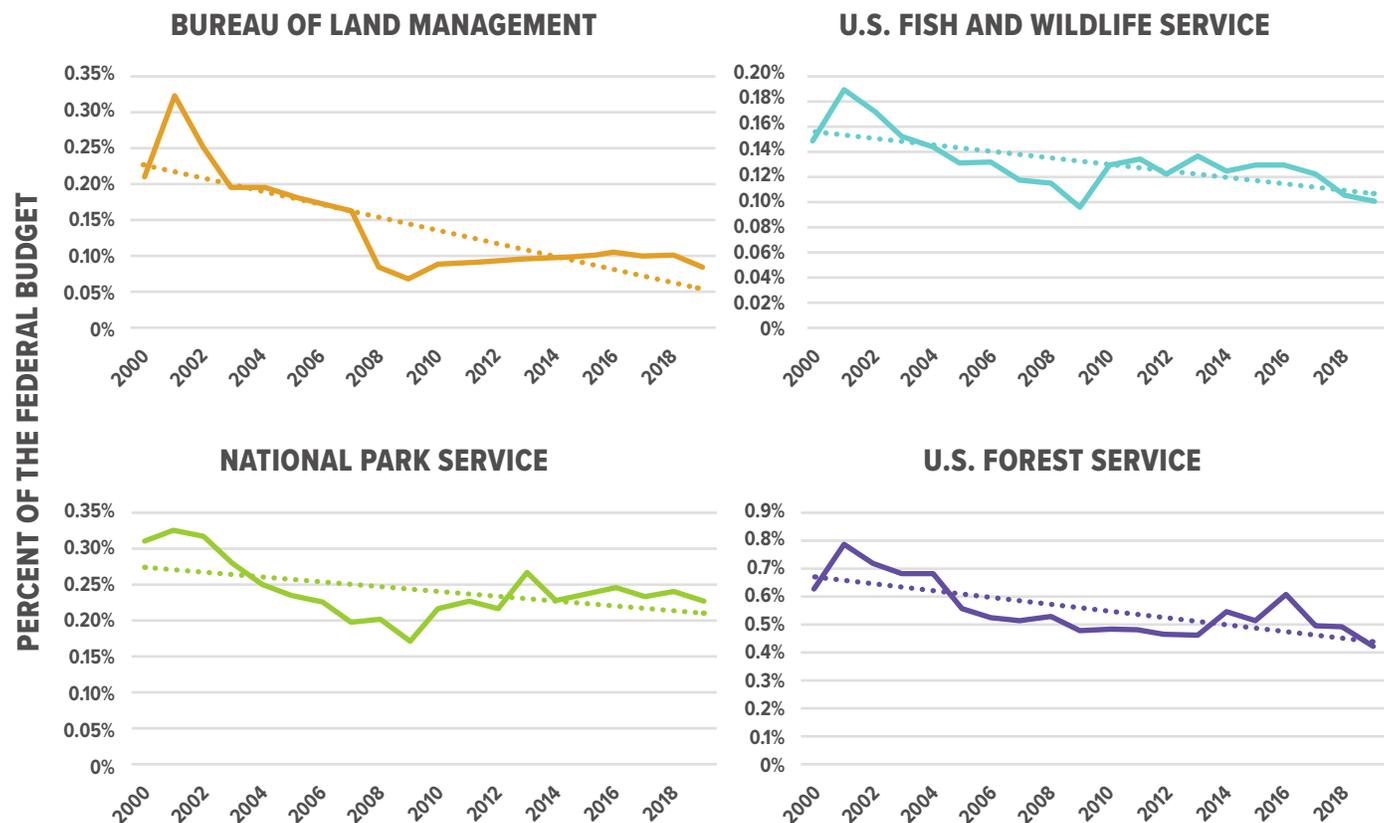
Not all agency funding goes to conservation efforts specifically. From the BLM’s oil and gas leasing activities to the Forest Service’s timber harvesting program, some agency spending follows “multiple use” mandates.

Throughout the last century, Congress and the executive branch have not relied solely on the annual budgeting process to advance conservation efforts; they’ve also identified creative funding

mechanisms and instituted innovative programs. Most notably, the Land and Water Conservation Fund uses royalties from offshore drilling to provide federal and local funding for conservation at no added cost to taxpayers. Reauthorized earlier this year, its bipartisan popularity demonstrates the importance of these issues to all Americans. Similarly, for over half a century, hunters and anglers have paid a tax on equipment that has provided billions<sup>18</sup> to state habitat restoration and conservation efforts. Major federal programs such as the Civilian Conservation Corps<sup>19</sup> and Mission 66<sup>20</sup> developed and maintained much of the infrastructure that forms the foundations of our parks and public lands experiences today.

