REPORT ON GAO LAND USE PLANNING AND CONTROL SYMPOSIUM

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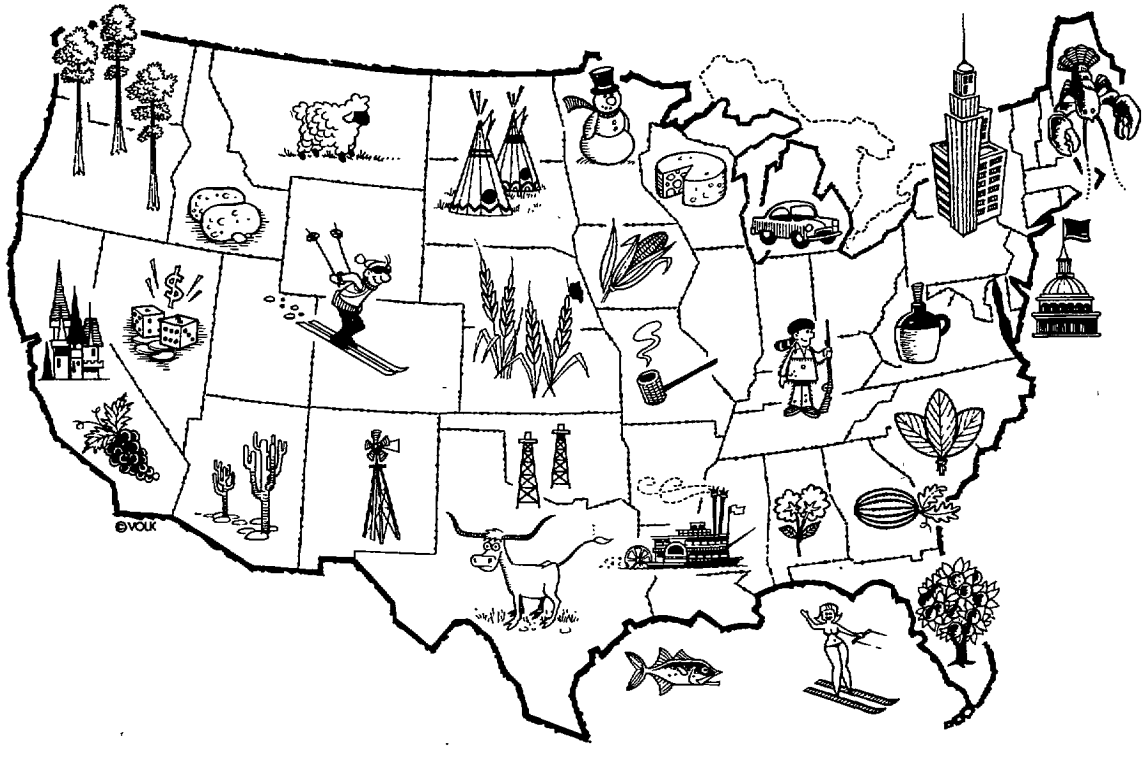

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RESOURCES AND ECONOMIC DEVELOPMENT DIVISION

FEBRUARY 1976

UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

RESOURCES AND ECONOMIC
DEVELOPMENT DIVISION

FEB 2 1 1976

Dear Mr. Eschwege:

This is our report on the Land Use Planning and Control Symposium held by our Division on November 18, 19, and 20, 1975. The purpose of the symposium was to:

--Acquaint our professional staff with the diverse nature of the activities included in the issue area, both in the public and private sectors;

--Familiarize our staff with recent trends in land use planning and natural resource management activities; and

--Discuss proposed audit efforts in the issue area.

Included in the report are the Comptroller General's introductory remarks; the presentations made by the speakers and panel members, who had been invited to participate in the symposium because of their special knowledge or role in land use management and control activities; pertinent questions and answers following the speakers' and panel members' remarks; and a summary of the views of the symposium attendees regarding the benefits obtained by them and their suggestions for future audit work in the land use planning and control issue area.

The report also includes a foreword by the Division's Land Use Planning and Control Coordinator which highlights certain significant major areas commented on by the speakers and panel members, and summarizes the areas where it appears that future GAO audit efforts would be desirable.

We believe the symposium was a worthwhile undertaking, as indicated by the attendees remarks. We further believe that similar symposia on other Resources and Economic Development Division issue areas would be beneficial.

Sincerely yours,

Max Hirschhorn

Max Hirschhorn
Deputy Director

Mr. Henry Eschwege, Director
Resources and Economic Development Division

LAND USE PLANNING AND CONTROL SYMPOSIUM REPORT

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FOREWORD

Perhaps no other country on this earth has been, or is, as fortunate as the United States. Blessed with a large land area, a favorable climate and fertile soil, an abundance of a variety of natural resources, an industrious people, and a government more responsive than most to the wants and needs of its people, the United States has achieved a position of a highly developed nation unparralled in history. This has been achieved, for the most part, through private rather than governmental initiative and through a reliance on economic considerations to allocate resources.

