

1968

## The Public Land Law Review Commission - Status Report 1967-1968

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# LAND AND WATER LAW REVIEW

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This is the third in a series of annual articles on the organization, goals and activities of the Public Land Law Review Commission, established by Congress in 1964 to review and recommend changes in the laws which control much of the land in the Western States. This article reports the current activity of the Commission and indicates problem areas. Future articles will continue to present the progress of the Commission, culminating in a final summary at the end of the Commission's statutory life.

## THE PUBLIC LAND LAW REVIEW COMMISSION--STATUS REPORT 1967-1968

*David R. Phipps\**

### INTRODUCTION

PRIOR articles in this series have considered the creation and organization of the Public Land Law Review Commission<sup>1</sup> and the Commission's efforts to define the pertinent study areas and complete the studies.<sup>2</sup> This article, intended to be a progress report, is more accurately categorized as a status report in light of the absence of meaningful progress. Advances have been made in the work of the Commission, but the development and performance of the studies have bogged down. The apparent desire to cover every potentially applicable law and fact has been manifested by a proliferation in the number of studies and an extremely detailed approach

- \* Copyright© David R. Phipps, 1968; Partner, Welborn, Dufford & Cook, Denver, Colorado; B.S., 1953, University of Nebraska; LL.B., 1958, University of Colorado; Order of the Coif; Member of the Denver, Colorado, and American Bar Associations. Mr. Phipps was Chairman of the Public Lands Committee, 1964-66, and is presently a member of the Council, 1966-1970, Section of Mineral and Natural Resources Law, American Bar Association. Co-author, *The American Law of Mining*, 1960; editor and co-author, *Law of Federal Oil and Gas Leases*, 1964; Executive Director, 1961-63, and Trustee, 1963-68, Rocky Mountain Mineral Law Foundation.
1. Phipps, *The Public Land Law Review Commission—A Challenge to the West*, 1 LAND & WATER L. REV. 355 (1966).
  2. Phipps, *The Public Land Law Review Commission—Identifying and Defining the Problems*, 2 LAND & WATER L. REV. 253 (1967).

to each individual study. The resulting delay has necessitated an extension of the Commission's life, and additional funds are required to complete the contemplated studies.

A brief chronological review reflects the Commission's performance to date. Public Law 88-606<sup>3</sup>, establishing the Public Land Law Review Commission, was enacted on September 19, 1964. The organizational work of the Commission, its Advisory Council and the governors' representatives was not completed until March, 1966. On June 1, 1966, Milton A. Pearl, the Staff Director of the Commission, submitted a program paper<sup>4</sup> to the House Committee on Interior and Insular Affairs outlining a five-phase approach to the accomplishment of the Commission's objectives. Phase 1 dealt with the design and completion of the basic studies. As of this writing, none of the studies have been completed. Less than one-third of the proposed studies are actually underway.

#### STATUTORY MODIFICATIONS

The original legislation<sup>5</sup> required the Commission to submit its report and recommendations to the President and the Congress no later than December 31, 1968. Matching solid accomplishments against the statutory deadline, however, clearly demonstrated that the deadline could not be met. On June 23, 1967, Representative Wayne N. Aspinall of Colorado, Chairman of the Commission, was quoted as stating that "[T]he conclusion to me is inescapable that we now must seek from the Congress an extension of the time for submission of the Commission's final report and also request additional funding authority and finances."<sup>6</sup> Congress has now agreed to these requests, but with a notable lack of enthusiasm.

Public Law 90-213,<sup>7</sup> enacted into law on December 18, 1967, amends the basic legislation in several respects. The Commission's reporting date and its life were respectively extended eighteen months to June 30, 1970 and December

3. 78 Stat. 983 (1964), 43 U.S.C. §§ 1391-1400 (1964).

4. STAFF OF PUBLIC LAND LAW REVIEW COMMISSION, 89TH CONG., 2D SESS., OBJECTIVE, FUNCTIONS AND OPERATIONS OF THE PUBLIC LAND LAW REVIEW COMMISSION (Comm. Print No. 21, 1966).

