

Storage

94th Congress }
2d Session }

COMMITTEE PRINT NO. 21

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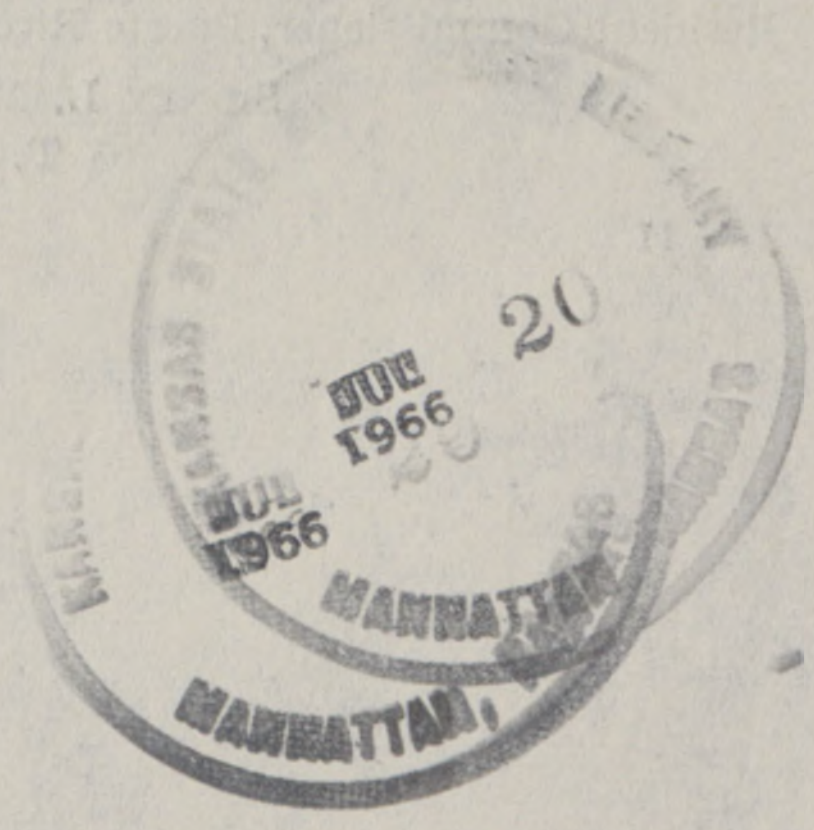
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OBJECTIVE, FUNCTIONS, AND OPERATIONS
OF THE
PUBLIC LAND LAW REVIEW COMMISSION



JUNE 3, 1966



3 House

Printed for the use of the Committee on Interior and Insular Affairs

U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON : 1966

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STATEMENT OF THE CHAIRMAN

JUNE 15, 1966.

To Members of the House Committee on Interior and Insular Affairs:

Because of your interest and participation in the activities of the Public Land Law Review Commission, established by the act of September 19, 1964 (Public Law 88-606, 78 Stat. 982, 43 U.S.C. 1391-1400), I bring to your attention the overall program that has been developed for the Commission's approach to its task, and generally defines the manner in which it will operate.

The paper represents a systematic method for conducting the comprehensive review of a complex area of public policy that has been assigned to the Commission and for which our Committee has continuing legislative responsibility—the public lands of the United States.

This overall program of the Commission, with modifications as are necessary from time to time, will serve as a blueprint of all tasks assigned to the Commission.

I believe the statement of the objective, functions, and operations of the Public Land Law Review Commission will be useful to Committee members and informative to others interested in the activities of the Commission.

WAYNE N. ASPINALL, *Chairman.*

STATEMENT OF THE CHAIRMAN

The Commission has the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the proposed amendments to the rules of the Commission. The Commission is currently engaged in a study of the proposed amendments and will report to the Board of Directors at its next meeting. The Commission is also interested in the views of other interested parties and will be glad to receive your views on the proposed amendments.

WALTER W. ASHBALE, Chairman

LETTER OF SUBMITTAL

PUBLIC LAND LAW REVIEW COMMISSION,
Washington, D.C., June 1, 1966.

