

Managing and Protecting Federal Lands

Sheryl Kaczmarek

Lexington High School

May 15, 2022

Finalized July 6, 2022

Discussion of the Issues

In casting about for an original topic that would be timely, in addition to having sufficient scope and range, it eventually occurred to me that while policy debate fairly frequently discusses water, weapons or social change, there has never been a topic, or at least not since before I was in high school (now a very long time ago), that concentrated on the land that makes up the United States, specifically the land owned and managed by the United States federal government. The USFG owns and manages a truly vast amount of land, especially in Alaska, and in many of the other large area/small population states in the West. To say that some federal land use decisions have proven to be controversial in the past would be an understatement. Before looking at the controversies in greater detail, however, I would like to offer a brief overview of how the responsibilities for managing federal lands are divided across the executive branch, and also provide some statistics about how much land the USFG actually owns. A Congressional Research Services report updated on February 21, 2020 explained:

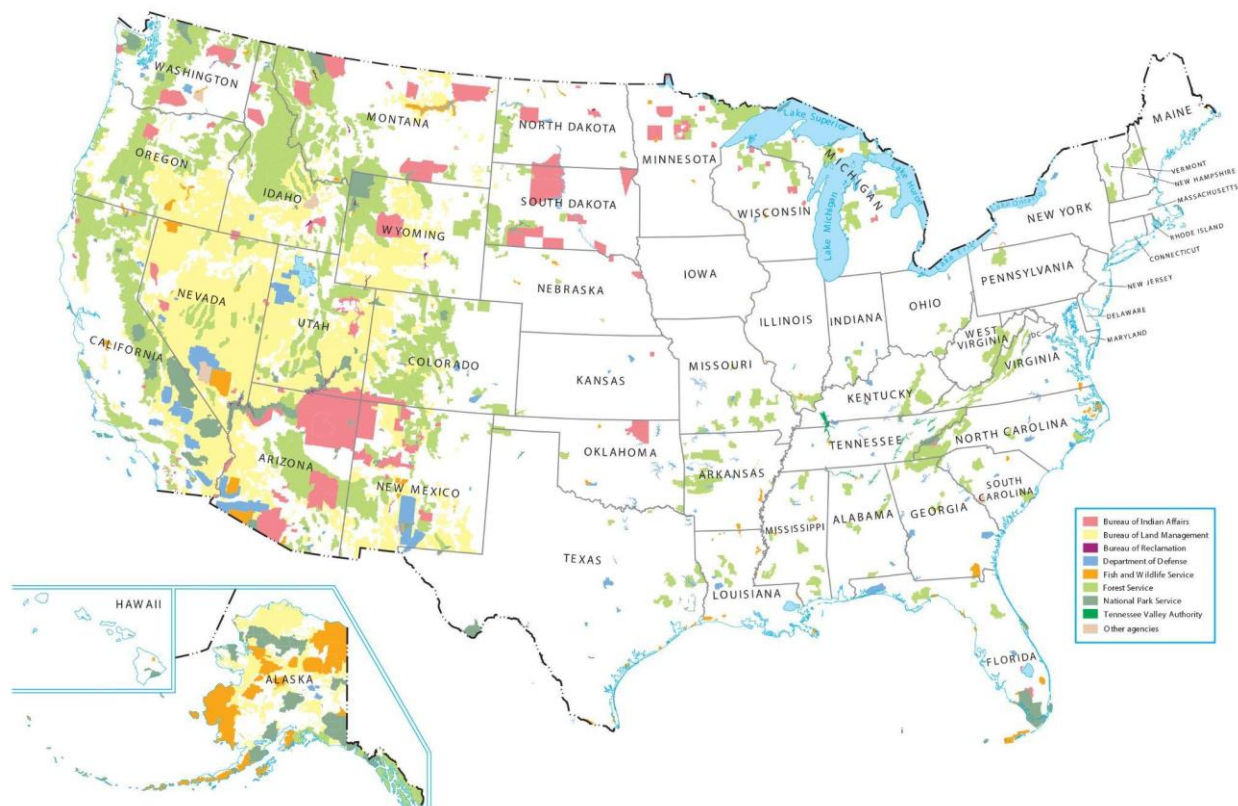
“The federal government owns roughly 640 million acres, about 28% of the 2.27 billion acres of land in the United States. Four major federal land management agencies administer 606.5 million acres of this land (as of September 30, 2018). They are the Bureau of Land Management (BLM), Fish and Wildlife Service (FWS), and National Park Service (NPS) in the Department of the Interior (DOI) and the Forest Service (FS) in the Department of Agriculture. A fifth agency, the Department of Defense (excluding the U.S. Army Corps of Engineers), administers 8.8 million acres in the United States (as of September 30, 2017), consisting of military bases, training ranges, and more. Together, the five agencies manage about 615.3 million acres, or 27% of the U.S. land base. Many other agencies administer the remaining federal acreage.”

[<https://sgp.fas.org/crs/misc/R42346.pdf>]

The fact that the bulk of federal owned and managed lands are under the control of four administrative agencies, supervised by two different cabinet level secretaries, already shows the argumentative diversity debaters could experience with this topic area. I am certain students with different levels of experience, or different access to resources, can all find some issue to interest them within the proposed resolutions. Depending on which of my recommended topics ends up being chosen to move forward, debaters could explore the land managed by the Bureau of Land Management, land under the control of the Fish and Wildlife Service, our National Parks and Monuments, or the forests managed by the Forest Service, and, debaters being debaters, federal lands managed by the Department of Defense might also generate interesting conversations. Alternatively, debaters could discuss several agencies in combination, or they could take a broader view and consider all federally owned and managed lands, and the resources on those lands, in the context of either maintaining federal control or changing it in some way. I hasten to

point out that I don't like bidirectional topics, so while it is more than possible to write one on this subject, I won't do it, although I am offering one set of topics taking opposing viewpoints.

Since the different agencies were created at different times, and since their mandates have been changed over time as well, there are plenty of interesting areas for students to research. Younger students might be more excited about, or interested in, debating our National Park system (and how the NPS can balance its competing missions in the face of unprecedented usage, especially during the pandemic) while more advanced students might find battles over access to mineral rights, or whether anyone at any time should be allowed to access the minerals on federal lands, especially lands currently protected from all interference, to be more engaging. One of the several reasons why I particularly like this topic area is that it actually focuses, to a significant degree, on rural places, in states that are less likely to be at the center of the "urban issues" topics we often debate. While it is true that education, criminal justice, social services or water quality are also rural concerns, the larger populations of urban centers tend to mean that most of the statistics, and a lot of the stories of harm, come from urban places. I'd love to see if my students could actually name all of the Western states with the largest amounts of federally owned and managed land, and assuming they'd miss a few, and that other debaters from more densely populated regions would as well, this topic could also improve geographical knowledge.



<https://gisgeography.com/federal-lands-united-states-map/>

This map represents the current range, types and extent of federally owned and managed land and there are more maps where the one shown here comes from, including some that break down the areas of control for the different agencies that are charged with managing federal land.

I, personally, am a huge fan of National Parks, Monuments, Forests and all of the rest, and even though I am no longer young, this is the aspect of the topic I'd focus my affirmative case on, were I still debating. Several summers ago (the Google tells me it was already five years ago), I visited Utah primarily to see the last of the five National Parks in that state that I'd yet to visit (Capitol Reef) and also expressly to visit Grand Staircase-Escalante National Monument, before it was damaged beyond recognition. Rumor had it that then President Donald Trump was going to significantly shrink both Grand Staircase-Escalante and Bears Ears, another national monument in the vicinity. The lands protected in both of those monuments had only comparatively recently gained that designation (Grand Staircase by Bill Clinton in 1996 and Bears Ears by Barack Obama in 2016). Before that time, these lands were already federal property, but what the National Monument designation means is that those lands must now be preserved in their natural state, whereas Donald Trump wanted to open the land to mining and other commercial uses. Lawshelf.com explains that the ability to bestow this designation is a presidential power:

“National monuments, usually designated under the 1906 Antiquities Act, are protected land, water and historical areas. Landscapes can be designated as public land through this act, which is an executive power to protect cultural and natural resources. Several agencies are responsible for the management of national monuments depending upon their location and significance. However, most designated federal lands are managed by individual agencies.”