5. 78 Stat. 983 (1964), 43 U.S.C. § 1394 (b) (1964).

6. Public Land Law Review Commission Release No. 47, June 23, 1967.

7. 81 Stat. 660 (1967).

31, 1970. Its anticipated expenditures were almost doubled, increasing from \$4,000,000 to \$7,390,000. The Classification and Multiple Use Act<sup>8</sup> and the Public Land Sale Act,<sup>9</sup> which had been enacted at the same time as the legislation creating the Commission, were both extended in order to parallel the Commission's life. Finally, the basic legislation was amended to authorize the Commission to require testimony under oath at its hearings.<sup>10</sup>

The Senate Interior and Insular Affairs Committee, although recommending enactment, commented upon the Commission's lack of progress as follows:

During the committee's hearing on October 26, 1967, a number of specific questions were directed at the Commission's staff director concerning what appears to be slowness in getting study proposals activated into the contract phase. For example, although some study proposals were completed and circulated for review late in 1966, they were not under contract as of the hearing date. Others completed 6 months ago are not even planned to be placed under active contract until March, 1968, which seems to point up an unusual delay.<sup>11</sup>

The Committee further noted its misgivings as to the expanding scope of the studies, stating:

Several members of the committee are concerned that the Commission has expanded its scope of study far beyond that needed to meet the goals of Public Law 88-606. \* \* \* The committee urges the Commission to devote its whole energies to completing its review of the significant body of law affecting our public lands, rather than dissipating itself by delving into minor issues having hardly more than academic interest which should be easily resolved by Congress or the executive agencies.<sup>12</sup>

As a parting shot, the Committee concluded as follows:

The committee, while agreeing that completion of the review is necessary, and while recommending passage of this extending legislation, wishes to go on record as declaring that this extension of 18

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8. 78 Stat. 986 (1964), 43 U.S.C. §§ 1411-1418 (1964).

9. 78 Stat. 988 (1964), 43 U.S.C. §§ 1421-1427 (1964).

10. Amending 78 Stat. 984 (1964), 43 U.S.C. § 1398(a) (1964).

11. S. REP. No. 820, 90th Cong., 2d Sess. (1967).

12. *Id.*

months time and \$3.39 million should be adequate to complete the Commission's task. If it becomes necessary for the Commission to revise its staff procedures or to pare the study proposals to encompass only the most important facets of the study area, it should so act.<sup>18</sup>

#### CHANGES IN THE "OFFICIAL FAMILY"

There have been no changes in the membership of the Commission itself nor in the Advisory Council subsequent to the 1967 report. A number of changes have occurred within the ranks of the liaison officers to the Advisory Council and among the governors' representatives.

New liaison offices (or individuals now representing a different federal department or independent agency) are as follows:

William H. Point  
Director, Real Property  
Management  
Department of Defense  
(Replacing Leonard Niederlehner)

Clyde O. Martz  
Assistant Attorney General  
Department of Justice  
(Replacing Edwin L. Weisl, Jr.)

Harry R. Anderson  
Assistant Secretary  
Department of the Interior  
(Replacing John A. Carver, Jr.)

John A. Carver, Jr.  
Commissioner  
Federal Power Commission  
(Replacing John C. Mason)

Charles M. Haar  
Assistant Secretary  
Department of Housing and  
Urban Development  
(Replacing Victor Fischer)

States which have changed governors' representatives and the present appointees are as follows:

##### *California:*

Norman B. Livermore, Jr.  
Administrator, The Resources  
Agency of California  
Resources Building  
1416 Ninth Street  
Sacramento, California

##### *Delaware:*

Robert Thurston Barrett  
Administrative Assistant  
Office of the Governor  
State of Delaware  
Dover, Delaware

##### *Georgia:*

H. Oliver Welch  
State Planning Officer  
State of Georgia  
116 Mitchell Street, S.W.  
Atlanta, Georgia

##### *Iowa:*

Everett B. Speaker  
Director, State Conservation  
Commission  
East 7th and Locust Streets  
Des Moines, Iowa