Hon. WAYNE N. ASPINALL,
*Chairman, Committee on Interior and Insular Affairs,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: Because of your Committee's legislative oversight responsibility for activities of the Public Land Law Review Commission, established by act of September 19, 1964 (Public Law 88-606, 78 Stat. 982, 43 U.S.C. 1391-1400), I am enclosing for the information of your members a program paper entitled "Objective, Functions, and Operations." This paper has been adopted as a blueprint of all the tasks assigned to the Commission.

Inasmuch as the enclosed paper seeks to set forth the program for the entire duration of the Commission's tasks, we recognize that it may, from time to time, require some modification. We are ready, as matters come to our attention, to make such modifications as may be necessary. Should such modifications be made, we will advise you.

We intend to keep your Committee currently informed on all significant matters. This I will accomplish from time to time through submission of progress reports similar to this. Should the Committee desire it, I would be pleased to appear at such time as you may specify, to brief the Committee on our progress.

Sincerely,

MILTON A. PEARL, *Director.*

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OBJECTIVE, FUNCTIONS, AND OPERATIONS OF THE PUBLIC LAND LAW REVIEW COMMISSION

INTRODUCTION

This paper sets forth the overall program for the accomplishment of the tasks assigned to the Public Land Law Review Commission. It will provide guidance in identifying and conducting specific studies. It provides the Commission, the Advisory Council, and the Governors' Representatives with a guide to the planned activities of the Commission staff.

The plan contains, first, a statement and discussion of the Commission's objective; second, a description of the methods of operation and general procedures to be followed by the Commission and its staff; and, third, a general description of the study program and the way in which it will be organized. It does not contain a list of individual studies or specific issues that will be considered; the approach to these will, however, follow logically from the program. All studies will be based on the reasoning of, and follow the procedures indicated in, the program.

The program provides a set of guidelines to be used by the staff to develop detailed study plans. All major studies of the Commission are visualized as being a part of this overall plan.

The design and conduct of individual studies will be the work of the legal and resources groups in their respective areas. Where appropriate, the two groups will act jointly on a single study with one being given primary responsibility. The results of the studies will be correlated by the third of the groups into which the professional staff is organized, i.e., the evaluation group.

For the purposes of our program, the following definitions apply:

Program

A comprehensive statement of the objective, functions, and operations of the Public Land Law Review Commission and its staff, including a listing of the major fields of study into which the overall program is divided. Unless specifically indicated, the sequence in which fields of study are listed does not indicate priority or relative importance.

Study program

An overall, broad outline indicating the scope of the studies to be accomplished. (See p. 9.)

Field of study

Subject matter that forms a logical segment within which several individual studies would be made. (See p. 9.)

Profile

An analysis, which may be in narrative, outline, list, or graphic form. It shows the types of information necessary to consider in making a study, permit evaluation of past and present public policy, and permit recommendations to be made concerning future policy guidelines relative to a single subject. In addition, it will include, as a minimum (1) a summarization of study suggestions submitted to the Commission with regard to the subject; (2) a statement of types of background facts to be collected; (3) a summarization of the issues relating to the subject; (4) factors involved in the issues; (5) a statement of types of facts necessary to review in order to make recommendations concerning such issues; (6) the studies deemed necessary; and (7) recommendations on how such studies should best be accomplished. (See p. 14.)

Study plan

An outline, narrative, or graphic, setting forth the content required of an individual study, together with the establishment of procedures by which the study should be accomplished. (See pp. 9 and 11.)

Study

The activity or series of activities that result in a study report. (See pp. 8 and 14.)

Study report

A document, prepared after a thorough examination and analysis of a subject, presenting in logical format and sequence pertinent factors concerning the subject which may be a commodity, law, regulation, rule, practice, procedure, or groupings thereof, including, where appropriate, presentation of reasonable alternative actions for the future, with probable consequences of each but without incorporating conclusions or recommendations. (See p. 14.)

Commodity

Any good or service, free or economic, tangible or intangible, which is produced by, extractable from, or available from the use of or represented by land, and which has utility value. (See p. 9.)

Budget

The application of costs in terms of dollars and manpower, supplies and equipment, required to execute the program or a segment of the program for a specified time period.