After attending a three day symposium on land use planning and control, however, it is difficult to deny that our traditional approaches to achieving progress and allocating resources have not often resulted in wide-spread abuse and waste. Air, water, and noise pollution, massive urban sprawl, the loss of valuable wetlands and marshes, the destruction of towns and cities built in floodplains, soil erosion caused by overgrazing and indiscriminate logging, unrestored strip mined areas, and the destruction of historic, cultural, aesthetic, and recreational sites are only a few of the legacies of our traditional approaches, particularly with respect to land.

Belatedly, we have begun to realize that our land resources are finite and we have initiated actions to clean up our environment and to insure wiser use of our resources. Unfortunately, as most of our symposium speakers pointed out, many of these actions have been directed toward single purpose land uses, they have not considered the many interrelationships among various land uses, and they have not been coordinated.

A multitude of Federal programs impact on land use--housing, transportation, water and air pollution control, flood insurance, water resources, and coastal zone management to name a few. Although the statistics vary, it is generally agreed that well over 100 Federal programs have land use impacts. Thus, as one of the symposium panelists noted, it is likely that a single geographic area can be subjected to dozens of land use impact programs, each with its own specific rules, regulations, and requirements, which are rarely tied to each other.

The need to consider the interrelationships between Federal programs which impact on land use and to coordinate these programs cannot be underestimated. Generally, Federal programs are directed toward single purpose goals and contain

planning assistance elements which can and do at times cancel out each other. For example, a recent Federal study indicates that cluster housing planning and air pollution control planning may work at cross-purposes because one favors housing concentration whereas the other favors dispersal. One symposium panelist noted how difficult it is to push ahead on one's own mandates without wandering off to someone else's turf.

In addition to the fragmentation of programs impacting on land use at the Federal level, land use controls have also been fragmented among a myriad of political and special use jurisdictions. Traditionally, land use controls have been exercised by local governments through the zoning process. However, special use jurisdictions such as soil conservation, water and sanitation, transportation, and parks and recreation districts have also exercised some controls over the use of land. One panelist pointed out that as many as 60,000 government entitities--States, special districts, counties and municipalities--shape land use and frequently overlap in their jurisdictions.

More and more State and local governments are taking an increased interest in land use matters and they are assuming a greater role in these matters. Some of the panelists pointed out the array of land use programs and activities which are being carried out at the State level and outlined some of the activities at the local level. The members of the panel on Perspectives on Competing Uses of Public Lands also pointed out that States and local communities are also demanding an increased role in planning for the use of the public lands.

This increased awareness in land use matters by States, local communities, and the public has been brought about by increased concern over uncontrolled growth and a lowering of the quality of life. This awareness also has called attention to the absence of a national comprehensive land use program which would take a total resources approach.

As several of the speakers pointed out, States and local communities cannot alone solve all of the land use challenges. There must be a partnership involving all levels of government. The Federal government needs to recognize that the States and local governments have the primary responsibility for land resource management and need to be involved in Federal decisions affecting the lands within their jurisdiction. The Federal government also needs to encourage and strengthen State and local programs by providing these jurisdictions with the resource data, technical assistance, and,

where possible, financial resources they need to carryout land planning activities. In turn, State and local governments must recognize the national interest in land use matters and actively seek out the advice and counsel of the Federal government.

There is a challenge ahead in the land use planning and control issue area. The challenge extends to the General Accounting Office, as well as the Federal agencies promoting and carrying out land use activities. It will not be easy. There are many interrelationships and complexities to be understood and problems to be resolved. Land use planning in many respects runs against the basic concept of private property and may not be popular or readily accepted. Nevertheless, the challenge is there if, as Mr. Staats pointed out, future generations are to enjoy today's economic and social well being and if such generations are to live in a clean, healthy environment.

Several areas of concern were identified during the symposium where it appears that GAO can make a contribution to the solution of land use problems--increasing State, regional, local, and public participation in Federal programs and activities impacting on land use, the potential for better use of Federal surplus lands, and providing more or better resource data to the various levels of government to assist them in carrying out their activities--to name a few. In addition, the symposium attendees identified a variety of areas for future audit effort, which will provide a pool of ideas to assist in revising the land use planning and control issue area program plan.

Land use planning and control is not, however, a static issue area; it is a dynamic one. New ideas and approaches will be needed on a continuous basis. Hopefully, this report on the Land Use Planning and Control Symposium will be of assistance to our staff as background data and in generating additional ideas and approaches to the land use planning and control issue area so that we can make a contribution to the solution of a very complex and important area.

David L. Jones

David L. Jones
Land Use Planning and
Control Coordinator

INTRODUCTORY REMARKS

BY

ELMER B. STAATS

COMPTROLLER GENERAL OF THE UNITED STATES

Next year we are going to celebrate 200 years as an independent nation. It is probably a good time to take stock of where we are on the subject of land use planning and control.

Two hundred years ago, our economy was essentially an agricultural economy. About 95 percent of our population at the time lived in rural areas. They were concerned with an economy which was largely built around farming, forestry, and small tradesmen.