[\[https://lawshelf.com/videocourses/moduleview/the-management-of-public-lands-and-wildlife-module-5-of-5\]](https://lawshelf.com/videocourses/moduleview/the-management-of-public-lands-and-wildlife-module-5-of-5)

Once so designated, as the above quotation indicates, the responsibility for managing the land remains in the hands of one of a range of administrative agencies, or responsibility could be shifted to a different agency's portfolio. The federal government accumulated most of the land it currently owns long ago, as new parcels of land were purchased from other countries, or as the USFG took more and more land from indigenous groups. Theodore Roosevelt was particularly interested in protecting the lands under federal control and in preserving areas of natural beauty, as well as the plants and animals that lived on the land, so that nothing that still remained during his time would be lost, and so that future generations would enjoy the same experiences our ancestors did. The Theodore Roosevelt Association explained his views especially concisely:

“Roosevelt, an avid adventurer and lover of nature, dedicated himself to protecting both wildlife and natural resources. He recognized that without dramatic action, the rich

natural resources and incomparable landscapes of our country would disappear as quickly as the buffalo, leaving future generations without a legacy of natural splendors. As president, Roosevelt provided federal protection for almost 230 million acres of land, an area equivalent to the entire Eastern Seaboard from Maine to Florida. He sat [sic] aside 150 national forests, the first 51 federal bird reservations, five national parks, the first 18 national monuments, the first four national game preserves and the first 24 reclamation, or federal irrigation, projects, designations that were bitterly opposed by commercial interests. Roosevelt also appointed as the first Chief of the U.S. Forest Service the visionary Gifford Pinchot, who shared his philosophy of natural resource conservation through sustainable use, and he convened four study commissions on conservation for policymakers and leading authorities to shape thought about the then-new field of conservation.”

[https://www.theodoreroosevelt.org/content.aspx?page_id=22&club_id=991271&module_id=339340]

National Parks are created by Acts of Congress, but presidents alone create National Monuments and among the 18 created by Theodore Roosevelt were the **Devil's Tower** (WY) - 1906, the **Petrified Forest** (AZ) - 1906 (now a national park), **Chaco Canyon** (NM) - 1907, **Lassen Peak** (CA) - 1907 (now Lassen Volcanic National Park), the **Grand Canyon** (AZ) - 1908 (now a national park) and **Natural Bridges** (UT) - 1908. Roosevelt found it advantageous to be able to protect certain lands without going through Congress, and some of the places he protected eventually became National Parks (as noted, which, as I said, does require congressional action). [<https://www.nps.gov/thro/learn/historyculture/theodore-roosevelt-and-conservation.htm>] I have visited four of these six and tried to visit Chaco Canyon (pesky government shutdown), and I've always wanted to visit the Petrified Forest. Whatever else one might say about Theodore Roosevelt (every president has detractors), and however much the developers and other commercial interests of his time disagreed, it is unlikely that any of us would have been able to see those places more or less as Roosevelt saw them over 100 years ago, without his efforts.

Unfortunately, not all American presidents have the same commitment to conservation. National Geographic explains that Donald Trump's reversal of the protection a National Monument designation legally gives was something new in presidential behavior:

“On Dec. 4, 2017, President Donald Trump announced an unprecedented move in a presidency that would prove to be full of them. Standing before Utah's state capitol in Salt Lake City, he signed a proclamation drastically shrinking two sprawling national monuments in southern Utah that his Democratic predecessors had established.”
<https://www.nationalgeographic.com/environment/article/biden-expected-to-reverse-trump-order-to-shrink-utah-national-monuments>

Since no president had ever reduced the size of a National Monument established by any predecessor, people weren't quite sure whether Donald Trump's shrinking of Grand Staircase and Bears Ears was allowed, although some were pleased, while others were alarmed. The Trump administration knew what the president wanted, and they moved quickly to start selling mining leases for the no longer protected lands, but fortunately, even "rapid" USFG actions were pretty slow, and virtually no changes were made to the land before Trump left the White House.

"President Barack Obama created the 1.35-million-acre Bears Ears monument in December 2016, shortly before leaving office. President Bill Clinton established Grand Staircase-Escalante, which covers 1.88 million acres, in 1996. Both used their authority under the 1906 Antiquities Act, which permits presidents to protect "objects of historic and scientific interest" on federal land without input from Congress. When Trump reduced the monuments, he argued that the previous administrations had abused that authority. What remains most unclear, however, is whether the Antiquities Act grants presidents the authority to curtail the monument designations of their predecessors." [National Geographic, cited above]

The issue was in the courts when President Joe Biden restored both national monuments to the status/boundaries established by his pre-Trump predecessors, which makes these particular examples more or less moot, but since the question has now been raised (and not really answered) this might also be a place to build a resolution, and while a resolution which simply made it absolutely clear that president's can create national monuments, but not "uncreate" them, would be too narrow, a resolution which allowed affirmatives to include that power as one important element in the overall protection of federal lands that have environmental, cultural or geographical significance could work well. The National Geographic article cited earlier clearly articulates why now would be a good time for a conclusion to the issue Donald Trump raised:

"Still, legal questions remain. "Most of the last 100 years, it's been a normative value in the federal government that once a monument is created, other presidents don't go around and un-create them," says Scott Berry, board vice-president and legal advisor at Grand Staircase Escalante Partners. "Now this normative value is in question and there are a lot of people in America that would like to see an answer.'" [National Geographic, cited above]

Of course, whether the president has absolute power to declare some section of federal land a national monument, or perhaps use some less apparently "unchallengeable" power, simply declaring something a national monument does not provide magical protection. In theory, the land and everything that now lives on it, and any remnants of past inhabitants, are protected on all lands designated as national monuments, but to make sure everything IS protected, there need to be officials closely monitoring the land, and the budgets to pay for such protection are far

from adequate (especially when we are talking about the amount of land included in places like Bears Ears or Grand Staircase-Escalante). Given the sensitive nature of many plants and animals, and the irreparable damage that could be done to cultural sites (like rock walls of petroglyphs) or natural rock features, there is a valid argument to be made that very large national monuments actually offer worse protection overall than smaller, more focused monuments would, although I will still struggle to believe that uranium mines or oil wells could possibly be compatible “near neighbors” to sacred indigenous cultural sites, or to plants or animals in danger of extinction. Not being me, however, plenty of people would probably be convinced by “smaller is better” arguments, especially if the money generated by federal leases for mineral extraction would generate revenue that could be used to increase government staff to protect the remaining land in those monuments, and many others.

Protection is definitely needed from bad actors – vandals and folks who would steal from federal lands, or misuse them out of ignorance – but even when some National Monuments, and a good number of National Parks, are being visited by responsible individuals, they are still in danger because of overuse, and especially of over-visiting in sensitive spaces. Once people began leaving their homes during the pandemic, many of them went to national parks and monuments, and since the National Park Service, the National Forest Service and other groups are chronically underfunded, and therefore short-staffed to begin with, Covid only increased the problems, and even before Covid, serious damage was done in some places because of government shutdowns.

“The former superintendent of Joshua Tree national park has said it could take hundreds of years to recover from damage caused by visitors during the longest-ever government shutdown.

“What’s happened to our park in the last 34 days is irreparable for the next 200 to 300 years,” Curt Sauer said at a rally over the weekend, according to a report from the Desert Sun. Sauer retired in 2010 after running the park for seven years.

The park reopened Monday after the record 35-day shutdown, and park workers returned to a state of chaos, including damaged trees, graffiti and ruined trails. The reduced ranger supervision during the shutdown saw increased vandalism at the park, causing officials to announce on 8 January that Joshua Tree would temporarily close. It was announced a day later that officials were able to use recreation fee revenue to avoid the closure.”

[<https://www.theguardian.com/environment/2019/jan/28/joshua-tree-national-park-damage-government-shutdown>]

Sudden increases in federal budgets, to ease personnel shortages, repair damage and carry out needed maintenance, does not seem likely in the foreseeable future in the status quo, however much the money is needed (and plenty of authors have written that it is). Of course, one of the old cliches of debate is that money is not an inherent barrier, but priorities are, and it is pretty clear that the USFG has not been properly prioritizing the protection of the sensitive land, plants,

animals and cultural treasures it is responsible for, especially in its National Parks, Monuments and other areas under the control of the National Park Service, and related groups, and the Forest Service and the Bureau of Land Management share those protective responsibilities, but also have other missions related to resource extraction. The Forest Services has these responsibilities:

“The first forest reserves—later renamed national forests—originally were authorized to protect the lands, preserve water flows, and provide timber. These purposes were expanded in the Multiple Use-Sustained Yield Act of 1960.²¹ This act added recreation, livestock grazing, and wildlife and fish habitat as purposes of the national forests, with wilderness added in 1964.²² 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 the FS to manage renewable resources under the principle of sustained yield, meaning to achieve a high level of resource outputs in perpetuity without impairing the productivity of the lands.”