## LAND MANAGEMENT AGENCY BUDGETS AS A PERCENT OF THE DISCRETIONARY FEDERAL BUDGET

*Note: In the graphs below, the 2018 and 2019 values are approximations based on the estimated discretionary federal budget. Data from U.S. Government<sup>73</sup>*





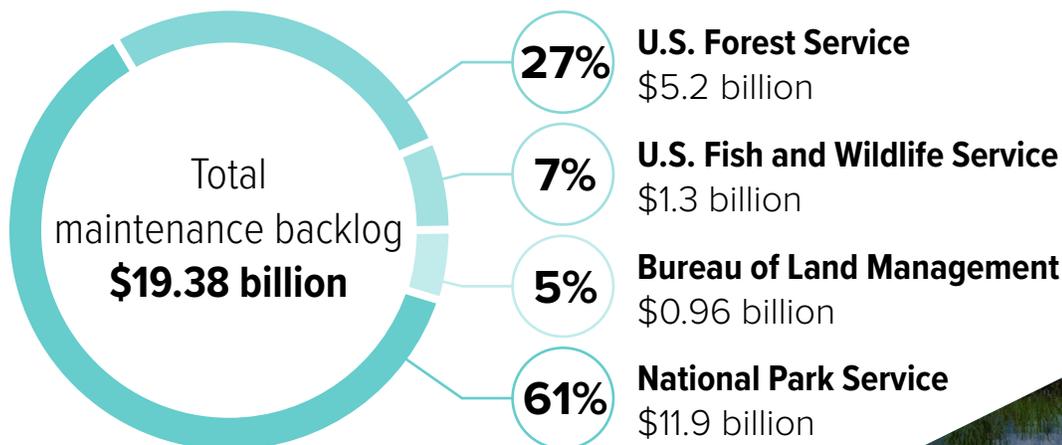
## *Falling short: Our public lands maintenance backlog*

As a result of insufficient funding, imperative projects fall by the wayside every year, which has created a significant maintenance backlog<sup>21</sup> across all land management agencies over the past decade.

As of Fiscal Year 2018, the four land management agencies had a collective maintenance backlog of \$19.38 billion.<sup>21</sup> The Interior Department reports deferred maintenance projects within four categories:<sup>21</sup> roads, bridges, and trails; irrigation, dams, and other water structures; buildings; and other structures, which includes recreation sites.

There is a clear need for additional funding, both to catch up on deferred maintenance projects and to prevent future projects from being added to the list. However, adding billions of dollars to the Interior Department's budget each year is not realistic within the current system, leading to the need for innovative funding methods to eliminate the backlog and provide for comprehensive management to protect and conserve public lands.

### **FEDERAL LAND MANAGEMENT AGENCY MAINTENANCE BACKLOG AS OF FISCAL YEAR 2018**



Data from Congressional Research Service<sup>21</sup>



# STATE CONSERVATION FUNDING

*A snapshot of  
innovative state  
programs*



*Eldorado State Park, CO, a popular recreation area, received GOCO funding for its entrance station*

## Colorado

Since 1992, Colorado has allocated a portion of its lottery revenue to conservation projects through Great Outdoors Colorado (GOCO). To date, GOCO has awarded \$1.2 billion to 5,200 projects in each of Colorado's 64 counties.<sup>22</sup> GOCO's mission includes protecting more land for people and wildlife, increasing access and opportunities on public land, and inspiring more people to get outdoors, with a focus on children and their families.

## Nevada

In 2002, Nevada voters approved "Question 1," approving the issuance of \$200 million in bonds, with proceeds going towards<sup>23</sup> improvements to trails, parks, and habitat conservation. Of that, \$65.5 million was given to Nevada's Division of State Lands to provide grants for state agencies, local governments, and qualifying nonprofit organizations. In the 2019 legislative session, Nevada authorized an additional \$217 million<sup>24</sup> in bonds for the program, providing critical funding going forward.