I. OBJECTIVE

The Commission's objective—its reason for being—is the central point in designing the overall program, or any portion of it, and determining staff operations which will best serve the Commission's needs in pursuing this objective. This objective is found in Public Law 88-606, hereinafter referred to as the Act, and is restated here for ready and constant reference:

Report to the President and the Congress with recommendations of those actions, administrative or legislative, which should be taken to assure "that the public lands of the United States shall be (a) retained and managed or (b) disposed of, all in a manner to provide the maximum benefit for the general public."¹

¹ Secs. 1 and 4(a).

Comment.—It is recognized that the spirit of the foregoing objective and the tenor of the Act,² necessitate seeking to assure fairness and equity in the administration of the public lands, including both (1) disposition of lands or their resources, and (2) the management of lands and their resources when lands are retained in Federal Government ownership.

II. METHODS OF OPERATION

The Act sets forth some of the means by which the Commission is to accomplish its objective. For convenience, these are broken down into two categories: (1) the broad overall requirements that the Commission must fulfill before formulating its recommendations; and (2) the specific actions required to be taken in carrying out the overall mandate.

In addition, we have other actions, not specifically set forth in the law, that are necessary for the comprehensive review essential for the foundation on which the Commission's conclusions and recommendations will be based.

A. OVERALL REQUIREMENTS

1. Review each of the public land laws now in existence and the relationship of each to the others. The declaration of purpose of the Act³ cites as a basic reason for the establishment of the Commission the fact that "the public land laws of the United States have developed over a long period of years through a series of Acts of Congress which are not fully correlated with each other * * *." Now, for the first time, all the acts that comprise the public land laws of the United States will be brought before one group for review.

2. Review the public land laws to determine their adequacy to meet the current and future needs of the American people in terms of the policy declaration in the Act, that the public lands of the United States shall be retained and managed or disposed of in a manner to provide maximum benefit for the general public.

Comment.—The Declaration of Purpose⁴ of the Act states that the public land laws, "or some of them, may be inadequate to meet the current and future needs of the American people," and that for this and other reasons stated therein (and set forth in subpar. 1 above and subpar. 3 below), "it is necessary to have a comprehensive review of the public land laws."

3. Identify and evaluate the division of the administration of public lands and the laws relating thereto among several agencies of the Federal Government. The Act states⁵ this is one of the reasons for the review being undertaken by the Public Land Law Review Commission.

Comment.—Now, for the first time, there has been established an organizational structure, with participation from both the Legislative and Executive branches, that will be in a position to review the administration by the various departments and agencies involved and the rules and regulations promulgated under

² Secs. 2 and 4.

³ Sec. 2.

⁴ *Ibid.*

⁵ *Ibid.*

the public land laws, as opposed to the usual procedure where the practices of each department and agency are reviewed without regard to another's.

Having reviewed differing administrative practices and procedures, the Commission must then evaluate them to determine whether maintenance of divided administrative authority is structured to accomplish the policy declaration of the act that the public lands of the United States shall be either retained and managed or disposed of in a manner to provide maximum benefit for the general public.

4. Determine, on the basis of all the studies, whether and to what extent revisions are necessary in the public land laws and the rules and regulations promulgated thereunder.

B. CONSIDERATION OF THE REQUIREMENTS

1. The foregoing requirements of the Act must be fulfilled in a manner to assure a complete understanding at all times among the members of the Commission and the members of the staff as to how the Commission's objective will be attained. We must further assure:

(a) Total coverage of all essential factors; and

(b) That all factors are approached and considered with objectivity.

2. The theme that runs through each of the individual requirements leading to the final report of the Commission relates to the policy declaration that the public lands must service the maximum benefit for the general public. It is, accordingly, essential to establish a framework within which—

(a) Required and other necessary actions and studies leading to the final report can be taken; and

(b) Results of these actions and studies can be measured to determine what does and what does not contribute to the maximum benefit for the general public.

3. Our studies, among other things, should, therefore, be aimed at examining these aspects of the public lands concerning which the Commission must make recommendations:

(a) The purposes that the public lands serve in contributing to "the maximum benefit for the general public," to permit ultimately an evaluation of whether these purposes should be reaffirmed or redefined.

(b) The existing policies and practices in the broadest sense, including statute law and judicial and administrative interpretations applicable to the public lands, to determine whether they are so designed as to give reasonable assurance that "the maximum benefit for the general public" is being or can and will be attained.