18. *Id.*

*Kansas:*

Ronald H. Baxter  
Attorney  
Office of the Governor  
State Capitol  
Topeka, Kansas

*Maine:*

Lawrence Stuart  
Director, State Park and  
Recreation Commission  
State of Maine  
Augusta, Maine

*Massachusetts:*

Robert L. Yasi  
Commissioner, Department of  
Natural Resources  
Commonwealth of Massachusetts  
Boston, Massachusetts

*Minnesota:*

Robert L. Herbst  
Deputy Commissioner, Depart-  
ment of Conservation  
State of Minnesota  
St. Paul, Minnesota

*Missouri:*

Robert L. Dunkeson  
Executive Secretary, Inter-  
Agency Council for Outdoor  
Recreation  
State of Missouri  
Jefferson City, Missouri

*New York:*

Charles La Belle  
Counsel, Department of  
Conservation  
State of New York  
Albany, New York

*North Carolina:*

Ralph C. Winkworth  
State Forester, Department of  
Conservation and Develop-  
ment  
State of North Carolina  
Raleigh, North Carolina

*Tennessee:*

William Slayden  
Deputy Commissioner, Depart-  
ment of Conservation  
State of Tennessee  
2611 West End Avenue  
Nashville, Tennessee

On October 19, 1967, additional staff appointments were announced<sup>14</sup> as follows: Jerry L. Haggard, legal specialist; James P. McAleer, legal specialist; Frank W. Clayton, resource specialist; Frank H. Skelding, resource specialist; and, Dr. Don A. Seastone, economist.

#### CONCLUSION OF REGIONAL MEETINGS

On January 11 and 12, 1968, the Commission held its tenth and final public meeting designed "to hear citizen views on public land problems that the Commission should study." Four such meetings were held during this reporting period. In each instance but the last, the public meetings were followed by a tour of adjacent public land areas by members of the Commission, Advisory Council, governors' representatives and staff.

Billings, Montana, was the site of the seventh public meeting on July 13 and 14, 1967. This was followed by a meeting in the Pacific Northwest on September 1 and 2, 1967,

14. Public Land Law Review Commission Release No. 55, Oct. 19, 1967.

in Seattle and Spokane, Washington. The ninth meeting was held in Milwaukee, Wisconsin on October 6 and 7, 1967. A change of emphasis was made for the final meeting held in Washington, D.C., on January 11 and 12, 1968. The primary purpose of this meeting was stated to be "to hear representatives of national organizations."<sup>15</sup> The Commission met in executive session following this final meeting and, immediately thereafter, the Commission, Advisory Council and governors' representatives met for the announced purpose of discussing basic issues related to the study program.<sup>16</sup> During the course of these ten public meetings, the Commission is said to have received the views of more than 900 individuals<sup>17</sup> (all of which can probably be assumed to conflict with all other views expressed).

A public hearing designed to allow the federal departments and agencies concerned with the retention, management and disposition of public lands to present their views on public land administrative problems was held in Washington, D.C., on April 5 and 6, 1968. This hearing was followed by a business meeting of the Commission and a joint meeting of the Commission, Advisory Council and governors' representatives.

In the 1967 report, it was noted<sup>18</sup> that it was not at all certain that the Commission intended to seek the advice and viewpoints of interested parties before formulating the Commission's recommendations. The absence of clear channels of communication for this purpose was discussed. Recently, however, the Commission had announced<sup>19</sup> that it is planning a subsequent series of hearings designed primarily to obtain recommendations on future policy. If the user groups effectively utilize this opportunity to assist in the shaping of policy and if sufficient time remains in the life of the Commission for this purpose, this development is truly encouraging.

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15. Public Land Law Review Commission Release No. 56, Oct. 24, 1967.

16. Public Land Law Review Commission Release No. 60, Dec. 21, 1967.

17. Public Land Law Review Commission Information Memorandum No. 9, Mar. 8, 1968.

18. Phipps, *supra* note 2, at 271.

19. Public Land Law Review Commission Release No. 50, July 24, 1967; Public Land Law Review Commission Release No. 54, Sept. 12, 1967.