*Nevada's Conservation Bond Program funded the Springs Preserve in Las Vegas, NV, a 180-acre sustainability education institution*

*Wyoming Trust Fund dollars have protected crucial mule deer migration corridors near Dubois, WY*



## Wyoming

The Wyoming Wildlife and Natural Resource Trust Fund protects wildlife and habitat throughout the state. Funded through interest earned on a permanent account, donations, and annual legislative appropriation, it has funded 750 projects in all 23 counties.<sup>25</sup> Since its inception in 2015, the program has allocated nearly \$97 million, with every dollar matched with an average of \$6 from other sources.<sup>25</sup>



## Public land managers face more challenges than ever before

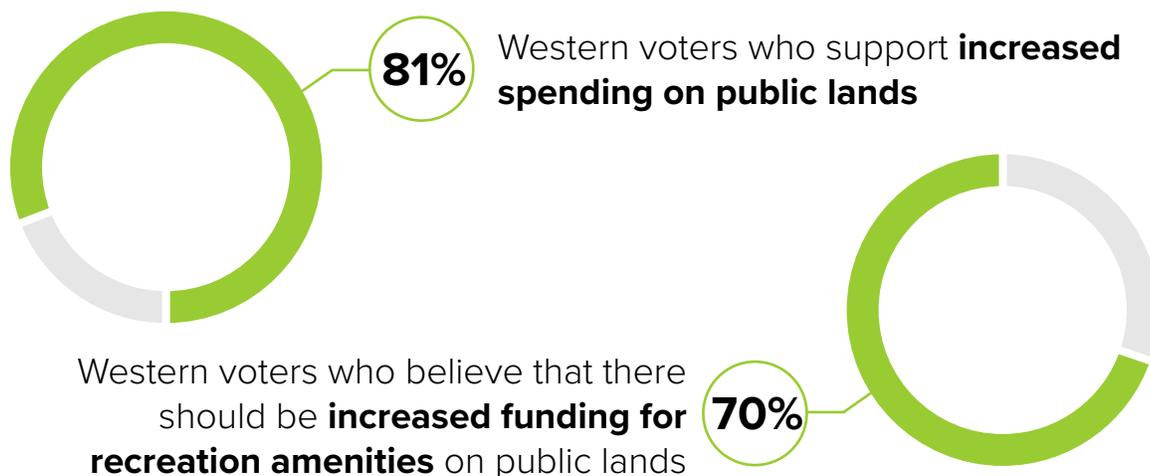
From the coastal plain of the Alaskan Arctic to Arizona’s Sonoran Desert, our public lands face a wide range of growing challenges. The impacts of climate change are becoming more apparent, including longer and hotter wildfire seasons, shifting wildlife habitat, and decreased water supply.

In recent years, agency budgets have been stretched thin<sup>26</sup> fighting wildfires. In 2018, over 52,000 wildfires<sup>27</sup> burned 8.5 million acres of federal, tribal, state, and private land. In 2017,

the Forest Service alone spent over \$2 billion<sup>28</sup> fighting wildfires, not including spending by the other federal and state agencies involved in fire response efforts. After relying on emergency funds and diverted resources almost every year for a decade, Congress addressed the problem<sup>29</sup> of “fire borrowing” in 2018, creating an emergency fund external to agencies’ operating budgets.

At the same time, our parks and public lands have seen a dramatic rise in visitation, driving a need for additional funding. In 2018, national parks saw an

## THE AMERICAN PUBLIC UNDERSTANDS THE IMPORTANCE OF INVESTING IN PUBLIC LANDS



excess of more than 318 million visits<sup>30</sup>, the third highest year on record. Similarly, public lands in the West have seen more than 290 million visits<sup>30</sup> per year. Increased visitation is being driven by a booming outdoor recreation industry that is growing more than twice as fast<sup>31</sup> as the national economy.

Wildlife and wild places are feeling the crunch of development. A recent study<sup>13</sup> found that natural areas in the Western United States are disappearing at a rate of one football field every 2.5 minutes. Migrating animals, from elk to pronghorn, face pressure from energy development within their migration corridors. And North America's bird population has declined by nearly 30 percent<sup>32</sup> since 1970.

The American public understands the importance of investing in public lands. Polling by the Center for Western Priorities in the summer of 2019 found that 81 percent<sup>33</sup> of Western voters support increased spending on public lands to ensure that our national parks, wildlife refuges, and monuments have necessary funding. In addition, 70 percent<sup>33</sup> believe that there should be increased funding for recreation amenities, such as trails and campgrounds on public lands.





# THE LAND AND WATER CONSERVATION FUND

America's most important parks program

Since 1965, the Land and Water Conservation Fund (LWCF) has been an integral part of protecting our parks and public lands and enhancing recreation opportunities across the United States. Since its inception, the fund has conserved special places, such as wilderness areas and national park inholdings, and helped establish

and grow community parks. Notably, LWCF projects have been completed in every county<sup>34</sup> in the United States. LWCF is a point of political consensus, with strong bipartisan support<sup>35</sup> from elected officials and 91 percent<sup>36</sup> of voters believe that this program is important.

