

Development and public land

A commission report
raises hopes and hackles
among conservationists

About a third of the land area of the United States—755.4 million acres—is owned by all the people of the nation. Administered by various Federal agencies, this public land is mostly in the West. It ranges from barren and unproductive deserts to rich forest lands. The laws governing its use are a crazy patchwork that began to be formulated early in the nation's history; they are now so complex that they make up several separate branches of law: those dealing with grazing, mineral industries and timber, the three main exploitative uses of the public lands.

Since the West first began to be settled, the emphasis has been on economic development. Thus the timber, mining and grazing interests have often had their own way with the public land and with the Federal agencies that nominally administer it. This began to change with Theodore Roosevelt and Gifford Pinchot in the early part of this century when the national forests and national parks began to be established. But the Federal agencies that administer the lands have continued frequently to remain independent fiefdoms responsive to their economic constituencies, which usually also had the support of the development-oriented congressman from Western states rich in public land.

In recent years, partly because of the great surge of interest in the environment, this has begun to change, though hard-dying procedures and laws have remained a formidable obstacle to efficient management.

Last week, the Public Land Law Review Commission issued its report—and recommended sweeping changes in the laws. The commission was established by Congress in 1965 for this purpose; its 18 members include six members each appointed by the President, the Speaker of the House and the president of the Senate, and a chair-

man chosen by the 18 appointed members. Rep. Wayne N. Aspinall (D-Colo.), the major force behind establishing the commission in the first place, is chairman. And although Aspinall, whose district is heavily influenced by mining interests, has long been regarded by environmentalists as a major spokesman for the exploiters, conservationists say they are not as displeased by the report as they thought they might be.

The report recommends that Congress assert prime control by supervising the public lands, as is provided for in the Constitution, and thus, for example, curb executive power to transfer land from one use to another. This provision of the report, in fact, seems partly to override other provisions that conservationists find objectionable.

"By giving Congress the power," says Stewart Brandborg, executive director of the Wilderness Society, "we would assure full public hearings on any changes that are proposed. This will provoke a great deal of in-depth discussion involving the public at large."

But conservationists are by no means overjoyed with all provisions of the report. In recent years, the Bureau of Land Management and the Forest Service, the agencies administering the largest single block of the public lands, have operated under a 1964 law that calls for multiple use of the public lands, including recreation and fish and wildlife as well as economic uses. In order to establish priorities of use, public hearings have been held whenever there has been a dispute. Environmentalists thus got a major sounding board, and they won a number of victories.

But the commission report is critical of the 1964 law and wants to return to a dominant-use concept, which conservationists say shows the hand of the exploiters in drafting the report. The

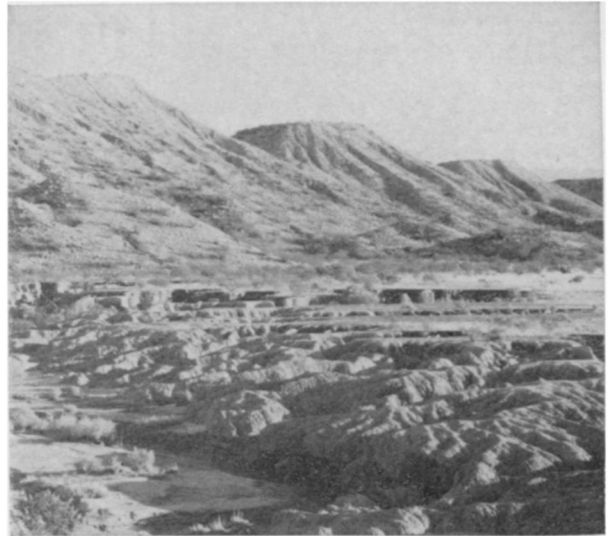
dominant use chosen, say the conservationists, would probably in most cases be an economic one.

Another provision of the report however, calls for keeping the bulk of the land in Federal ownership, a recommendation that goes counter to the wishes of many of the economic interests. At commission hearings held in the West, industry spokesmen often urged disposal of much of the land to private owners. The report also calls for fair market prices to the Government for leases on the land for various economic purposes, a practice that has not been followed in the past.

The report also calls for laws clearly recognizing environmental quality as a major objective of land management. Users of the land would not be allowed, for example, to build factories that pollute the air or water. Another provision calls for moving the Forest Service, now a Department of Agriculture agency, into the Interior Department.

Although the report appears to embrace the principle of continued Federal ownership of the public lands, it contains a variety of provisions that would permit their transfer—either to the states or to private interests—under some circumstances. For instance, 15 of the 48 contiguous states have claims to a million acres; the report recommends the settlement of these claims within a decade.

It will be years before Congress completes the hearings and acts on the recommendations in the report, but the impetus created by it should be important. With the East and West Coasts and the Midwest rapidly becoming overpopulated, the public land is the last great open space in the nation. Already parts of the Plains and Mountain States—Arizona and Colorado, for example—have begun to have rapid-population growth. □



Interior

Public land in Arizona: Governed by patchwork.