C. REQUIRED ACTIONS

1. To make a comprehensive review of the public land laws and the rules and regulations promulgated thereunder applicable to the lands concerning which the Commission must make its recommendations.

Comment.—(1) The Declaration of Purpose of the Act⁶ states that such review is necessary. The act further elaborates on

⁶ Sec. 2.

how this review is to be accomplished by requiring the Commission to:

(a) "Study existing statutes and regulations governing the retention, management, and disposition of the public lands"; and

(b) "Review the policies and practices of the Federal agencies charged with administrative jurisdiction over such lands insofar as such policies and practices relate to the retention, management, and disposition of those lands."⁷

(2) The accomplishment of this comprehensive review must be in two stages:

(a) An examination of the laws, rules, and regulations to determine "where we are" and "how we got here"; and

(b) An evaluation of those laws, rules, and regulations.

2. To "compile data necessary to understand and determine the various demands on the public lands which now exist and which are likely to exist within the foreseeable future."⁸

Comment.—The data so compiled are necessary to permit the Commission to determine whether present laws are "inadequate to meet the current and future needs of the American people," one of the main overall requirements of the Commission (IIA2, above). These data will reflect current and future commodity use from the public lands with relationship to national and regional economic demands for the commodities. Development of the data will entail projecting technological improvement in resource extraction practices.

3. To evaluate the capacity of the public lands concerning which the Commission must make its recommendations, to determine in what circumstances those lands "provide the maximum benefit for the general public" when retained and managed under Federal ownership, and in what circumstances "they provide the maximum benefit for the general public" in non-Federal ownership.

Comment.—This requirement serves to develop the basis for the Commission's recommendations. Accordingly, most, if not all, studies must be so structured as to permit analysis as to whether, and under what circumstances, retention or disposition provides maximum benefit for the general public.

D. OTHER NECESSARY ACTIONS

1. To review the authorities exercised by the Legislative and Executive Branches with regard to the public lands concerning which the Commission is required to make recommendations.

Comment.—(1) Consideration of many individual pieces of legislation, testimony, and discussion have revolved around the degree of responsibility and authority to be exercised by the Legislative branch and the degree to be delegated by it to the Executive branch.

(2) The legislative history of the Act, and much of the dialogue in support of the legislation for establishment of the Public Land Law Review Commission, indicate that significant impetus for the Commission study came from the belief by many that Con-

⁷ Sec. 4(a).

⁸ Ibid.

gress was not fulfilling its constitutional responsibility to make rules governing the use and disposition of public lands. This, they maintained, left the Executive branch within adequate legislative guidelines, and resulted in the assertion of executive authority to fill the void.

(3) It is, therefore, necessary to undertake studies to indicate—

(a) The extent, if any, to which Congress has abdicated its authority;

(b) The extent, if any, to which the Executive has filled the gap by assuming policymaking with regard to the use and disposition of the public lands; and

(c) The extent, if any, to which the Executive has altered congressionally established policy through the assumption of policymaking authority or interpretation of acts of Congress.

(4) Where appropriate, in the review of laws, rules, and regulations, these factors must constantly be kept in mind in order to permit eventual conclusions by the Commission and recommendations for future division of responsibility and authority.

2. To gather definitive data relative to the public lands concerning which the Commission must submit recommendations.

Comment.—Relying to the extent possible on existing data, it is essential, before making recommendations, that the Commission have the closest insight possible into the characteristics of these lands. These characteristics should include physical and locational as well as economic considerations that will stem from the compilation of data relative to the demands. In addition, statistical data by States and agencies must be presented in such manner as to identify these characteristics readily. These data differ from those relating to commodity demands (IIC2, above) by being concerned primarily with a description of the lands under study. These data will present a general statistical “picture” of the lands, not a measure of their productivity, nor a measure of the productivity as compared with the Nation’s needs.

3. To review management practices and utilization of federally owned lands and aspects of the Outer Continental Shelf concerning which the Commission is not required to make recommendations but which have characteristics similar to, or are managed in conjunction with, those lands concerning which the Commission is required to submit recommendations.

Comment.—(1) Such study is essential, on the one hand, to assure that all criteria for use and management are taken into consideration before the Commission makes its recommendations. On the other hand, some of our studies may develop data as to whether other federally owned or controlled lands or resources should be retained in a category or categories separate and apart from lands and the resources defined in the Act, in which event the Commission’s recommendations may also be found to be applicable to such other lands or resources.