[\[https://sgp.fas.org/crs/misc/R42346.pdf\]](https://sgp.fas.org/crs/misc/R42346.pdf)

And, the Bureau of Land Management has these responsibilities:

“As defined in FLPMA [Federal Land Policy and Management Act of 1976],¹⁷ BLM management responsibilities are similar to those of the FS— sustained yields of multiple uses, including recreation, grazing, timber, energy and minerals, 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 more than 700 million acres of federal subsurface mineral estate throughout the nation.¹⁸”

[\[https://sgp.fas.org/crs/misc/R42346.pdf\]](https://sgp.fas.org/crs/misc/R42346.pdf)

In both cases, as you can see, part of the management of federal lands involves the actual extraction of resources from those lands. The Congressional Research Service explained the status of federal timber sales (and the management processes) as of April 12, 2019:

“Timber harvest on FS lands has varied over time. FS harvest volumes in the 1940s were around 1-3 billion board feet per year. Annual harvest volumes rose from the 1950s through the 1980s, sometimes exceeding 10 billion board feet. Annual harvested volumes decreased in the early 1990s and have remained between 1.8 and 2.8 billion board feet since FY2003. The total dollar value of FS timber harvests generally rose from the early 1940s to over \$3 billion in FY1979. Total value has been between \$100 million and \$300 million since FY2001. From FY2014 to FY2018, the greatest average annual harvest volume on FS lands was from Oregon and Washington.

BLM lands are managed under a multiple use-sustained yield model pursuant to the Federal Land Policy and Management Act of 1976 (FLPMA). This statute directs BLM to balance multiple uses of their lands and ensure a sustained yield of those uses in perpetuity. Congress has directed BLM to engage in long-term land use and resource management planning through FLPMA. Plans set the framework for land management, uses, and protection; they are developed made through [sic] an interdisciplinary process with opportunities for public participation. In the case of timber, they describe where timber harvesting may occur and contain measures of sustainable timber harvest levels. The FS and the BLM use these plans to guide implementation of individual sales, which generate revenue. Congress has specified various uses for this revenue. Although trends in timber activities on BLM lands are challenging to infer from the available data, volumes sold in the past appear to be larger than recent volumes offered for sale. Harvested volumes for the BLM have been between 100 and 260 million board feet annually from FY1995 onward, except in FY1994 and between FY2001-FY2003. Total harvest values have declined since the mid-1990s, and have generally been between \$20 million and \$50 million annually since FY2011. From FY2014 to FY2018, the greatest average annual harvest volume from BLM lands was from Oregon and Washington.” [<https://sgp.fas.org/crs/misc/R45688.pdf>]

It is almost certainly better that there are some limits on the amount of timber taken from at least some of the forests across the country (there are also state owned/controlled forests and privately owned forests), and hopefully there is also some oversight so that old growth trees are left alone, and so that particularly sensitive habitats are not destroyed. What I cannot tell from this source is whether the market would absorb more federal timber if more were available for sale, or if lower demand has resulted in less production. I would certainly like to believe that there is less timber being produced and sold because recycling has made cutting down trees less necessary, but there is also no evidence here indicating that that is true. What is fairly certain, however, is that the USFG has not been deploying the resources necessary to provide as much oversight as might be desirable, especially during the past few years, when wildfires have been such a serious problem.

Before we get to the wildfire issue, however, I would like to introduce one of several other potential areas of debate, that of mining on federal lands. Mining can do really serious environmental harm, but it has considerable economic value as well. The Bureau of Land Management explains:

“Mineral development is an important land use within the BLM's multiple-use mandate. In communities across the country, mining provides jobs, economic activity and important commodities that are essential to maintain a high quality of life.”
[<https://www.blm.gov/programs/energy-and-minerals/mining-and-minerals>]

The GAO submitted a report to Congress on May 28, 2020 which expands on this mandate, for the Bureau of Land Management and the Forest Service, and also explains the importance of both the minerals extracted, and the need to extract those minerals properly:

“Solid minerals, such as copper and phosphate, play an important role in the U.S. economy by contributing to multiple industries, including transportation, defense, and aerospace. The Department of the Interior’s (Interior) Bureau of Land Management (BLM) and the Department of Agriculture’s Forest Service manage federal lands on which some of these minerals are produced.¹ Because mining by its very nature disturbs the land and creates the potential for serious public health, safety, and environmental hazards, these two agencies oversee mine operations to help prevent, mitigate, or manage these hazards. As part of this oversight responsibility, BLM and the Forest Service evaluate proposals to mine on federal lands and authorize the production of minerals extracted from these lands.”

[<https://www.gao.gov/assets/gao-20-461r.pdf>]

Unfortunately, even if the BLM and the Forest Service were really protecting federal lands as they are mandated to do, there would likely still be some issues, but they’re not, as shown by a litany of historical, and ongoing, serious concerns associated with mining on federal lands. This seems to be both an area of notable failing on the part of the the USFG in the status quo and a fruitful area of discussion for debaters, assuming that the selected topic requires the USFG to do a better job of managing resource extraction (which pretty much all of the choices will, one way or another), perhaps even by threatening the loss of federal control over those lands to states or private interests, if the failures continue. Alternatively, we could debate the transfer of control to other entities directly. The magnitude of the mining problem is huge, as described by High Country News, a non-profit media organization that covers stories in the West:

“There are at least 140,000 abandoned hardrock mine features — such as the tunnels or toxic waste piles associated with mining — on federal lands. And that’s only what’s cataloged; federal officials estimate there may be more than 390,000 additional abandoned mine features on public lands that have yet to be identified.

It’s unclear how many billions of dollars it’ll take to clean up this mess. The federal government has historically lacked robust data on hardrock mines overall because few of them incur federal royalties.

But abandoned mines are dangerous: Each poses environmental hazards that range from waste contaminating soil to tunnels perpetually leaking toxins into waterways. Such mines litter the Western U.S., but some of the worst offenders are near Indigenous communities — a tangible example of this country’s environmental racism.” [

<https://www.hcn.org/articles/south-mining-the-dizzying-scope-of-abandoned-mine-hazards-on-public-lands>]

As has been mentioned before, the costs of making improvements, and resolving long-term problems, are likely to be quite high, almost certainly more than individual towns or private citizens could afford, but someone has to do something, and if the federal government can't do it (which would be a negative argument for most of my resolutions) then perhaps some other entity should, which would most often be the counterplan. With this topic area, I don't think a States counterplan is simply procedural, matched to some mostly fake net benefit based on a wildly improbable politics scenario. There is actually a fair bit of literature discussing the ability of states (or localities) to manage and protect land currently owned by the federal government, possibly while the USFG continues to own the land (and so pays for the services) or possibly by transferring some land to the control of others. One of the most important questions about federal ownership and management of so much land is that maybe it is more than they can handle, and maybe other bodies would be more effective protectors of particular properties, so I hope judges demand more than the artificial competition of a bad politics disad when considering a States CP.

Although on some circuits, I fear debaters will just leap to the extinction impacts, or somehow try to find a link to nuclear war, I would really love it if debaters actually addressed the core question at the heart of my sense of this topic area: Should the USFG continue to own, manage or/and protect nearly 30% of the land in the United States, or has the time come when control should be decentralized (and if so, who should share in the power and in the responsibilities)? I would expect the balance to tip to the side providing the best protection, but there are many different types of federal lands, managed by a number of different agencies, so maybe some types of land (or land in certain places) should remain federal property, while others types should be sold, and if a debater is really looking for a nuclear impact, probably the easiest path to a discussion of nuclear war is to talk about Defense Department owned land where nuclear missile silos are located, or top secret DOD research facilities in Idaho and other places.

Since I am not at all convinced that the nuclear impacts are viable (or sensible), I'd like to return to the discussion of fires on federal and other land (which I introduced briefly during the discussion of forests). Wildfires are very real and very dangerous and have been increasing in scope and severity in recent years. The federal government is responsible for responding to fires that begin on federal land and the states are responsible for responding to fires that began on state or private land, unless there is some prior agreement for the federal government to respond to a fire that starts on land not owned by the USFG. As the chart below demonstrates, while the number of fires that are responded to by the federal government is much smaller than the number responded to by state governments, the numbers of acres burned on federal lands is a much larger number than the number of acres burned on non-federal lands. In general, a greater number of smaller fires happen in the East and a smaller number of much larger fires in the West, which might be the explanation for the numbers, but it might also be interesting for students to investigate whether the Forest Service or Bureau of Land Management handles

forests differently from the states before forest start. I'd suspect not, since one of the missions of the Forest Service is to give instructions regarding forest management to other agencies, but investigation might prove interesting, and either way, fires have a very severe impact, and it is far from clear that everything that can be done to prevent them (or mitigate harm) has been done.

Table 1. Annual Wildfires and Acres Burned

	2017	2018	2019	2020	2021
Number of Fires (thousands)					
Federal	15.2	12.5	10.9	14.4	14.0
<i>FS</i>	6.6	5.6	5.3	6.7	6.2
<i>DOI</i>	7.3	7.0	5.3	7.6	7.6
<i>Other</i>	1.2	0.1	0.2	<0.1	0.2
Nonfederal	56.4	45.6	39.6	44.6	45.0
Total	71.5	58.1	50.5	59.0	59.0
Acres Burned (millions)					
Federal	6.3	4.6	3.1	7.1	5.2
<i>FS</i>	2.9	2.3	0.6	4.8	4.1
<i>DOI</i>	3.3	2.3	2.3	2.3	1.0
<i>Other</i>	<0.1	<0.1	<0.1	<0.1	<0.1
Nonfederal	3.7	4.1	1.6	3.1	1.9
Total	10.0	8.8	4.7	10.1	7.1

Source: National Interagency Coordination Center (NICC) Wildland Fire Summary and Statistics annual reports.