# How the Land and Water Conservation Fund works

Each year LWCF receives a portion of royalties from offshore oil and gas development to support conservation and recreation across the country. The premise is simple: revenues from the extraction of publicly-owned oil and gas are dedicated to the protection of America’s public lands at no cost to taxpayers. Allocated funds are divided between two sources<sup>37</sup>: national public land projects and state and local grants. For national public land projects, there are four agencies that are given these funds: the U.S. Forest Service, the Bureau of Land Management, the U.S. Fish and Wildlife Service, and the National Park Service. Projects range from improving wildlife habitat to purchasing privately-owned “inholdings” from willing sellers to create continuity and access throughout parks and public lands. For state and local grants, funds are used to implement their recreation and conservation priorities, from state parks to local bike paths and baseball diamonds. LWCF has funded 40,000

projects<sup>34</sup> in urban and suburban communities, increasing accessibility to recreation and open space.

The program has a significant economic impact—every dollar spent on LWCF projects creates a \$4 return<sup>37</sup> on investment. An analysis<sup>37</sup> by The Trust for Public Land looked at 16 completed LWCF projects and found that “approximately 10.6 million people visit these sixteen federal units each year and spend \$511 million in the surrounding local communities,” demonstrating the significant economic benefit that this program provides. LWCF is an important tool for addressing the maintenance backlog on our public lands. In addition to the federal backlog, states have reported \$27 billion<sup>38</sup> worth of projects that qualify for LWCF’s state or local grants.

## LWCF PERMANENTLY REAUTHORIZED



In a 2019 bipartisan effort, LWCF reauthorization was included in a sweeping public lands package, but **did not include funding.**

There is broad public support for taking the next step.

**70%** of western voters **support permanent funding for LWCF**, at or above \$900 million annually.



Results from the Center for Western Priorities' 2020 Winning the West poll<sup>35</sup>



# LWCF REVEALED

How the Land and Water Conservation Fund is funded and benefits the American public

## 1 Receipts are collected



**ZERO**  
tax dollars

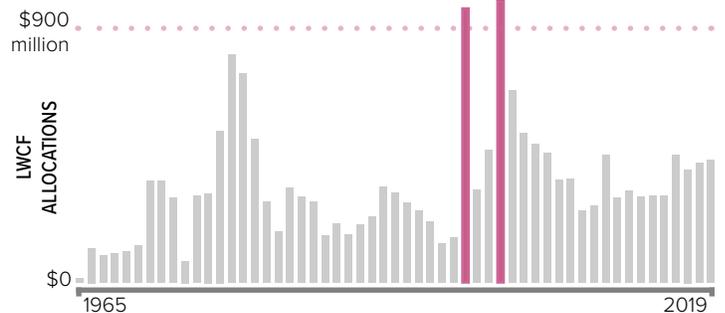
Without using any taxpayer dollars, funds for the Land and Water Conservation Fund come from oil and gas receipts from the Outer Continental Shelf.

## 2 Funds are appropriated



**\$22 BILLION**  
diverted by  
Congress

Congress decides how much of the authorized \$900 million to give to LWCF. Over the years, **LWCF has only been fully funded twice**, and Congress has withheld over \$22 billion intended for the fund.<sup>39, 40</sup>



## 3 Funds are distributed

Federal land agencies

Land acquisition

Habitat regeneration

State & local grants

Recreation

Open space

Cultural heritage

Funds allocated to LWCF are distributed among diverse recreation and land management programs accessible to **all Americans**.

An analysis by the Trust for Public Land found that every dollar spent on LWCF projects creates a **\$4 return on investment**.<sup>37</sup>

Although LWCF has broad bipartisan support in Congress, the program has long faced uncertain funding levels. The program is authorized to receive \$900 million each year; however, actual funding for LWCF is determined by Congress' annual appropriations process. This annual scramble for money has nearly always<sup>39</sup> resulted in LWCF receiving significantly less funding than originally intended. Over the years, Congress has diverted \$22 billion<sup>40</sup> that was intended for LWCF projects.