Since that time we have shifted to essentially an industrialized economy. We have also changed from a rural society to an urban society. In 1975, about 75 percent of our population lived and worked in urban areas, with a considerable amount of urban sprawl, as we well observed during our drive to Leesburg.

Many factors have contributed to this dramatic growth. Two important factors have been the fact that we have had an abundance of land and natural resources, and we have had a historical philosophy toward land and resources which held that nature, particularly land and land based resources, had to be conquered. If you go back and recall your history and economics textbooks at the time you were in college, this philosophy comes through very forcefully. Land and natural resources were also considered to be unlimited. Today we have many things built into our economy to increase obsolescence as one way of stimulating exploitation of our natural resources. Land was seen as a commodity to be bought, sold, and exploited.

In recent years, however, the energy crisis, world food shortages, damages from massive flooding, and increases in shortages of materials have made us realize that the land and its resources are limited and are subject to deterioration and dissipation. We have also learned that uncontrolled growth results in significant environmental, economic, and social problems as well. For example:

--4 billion tons of sediment are washed into streams annually as a result of land use or misuse,

thus contributing to water pollution and flood controll problems and decreasing the productivity of our land;

--about 860,000 acres of agricultural land are consumed annually by urban sprawl, highways, and airports, thereby reducing the base of prime food and fiber producing lands;

--25 million tons of logging debris, which contribute to fire control and pollution problems and is a waste of resources, are left in the forests every year;

--about 32 million acres of land have been disturbed by surface mining and 1.7 million acres of wildlife habitat have been destroyed;

--over 280,000 surface acres of water have been adversely affected by surface mining;

--4 billion tons of raw materials are consumed annually in production, most of which are eventually disposed of as waste on the land; and

--millions of tons of dredge spoil, industrial sludge, fly ash, and sewage sludge are land disposed every year.

An expanding population and economy demand land and resources. How we use our land and resources, however, will determine whether our children and grandchildren will continue to enjoy today's economic and social well being.

In the future we will need to make difficult decisions concerning the balancing of diverse resource needs and demands. Three examples come to mind.

Western U.S. coal and oil shale development

Development of our vast western resources is necessary if we are to decrease our reliance on foreign energy sources. The land containing these energy resources is also valuable, however, for other purposes such as food production, recreation, wildlife, and watershed. The need to develop these resources raises these questions:

--Which lands should be protected or reserved for other purposes, and which lands developed for energy?

--What should be the reclamation requirements on mined lands?

--How do we deal with the social impacts of such energy development?

Increased food production

World food shortages have emphasized the need for increased United States food production. If food production cannot be increased much further through technological advances to raise per acre yields, as many agricultural experts believe, where will the new land needed for food production be found?

--from the drainage of valuable fish and wildlife producing wetlands?

--from clearing of forest lands?

--from the use of recreation lands?

Will we move these lands into production? The question also arises as to how we will protect existing prime agricultural lands when such lands are also valuable for urban and industrial expansion.

Coastal zone development

The coastal zone is valuable for agriculture, housing, industrial, transportation, recreation, and wildlife purposes. Immediately adjacent to the zone are the energy resources of the Outer Continental Shelf, which raise these questions:

--Is OCS energy development compatible with non-energy uses of the zone?

--Where should onshore energy facilities be located?

--How can the effects of OCS development on the zone be minimized?

GAO has done some very good work already in this area and I suspect we will be doing a great deal more in the future.

Land use planning and control is not a panacea for the difficult resource allocation decisions ahead, but it can contribute significantly to rational resolution of many controversies.

What should be the Federal role in land use planning?

First, with respect to public lands. About 1/3 of the 2.3 billion acres making up the United States is owned by the Federal Government. As of June 30, 1973, the Department of the Interior, primarily the Bureau of Land Management, the Fish and Wildlife Service, and the Park Service were responsible for administering about 539 million acres of this land. The Department of Agriculture, principally the Forest Service, administered about 188 million acres, the Department of Defense 31 million acres, and other agencies 4 million acres, for a total of about 761 million acres.

Through its land ownership, the Federal Government has important land use planning responsibilities. Such responsibilities are even further increased, however, because the Federal plans for and decisions on uses for its own land resources will also affect contiguous non-Federal lands.

I might point out here that it is estimated that about 40 percent of all of the known energy resources left in this country are held on public lands. If we were to be discussing energy this morning, instead of land use planning, we would be discussing that point. It does accent the importance of the way energy development takes place on these Federally owned lands.

With respect to private lands, the impact of Federal activities on private land use decisions is great and really should not be underestimated in any matter. Some examples of Federal activities which have private land use impacts are:

--sewer and treatment plant construction grants and loans;

--the approval of power plant sitings;

--urban renewal and new town grants and loans;

--the setting of air and water quality standards;

--financing of major portions of State Highway construction.

The Library of Congress in 1973 identified 23 Federal departments and agencies administering some 112 programs with land use policy and/or planning implications.

The traditional Federal attitude toward land use planning and control has been one of laissez-faire and leave it to someone else--private, state, local--anybody but the Federal Government. Land use controls have largely been left, therefore, for local zoning, state decision, and to some degree regional planning. It has primarily been a zoning matter under the police powers of the states, delegated to local governments to establish the zoning regulations.