[<https://sgp.fas.org/crs/misc/IF10244.pdf>]

Since the powers of the Forest Service and Bureau of Land Management stem from legislation, these executive branch agencies take their initial cues from Congress, and are thereby guided by legislation which an affirmative could argue needs to be changed to better prevent or fight fires. Alternatively, the negative could argue in a counterplan that some entity other than the USFG (represented by the FS or BLM) ought to take over management of fire prone federal lands, either completely, or in some sort of partnership where the federal government retains ownership, but some other body does the actual protecting. In the Status Quo:

“Issues for Congress include the strategies and resources used for wildfire prevention, mitigation, and management, and the impact of wildfires on both the quality of life and the economies of communities surrounding wildfire activity. Other issues relate to post-wildfire recovery and site restoration. Congress also considers the total federal cost of

wildfire management, including the cost of suppression operations; these costs vary annually and are difficult to predict.” [<https://sgp.fas.org/crs/misc/IF10244.pdf>]

I think it is pretty clear that the affirmative would need to improve those procedures within the federal government, in order to meet their resolutional burden, and that the negative has the flexibility to prove that protection would be more effective if managed outside the federal realm. Because the costs of fighting fires vary, and because fires have been especially serious in recent years, federal funding hasn’t been sufficient to cover what has been needed, at least not without cuts in other important parts of the Forest Service and Bureau of Land Management budgets, and as I’ve already suggested, perhaps there is a way to do more with the prevention of fires at the federal level (for affirmative plans) or by someone else (for negative counterplans). Because wildfires are a very serious and growing problem, especially in places also plagued by drought, better fire prevention and management would be a huge advantage regardless of who can do it.

Overall, in addition to better fire management, affirmatives debating the resolutions that have been suggested throughout this paper could defend access to natural beauty, environmentally responsible recreational activities, species protection (from extinction), properly managed resource extraction (and the associated financial benefits to the federal budget, local economies and job markets), increased accessibility and educational programming within National Parks, Forests and Monuments, increased respect for cultural heritage, climate change adaptation and many other advantages. Should negatives want to argue that the USFG is the wrong entity to accomplish the mission the affirmative is claiming to address, and should they provide evidence for a counterplan indicating that another entity would solve that problem better, the negative would also be in a position to claim any of the same advantages as the affirmative. Again, I am really hoping debaters will read alternate actors not as silly process counterplans, but instead as genuine tests of who ought to be controlling the nearly 30% of US land currently in the hands of the USFG, because, just like plans, I believe counterplans need specific solvency evidence.

Should the negative decide against running a counterplan, and should the affirmative be restricting the financial benefits to be gained from federal lands to the detriment of regional economies, job markets, tourism or the local and state tax base (there are currently payments made by the USFG in a number of locations to offset the tax revenue not collectable from the federal government for federal lands within their jurisdictions), this topic offers the possibility of actual topic specific disads, and should the affirmative shift the balance against preservation and in favor of resource extraction, the negative could run a range of environmental impact disads against the affirmative, which would also be at least somewhat topic specific. Additionally, there is ground for both policy making, but probably more likely kritiks, on the question of land ownership (period), federal land ownership (specifically) or settler colonialism, among others. Obviously, kritiks of capitalism could be argued on both sides, probably more on the affirmative than the negative, but that would depend on the topic which is ultimately chosen.

“Debate over federal land policy has raged for centuries, often pitting conservationists against business interests and national interests against local ones. In the 1970s and 1980s a push for local control spread across much of the West, gaining the name Sagebrush Rebellion. Ronald Reagan was among the movement's supporters. Although he slowed down designation of new wilderness areas while in the White House, the movement did not lead to widespread change of land policy.”

[<https://www.nationalgeographic.com/science/article/160104-oregon-protest-malheur-national-wildlife-refuge>]

Since National Geographic tells us that this debate has already raged for centuries in the United States, it seems to me that it is about time we examine the issues in the context of academic debate, especially since those debates are ongoing in various places, whether we know it or not:

“Numerous issues affecting federal land management are before Congress. One set of issues relates to the extent of federal ownership and whether to decrease, maintain, or increase the amount of federal holdings; the concentration of federal lands in the West; the suitability and use of acquisition and disposal authorities; and the amount, type, and location of use of acquisition funding. A second issue is the priority of acquiring new lands versus addressing the condition of current federal infrastructure. The \$19.38 billion maintenance backlog of the four major land management agencies is a factor in the debate. A third focus is the optimal balance between land protection and use (e.g., for energy development, livestock grazing, recreation, and other purposes), and whether federal lands should be managed primarily to benefit the nation as a whole or to benefit the localities and states in which the federal lands are located. Fourth, border control on federal lands along the southwestern border presents particular challenges due to the length of the border, differing agency missions, and divergent views on constructing border barriers.” [<https://sgp.fas.org/crs/misc/R42346.pdf>]

The last item on this list is not something I have mentioned previously, and not an area I would recommend that debaters actually choose, but given that there is a fair bit of federal land along our southern border, and given the impacts of walls on the free movement of animals (not to mention the disruption of fragile ecosystems during the process of building walls), the management of border lands is definitely an issue that could be discussed. Ultimately, I see debaters in a similar position to Congress in that they should be looking at the proper balancing of uses of federal land, consistent with the goal of protecting that land.

“Congress has debated the appropriate balance of timber harvesting and other uses on federal lands. Determining the proportions of these uses, in whole and on individual lands, is challenging for land management agencies. Preferences for certain balances of

these uses often stem from values about federal forests' purposes, such as consideration of economic, environmental, or recreational values. Debate has also centered on the relationship of timber harvesting levels to forest health, including whether changing harvest levels is a desirable forest management tool."

[<https://sgp.fas.org/crs/misc/R45688.pdf>]

My recommended topics attempt to capture these "real world" debates from several different perspectives. As previously stated, I believe the core question is: Should the USFG continue to own, manage or/and protect nearly 30% of the land in the United States, or has the time come when control should be decentralized (and if so, who should share in the power and in the responsibilities)? I am convinced that now is the time for high school debate to consider this issue, and hopeful that the topics I am suggesting will generate the debates I think we should be having, debates which actually focus more specifically on whatever change the chosen resolution proposes. While there is definitely fertile kritik and disadvantage/counterplan ground, I really think the major benefit of this particular topic area is that it focuses debate on the resolution itself, and on case debate, in ways that can be matched to the age and interest of the students.

Potential Topics and Rationale

1. **Resolved:** The United States federal government should prioritize conservation over development on federal lands.
2. **Resolved:** The United States federal government should substantially increase its protection of federal lands.
3. **Resolved:** The United States federal government should mitigate existing damage done by resource extraction on federal lands before permitting future resource extraction.
4. **Resolved:** The United States federal government should substantially expand its direct control of federal lands.
5. **Resolved:** The United States federal government should transfer control of a significant percentage of federal lands to other entities.
6. **Resolved:** The United States federal government should block state and/or private attempts to take over federal lands.

Author Note: The former topics below are ideas worth considering for the Summary Paragraph. Ultimately, I felt they were too specific for topics, but the concepts they covered are important.

Resolved: The United States federal government should ban one or more of the following activities on federal lands: mining, tree cutting, recreational use of off road vehicles.

Resolved: The United States federal government should adopt better fire prevention and firefighting approaches on federal lands.

Writing the topics for this area proved to be challenging, and I fairly recently added two new topics to this list and placed them in my first and third preferred positions, because I finally think I have gotten to the place I believe we should be. Both are a little different, in terms of structure, and in the sort of debates they might encourage, but that is my reason for placing them at, or near, the top of the list. I would really like students to discuss the actions the USFG should take with respect to the land it owns and manages, and by asking debaters to defend one priority over another or to discuss certain actions that ought to be carried out before other actions (a different version of prioritizing), the lines between the affirmative and negative are clearly drawn, and neither side needs to wonder what their case debates could look like. Of course, the negative could still reject federal land ownership by offering control to other entities instead, in the form of counterplans, or could run disadvantages against federal control or kritiks of the actions, or even the existence, of the federal government. Topic #1 and Topic #3 might need to be slightly

reworked as this topic development process continues, but these are the topics I have been trying to formulate since I first came up with this topic area, and finding what I believe to be the words I want has taken a lot of time and thought. I would also understand if a more traditionally structured topic is preferred which is why Topic #2 is near the top of my list.