After allowing LWCF to expire twice in recent years, Congress permanently reauthorized the program in a sweeping bipartisan public lands package<sup>41</sup> that became law early in 2019, marking a major success for conservation. Importantly, while reauthorization allows for the continued existence of the program, it does not guarantee funding. Around the same time, the Trump administration proposed a Fiscal Year 2020 budget that would have effectively zeroed out the program. Congress appears poised to reject the administration's proposal, with both the House and Senate proposing to fund LWCF at roughly half<sup>42</sup> its authorized amount.

## Guaranteeing the Land and Water Conservation Fund's future

While LWCF has a strong, decades-long track record, Congress must act to ensure the program can execute its mission for decades to come. First, the program should receive full and dedicated funding, indexed to inflation<sup>43</sup>, to ensure its financial strength is not diminished over time. As of 2019, LWCF's original authorization would be equivalent to \$3.6 billion<sup>43</sup>. The Land and Water Conservation Fund Permanent Funding Act<sup>44</sup>, introduced in the Senate in the spring of 2019, proposes dedicated funding of \$900 million annually. This is critical legislation, but does not include a provision to account for inflation.



Second, comprehensive data on projects and funding supported by LWCF should be included within the program to better understand its impact and ensure funding is evenly distributed across the country. Currently, such a database does not exist, as LWCF provides funding to many different agencies across federal, state, and local governments, but does not house data in any one centralized place.



# BEYOND LWCF

Options for funding  
public lands  
management  
and conservation

While programs like the Land and Water Conservation Fund have provided critical funding to conserve and maintain our parks and public lands, it is clear that a larger solution is necessary to meet long-term funding needs. In assessing options, policymakers should seek to increase funding levels and increase the certainty of those funding levels from year to year.

One such option would be for Congress to establish a “Conservation Trust Fund,” drawing on funding from an increased range of sources, such as resource extraction and outdoor recreation,

to augment general fund appropriations. The fund could receive revenue, accrue interest, and provide reliable support for managing and conserving public lands. Such a program is not unprecedented—the Highway Trust Fund is another example of a long-term funding source that has helped build and maintain a transportation system relied on by all Americans.

In establishing a Conservation Trust Fund, Congress could consider the following revenue sources:

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*One option for conservation funding would be to establish a **Conservation Trust Fund***

# Oil and gas

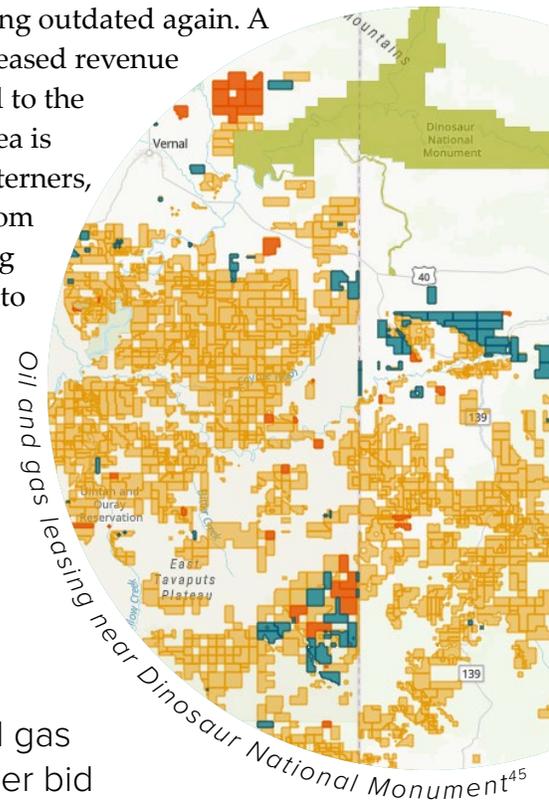
Drilling for oil and natural gas is widespread on our public lands and off our coasts, and proceeds from drilling comprise the bulk of revenue collected by the Interior Department. Companies pay for the right to extract publicly-owned oil and gas, bidding to secure leases, paying rent to maintain those leases, then paying royalties on the oil and gas they extract. Unfortunately for taxpayers, the current system of minimum bids and royalty rates is vastly outdated.

The Bureau of Land Management offers oil and gas leases at auction with a minimum bid of \$2.00 per acre. If a lease fails to sell at auction, a company can purchase it noncompetitively without a bid, simply paying the first year's rent of \$1.50 per acre. These minimum bid and rental rates have not been changed in decades, and no longer reflect an adequate value for taxpayers. According to a recent analysis<sup>45</sup> by the Center for Western Priorities and The Wilderness Society, 32 percent of public acres leased by oil and gas companies cost them \$2 or less. In addition, 47 percent of all leases in the West are sitting idle, generating no royalties while the companies pay just \$1.50 per acre to hold onto them.