## THE BASIC STUDIES

At the time the 1967 report was prepared, the Commission had selected twenty-two studies and three special analyses for accomplishment by research groups, consultants and experts, or, in some instances, by the Commission staff. Representative Aspinall stated at that time that these basic studies were designed "to cover every important issue connected with Federal public lands in the 50 states." The scope and status of those studies were summarized in the 1967 report.<sup>20</sup>

Now, however, by the Commission's own count, there are a total of thirty-four studies and analyses to be performed. In fact, based upon the Commission's division of some of the studies into separate legal and resource studies and its subdivision of the energy fuels study into four separate studies, it appears that the Commission will ultimately produce in excess of forty studies or analyses. As heretofore noted, none of these studies have been published as of this writing.

The contemplated studies and their current status are set out below. Where the scope of a study was summarized in the 1967 report, that material is not repeated in this report.

*History of Public Land Law Development*

This study was initiated in June, 1966, under contract with Dr. Paul Wallace Gates of Cornell University. The scope of the study was contracted to cover only nonmineral laws and was later returned to its original scope—covering both mineral and nonmineral laws—with the execution of a study contract with Professor Robert W. Swenson of the University of Utah. Delivery of the first manuscript was scheduled for late summer of 1967. On November 6, 1967, the Commission reported that final manuscripts were to be delivered in March, 1968, but this delivery date has now been changed to May, 1968.

*Revenue Sharing and Payments in Lieu of Taxes*

This study was contracted to EBS Management Consultants, Inc., in May, 1967, with a scheduled deadline of April

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20. Phipps, *supra* note 2, at 262-270.



15, 1968. As a part of this study, intensive case studies were planned of fifty counties in nineteen states<sup>21</sup> to show the influence of major public land ownership and use situations on the financial structure of state and local governmental units. Completion of this study is currently expected in May, 1968.

### *Digest of Public Land Laws*

Shepard's Citations, Inc., undertook this study on March 1, 1967, with completion scheduled for November, 1967. Preliminary manuscript was delivered to the Commission prior to November 6, but revision was necessary. The Government Printing Office will publish this study in July, 1968.

### *Administrative Rule-Making and Adjudication*

A request for proposals on this study was transmitted to prospective contractors on May 12, 1967. Four bids were received, but all bids were rejected on August 31, 1967.<sup>22</sup> It is the author's understanding that the Commission's original request for proposals contemplated extensive statistical analysis by the contractor and, as a result, the bids submitted reflected a higher cost and greater time requirement than anticipated. A revised study plan was prepared eliminating the statistical analysis aspect and, on March 26, 1968, this study was contracted to the University of Virginia.<sup>23</sup> The study is to be conducted by the School of Law under the direction of Professor Carl McFarland with the assistance of Professors Charles K. Woltz and Kenneth R. Redden. November 30, 1968 is the planned completion date. The contract price is not to exceed \$69,875.

### *Forage*

This study, now titled "The Forage Resource of the Public Lands," has been contracted<sup>24</sup> to the University of Idaho with completion scheduled for March 31, 1969. The

21. Included are the following: *Arizona*-Mohave and Yuma; *Colorado*-Fremont, Grand, Gunnison, Las Animas, Mesa, Moffat, Montrose, Rio Blanco, Rio Grande, and Summit; *New Mexico*-Rio Arriba and Sierra; *Utah*-Kane and Box Elder; *Wyoming*-Natrona and Sublette. Public Land Law Review Commission Release No. 49, July 17, 1967.

22. Public Land Law Review Commission Release No. 53, Aug. 31, 1967.

23. Public Land Law Review Commission Release No. 63, Mar. 26, 1968.

24. Public Land Law Review Commission Release No. 62, Jan. 30, 1968.

project director is Dean Ernest W. Wohletz of the College of Forestry, Wildlife and Range Sciences, advised by Dr. William E. Folz, Professor and Head of Agricultural Economics, and Dr. Lee A. Sharp and Dr. Edwin W. Tisdale, Professors of Range Management. William N. Pauley, President of Pacific Consultants, Inc., is project administrator. The legal research will be directed by Dr. Thomas R. Walenta, former professor of law at the University of Idaho. The contract price is \$198,150.