Topic #2 is a more conventionally written topic, and, in my opinion, it is far and away the best of the conventional topics. It is the broadest, basically encompassing Topic #4, and the two suggestions which follow the list of topics (since I dropped them as potential topics). In fact, all of the ideas covered in Topic #4, and former topics #7 and #8 could be affirmative cases under Topic #2, and yet, Topic #2 is concisely written. I left former topics #7 and #8 near the list of topics as reminders of the potential range of arguments that could be covered, and I chose to offer no more than six potential resolutions because these resolutions offer genuinely different approaches to the large body of material this topic could include.

Topics #5 and #6 are effectively opposites of one another. Topic #5 would require affirmatives to argue that the USFG needs to divest itself of some of the land it owns and manages (to save money, focus attention more effectively on other federal lands, resolve the pressure being applied by states or private entities or/and improve state and local economies). Topic #6 would require affirmatives to stand firmly against giving up control of federal lands in order to protect sensitive plants, animals, rock formations and cultural heritage and in order to better manage tree cutting, mining and many forms of outdoor recreation. Effectively, the affirmative advantages for Topic #5 would be the case specific disads for Topic #6 and the reverse. Unlike Topics #1 and #3, which focus on the proper uses of federal lands, Topics #5 and #6 put jurisdictional questions first and consider the potential uses of federal land to be justifications for whichever entity ought to be in charge, and I do think genuine (not artificially created with the support of bad politics disadvantages) discussions of jurisdiction could be really interesting with those topics.

As previously mentioned, Topics #2 and #4 are the most conventional of the topics and they are the most open-ended of the group as well. Any of the issues explored in any of the other topics could be discussed with either Topic #2 or Topic #4, and between them, I believe Topic #2 is far better because I think the wording is clearer and more concise, although I do like the fact that the concept of “direct control” would force debaters to figure out how the USFG manages federal lands now and how it needs to change. However, “direct” and “control” also have similar meanings so it is possible that the word “direct” could be removed from Topic #4. I am leaving it in for now to draw the distinction between federal actions and federal “farming out” of responsibilities to other governmental or private groups, since it opens a chance for discussion.

In the end, I would really like everyone to consider Topic #1 because it captures a critical question with respect to the use of federal lands, how to balance competing interests with respect

to the same pieces of federal property. To be honest, the disappearance of cases from the debate after the 1AC has made me sad for a long time, and I think the structure and scope of Topic #1 could allow students to build arguments around affirmative cases once more. If the division of ground is clear between one sort of federal action and another sort of federal action, tired old process and agent counterplans might not disappear, but they would not be needed, because both sides would have ground for discussions about the issues raised in the topic. In short, there is a NEG with any of these topics, but especially Topic #1. However, I think the wording for Topic #2 would also allow for the types of debates I want to see, while being less radical, so if the conference and wording committee prefer Topic #2, I will not object much, because I really want to see this topic debated.

Definitions

Author Note: I will define “federal lands” first here, since those words appear in all of the resolutions, and I will then define the words specific to Topic #1 through Topic #6, in order.

Federal Lands

Federal lands means any land other than tribal lands which are controlled or owned by the United States, including lands selected by but not yet conveyed to Alaska Native Corporations and groups organized pursuant to the Alaska Native Claims Settlement Act of 1971 [43 U.S.C. 1601 et seq.].

OR

Federal lands means any land, including mineral interests, owned by the United States, without regard to how the United States acquired ownership of the lands or which agency manages the lands. It does not include Indian lands.

OR

Federal lands means any lands or interests in lands, such as mineral or timber interests, that are owned by the United States and administered by the Secretary of the Interior through the Director of the Bureau of Land Management, without regard to how the United States acquired ownership, except: (1) Lands located on the Outer Continental Shelf; and (2) lands held for the benefit of Indians, Aleuts and Eskimos.

OR

Federal lands means lands within the National Forest System as defined in 16 U.S.C. 1609(a) (sec. 11(a) of the Forest and Rangeland Renewable Resources Planning Act);

OR

Federal lands means any land other than tribal lands which are controlled or owned by the United States.

OR

Federal lands means all lands or interests in lands included in this Grant and owned by the United States, except lands in the National Park System, lands held in trust for an Indian or Indian Tribe, and lands on the Outer Continental Shelf.

OR

Federal lands means federally controlled public lands within the Bears Ears National Monument and the Grand Staircase-Escalante National Monument and certain areas of federally controlled public lands within Emery County and the Central Wasatch Range.

[<https://www.lawinsider.com/dictionary/federal-lands>]

Author Note: All LawInsider definitions are drawn from specific legal documents.

Federal land is land that is owned by the government of the United States for various purposes, including resource production and management, environmental protection and preservation, and public enjoyment. As a result of the many purposes of federal land, there are dozens of bureaucratic agencies and divisions of agencies that carry out operations on federal land. The two most prevalent agencies are the **Department of the Interior** and the Department of Agriculture.

The purpose of the Department of the Interior is to manage and conserve the land owned by the federal government. Under its auspices are the Bureau of Land Management, the Fish and Wildlife Service, and the National Park Service. The Department of Agriculture manages the forest land in the United States through the actions of the **Forest Service**.

[<https://study.com/learn/lesson/us-federal-land-map-overview.html>]

(4) “Federal lands” means any land, including mineral interests, owned by the United States without regard to how the United States acquired ownership of the land and without regard to the agency having responsibility for management thereof, except Indian lands: Provided, That for the purposes of this chapter lands or mineral interests east of the one hundredth meridian west longitude owned by the United States and entrusted to or managed by the Tennessee Valley Authority shall not be subject to sections 1304 (Surface Owner Protection) and 1305 (Federal Lessee Protection) of this title.

[https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=30-USC-1142904699-827877038&term_occur=5&term_src=title:30:chapter:25:subchapter:V:section:1272]

TOPIC #1

Prioritize

to decide which of a group of things are the most important so that you can deal with them first:

[<https://dictionary.cambridge.org/us/dictionary/english/prioritize>]

to decide in what order you should do things, based on how important or urgent they are

We need to learn to prioritize.

The committee has to prioritize the school's needs.

[<https://www.macmillandictionary.com/us/dictionary/american/prioritize>]

Conservation

: a careful preservation and protection of something

especially : planned management of a natural resource to prevent exploitation, destruction, or neglect

[<https://www.merriam-webster.com/dictionary/conservation>]

Conservation is the act of protecting Earth's natural resources for current and future generations.

[<https://www.nationalgeographic.org/encyclopedia/conservation/>]

1. UNCOUNTABLE NOUN

Conservation is saving and protecting the environment.

AND

NOUN

1. the act or practice of conserving; protection from loss, waste, etc.; preservation
2. the official care, protection, or management of natural resources

[<https://www.collinsdictionary.com/us/dictionary/english/conservation>]

Over

2a

—used as a function word to indicate the possession of authority, power, or jurisdiction in regard to some thing or person

respected those *over* him

b

—used as a function word to indicate superiority, advantage, or preference

a big lead *over* the others

[<https://www.merriam-webster.com/dictionary/over>]

above or higher than something else, sometimes so that one thing covers the other; above:

AND

more than:

[<https://dictionary.cambridge.org/us/dictionary/english/over>]

Development

an area of land that is used for its natural resources, or the use of an area of land for its natural resources:

[<https://dictionary.cambridge.org/us/dictionary/english/development>]

the act of making some area of land or water more profitable or productive or useful

[<https://dictionary.cambridge.org/us/dictionary/english/development>]

“But development is not simply about the interactions between human groups; it also involves the natural environment. So, from another point of view, development is about the conversion of natural resources into cultural resources. This conversion has taken place throughout the history of human societies, although the process has generally increased in pace and complexity with time. If we use a system diagram to illustrate - in very general terms - what an economy does, we see that the basic function of an economy is to convert natural resources (in the forms of raw materials and energy) into products and services that are useful to humans (see 2.1.1). Inevitably, because conversion processes are never totally efficient, some waste is produced which is usually discarded into the environment as various forms of pollution. Therefore, the environment is both a source and a sink in relation to economic processes: it is a source of raw materials and energy and a sink for pollution.”

[https://www.soas.ac.uk/cedep-demos/000_P501_USD_K3736-Demo/unit1/page_12.htm]

TOPIC #2

Increase

intransitive verb

1 : to become progressively greater (as in size, amount, number, or intensity)

transitive verb

1 : to make greater : AUGMENT

[<https://www.merriam-webster.com/dictionary/increase>]

to (make something) become larger in amount or size:

[<https://dictionary.cambridge.org/us/dictionary/english/increase>]

Protection

the condition or state of being kept safe from injury, damage, or loss:

the act of keeping someone or something safe from injury, damage, or loss, or the state of being protected in this way:

[<https://dictionary.cambridge.org/us/dictionary/english/protection>]

[noncount] : the state of being kept from harm, loss, etc. : the state of being protected

- He fights for the *protection* of the environment.
- Hard hats provide *protection* for the workers' heads.