(2) Laws, rules, regulations, practices, and procedures will be studied in this context as they relate to the management, use, and disposition of, for example, national grasslands and LU project lands. Likewise, if management practices are reviewed for the purpose of determining (a) objectives of the national park system, and (b) whether these objectives are being achieved, it would be illogical to examine the practices and procedures of only those

parks or national monuments that have been carved out of the public domain and not compare them with procedures and practices in effect at other parks and monuments.

4. To review laws, rules, regulations, practices, and procedures for the acquisition by the Federal Government of land and interests in land.

Comment.—Even if construed narrowly, the Act would require a review of land acquisition for national forests and wildlife refuges and ranges. In addition, the legislative history is clear that attention must be given to the possible acquisition of non-Federal lands intermingled with public lands, thereby indicating the necessity to review acquisition procedures.

In order to measure the adequacy of acquisition methods in these areas, it is necessary to make comparative reviews of other acquisition laws, rules, regulations, practices, and procedures.

III. METHOD OF PROCEDURE

A. IDENTIFYING THE SUBJECTS FOR STUDY

1. To assure identification of all significant subjects warranting study to fulfill the Commission's objective and to carry out the required and necessary actions set forth above, a concerted effort has been made, and must be continued, to obtain views and suggestions not only from members of the Commission, members of the Advisory Council, Governors' Representatives, and Commission staff, but also from interested individuals and groups. This will be accomplished by—

(a) Continuing to invite such suggestions when members of the Commission and members of the staff appear before interested groups.

(b) Holding regional meetings to permit individuals who do not belong to organized groups to come in and be given the opportunity to tell of their experience in the actual use of lands and the administration of the public land laws.

B. APPROACHING THE STUDY

1. It is important to develop and fulfill a series of study plans designed to carry out the actions detailed above as required and necessary to achieve the Commission's objective. These study plans must either be integrated to embody both the legal and nonlegal aspects, or must be so structured as to provide legal and nonlegal studies that are complementary each to the other except where an affirmative determination is made that no complementary study is necessary.

2. In order further to structure study plans directed at the objective of the Commission's study program, it is necessary to provide a frame of reference within which to judge whether specific uses or actions with relation to the public lands "provide the maximum benefit for the general public." Broadly speaking, we will consider uses and actions in two categories:

(a) The interest of the United States as the owner of the public lands; and

(b) The contribution that the public lands can make to the Nation's economy and to the people.

3. For the purpose of obtaining information on specific matters that have presented bothersome or troublesome situations to the users or prospective users of the public lands, it is necessary to conduct a series of hearings or meetings.

4. To serve as a check against the studies carried out under subparagraph 1 above, it is necessary to review and analyze in-depth selected cases in which individuals or groups have been granted or denied interests or privileges that they had sought on the public lands concerning which the Commission must make recommendations.

Comment.—Some of these cases will be selected from among those that have been or will be referred to the Commission from various sources, others will be identified from departmental records studied during the review of the administration of the laws, and still others will be highlighted in the meetings and hearings referred to above.

IV. SEQUENCE OF OPERATIONS

A. THE BASIC STUDIES (PHASE 1)

A series of study plans, the development of which is discussed below, will be designed and the studies completed to determine—

1. the state of the law;
2. the facts concerning the resources; and
3. factors related to the land and resources necessary for a full understanding of the facts, all upon which the staff and the Commission can make judgments or draw conclusions.

Comment.—(1) The actions in this phase of the operations will, to the extent possible, be accomplished under contract or through the use of consultants and experts. In the development of study plans, the staff will consult with members of the Advisory Council and the Governors' Representatives as necessary to obtain technical advice or background information.

- (2) During this phase the Commission and its staff will—
 - (a) Conduct the hearings or meetings referred to above.
 - (b) Identify sample cases and carry out the case studies referred to above. (These case analyses would be the primary responsibility of the staff. Comments as appropriate would also be invited from members of the Advisory Council and the Governors' Representatives.)

B. EVALUATING THE STUDIES (PHASE 2)

The second phase will evaluate material brought out in phase 1. It will be initiated before the first phase is fully accomplished.