Recent legislative developments in the Congress, however, have tended to reverse this trend. The Coastal Zone Management Act of 1972 provides for the development of a national program to manage and protect the land and water resources of the coastal zones. Also, the Forest and Rangeland Renewable Resources Act of 1974 provides for protection and development of national forestlands through the formulation of a long range forestry policy and the making of renewable resource assessments, expanded resource surveys, and annual progress reports.

Other actions also should be mentioned:

--The forestry incentive program, under the Agricultural and Consumer Protection Act of 1973, to encourage the development, management, and protection of nonindustrial private forestlands.

--The Water Resources Development Act of 1974 which directs the Chief of the Army Corps of Engineers to study land use practices and recreational uses at water resource projects under his jurisdiction and to report to the Congress as to the best uses for outdoor recreation, fish and wildlife enhancement and related purposes.

The Water Resources Planning Act was passed even earlier than the Water Resources Development Act. This was a similar step in the area of better planning on water and associated land development under Federal programs. The Flood Insurance Act also took a step forward toward some degree of flood plain zoning because to qualify for flood insurance you have to be in an area which has a flood plain plan.

There also is other legislation which is under active consideration, but which has not yet reached statute books.

The National Land Use Planning Assistance Program, if enacted, would authorize the Secretary of the Interior to make grants to assist the States in developing and implementing State land use programs, coordinate Federal programs and

policies which have a land use impact, and coordinate planning and management of Federal lands and adjacent non-Federal lands. Legislation to establish this program has been passed by the Senate twice, but has not been successful in the House.

Strip mining legislation would regulate surface coal mining on non-Federal lands and establish similar safeguards for surface and reclamation operations on Federal lands. The legislation has been passed by the Congress and vetoed by the President twice. In both cases, Congress failed to override the vetoes, and it is hard to predict what will happen in this area.

The Bureau of Land Management Organic Act would provide, under one statute, an orderly, systematic, and planned approach to land management, with guidelines, criteria, and basic procedures. BLM currently operates under a series of old land laws. Some of them date back to the 1880's--a period where the national need and the national atmosphere were radically different.

Because of the importance of the subject of land use planning and control, we decided sometime ago that the Federal interest and concern with the subject would grow. We therefore included it on the list of 26 major areas of concern for GAO in planning our future work.

It was out of that decision that Mr. Eschwege and his associates suggested that a symposium of this type would be useful because we in GAO have not devoted the time and effort in this area that we have put into other areas. In some ways, it is also a new problem for us. I concurred in the desirability of such a symposium because it seemed it could be a tremendous help in identifying areas of greatest priority; in identifying feasible, tangible areas for review by GAO; and in identifying areas which potentially have the greatest Congressional interest from the standpoint of Congressional oversight or new legislation.

I want to thank Mr. Eschwege and his associates for both originating this idea and for planning this symposium. I would like to especially thank the speakers and panelists because they add a great deal. Without the input they provide, a symposium of this type would be far less productive.

Land use planning and control is an area of great importance, too long deferred as a matter of national concern. I am surprised when I go to Canada, an even newer country than the United States, to find that in many areas they are

much ahead of us. In their case, the 13 provinces have far more power and autonomy than our state governments have. They have seen the need perhaps, growing out of their British tradition where land use planning became effective many decades ago.

It seems to me that with the combination of the growing problems of energy, food production, and materials shortages, that a whole new atmosphere is going to have to be created in this country. I hope GAO will be able to respond to widespread Congressional interest in this subject area of land use planning and control.

Good luck and I hope you have a productive session.

SPEAKERS' AND PANEL MEMBERS'

PRESENTATIONS AND RELATED QUESTIONS AND ANSWERS

"LAND USE PLANNING - WHAT IT IS AND WHY IT IS NEEDED"

BY

Marion Clawson

Vice President

Resources for the Future, Inc.

For 350 years land use planning on the North American continent has been the interplay between the private development thrust and social control processes. Private landowners have cleared land, developed farms, built houses, stores, and factories, and generally developed land for economic purposes, under controls and laws imposed by society. Society, acting through governments at different levels, have sought to control, influence, or guide the private development.

The private market for land does allocate land to different uses. The bidding of different persons or companies for land, for different uses, does constitute one form of land use planning and control. If there were no social controls whatsoever, the market would allocate land among various possible alternative uses. The power of the private market is very great and is continuing. But in the United States, as in many other countries of the world, the unfettered private land market has been rejected, and some degree of social controls has been instituted. Even where social controls are powerful, even dominant, the force of the private market is still strong. The social controls over private land use may seek to modify, assist, or direct that private market to socially desired ends. At the minimum, social controls over private land use should always be subjected to the test: what are these social controls likely to accomplish that a private land market cannot?

The rationale for social control over private land use seems to lie in one or in a combination of four factors:

1. Externalities, or the effect on others of decisions by one person, with the others not parties to the decision, but often bearing some of the costs or reaping some of the benefits. Although negative externalities have had the most attention, positive ones may be equally important.