[<https://www.britannica.com/dictionary/protection>]

TOPIC #3

Mitigate

transitive verb

1: to cause to become less harsh or hostile : MOLLIFY

2a: to make less severe or painful : ALLEVIATE

[<https://www.merriam-webster.com/dictionary/mitigate>]

to make something less harmful, unpleasant, or bad:

to make something less severe or less unpleasant:

[<https://dictionary.cambridge.org/us/dictionary/english/mitigate>]

to reduce the harmful effects of something

[<https://www.macmillandictionary.com/us/dictionary/american/mitigate>]

Existing

Existing is used to describe something that is now present, available, or in operation, especially when you are contrasting it with something that is planned for the future.

[<https://www.collinsdictionary.com/us/dictionary/english/existing>]

adjective

already or previously in place, before being replaced, altered, or added to:

occurring in a specified place or under specified conditions:

[<https://www.dictionary.com/browse/existing>]

Damage

: loss or harm resulting from injury to person, property, or reputation

[<https://www.merriam-webster.com/dictionary/damage>]

to harm or spoil something:

physical harm that is done to something:

[<https://dictionary.cambridge.org/us/dictionary/english/damage>]

1. TRANSITIVE VERB

To damage an object means to break it, spoil it physically, or stop it from working properly.

2. TRANSITIVE VERB

To damage something means to cause it to become less good, pleasant, or successful.

3. UNCOUNTABLE NOUN

Damage is physical harm that is caused to an object.

4. UNCOUNTABLE NOUN

Damage consists of the unpleasant effects that something has on a person, situation, or type of activity.

[<https://www.collinsdictionary.com/us/dictionary/english/damage>]

Resource Extraction

Resource extraction refers to activities that involve withdrawing materials from the natural environment. Logging is one example of resource extraction. If not done in a sustainable manner, logging extracts trees and their removal causes other changes that can result in soil and nutrient removal from the logged area. Even if it is accomplished sustainably, logging changes an environment.

Mining that involves the creation of an open-air pit is another example of resource extraction. Other examples include the oil sands project (the extraction of oil-laden sediment from regions of the Canadian province of Alberta), and the more conventional processes of oil recovery.

[<https://www.encyclopedia.com/environment/energy-government-and-defense-magazines/resource-extraction>]

Natural resource extraction includes activities dedicated to the recovery of sand, gravel, rock, oil, natural gas, and other natural materials that are obtained by excavation, drilling, boring, or other methods.

[<https://megamanual.geosyntec.com/npsmanual/sectionintronaturalresourceextraction.aspx>]

Resource extraction refers to the separation and removal of natural resources from their immediate context and encompasses a stunning diversity of practices, organizational forms, and materials. Extraction is widely interpreted as a physical process by which “gifts of nature” are removed from the earth and transformed into useful raw materials. However, a more specific understanding of extraction frames it as a political-economic process of expanding value and power via the identification, capture, and control of extractable materials. As a mode of economy, extraction can be distinguished from industrial production in five significant ways. The scale and diversity of resource extraction have increased over time and is a defining feature of the Anthropocene. Extraction is now a target of several different national and international policy concerns. Four significant trajectories of concern are identified, which also reflect an evolution in human geography's engagement with resource extraction.

[<https://onlinelibrary.wiley.com/doi/abs/10.1002/9781118786352.wbieg1047>]

Resource extraction means the harvesting of timber and extraction of mineral and aggregate resources, including the associated mitigation and reclamation activities and related transportation;

OR

Resource extraction means the surface or subsurface mining of metallic or non-metallic minerals, and preliminary processing of those minerals;

OR

Resource extraction means the development of a site for the purpose of extracting materials such as sand or gravel. Resource extraction shall also include restoration of the site following extraction of the resource material.

[<https://www.lawinsider.com/dictionary/resource-extraction>]

Author Note: Two of the definitions in this final grouping suggest that mitigation or restoration is a part of the process of resource extraction, but a very brief search of the literature will prove that while mitigation probably should have taken place, it definitely did not.

Permitting

used to show that an activity depends on an uncertain condition:

[<https://dictionary.cambridge.org/us/dictionary/english/permitting>]

1. To allow the doing of (something); consent to:
2. To grant consent or leave to (someone); authorize:
3. To afford opportunity or possibility for:

[<https://www.thefreedictionary.com/permitting>]

1. TRANSITIVE VERB

If someone permits something, they allow it to happen. If they permit you to do something, they allow you to do it.

3. TRANSITIVE VERB/INTRANSITIVE VERB

If a situation permits something, it makes it possible for that thing to exist, happen, or be done or it provides the opportunity for it.

VERB TRANSITIVE

Word forms: per'mitted *or* per'mitting

1. to allow; consent to; tolerate
2. to give permission to; authorize
3. to give opportunity for

[<https://www.collinsdictionary.com/us/dictionary/english/permit>]

Future

1a: time that is to come

b: what is going to happen

[<https://www.merriam-webster.com/dictionary/future>]

a period of time that is to come:

what will happen to someone or something in the time that is to come:

[<https://dictionary.cambridge.org/us/dictionary/english/future>]

TOPIC #4

Expand

transitive verb

1: to open up : UNFOLD

2: to increase the extent, number, volume, or scope of : ENLARGE

[<https://www.merriam-webster.com/dictionary/expand>]

to increase in size, number, or importance, or to make something increase in this way:

[<https://dictionary.cambridge.org/us/dictionary/english/expand>]

The verb *expand* means to make something bigger or wider. It might refer to something concrete, as when you blow into a balloon and make it *expand*, or something more abstract, as when you study to *expand* your mind.

[<https://www.vocabulary.com/dictionary/expand>]

INTRANSITIVE if a business, organization, or activity expands, it grows by including more people, moving into new areas, selling more products, etc.

[<https://www.macmillandictionary.com/us/dictionary/american/expand>]

Direct

3a: to regulate the activities or course of

b: to carry out the organizing, energizing, and supervising of

c: to train and lead performances of

d: to dominate and determine the course of

[<https://www.merriam-webster.com/dictionary/direct>]

to control or be in charge of an activity, organization, etc.:

to order someone, especially officially:

[<https://dictionary.cambridge.org/us/dictionary/english/direct>]

Control

transitive verb

1a: to exercise restraining or directing influence over : REGULATE

b: to have power over : RULE

[<https://www.merriam-webster.com/dictionary/control>]

to order, limit, or rule something, or someone's actions or behavior:

the ability or power to decide or strongly influence the particular way in which something will happen or someone will behave, or the condition of having such ability or power:

to be in charge of something or someone and have the power to make decisions relating to them:

the power to give orders, make decisions, and take responsibility for something:

the ability to make someone or something do what you want:

[<https://dictionary.cambridge.org/us/dictionary/english/control>]

Author Note: Given the definitions of direct and control, it might be possible to remove the word “direct” from Topic #4. At the moment, I am going to leave “direct” in the topic because I am trying to prevent affirmative cases from being built around federal government authorized actions being implemented at other levels of government, or by private interests. I really want the topic to be about actual federal action, but I

TOPIC #5

Transfer

transitive verb

1a: to convey from one person, place, or situation to another : MOVE, SHIFT

b: to cause to pass from one to another : TRANSMIT

c: TRANSFORM, CHANGE

2: to make over the possession or control of : CONVEY

[<https://www.merriam-webster.com/dictionary/transfer>]

A transfer involves the movement of assets, monetary funds, and/or ownership rights from one account to another. A transfer may require an exchange of funds when it involves a change in ownership, such as when an investor sells a real estate holding. In this case, there is a transfer of title from the seller to the buyer and a simultaneous transfer of funds, equal to the negotiated price, from the buyer to the seller.

[<https://www.investopedia.com/terms/t/transfer.asp>]

2. TRANSITIVE VERB/INTRANSITIVE VERB

If something **is transferred**, or **transfers**, **from** one person or group of people **to** another, the second person or group gets it instead of the first.