### *Land Exchanges and Acquisitions*

Requests for proposals on this study are to be circulated in May or June of 1968. At the time of the 1967 report, the study plan had been approved and the request for proposals was said to be near completion.

### *Withdrawals and Reservations*

This study contract was awarded<sup>25</sup> to Charles F. Wheatley, Jr., attorney at law, of Washington, D.C., assisted by Robert H. McCarty, Billy Dwight Perry and Grace Powers Monaco, all Washington attorneys. The study report is to be submitted to the Commission by May 30, 1968 and the contract price is not to exceed \$56,000.

### *Alaska*

The Federal Field Committee for Development Planning in Alaska is jointly sponsoring and financing this study of the federal public land laws and policies in Alaska with the Commission. A contract in the amount of \$248,529 covering this study was granted<sup>26</sup> to the University of Wisconsin and the final study report is due December 31, 1968. The law firm of Ely, Guess, Rudd and Havelock of Anchorage has been retained as consultants.

### *Projection of Future National and Regional Demands for Commodities Producing from Public Lands*

Robert R. Nathan Associates, Inc., of Washington, D.C., an economic consulting and research organization, was

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25. Public Land Law Review Commission Release No. 52, Aug. 31, 1967.

26. Public Land Law Review Commission Release No. 47, June 23, 1967.

selected<sup>27</sup> to perform this study. Completion of the study was originally scheduled for March 15, 1968, but manuscript is now anticipated in May of 1968. The contract price is not to exceed \$74,980 unless the Commission chooses to exercise a built-in option to expand the study. Projections will be made for the years 1980 and 2000.

At a recent meeting of the Interstate Oil Compact Commission in New Orleans, Representative Aspinall challenged the oil and gas industry to make an independent assessment of future energy demands, to detail the manner in which those demands may be met and to give its views as to the anticipated mix of energy fuels.<sup>28</sup> He asked that these figures and views be presented to the Commission and stated that they would be considered along with those produced in this study.

### *Timber*

Contract negotiations are underway for the performance of this study and should be completed prior to the publication of this article.

### *Nonfuel Minerals*

This study has been divided into two separate studies covering the legal aspects and the resource aspects. Selection of the law firm of Twitty, Sievwright & Mills of Phoenix, Arizona, as contractor for the legal study was announced on April 30, 1968. Howard A. Twitty of that firm is project director. The submission date for this report is March 31, 1969, and the maximum contract price is \$96,325. A request for proposals covering the resource portion of the study is presently being circulated.

### *Energy Fuels*

Both a division and a subdivision have been made with regard to this study. Legal studies and resource studies are being handled separately. Further, the legal study has been subdivided into four separate studies, as follows: (1) competitive oil and gas leasing; (2) noncompetitive oil and gas

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27. Public Land Law Review Commission Release No. 51, July 27, 1967.

28. Public Land Law Review Commission Release No. 57, Dec. 12, 1967.

leasing; (3) oil shale; and (4) coal. In effect, the studies dealing with competitive and noncompetitive oil and gas leasing have now been recombined. The Rocky Mountain Mineral Law Foundation, based in Boulder, Colorado, was selected as the contractor for both of these studies in May, 1968. The report, to be prepared under the direction of Professor Joseph Geraud of the University of Wyoming College of Law, is due on February 28, 1969. The contract price is not to exceed \$98,000.

The legal study pertaining to oil shale has been contracted to the University of Denver College of Law for \$38,000. Professor Gary L. Widman has been named study director. The study report is due February 28, 1969.

The University of Utah was selected as the contractor for the legal study of coal resources in April, 1968. Professor Robert L. Schmid of the University's College of Law is project director. The study report is scheduled for completion by November 30, 1968, and the contract price is not to exceed \$31,740.