2. Interdependencies are simply a broader and more generalized form of externalities. The latter imply a flow of effects in one direction only, whereas interdependencies imply reciprocal and interacting flows.

3. Efficiencies, including efficiencies of scale, which are attainable by the larger group but not by the individual. Highways, water supply, sewerage systems, and many other aspects of modern life require large scale participation to be economic, and the individual landowners may have to comply with the group decision if the wishes of the majority are not to be thwarted by minorities.

4. Environmental considerations may force individuals to conform to group decisions also. While much of this is included in the externality or interdependency argument, some may not be.

Society operating through some level of government has several tools to control or markedly influence private land use. Most attention has focused on that broad group of governmental powers called the police power--the power of government to regulate private actions for health, safety, or general welfare ends. Most attention has focused on land use zoning, as an expression of the police power, but subdivision regulations, health codes, and building codes may be equally powerful in some cases. Governments possess the power of eminent domain, or the power to take private property, with just compensation, for public use or purposes. Governments also possess the power of taxation, or the power to require the individual owner to pay costs or charges, based (at least in part) on his ownership of land, with the possibility of forfeiture of the land if he does not pay. Governments also typically provide public services, such as highways, schools, parks, sewerage, sometimes water supply, and sometimes others. Extension of such services to some areas and withholding them from others are powerful tools affecting private land use. The method of charging for such services is also a powerful but generally neglected tool for affecting private land use.

The future will almost surely see further extensions of social controls over private land use in the United States. Our society and our economy grow increasingly complex and interrelated, year by year, and land use must recognize this growing interdependency. The real questions about land use planning are thus not whether, but as follows:

1. For what purposes or end? What does a unit of government hope to accomplish by its land use planning and control, and may its expectations reasonably be achieved?

2. Who does the land use planning and impose the controls? Only local units of government, as in the past, or some combination of local, State, and federal effort? What are the interrelationships among the units of government?

3. On what bases and by what processes are the land use plans developed? How far do they rely on physical and economic data and analyses and how far do social data and objectives intervene? What are the relative roles of the specialist or technician and of the citizen or the politician?

4. How will the land use plans be effectuated? How far will they rely on persuasion, how far upon public actions to influence or attract private actions, and how far upon prohibitions or controls? Will the controls be efficient, in the sense of getting good results at least cost?

Land use planning has never been simple or easy, and it does not promise to be so in the future. Land use planning which really does anything will always be controversial to a degree, unless it prevents someone from doing what he would otherwise do, it is useless. But if it offends too many people it is likely to be swept away. Some caution in land use planning. Hopefully it achieves results which produce more value than they cost and hopefully it produces results which have popular acceptance. That seems wise.

Selected Questions and Answers

Q: Do you have any general observations about the planning grant programs such as the HUD 701 program? Somehow all of these programs have never seemed to be related at the local and regional levels.

A: Certainly these programs have not been related and if you wanted to be critical you could probably say they have not been effective when taken one by one. Planning under many of these programs have often been done only to meet Federal requirements. I don't know what we can do with these programs. The Federal Government could, and I hope will, exert increasing influence on planning, particularly in terms of standardization of classifications and the use made of this data. It will have to be done gradually and gently, however, or you will be those nasty Feds dominating local, good people.

Q: Which of the Federal agencies would you say do the best planning?

A: Part of the problem in answering this question is that I'm critical of all of them. I would hesitate to say which of them had done best. All of them are improving. If they are to make progress, however, the people within the agency who do this sort of planning have got to feel that it is to their personal advantage. We have made some studies of the national forests, and we would probably say that within the Forest Service there is considerable scepticism as to the value of some of the planning they are doing. They may go along with it because they think it's necessary to go along with it, but in terms of genuine convictions, they may be doubtful about it. I may be critical of what they are doing, but the agency as a whole is striving very hard to do a job, and to do it vastly better.

Q: Have you found the river basin studies to be particularly useful as far as overall land use plans are concerned, particularly for Forest Service and BLM purposes?

A: One trouble with the river basin studies has been that they have really lacked in any effectuating mechanisms at the river basin level. An agency such as Forest Service, Park Service, BLM, or DOD, has the power and they can't escape the responsibility of doing something. Whether it is good, bad, or indifferent, they do something on their land. But the River Basin Commissions' lack of power to carry out their plans has been an important factor. I don't say they are not useful. I don't think it has led to irresponsibility,

but it could. There is nothing that makes you more irresponsible than to talk without having to live with it.

Q: How do you control land use on an area wide basis in urban areas which encompass inner city, suburban and rural lands?

A: The most honest answer is we don't know. We have ideas, but what really exasperates it is not the physical economic situation, but the political jurisdictional situation. This is why many of us feel, that if the planning is wholly in the hands of the present units your answers are partly determined in advance. One thing that I personally argue is to let the planning be basically at the local level but let the appeals from it be at a somewhat higher level. This could bring you a degree of integration and consistency, less exclusionary tactics, etc. I don't think there is any doubt that states are going to play a larger role.