OR

VERB TRANSITIVE

Word forms: 'transferred' or 'transferring'

1. to convey, carry, remove, or send from one person, place, or position to another
2. to make over or convey (property, title to property, etc.) to another

OR

13. Law

- a. the transferring of a title, right, etc. from one person to another
- b. the document effecting this

OR

TRANSITIVE VERB

1. to convey or remove from one place, person, etc., to another
2. to cause to pass from one person to another, as thought, qualities, or power; transmit
3. Law
to make over the possession or control of
to transfer a title to land

OR

16. Law

a conveyance, by sale, gift, or otherwise, of real or personal property, to another

[<https://www.collinsdictionary.com/us/dictionary/english/transfer>]

Significant

2a: having or likely to have influence or effect : IMPORTANT

a *significant* piece of legislation

also : of a noticeably or measurably large amount

[<https://www.merriam-webster.com/dictionary/significant>]

important or noticeable:

important, large, or great, esp. in leading to a different result or to an important change:

[<https://dictionary.cambridge.org/us/dictionary/english/significant>]

very large or noticeable

very important

[<https://www.macmillandictionary.com/us/dictionary/american/significant>]

Percentage

1a: a part of a whole expressed in hundredths

a high *percentage* of students attended

3: an indeterminate part : PROPORTION

[<https://www.merriam-webster.com/dictionary/percentage>]

an amount of something, often expressed as a number out of 100:

[<https://dictionary.cambridge.org/us/dictionary/english/percentage>]

Entities

2: something that has separate and distinct existence and objective or conceptual reality

3: an organization (such as a business or governmental unit) that has an identity separate from those of its members

[<https://www.merriam-webster.com/dictionary/entity>]

something that exists apart from other things, having its own independent existence:

an organization or a business that has its own separate legal and financial existence:

[<https://dictionary.cambridge.org/us/dictionary/english/entity>]

: something that exists by itself : something that is separate from other things

- One division of the company was broken off as a separate *entity*.
- a business/commercial/corporate *entity*
- government/political/legal *entities*
- distinct/independent *entities*

[<https://www.britannica.com/dictionary/entity>]

TOPIC #6

Block

transitive verb

1a: to make unsuitable for passage or progress by obstruction

c: to hinder the passage, progress, or accomplishment of by or as if by interposing an obstruction

[<https://www.merriam-webster.com/dictionary/block>]

to stop something from happening or succeeding:

to decide officially to stop something from happening or continuing:

an official decision to stop something happening or continuing:

[<https://dictionary.cambridge.org/us/dictionary/english/block>]

State

state, political organization of society, or the **body politic**, or, more narrowly, the institutions of **government**. The state is a form of human association distinguished from other social groups by its purpose, the **establishment of order and security**; its methods, the laws and their enforcement; its territory, the area of jurisdiction or geographic boundaries; and finally by its **sovereignty**. The state consists, most broadly, of the agreement of the individuals on the means whereby disputes are settled in the form of laws. In such countries as the **United States**, **Australia**, **Nigeria**, **Mexico**, and **Brazil**, the term *state* (or a cognate) also refers to political units that are not **sovereign** themselves but subject to the authority of the larger state, or federal union.

[<https://www.britannica.com/topic/state-sovereign-political-entity>]

State is defined as a territory with its own government and borders within a larger country.

An example of a state is California.

OR

The power or authority represented by a body of people politically organized under one government, esp. an independent government, within a territory or territories having definite boundaries.

[<https://www.yourdictionary.com/state>]

Private

1a: intended for or restricted to the use of a particular person, group, or class

a *private* park

b: belonging to or concerning an individual person, company, or interest

a *private* house

[<https://www.merriam-webster.com/dictionary/private>]

controlled or paid for by a person or company and not by the government:

for the use of or belonging to one particular person or group only, or not shared or available to other people:

belonging to or managed by a person or independent company rather than the government:

owned or controlled by one person or company, rather than by a government:

[<https://dictionary.cambridge.org/us/dictionary/english/private>]

Attempts

1a: the act or an instance of trying to do or accomplish something : an act or instance of attempting something

[<https://www.merriam-webster.com/dictionary/attempt>]

1. TRANSITIVE VERB

If you **attempt to** do something, especially something difficult, you try to do it.

2. COUNTABLE NOUN

If you make an **attempt to** do something, you try to do it, often without success.

VERB TRANSITIVE

1. to make an effort to do, get, have, etc.; try; endeavor

NOUN

3. a try

[<https://www.collinsdictionary.com/us/dictionary/english/attempt>]

Take Over

intransitive verb

1: to assume control or possession

2: to become dominant

[<https://www.merriam-webster.com/dictionary/takeover>]

INTRANSITIVE/TRANSITIVE to begin to do something that someone else was doing

TRANSITIVE to take control of something

[<https://www.macmillandictionary.com/us/dictionary/american/take-over>]

take over *phrasal verb*

take over (from something)

1. to become bigger or more important than something else; to replace something

take over (from somebody) | take something over (from somebody)

1. to begin to have control of or responsibility for something, especially in place of somebody else

[<https://www.oxfordlearnersdictionaries.com/us/definition/english/take-over>]

Managing and Protecting Federal Lands – The Two Page Summary

1. **Resolved:** The United States federal government should prioritize conservation over development on federal lands.
2. **Resolved:** The United States federal government should substantially increase its protection of federal lands.
3. **Resolved:** The United States federal government should mitigate existing damage done by resource extraction on federal lands before permitting future resource extraction.
4. **Resolved:** The United States federal government should substantially expand its direct control of federal lands.
5. **Resolved:** The United States federal government should transfer control of a significant percentage of federal lands to other entities.
6. **Resolved:** The United States federal government should block state and/or private attempts to take over federal lands.

Affirmative Cases – Affirmative cases for Topic #1 could explore the preservation of cultural treasures or natural beauty, or could look at saving endangered species (plants and animals) from extinction. They could also propose limitations on visitors to National Parks or National Monuments, or could limit recreational or commercial development on federal land, and could also more strictly limit resource extraction. Topic #3 is more focused on resource extraction so any of the Topic #1 cases related to resource extraction would fit here, in addition to cases involving cleanup of existing/abandoned mines and wells and potentially, environmental justice cases addressing the concerns of indigenous peoples. Topic #2 could include all of the cases previously mentioned and could also include cases addressing the prevention and fighting of wildfires on federal land, and perhaps climate hardening/adaptation approaches to preserve what exists in the face of climate change. Topic #4 could include many of the cases mentioned above, but only to the extent they involved direct federal action, whereas in Topics #1, #2 and #3, but especially in Topic #1 federal partnerships with other entities could be possible. Topic #5 would include affirmatives claiming advantages from reducing the amount of land the USFG owns, including economic benefits to states and localities, more jobs and other business opportunities because of more development, additional federal resources being made available to protect land the USFG will still own (because of sales of other land), or potentially, non-federal management of land the USFG would still own (because the wording is “transfer control” not “sell,” and while it could mean sell, it could also mean the USFG retaining ownership but contracting out the management functions, which could protect better as well as develop. Topic #6 would have the USFG firmly and forever keeping the lands it owns and any of the previously mentioned cases relying on federal ownership of the land would work for Topic #6.

Negative Approaches – There really are viable negative approaches to all of these topics, partly because the jurisdictional question is at the heart of all of the topics. Rather than attempting to

run away from a States Counterplan by running to the margins of a topic, it really is important to question whether the states would do a BETTER job of managing at least some of the land currently owned and managed by the USFG, or whether private businesses would be better still. Additionally, the question of what federal land should be used for (and this would be different for different parcels of federal land) really does have advantages and disadvantages, and it would be up to the debaters on both sides to weigh those for the judges. If an affirmative case is limiting development, or completely ending it, there are economic disadvantages relating to recreation, other jobs and the need for mineral resources and wood. If the affirmative is opening up federal lands to more mining and other types of resource extraction or is giving up control of some part of federal land, there are disadvantages related to the loss of natural beauty, damage to areas of cultural significance and species loss, including extinction. There are also questions of local control and federal overreach which could be argued as disadvantages (with counterplans), but which could also be argued as kritiks, along with settler colonialism, kritiks about what constitutes the “public good” and kritiks of thinking about anything as a “resource.”

Debatability – I think I have already covered this issue, to some extent, in my discussion of potential approaches for the negative, but I will add a few key points here. First, depending on where you live and who you are, you will see this topic differently. Just because one person is pro-conservation that doesn’t mean everyone is pro-conservation and just because another person believes resources are there to be used to make money and, hopefully, to make life better, that doesn’t mean everyone supports that level of consumption. Second, even if people bring their own beliefs to this topic, it is not so deeply personal and sensitive a set of beliefs that clash and argumentation, on both sides, would be impossible. Third, and perhaps most importantly, in our currently very polarized world, we need a forum for a quality clash of ideas, and this is it.

Managing and Protecting Federal Lands – This topic explores two vital questions: first, how federal land should be managed and protected and second, should the USFG be managing and protecting as much land as it currently holds. Looking at these two questions in tandem will allow debaters to learn about the many uses of federal land – recreation, resource extraction, species and habitat preservation, protection of cultural and historical heritage, preserving natural beauty and the wilderness. At the same time, for every claim to preserve or protect something, there is a counterclaim for why a resource should be used or why land should be made available for development. The federal government owns nearly 30% of the land in the United States, much of it in the West and in Alaska, and the effectiveness of federal stewardship of that land is regularly called into question, but at the same time, it is far from certain that anything would be better protected by individual states (who are mostly prohibited from running budget deficits) or private interests, for whom profits would be a prime motivator. This topic literally forces debaters to focus on the land while contemplating deep and meaningful questions.

