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## Van Dam: Utah's land grab ripoff

BY PAUL VAN DAM

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As a former prosecutor, I'd say Utah taxpayers have just been scammed, and a lot of money is about to be wasted.

In its general session, the Legislature approved \$3 million to sue the federal government for federal land. Legislators added another \$450,000 to study how Utah might manage an additional 30 million acres. Their effort and expense are supposedly to benefit our "last in nation" funding for school children, a status that should be an embarrassment and inexcusable to Utah residents.

We tout our children as our future. Perhaps the future isn't very promising for our children. A solution is needed but an expensive goose chase is not the answer. Investigating why we're last in funding seems more reasonable.

The American Land Council — sponsored by state Rep. Ken Ivory — spouts legal justifications for going after federal land. But let's be clear: Utah is not "taking land back," as Ivory would have it. It has never been Utah's. The federal government got it in a treaty after the Mexican American War. Mormon pioneers trekked west and settled on federal lands. When Utah petitioned for statehood and agreed to the terms of Utah's 1894 Enabling Act, in which the state "forever disclaimed all right and title to the land in Utah."

Early Utahns accepted this deal with the disclaimer clearly stated twice in the Enabling Act, in Section 3 and again in Section 12. The latter specifically gave Utah over a million acres, and then again stated, "The said State of Utah shall not be entitled to any further or other grants of land for any purpose than as expressly provided in the Act."

Ivory's webpage claims that a sentence (following and referring to Indian lands) promises that the U.S. will extinguish title, but the language, taken "fully," says no such thing. It talks about Indian lands, and that until title to those lands has been given up by the U.S. government, they will remain subject to federal disposition.

Having dealt with numerous briefs in my career, it's clear that this language does not entitle Utah to federal lands. Congress has absolute power to convey lands, but because many states have the same issue, what Congress does for one state might raise expectations for others.

If Congress did convey title to federal lands in Utah, who would manage them? Where would Utah get sufficient money with its tight budget? Utah can barely support its state park system.

Lands in Utah are under the jurisdiction of the Bureau of Land Management, Forest Service, U.S. Fish and Wildlife and the National Park Service — agencies with hundreds of employees and some \$250 million in expenditures.

The Enabling Act requires Utah to give the federal government 95 percent of proceeds from federal land transferred and subsequently sold. So, resource extraction seems the only option. Will our lands be overrun with extraction activities and roads spider-webbing our landscape to manage those activities?

The problem in Utah is not the amount of federal land. Alaska and Nevada have greater percentages of federal land, yet they fund education better. On a per-capita basis, Utah has more private land than half the states. Those states have less private land per capita, but provide more per-capita funding for public school students.

Utah's Legislature is just not serious about school funding. Actions speak louder than words. Utah gives very favorable tax treatment to resource extraction companies. In 2011, this state had the lowest effective tax rate on oil and natural gas of any Western energy-producing state and no severance tax on our abundant coal.

Why not fix the problem instead of wasting taxpayers' hard-earned money on lawsuits.

Paul Van Dam is a former Utah attorney general and former Salt Lake County district attorney. He is retired and lives in southern Utah.

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