It's a very difficult problem and I don't believe there is any completely satisfactory answer. The kinds of planning and the kinds of action needed to be taken are different in different areas.

Q: Why do you suppose interstate compacts, such as the Delaware River Basin, have not been used more?

A: I don't know. Many of our metropolitan areas are interstate. I don't know if it is the difficulty of negotiating the compact or the difficulty of carrying it out afterwards.

Q: Do we need broad or narrow land use legislation? It appears that the existing legislation, i.e. flood plains, and forestry, is narrow.

A: I think maybe some of both is needed. Different areas need different types of legislation. It seems to me that if we are going to have national legislation which can be used in different parts of the country, such legislation must be broad or general so that it can be applied in different areas. That does not mean, however, that we should not have specific legislation for areas which have unique values, such as the national parks. It is not all of one or all of another.

Q: How strong a voice do you believe states and local governments should have in overall planning?

A: I would be quite opposed to having the Federal Government do detailed planning for specific areas, unless a reasonable case could be made that it is in the national interest.

Likewise, I would be opposed to the states doing local planning unless you make a case of statewide interest. Procedural guidelines and appeal procedures from local decisions would be very desirable.

PANEL DISCUSSION:

"RECENT TRENDS IN LAND USE PLANNING"

REMARKS BY

RICHARD R. GARDNER

DEPUTY ASSISTANT ADMINISTRATOR FOR

COASTAL ZONE MANAGEMENT

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

DEPARTMENT OF COMMERCE

The year 1972 was a good one for environmental legislation. The 92d Congress produced it in abundance. Perhaps most notable were the water quality amendments contained in Public Law 92-500, but there was the Ocean Dumping Act (P.L. 92-532) and a number of others. Clearly, what I'm here to discuss is the Coastal Zone Management Act of 1972 (P.L. 92-583).

The passage of the Coastal Zone Management Act on October 27, 1972, was the culmination of the effort of a number of years which essentially grew out of the 1969 recommendations of the so-called Stratton Commission (the Commission on Marine Science, Engineering and Resources) as contained in "Our Nation and the Sea." This Commission had been charged in 1967 with investigating and making recommendations on national oceanic and marine-related resources and policies. The Stratton Commission report is remarkable for the fact that many of its recommendations have, in fact, been carried out. One result was the actual creation of the National Oceanic and Atmospheric Administration; another has been enactment of the Coastal Zone Management Act. A number of coastal zone bills were introduced following release of the report, substantial hearings were held in 1971 and these formed the basis for the bill which ultimately resulted in passage of the Coastal Zone Management Act.

Briefly stated, the Coastal Zone Management Act is intended to encourage the development of a new form of intergovernmental relationships regarding the management and control of land and water resources along the marine and Great Lakes waterfronts. We characterize this as saying that if the coastal states will work out a method of land and water use control with their local units of government, then the Federal Government will, in general, abide by that system as well.

The role of the Federal Government here is to encourage States--through grants to assist states; first to develop state coastal zone management programs and later, upon

Secretarial approval to implement them. Perhaps the greatest incentive, however, is the notion of Federal consistency, whereby Federal actions in general must conform to state coastal zone management programs. Specifically, states have veto authority on grounds of inconsistency over Federal licenses, permits and financial assistance, with secretarial override only in cases of national security.

What is a coastal zone management program? What must it contain in order to merit secretarial approval? Generally, it is a plan for control of coastal land and water uses, plus the legal authority to carry out that plan or program. A coastal zone management program must contain seven basic elements:

1. A description of the boundaries of the coastal zone--the area to be managed;

2. An identification of uses subject to program--uses which have a direct and significant impact on the uses of the coastal waters;

3. An identification of those specific geographic areas subject to the program;

4. An identification of the national interest in consultation with Federal agencies;

5. Open public participation and involvement with local governments;

6. An organization to implement the program; and

7. The authorities to implement the program.

Where does the national program stand? The first year after enactment of the Coastal Zone Management Act, the program was not funded so it got off to a late start. Funds were appropriated in fiscal year 74 and since then all 30 coastal states and 3 of 4 territories eligible are receiving program development grants. Most states are now in the second year of funding of a maximum of three. Some states had an earlier start and are now preparing programs for submission for approval--the Washington and Maine programs have already been reviewed, with Washington having been awarded preliminary approval. Oregon, the Bay Conservation and Development Commission (BCDC) which covers San Francisco Bay, possibly the State of California, Rhode Island, the

island of Culebra (Puerto Rico) and North Carolina will probably submit their programs this year. Funds have been appropriated by the Congress for implementation of these programs when they are approved.

What are some of the issues that States are facing as they develop their coastal zone management programs?

Offshore oil and gas

This has perhaps attracted the most attention. States have been very concerned about this matter. These are activities that by-and-large occur in Federal waters beyond the 3-mile limit, outside the control of the states. Yet the states are obviously concerned about the environment and the socio-economic conditions which will result on their shores within states waters as a direct result of this outer continental shelf activity.