Currently, companies pay a 12.5 percent<sup>46</sup> royalty for extracting oil and gas on federal public land,

a rate far below those charged by key energy-producing states, such as Texas, which receives up to 25 percent<sup>47</sup> for oil and gas from state land. A 2017 report found that even increasing the onshore royalty rate to 18.75 percent would generate an extra \$400 million<sup>48</sup> over ten years. Similarly, the Government Accountability Office found that loopholes have allowed offshore drilling companies to avoid \$18 billion<sup>49</sup> in royalty payments since 1996.

The current leasing system should be updated to provide a fair return to taxpayers. Royalty rates should be updated to 25 percent to match leading state rates. Minimum bid and rental rates should also be updated and indexed to inflation to prevent them from becoming outdated again. A portion of the increased revenue should be diverted to the trust fund. This idea is supported by Westerners, 80 percent<sup>33</sup> of whom support reinvesting energy royalties into public lands.

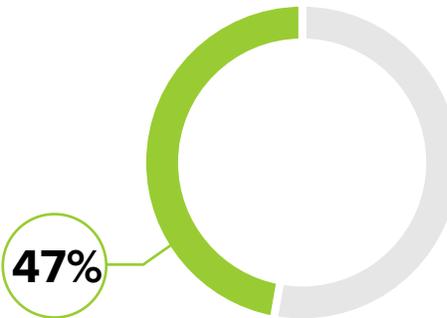


## AMERICAN TAXPAYERS ARE GETTING RIPPED OFF BY OIL AND GAS LEASING ON PUBLIC LANDS



**32%** Public acres leased by oil and gas companies for **less than \$2** per bid

Oil and gas leases in the West **sitting idle**, generating low rent and no royalties for the public



Analysis by the Center for Western Priorities<sup>45</sup>

# Trust Fund Models

The idea of using a trust fund to address large-scale funding gaps is not new; these federal programs are examples that prove the model's efficacy and provide lessons to incorporate going forward.

## Highway Trust Fund

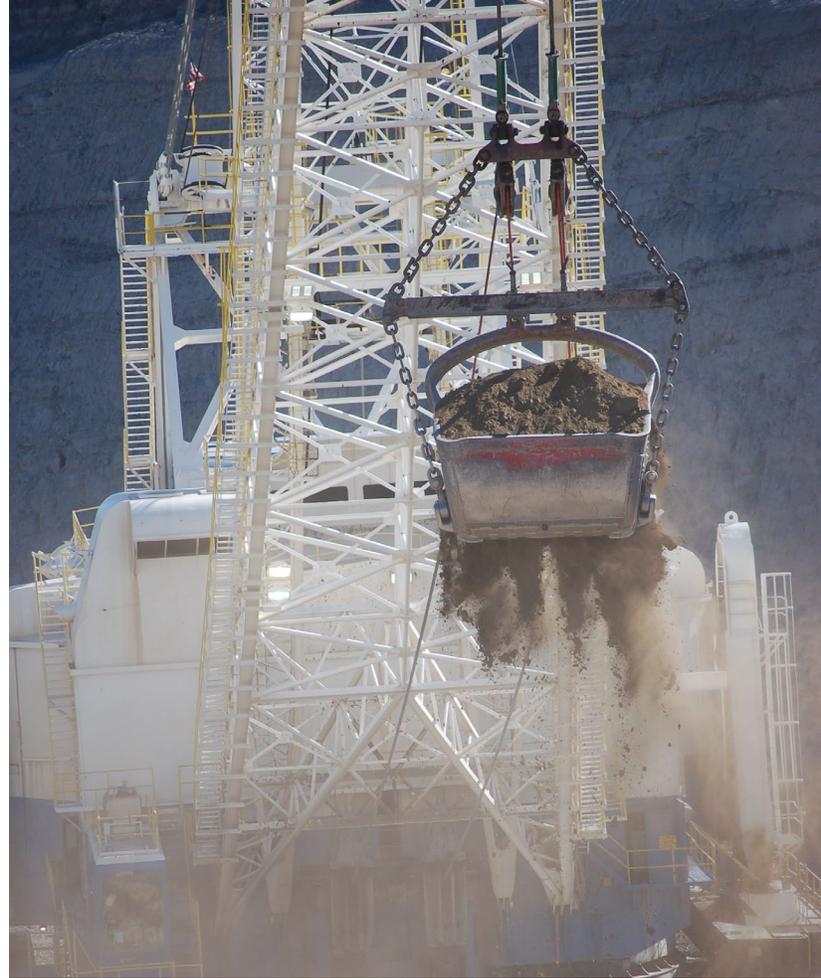
This trust fund<sup>50</sup> finances road and transit projects throughout the country. The fund primarily receives revenue from an excise tax of 18.4 cents per gallon on gasoline and ethanol-based fuel and a 24.4 cents per gallon tax on diesel fuel. These rates have not been updated to account for inflation since 1993, and declining revenue has required significant additional infusions of funding to keep the fund solvent.