Comment.—Actions in this phase will be the primary responsibility of the staff. The staff will consult with members of the Advisory Council and Governors' Representatives. However, it may be necessary to bring in consultants to assist.

C. POLICY DETERMINATIONS (PHASE 3)

In this stage, the Commission will make determinations concerning the general direction of the policy guidelines to be recommended. These determinations will be based on the background and evaluation studies completed in phases 1 and 2.

D. SPECIAL STUDIES (PHASE 4)

Study plans may be required in specific areas to provide additional information before recommendations can be made on the means by which to accomplish the policy guideline directions agreed upon in phase 3.

Comment.—These study plans will be developed by the staff after coordination with members of the Advisory Council. These for the most part will involve in-house staff studies which will also be carried out in coordination with members of the Advisory Council. The Governors' Representatives will be consulted as appropriate on matters in which a particular State has a vital concern.

E. REPORT AND RECOMMENDATIONS (PHASE 5)

The Commission, after consultation with the Advisory Council and the Governors' Representatives, will formulate its recommendations and final report.

V. THE STUDY PROGRAM

A. STRUCTURING THE STUDY PLANS

1. Study plans should be so structured as to bring out a comprehensive picture of the subject matter so fully that there will be a complete understanding of it.

Comment.—This will permit the Commission to make its decisions in the context of what is the maximum benefit for the general public against the set of criteria adopted by the Commission.

2. With respect to each field of study, study plans must be prepared so that, as a minimum, the Commission will be provided with a statement of—

- (a) The statutes in effect;
- (b) Interpretations of such statutes reflected in regulations and judicial or administrative opinions; and
- (c) Agency practices under such statutes and regulations as reflected in agency manuals or directives.

Comment.—Studies must include a review of agency procedures relating to (1) the extent to which effective citizen participation is allowed in the initial decisionmaking process, and (2) procedures for judicial and administrative hearings and appeals with respect to decisions adversely affecting particular persons.

B. FIELDS OF STUDY

The public lands and their products are viewed as serving some purpose for the public good. The Commission's study program is, therefore, structured around:

1. *Commodities* (includes all land uses).—

- (a) Timber and other nonforage vegetation.
- (b) Forage and browse (includes all vegetation used for animal feed).
- (c) Energy fuels (includes oil, gas, coal, uranium, oil shale, bitumen, tar sands, geothermal steam).
- (d) Nonfuel minerals.

(e) Water (while confined to water originating on or flowing across public lands concerning which the Commission is required to make recommendations, it will include use, manipulation, and appropriation of water for all purposes).

(f) Intensive agriculture (includes all nongrazing agriculture, e.g., homesteading, irrigation development, use of arid and semi-arid lands, etc.).

(g) Wildlife production and harvesting.

(h) Fish production and harvesting.

(i) Outdoor recreation (includes both (1) intensive uses requiring facilities or major development, including camping, picnicking, ski tows, resort development, etc.; and (2) passive use such as preservation attended by little or no development, including wilderness and primitive areas).

(j) Occupancy of land (includes military and scientific use, disposal of land or interests in land for rights-of-way, residential, industrial, and commercial development, as well as incidental uses such as trailer courts, billboards, and road signs).

2. *Intergovernmental transfers and transactions* (encompasses land grants to States and all the related policy, including uses to which land grants may be devoted; in-lieu taxes and revenue sharing; Federal-State-local interrelationships affected by or affecting public lands).

3. *Regional and local lands use and patterns of growth* (includes joint land-use planning; the place of public lands and their use in regional and local development and the use of space).

4. *Governmental control and administration.*—

(a) Extent of need for Federal or State legislative jurisdiction.

(b) Organizational structure necessary to manage the lands (includes, in addition to administrative structure, investment and budgetary practices and policies, personnel and manpower policy, delegations of authority, and divided or joint jurisdiction (Federal agency or otherwise) over specific lands or aspects of administration).

(c) Procedures to permit citizen participation in initial decision-making (includes the advisory board systems, announcements of proposed actions, and procedures for hearings on proposed action).

(d) Procedure to permit appeal from initial decisions (includes administrative as well as judicial remedies).