These concerns were made known to the Administration quite strongly about a year ago when a number of the governors met with the President. At least one result of that series of meetings was that the Administration requested and the Congress appropriated some additional funds under the coastal zone program to help states understand the impacts (primarily socio-economic) and the infrastructure necessary onshore to support an offshore oil industry, and to incorporate those onshore concerns into the development and implementation of their coastal zone management programs. Three million dollars were appropriated for fiscal year 1975 and $3 million for this fiscal year. Offshore oil and gas concerns have also triggered major proposed amendments to the Act.

Relations with local governments

The issue of relations with local governments is probably the next most pervasive issue and may even be more pervasive than the question of offshore oil and gas. The relationship between states and local governments as to how authority for the control of land and water within coastal areas is to be divided is probably the first or second most critical issue the states are dealing with. The states are dealing with this issue in a variety of ways, which is most interesting.

Interest in Federal consistency

Perhaps the people at the state level mention their interest in Federal consistency most often, at least on a day-to-day basis. What does it really mean? There has never been a piece of legislation which dealt with the relationship between state and local governments in quite this way.

This question is a new one and there is very little groundwork on it. What does it really mean? How are the states going to operate it? Are they going to be aggressive about it? Do the Federal agencies have to be defensive or do they see ways by which states can carry out some of their own missions? These are questions that the states are asking.

There is no clear-cut answer for them because there is no state with an approved program. We don't know how Federal consistency is going to operate in any state. We believe states will develop a number of different methods by which this will operate.

There is a secondary issue which is related to the Federal consistency question. Federal lands in general are excluded from the preview of the coastal area. This has complicated the issue. If the law had said that Federal lands are completely excluded from the coastal area, there would be no problem. What the law says, however, is that lands, the use of which are subject solely to the discretion of the Federal Government or are held in trust by it, are to be excluded from the coastal zone.

We don't know why Congress said that and we've tried to find out. It adds an extra little twist to the program because there is very little land held by the Federal Government that actually is subject only to the discretion of the Federal Government. There is a residual state authority which applies to most Federal property so long as Federal laws do not supercede State authority. This is a very large problem in states such as Alaska where a substantial percentage of the land is owned by the Federal Government.

We are trying to unravel the situation at the moment. Meanwhile, we believe that the best solution to the problem is probably to develop formal understandings with Federal land management agencies as to how those agencies will relate to the state programs.

Energy facilities siting

This issue is directly related to the entire outer continental shelf question and is perhaps the broader context of the question. The siting of power plants and any number of facilities related to energy production has always been a critical element in the coastal areas because of the need for access to transportation, cooling waters, etc. States are tackling the issue in various ways, but it is a very controversial question in most states.

Shore line erosion

This has particular emphasis in the Great Lakes area, which has had a long history of a change in the shoreline as a result of winds, currents, storm surges, and ice. There is a situation in Illinois where houses that were once seven blocks from the lake are now three blocks from the lake. Substantial documentation exists as to the number of houses that have simply fallen into Lake Michigan.

It's a very difficult question because the lakes are in constant motion, sands are moving up and down the shores, and beaches disappear overnight. Concern is being expressed, especially in urbanized areas, as to how they can deal with these very real community problems.

Beach access

The question of beach access and how to provide enough recreational land along the coastline so that people who do not have immediate access to the waterfront can get it is expressly spelled out in the Coastal Zone Management Act as one of the concerns that originally led to passage of the Act.

Amendments to the Coastal Zone Management Act are pending in the Congress. The Senate has already passed S. 586 to liberalize the basic terms of the Act, including a higher grant ratio, higher authorizations, additional work elements and grant authorities, plus the Coastal Facilities Impact Fund to cover the costs of planning and to provide amelioration of adverse onshore impacts resulting from outer continental shelf development. S. 521 contains a similar impact fund. In the House, HR 3981 has been reported out of subcommittee in a somewhat different form. It will be considered by the full Committee action in January, 1976.

REMARKS BY

LANCE MARSTON

DIRECTOR, OFFICE OF LAND USE AND WATER PLANNING

DEPARTMENT OF THE INTERIOR

During the past ten years, land, its associated resources and the use to which they have been put, have become the focus for meeting a significant number of national challenges: preservation of fish and wildlife habitat, housing, commercial and industrial employment, protection of natural and historic resources, energy sources and facilities, improvement of air and water quality, and food production.

With the growing public recognition that more rational land use is the key to resolving some of the nation's persistent economic, environmental, and energy problems, all levels of government are seeking ways to resolve competing demands for land and associated resources.

The resulting governmental responses are beginning to acknowledge the interrelationships and, more importantly, the interdependence of the various components of the natural environment. A few states are beginning to take a total resources perspective and evaluate the development and conservation impacts before actions are taken. These programs are characterized by the development of comprehensive programs of which a systematic process for designating and managing critical areas and the employment of land use data and information programs are an integral part. The Department of the Interior's Land Resource Guidebook Series is designed to assist these aspects of state land resource programs.