A request for proposals covering the resource portion of the energy fuels study will be submitted to prospective contractors in May or June, 1968.

#### *Regional and Local Land Use Planning*

Herman D. Ruth and Associates of Berkeley, California, was named as the contractor for this study in May, 1968. The contract price is not to exceed \$130,000. This study, including an examination of actual land use planning operations of federal agencies through case studies of four regions covering 156 counties in fourteen states, is to be completed by March 31, 1969.

#### *Land Grants to States*

This study is being performed by the Commission staff. As of the 1967 report, the final study plan was being prepared. The staff is now engaged in accomplishing the report.

#### *Water*

The legal section of this study of the development, management and use of water resources on the public lands will

be performed by Charles F. Wheatley, Jr., attorney at law of Washington, D.C., and Professor Charles E. Corker of the University of Washington School of Law. Resources aspects of the study are assigned to Thomas N. Stetson and Daniel J. Reed, consulting engineers, Los Angeles, California. The scheduled completion date is November 30, 1968, and the maximum contract price is \$97,640.

### *Outdoor Recreation*

At this time last year, a request for proposals was being prepared. It is now anticipated that this request for proposals will be transmitted to prospective contractors in May or June of this year.

### *Criteria for Judging Facts to Determine What Constitutes "Maximum Benefit for the General Public"*

The study plan is presently being circulated among the Commission, Advisory Council and governors' representatives. Evidently it is still the Commission's intent to have this study performed by the staff.

### *Use and Occupancy of Public Lands*

Both the study plan and the request for proposals have been completed, and the request for proposals will be submitted to prospective contractors in May or June, 1968.

### *Fish and Wildlife*

Colorado State University was awarded the study contract covering fish and wildlife resources on the public lands.<sup>29</sup> Dr. Gustav A. Swanson, head of the Department of Fishery and Wildlife Biology, was named as project director. James T. Shields of Minnesota will head the research unit, and Dr. R. Burnell Held of the Colorado State University faculty and Wayne H. Olson, a conservation law specialist of Minnesota, will be associated with the project. This study is scheduled for completion by December 15, 1968, at a cost of not more than \$77,719.

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29. Public Land Law Review Commission Release No. 58, Dec. 16, 1967.

### *Intensive Agriculture*

Requests for proposals for the performance of this study have been transmitted to prospective contractors, proposals have been received and these proposals are now being evaluated.

### *Outer Continental Shelf*

The Los Angeles law firm of Nossaman, Waters, Scott, Krueger and Riordan was recently awarded<sup>30</sup> the contract to perform this study. Robert B. Krueger of that firm is project director and Walter J. Mead, Professor of Economics at the University of California at Santa Barbara, is engaged on the economic aspects of this study. Completion was scheduled for May 31, 1968, but it is now anticipated that the manuscript will not be delivered until June. The contract maximum has been set at \$68,950.

### *Organization, Administration and Budgeting*

The study plan is still in the preparation stage.

### *Special Analyses*

Three special analyses based primarily upon the other studies had been decided upon at the time of the 1967 report. The first of these analyses deals with the impact of public ownership on local and regional economies. Its stated purpose is to show the current and expected relationships between use of the public lands and the local, regional and national economies of public land areas and to compare the economic impact of alternative public land uses. The second analysis relates to the noneconomic aspects and implications of public land ownership in local and regional areas, and will deal with the effects of social, civic and governmental factors in the public land areas. User fees and charges will be the subject of the third special analysis. It is anticipated that this will involve an analysis and comparison of user fee systems and the basis of charges for the commodities and services of the public lands. A study plan for the first of these analyses has been completed and is now being circulated for comment among the Commission, Advisory Council and governors'

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30. Public Land Law Review Commission Release No. 59, Dec. 19, 1967.

representatives. Study plans for the remaining two analyses have not been completed.