Author Note: The above is the proposed summary paragraph for the ballot.

Criteria Check

Timeliness – The protection, removal of protection and then renewed protection of Grand Staircase-Escalante and Bears Ears National Monuments during the past few years demonstrates that this is an issue of importance now, and although it does not make the Evening News that often in some parts of the country, the conflicts between the federal government and state and local individuals are an ongoing source of tension in the Western United States. Even though these issues have been under discussion for decades, it seems unlikely anything will make it to the president's agenda in a formal way in the next two years, nor is it likely to appear in Congress, or be resolved if it does, given other concerns.

Scope – As I mentioned earlier in this paper, one of the real advantages of this topic is that it does bring attention to a large part of the country (geographically) which is often less directly covered by policy topics. There is federally owned land in all states, however, so everyone could have a personal connection to the topic, and National Parks, Monuments, Forests and Seashores are vacation destinations that can bring people from their home state to other locations.

Range – Also, as I mentioned earlier, I think that this topic is accessible to students of all ages. The problems facing national parks – insufficient staffing, overuse (and misuse) by visitors, climate change impacts – are very accessible to younger debaters, as are the financial gains from the use of federal lands to produce needed wood or minerals. Younger students also need to learn about state and federal jurisdiction, and advanced students can take jurisdictional controversies (and all the rest) to the next level, in addition to delving deeper into justifications for USFG land ownership (at all), or even land ownership by any level of government given that colonialism (a lot of federal the land in the West was taken from indigenous persons) or environmental justice (a lot of the mining damage affects indigenous persons) are very real concerns.

Quality – I think my current favorite topic, and, to be honest, the rest as well, could sustain debate throughout the season. After all, the federal government has owned much of this land for centuries, many different agencies have a hand in the management of federal lands and there are a great many laws and regulations which cover the management of federal lands. Furthermore, a whole range of individuals, from conservationists and other folks concerned about climate change and species loss to libertarians, states right proponents and anti-government activists to people who enjoy outdoor activities or all sorts to different business people (folks engaged in travel, mining, forestry, ranching, hunting, fishing, etc.) have thoughts and feelings on this subject, which would demand sifting through evidence and the critical thinking skills to separate valuable and compelling arguments from others.. I found new aspects to this topic area with every article I read and I suspect the students would do the same.

Material – I think finding the correct search terms for the arguments any student wants to run will take a little thinking, and perhaps a bit of brainstorming, but there is a wealth of material on the various advantages and disadvantages of a more assertive federal land management approach, not to mention vast amounts of advantage and disadvantage literature. I found very few authors who identify one specific solution to any problem (mostly because there are a whole lot of different problems, with many potential solutions), which is probably good because that means a greater need for critical thinking. There are a great number of authors who offer new approaches, and who analyze previous attempts to better protect (and manage) federal lands.

Interest – I am a little hesitant to say that students, coaches and members of the community WILL like this topic, but I believe they should. It allows everyone to discuss natural beauty, cultural significance, plants, animals, the full range of outdoor recreational activities, the proper role of the federal government and its relations with other governments, private enterprise, mining, the cutting of trees, environmental justice and colonialism, among other things. This is a different sort of topic, in some ways, because it puts a new lens on a number of familiar issues, but it is this fresh perspective on familiar concepts that MAKES this topic especially interesting.

Balance – Far too many proposed policy topics look like good ideas until someone asks the question: “What’s the neg?” When the crickets sound, you know it was a good idea, not a good topic. While I probably believe the aff more than the neg on my favorite topic, and most of the others on the list, I am quite certain a bunch of other folks will believe the neg. I think the federal government needs to step it up and actually properly manage all of the land it controls so that plant and animal species can keep their habitats, and so that areas of cultural significance are preserved. At the same time, I do appreciate the fact that people have different ways of enjoying outdoor spaces, and that they should be allowed to do that, as long as they do not damage any of the things I value. I do have a harder time supporting resource extraction from mining to cutting down trees on federal lands to creating lodges or ski slopes which get in the way (from my perspective) of natural beauty, but I understand that people need jobs, and that regions need economic development so they can pay for schools, hospitals, firefighters and other emergency services. People who are more persuaded by profits and private enterprise than I am would have an easier time being negative than I do, but even I can see their claims as solid negative arguments, and I can hope that the reverse is also true. There really is a neg for any of my proposed topics (especially the two that are opposites), and I think the fact that I have proposed two topics that are opposites actually proves there would be a neg for all of the rest of my possible topics as well.

Bibliography

All of the sources quoted in the rest of the text are listed here, in addition to a range of background and other materials for initial reading and for research suggestions.

Federal Lands Resources

<https://www.wilderness.org/sites/default/files/media/file/Module%201%20-%20Reading.pdf>

<https://nmwildlife.org/everything-need-know-public-lands-transfer/>

<https://worldpopulationreview.com/state-rankings/federal-land-by-state>

<https://gisgeography.com/federal-lands-united-states-map/>

<https://www.oecd.org/regional/regional-policy/land-use-United-States.pdf>

<https://www.blm.gov/about/laws-and-regulations>

<https://www.neefusa.org/nature/land/key-roles-america-s-federal-land-agencies>

<https://www.law.cornell.edu/cfr/text/43/24.4>

https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd488457.pdf

https://www.naco.org/sites/default/files/documents/PLSC_2019-2020.pdf

<https://www.rei.com/blog/hike/your-guide-to-understanding-public-lands>

<http://www.wildhorserange.org/the-federal-land-policy-and-management-act-of-1976.html>

<https://www.princeton.edu/~ota/disk3/1979/7901/790106.PDF>

http://www.oilandgasbmps.org/laws/federal_law.php

<https://publicland.org/about/blm-flpma/>

<https://onlinelaw.udayton.edu/resources/public-land-use/>

<https://wilderness.net/learn-about-wilderness/key-laws/wilderness-act/default.php>

<https://solareis.anl.gov/documents/docs/FLPMA.pdf>

<https://sgp.fas.org/crs/misc/R45688.pdf>

<https://www.gao.gov/assets/gao-20-461r.pdf>

<https://www.gao.gov/products/gao-20-461r#:~:text=Mining%20on%20federal%20lands%20can, pay%20the%20government%20a%20royalty.>

<https://www.blm.gov/programs/energy-and-minerals/mining-and-minerals>

<https://www.hcn.org/articles/south-mining-the-dizzying-scope-of-abandoned-mine-hazards-on-public-lands>

<https://www.nationalgeographic.com/science/article/160104-oregon-protest-malheur-national-wildlife-refuge>

<https://theconversation.com/federal-control-of-western-land-two-perspectives-52793>

National Park and US Forest Service Resources

https://www.nps.gov/parkhistory/online_books/admin_policies/policy2-contents.htm

https://www.nps.gov/parkhistory/online_books/fs/monuments.htm

<https://www.everycrsreport.com/reports/R41816.html>

<https://crsreports.congress.gov/product/pdf/R/R41816>

<https://sgp.fas.org/crs/misc/RS20158.pdf>

<https://naturalresources.house.gov/imo/media/doc/Arnold%20&%20Porter%20Legal%20Memo%20on%20Revocation%20of%20National%20Monuments.pdf>

<https://www.law.cornell.edu/cfr/text/43/3811.2-2>

<https://moose.cec.org/moose/lawdatabase/usdoc.cfm?varlan=english&topic=16>

<http://npshistory.com/publications/winks.htm>

https://www.ntc.blm.gov/krc/uploads/412/19_MbN_legal-authorities_NPS.pdf

<https://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=1028&context=wmelpr>

<https://www.fs.fed.us/rangeland-management/aboutus/lawsregs.shtml>

<https://www.nationalgeographic.com/environment/article/biden-expected-to-reverse-trump-order-to-shrink-utah-national-monuments>

<https://www.theguardian.com/environment/2021/oct/08/biden-bears-ears-national-monument-grand-staircase-escalante>

<https://sgp.fas.org/crs/misc/IF10244.pdf>

<https://www.theguardian.com/environment/2019/jan/28/joshua-tree-national-park-damage-government-shutdown>

<https://www.nps.gov/thro/learn/historyculture/theodore-roosevelt-and-conservation.htm>

https://www.theodoreroosevelt.org/content.aspx?page_id=22&club_id=991271&module_id=339340

States CP Arguments and Answers

<https://sgp.fas.org/crs/misc/R44267.pdf>

<https://law.justia.com/constitution/us/article-4/19-public-lands-federal-and-state-powers-thereover.html>

https://constitution.congress.gov/browse/essay/artIV_S3_C2_1_1/

<https://www.ecologylawquarterly.org/currents/state-and-local-control-of-federal-lands-new-developments-in-the-transfer-of-federal-lands-movement/>

<https://therevelator.org/california-law-public-lands/>