(e) Policies and practices in support of governmental activities or programs (includes acquisition of land or interests in land by exchange or otherwise, withdrawals and reservations, surveys, management guidelines to permit use of land to provide the maximum benefit for the general public, and classification of lands).

5. *Historical development.*

C. CRITERIA TO JUDGE THE FACTS

If our study program is to provide the means whereby the Commission can make judgments on how to "provide the maximum benefit for the general public," it is necessary to establish criteria as to what constitutes the maximum benefit for the general public. This study will be initiated during phase 1 of the study program.

Comment.—(1) It is not necessary that these criteria be established in advance, and it might even be prejudicial if this were done. The criteria, therefore, will be developed in a separate study initiated during phase 1 of the Commission's operations.

(2) In developing and accomplishing this study, the views and comments of the members of the Advisory Council and the Governors' Representatives will be obtained, as well as the views and comments of Government officials and persons outside of Government, including economists, historians, scientists, and members of the academic community.

(3) The study would be completed by the staff and presented to the Commission to permit the Commission to adopt its criteria.

VI. STUDY PLAN OBJECTIVES

A. FACTUAL AND BACKGROUND INFORMATION

In order to make judgments about existing policies and practices in making public lands goods and services available, we need to assemble and analyze material about each subject which will answer the following questions:

1. What is the law pertaining to a particular commodity, taking into consideration judicial and administrative interpretations, as well as statute law?

2. Has statutory law been administered in accordance with the expressed intent of the law?

3. What objective was sought with regard to the commodity by the enactment of statutes involving the commodity?

4. To the extent possible to make an analysis, have the objectives that Congress sought to attain with regard to the commodity been attained in the administration of the law?

5. If one or more agency has had responsibility for management or disposal of the commodity, what different approaches have been utilized in administration?

(a) Which approach was closer to (1) fulfilling the congressional objective, and (2) providing the maximum benefit for the general public?

6. How much of the total national consumption or demand for the commodity do the public lands now produce?

(a) What is the relative significance of the public lands production?

7. How do present policies and practices affect the manner in which the commodity or service is produced and consumed or the use made available, as compared with production and consumption of similar goods, services, and uses from the non-public-land sector?

8. What particular characteristics (organization, income, investment, etc.) of the initial consumer of the goods or services (industry, individual user, etc.) exert a controlling influence on the conditions under which one may extract or use the commodity or service?

9. In what ways do present or prospective changes in technology, utilization, costs, prices, demand, and supply for the product, service, or land use call for changes in public land policy and practice to assure that the commodity will be available in the best manner possible to serve future national needs?

10. Have past and current application of the laws, regulations, rules, policies, and practices caused significant difficulty or raised issues with respect to production, extraction, harvesting, in-place use, or other means of realizing the value of the commodity?

11. Has Federal budgetary or investment policy had a noticeable effect on the production or use of this commodity to serve national, regional, or local needs?

12. How does a commodity benefit the local and regional areas where it is produced, and what is the relationship of such benefits to the benefits for the general (national) public?

13. In what way does the production and/or use of the commodity under present law, regulation, and practice detract from other values or commodities also produced or created by the land?

14. Under what variable circumstances could output of the commodity be increased?

15. What is the potential productivity of the public lands for this commodity?

16. Which policies, practices, and rules, directed primarily at or dictated by considerations related to the needs of the physical or biological resources of the land, modify the conditions bearing on production of the commodity?

B. DEVELOPMENT OF STANDARDS

It is also essential that study plans be so designed as to produce data and information that will permit full evaluation of all alternatives. By checking information to be obtained by a study against the following standards and supplementary questions, we will assure obtaining the necessary data:

1. *Economic efficiency.*—

(a) How do alternatives affect net revenues to the Federal Government? to industry? to individuals?

(b) What will the cost to the Federal Government be if the same objective is reached through alternative means? What factors increase Government cost? What factors decrease Government cost?

2. *Investment levels.*—(a) How do alternatives affect the amount of investment needed by the Federal Government? by industry? by individuals?

3. *Income distribution.*—

(a) How do alternatives affect the income received by individuals in different income classes?

(b) How do alternatives affect gross income distribution patterns by regions, States, and local areas?

(c) How do alternatives affect revenues to States? to local governments?