## Leaking Underground Storage Tank Trust Fund

This trust fund<sup>51</sup> is used to monitor petroleum tanks stored underground, as well as remediate leaks when they occur. This program works preemptively and in remediation to mitigate the impacts of leaking petroleum. It is funded by a 0.1 percent tax on all motor fuel, which is included in the excise tax.

## Lessons Learned

From these models, it is clear that small percentages of revenue on individual products can result in enough funding to maintain considerable programs. We also see the importance of updating rates regularly to keep up with inflation.



## Coal

Roughly 40 percent of all coal mined in the United States comes from public lands, primarily in the Powder River Basin in Montana and Wyoming. However, the federal coal program has long allowed coal companies to shortchange taxpayers. When leasing publicly-owned coal, the Bureau of Land Management must assess the fair market value, with a minimum rent of \$3 per acre;<sup>52</sup> however, the agency has frequently undervalued<sup>53</sup> those leases. Similarly, while coal produced on public land is subject to a 12.5 percent<sup>52</sup> royalty rate for surface mining and 8 percent<sup>52</sup> for underground mining, regulators can lower royalty rates for specific projects and companies can exploit loopholes to skirt payments to taxpayers.

One provision allows coal companies to avoid paying the full royalty by selling their product at an artificially depressed price to subsidiaries. Through this mechanism, companies avoid paying an estimated \$85 million<sup>54</sup> annually. In addition, deductions for transportation costs and purifying coal after it is mined, a process called “washing,”

further decrease the royalties returned to taxpayers. Even though the royalty rate is supposed to be no less than 12.5 percent, the actual percentage is much lower after the subsidies and loopholes. A 2015 study<sup>55</sup> found that if the statutory royalty rate (12.5 percent) was actually applied to the net market price of coal, an additional \$865 million would have been paid in royalties from 2008 through 2012.

In 2016, the Obama administration placed a moratorium<sup>56</sup> on new federal coal leases and began a systematic review of ways to close loopholes and improve the program. However, shortly after taking office, the Trump administration lifted<sup>57</sup> the leasing moratorium, eliminated regulations attempting to close loopholes, and began the process of issuing new coal leases.

The federal coal program should be updated, first by reinstating regulations to close loopholes to ensure companies are paying their fair share. As with oil and gas leasing, royalty rates should be increased and rental rates should be updated and indexed to inflation.

## Renewable energy

Public land can also be used for renewable energy production, specifically solar, wind, and geothermal, with companies paying rent and a capacity fee on each megawatt generated. While the Bureau of Land Management manages more than 19 million acres<sup>58</sup> with solar potential and more than 20 million acres<sup>59</sup> with wind potential, only 5 percent<sup>60</sup> of renewable energy generation in the United States comes from public lands. As of 2018, there were 35 utility-scale wind projects<sup>59</sup> on public land, along with 25 solar projects.<sup>58</sup>

Unlike oil, gas, and coal, Congress has not passed legislation providing an overarching framework regarding wind and solar development on public lands. In 2016, the BLM finalized a rule<sup>61</sup> to update the agency's renewable rates and fees and incentivize development in areas with fewer land use conflicts. The regulation built upon previous efforts to create Solar Energy Zones,<sup>62</sup> areas with high solar potential and energy transmission capacity. If fully developed, these zones could produce 27,000 MW,<sup>58</sup> enough energy for 8 million homes.

Going forward, public lands should play a key role in increasing renewable energy generation in the United States. Similar to oil, gas, and coal extraction, renewable energy generation can provide a benefit to taxpayers. To do that effectively, Congress should pass a framework for developing wind and solar on public lands, including the introduction of a royalty on generation. A bipartisan bill<sup>63</sup> introduced in July 2019 proposes a revenue sharing mechanism, distributing certain revenue<sup>64</sup> back to states and counties, as well as earmarking a percentage for conservation and recreation. As trends in energy generation shift toward renewables, these royalties could provide an increased source of funding in the future.