Nine completely new study areas have been developed since the last report. In each case, the studies have not progressed past design work on the study plans. These studies and the contemplated scope thereof are as follows:

### *Disposal Techniques and Procedures*

This study will describe and analyze the techniques and procedures utilized to dispose, by transfer of title, public lands or interests in such lands.

### *Adjustment of Use Rights to Achieve Federal Land Management Objectives*

Techniques, methods and procedures employed in public land management to adjust use rights in land will be described and evaluated in this study. Excluded from its scope are transfer of title to land or interests therein and exchanges and acquisitions, both of which are covered in separate studies.

### *Multiple Use*

Utilizing information from the commodity studies, a description of competitive and complementary multiple production possibilities on the public lands will be developed, the applicability of various multiple-use rules will be analyzed and the beneficial and detrimental effects of a multiple-use policy examined.

### *Federal Jurisdiction*

The purpose of this study is to update a 1956 report by an interdepartmental committee covering the field of federal legislative jurisdiction. Areas of examination include the impact of federal jurisdiction on public land areas and impact on local taxes on property within enclaves of federal jurisdiction.

### *Inventory*

The Commission staff will collect the statistical data from the several studies in an attempt to develop a complete

picture of the public lands and their resources and, further, an analysis will be made of the adequacy of existing public land records and statistics.

### *Environmental and Ecological Factors*

This study will be directed toward the relationships between the management and use of commodities on the public lands and matters such as air and water pollution, natural scenery, etc.

### *Appraisal Techniques and Procedures*

Procedures followed by the public land managing agencies would be examined in this study and data consolidated from the other studies in order to determine how the accomplishment of appraisals for disposal, acquisition or exchange is functioning.

### *Trespass*

This study contemplates a review of the various aspects of trespass on different types of federal land and a comparison of the various penalties and administrative remedies.

### *State Land Policies*

The title of this study is not as broad as its proposed scope. It would consider the amount of land held by the states, state disposal policies, the amount of land actually disposed of by the states within recent years, the purpose for which state land is held, the purpose for which it is disposed, state policies concerning sharing with local governments revenues from state lands, and state policies concerning uses to which revenues from state lands and shared revenues from federal lands are put.

## CONCLUSION

In preparing this series of articles, the basic approach has been one of optimism. It was felt and is still felt that the legislation creating the Public Land Law Review Commission presents a great challenge and opportunity to the West to insure the effective and balanced utilization of our public lands. The position was taken that even if the final



report and recommendations of the Commission should prove to be inadequate or impossible to translate into action, the studies produced by or through the Commission would nevertheless result in lasting value.

This is not to say that there are no problems and that we may assume that the Commission will complete its work in a satisfactory manner. There are a number of areas of concern. As noted earlier, there is justifiable concern that the ultimate report and recommendations may be the product of the Commission staff, rather than of the Commission and its Advisory Council, primarily because of time limitations. The concern is growing that the work on the basic studies may become overly-detailed and academic. Perhaps the greatest concern was that the users of public lands would have no opportunity to present their recommendations to the Commission prior to the Commission's preparation of its report and recommendations to the President and the Congress.

These areas of concern still exist and it is hoped that the Commission will make every effort to insure a prompt completion of the basic studies and that those studies will be performed on a realistic basis and not as an academic exercise. The Commission must have adequate time to study, evaluate and, if necessary, modify the staff work based upon the studies. Certainly users of the public lands should not be reluctant to assist the Commission in its efforts to accomplish these objectives.

The most important development during the past year has been the Commission's decision to hold a series of hearings for the purpose of inviting recommendations as to future policy. With this decision, the Commission has substantially reduced one of the major areas of concern. Nevertheless, these hearings must be utilized in such a manner as to obtain the maximum benefit for the Commission. It may be necessary to hold several hearings relating to each of the major study areas. The basic studies relating to each of these areas should be made available to the user groups well in advance of the hearings. These user groups should initiate their own studies at the present time if they have not already done so in order to develop constructive and responsible recommendations for

presentation to the Commission. If the users of the public lands devote their best efforts to this project, it will ultimately benefit both the users and the public interest.