4. *Land values.*—(a) How do alternatives affect the value of land owned or controlled by the Federal Government? industry? individuals?

5. *Employment.*—(a) How do alternatives affect employment levels by region, State, and local areas?

6. *Use.*—(a) How do alternatives affect level of use of public lands for the Nation as a whole? by region? by States? by local area?

7. *Stability.*—(a) How do alternatives affect the rate of use of commodities over time by region and State?

8. *Technology.*—

(a) Will technological developments affect alternatives?

(b) What technological developments, if any, will be necessary to make alternatives feasible?

9. *Availability.*—(a) How do alternatives affect the availability of resources for rapid short-term increases in use? for rapid long-term increases?

10. *Economic growth.*—

(a) How do alternatives stimulate economic growth of the area? region? the Nation as a whole?

(b) What contributions over and above increased income levels, employment and investment do alternatives provide to foster growth? utilize local labor force? provide for an upgrading of labor skills? improve the overall quality of labor force in the long run?

(c) What effects do alternatives have on diversification versus concentration of industries? on distribution and transportation costs? on management cost of industries? community? the individual?

11. *Amenities.*—

(a) How do alternatives affect the quality of the environment, e.g., pollution, open space, etc.?

(b) How do alternatives affect use for other purposes on same or adjacent lands? for recreation opportunities?

12. *National emergencies.*—

(a) How do alternatives affect resource availability in case of war or other national emergency?

(b) How do alternatives effect the reservoir of resources for timely development and use in emergencies?

C. SUPPLEMENTAL QUESTIONS

While the foregoing lists of questions are believed to be all inclusive and are applicable to all commodities, it is recognized that there will undoubtedly be other questions that will be required with respect to individual commodities. These will be developed within the individual study plans. In the development of study plans, it will, therefore, be necessary for the person drawing the plan to utilize the following tests in order to determine to what extent additional questions should be asked:

1. Will the plan as designed meet one or more of the required or necessary actions detailed in this paper?

2. What other required or necessary actions could be fitted into this study plan?

3. Will the information sought be adequate to answer all questions that may be raised relative to this subject? If not, what other questions should be asked?

4. Is there a more efficient way to get the required information?

Comment.—It is contemplated that each study plan will initially be drafted as comprehensively as possible. Therefore, before it is put out for contract or the work started in-house, it will be reviewed to see whether and to what extent it should be cut down.

VII. INDIVIDUAL STUDIES

It is proposed to produce the smallest number of individual studies that can be used to analyze the greatest number and variety of subjects and contribute to the fulfillment of the maximum number of required or necessary actions.

A. GROUPINGS

The various fields of study provide the general framework for the design of the Commission studies by subject as listed above. However, there may be a need for material in connection with one subject that is relevant to other subjects or even in other fields. In these instances, it will be necessary to determine whether one study will suffice to cover more than one subject or whether two or more studies will be necessary.

B. PROFILES

In order to assure consideration of all suggestions received from members of the Advisory Council, the Governor's Representatives, and from other sources, and also to assure a review of all possible aspects of each of the individual subject, we will first prepare an analysis of each subject, which, for convenience, we will designate as a profile, consisting of the following:

1. Brief summary of all study suggestions related to the subject.
2. Identification of the issues relating to the subject.
3. Identification of the factors involved in the issues, including areas of law, practice, procedure, resource characteristic, user characteristic, and economic considerations.
4. Enumeration of type of facts and data deemed necessary as a base for evaluation of past and present public policy, or to permit judgments to be made concerning future policy guidelines for each field of study and each subject within the fields of study.

VIII. COORDINATION WITH ADVISORY COUNCIL AND GOVERNORS' REPRESENTATIVES

1. There will be constant liaison to keep the Commission fully informed of staff activity and to assure that the staff is aware of the Commission's views.

2. There will be recurring coordination with the members of the Advisory Council and the Governors' Representatives in order to permit consideration of their views by both the staff and the Commission at each step of the program.

The specific means of coordination by the staff at any particular phase of operation will depend upon circumstances. However, aside from giving to Advisory Council members and Governors' Representatives a reasonable time within which to express their views on matters to be referred to them, as indicated above, actions will not be withheld solely because an inquiry to a member of the Advisory Council or Governors' Representative has remained unanswered.