## Hardrock mining

Hardrock minerals such as gold, silver, iron, and copper, have long been mined on public lands. The legal framework governing hardrock mining dates back to the Mining Law of 1872, legislation that was intended to drive the development and settlement of the West, and which has not been substantially updated since then. Under this woefully outdated system, companies do not pay rent for mining on public lands or pay royalties for extracting publicly-owned minerals. Adding insult to injury, taxpayers have been left on the hook for cleaning up abandoned mines, with federal agencies spending between \$80 and \$85 million annually<sup>65</sup> to remediate abandoned hardrock mines.

Data collection on hardrock mining is extremely insufficient. A recent Government Accountability Office report<sup>66</sup> found that no agency tracks the potential quantity of hardrock minerals on

public lands or the amount of acres available for hardrock mining, and a 2012 report<sup>67</sup> found that the government has no idea of the quantity and value of hardrock minerals extracted from public lands.

Taxpayers should be compensated for the extraction of publicly-owned minerals, and instituting a system of leasing bids, rental rates, and royalties could provide an important source of conservation funding going forward. According to Taxpayers for Common Sense,<sup>68</sup> even instituting a small royalty would have generated \$1.6 billion on gold extracted in Nevada from 2008 to 2017 alone. There have been efforts to reform the hardrock mining system, including bills<sup>69</sup> introduced earlier this year by Senator Tom Udall and Representative Raúl Grijalva, which would instate a 12.5 percent royalty rate, similar to oil and gas.



## Outdoor recreation

Outdoor recreation is a \$887 billion<sup>15</sup> industry, with public lands as the foundation. In the West, public lands see over 290 million visits<sup>30</sup> each year. From trails in national parks to ski resorts in national forests, the outdoor recreation industry relies on access to and maintenance of public lands. Sales of recreation equipment are substantial, with the Outdoor Industry Association reporting \$184.5 billion<sup>15</sup> in sales of outdoor goods in 2017.

For decades, hunters and anglers have paid taxes that are put towards conservation and wildlife management. The Pittman-Robertson Act (1937) and Dingell-Johnson Act (1950) both levy a tax between 3 percent and 12 percent on everything from guns to fishing tackle, with revenue directed to state wildlife agencies. States must agree to the terms of both laws and pass state laws in line with them in order to receive funding. Hunters and anglers have been doing their part for years, and expanding this to the greater outdoor recreation community is an important next step.

Taxing outdoor recreation goods is controversial in the industry, with opposition primarily stemming from concerns over the difficulty of distinguishing which products will be taxed and how that will impact retailers and consumers. However, even a minute tax could generate significant revenue, while hardly affecting individual purchases. In Washington, a proposed outdoor recreation gear tax<sup>70</sup> is limited to purchases over \$200, which more effectively targets the tax to outdoor users. With the continued growth of outdoor recreation and increased need for funding to maintain and increase access to public lands, it makes sense to





explore options for outdoor gear sales to support public land conservation.

Such a tax could be advertised so that consumers of outdoor goods are conscious of their impact on public lands and their involvement in protecting them. In Colorado College's 2019 Conservation in the West poll,<sup>71</sup> 68 percent of Western voters said that they would support a small increase in taxes in order to protect water, wildlife, and recreation opportunities; capitalizing on that public support could enhance the success of an imposed tax. To avoid outsized impacts on manufacturers and businesses, current import tariffs, which can be particularly high on outdoor gear, could be altered so that some of the existing fees are shifted towards conservation funding. In such a scenario, legislation could either decrease tariffs to account for an excise tax that would go to the trust fund, or a percentage of the import tariffs could be directly diverted to the fund. Both of these options could provide critical funding for the lands upon which outdoor recreation depends, while minimizing impacts on the industry.

## Other

Ensuring adequate funding for public land management and conservation will require creativity, including exploring funding streams outside of public land users. Efforts are proceeding to legalize sports gambling and marijuana at the state and federal level, and policymakers could seek to use portions of the resulting revenue for conservation. In Colorado, voters approved a measure legalizing sports gambling, with tax revenue directed to implementing Colorado's Water Plan.<sup>74</sup>



## CONCLUSION

Managing our public lands and conserving our natural heritage for future generations are broadly supported priorities. As development continues to grow, threats from climate change mount, and parks continue to see increased visitation, it is critical that policymakers take action to conserve our public lands. Currently, the lack

of sufficient funding allows important projects to fall by the wayside and threatens the future of our lands, water, and wildlife. It is time to show creativity and leadership in establishing a new funding model for public land management and conservation now and into the future.

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