This role for government reflects what The Use of Land termed a new mood in America:

> ". . .Increasingly, citizens are asking what urban growth will add to the quality of their lives. They are questioning the way relatively unconstrained, piecemeal urbanization is changing their communities and are rebelling against the traditional processes of government and the marketplace, which they believe, have inadequately guided development in the past. . .[But] whether we welcome or fight it, development is going to continue during the rest of this century in the cities and suburbs and exurbs of our nation."

Local Government

Land use planning and land resource management are not new to America. Town planning has been practiced since the colonial era. Local government zoning and subdivision regulation authorized under state law has been the primary means for controlling land use in the country.

Where cities were once concerned only about the proximity of residential, commercial and industrial uses and the quality of new construction, they are now concerned about the extent and timing of urban growth; providing adequate housing; reserving open space; controlling the cost of utilities, schools and other public services; and improving air and water quality. Mt. Laurel, New Jersey; Petaluma, California; Boca Raton, Florida; Black Jack, Missouri; and Ramapo, New York, illustrate those communities confronted with this challenge.

Local government - towns, cities, counties, metropolitan areas - will continue to bear the major responsibility for guiding urban growth and managing land resources but with increasing participation by State Government and regional organizations.

The Influence of Federal Programs

At the other end of the spectrum, the Federal Government has become increasingly influential over the use of land. The United States owns and manages one-third of the nation's land area. Direct development and development assistance for transportation facilities, water resources, and sewers have become major determinants of the way in which cities and regions grow. The Clean Air Act, the Federal Water Pollution Control Act, and the dredge and fill permit program on navigable waters administered by the Corps of Engineers, have injected the Federal Government into the regulation of land use as one of several means to improve and maintain environmental quality, though without the prospective of comprehensive planning. Federal housing programs have helped determine the character of suburban America through an emphasis on single family detached dwellings.

Each of these programs have been accompanied by single-purpose planning assistance. Since 1954, comprehensive planning assistance to local, areawide, and state agencies administered by the Department of Housing and Urban Development has aided the development of government capability to plan for growth and determine ways of meeting housing needs.

The Federal influence has been great. A Rand Corporation Study of urban growth in St. Louis found that the Federal Government is the single most influential agent for determining the way land resources are used or conserved within that metropolitan region.

The passage of the national Coastal Zone Management Act of 1972, marked a turning point in the way in which the Federal Government approaches domestic needs. It provides a voluntary program of financial and technical assistance of limited duration to encourage coastal states to develop and implement a comprehensive program for managing land and water resources in coastal areas. To qualify for implementation grants states must be prepared to administer regulatory or fiscal tools to control the way in which coastal resources are used.

The Coastal Zone Management Act was born of the Congress' desire to encourage further efforts already emerging in such states as California, Maine, and Washington. All eligible coastal states are in varying stages of program development.

The coastal zone legislation also improves procedures first established under the Intergovernmental Cooperation Act of 1968 for coordinating the administration of Federal programs. Coastal Management programs provide the basis for considering the national interest behind the siting of certain facilities within coastal areas and for the administration of single-purpose Federal programs. States gain a measure of control over Federal agency decisions significantly affecting coastal resources through the implementation of the 'consistency' requirement: Federal agencies must administer their responsibilities in a manner consistent with approved State coastal zone management programs.

Emerging State Land Resource Programs

State coastal zone management programs are one example of the way in which states are asserting a more active role in guiding the use of land resources. During the past five years, almost every State Government has either adopted or considered legislation which would more directly involve State Government in comprehensive land resource management.

Those states which have adopted some form of comprehensive land use legislation include: Hawaii (1971, 1975), Vermont (1970), Florida (1972), Nevada (1973), Oregon (1973), North Carolina (1974), Maryland (1974), Colorado (1974), and Wyoming (1975). Other states have adopted more limited legislation which strengthens the role of regional agencies or updates local enabling legislation.

Much of the new state legislation adopts the approach of the American Law Institute's Model Land Development Code which calls for State Government to take a more direct role in identifying and managing areas of critical state concern and guiding the location and character of major regional land development. This approach establishes a forum for meeting the extraterritorial consequences of land use decisions which impact neighboring communities, a region, or an entire state. State critical area programs are an integral part of an emerging state role. Their purpose is to designate and manage geographic areas containing natural or historic values of regional or statewide significance.

New state legislation takes a more comprehensive, process-oriented approach to land use management. The process typically includes steps for resource inventorying and data collection, policy formulation, area or development identification and designation, the implementation of management or regulatory guidelines and public participation. Land use data and information programs are an important tool for systematically acquiring, using, and disseminating data to make and implement policy and management decisions.

Urban Growth and Land Resources

How should urban and rural development be guided to avoid sprawl and incompatible land use; assure the siting of energy and public facilities; provide employment, housing, and recreation opportunities; minimize damage to air and water quality; and assure the availability of important natural resources?

Guiding growth and protecting land resources has been and should be the role of local and state governments. States should develop methods and procedures to guide growth and manage important resources which affect regional, statewide and interstate interests. State and local initiative would have these benefits:

- The identification of important fuel and mineral resources and sites for energy facilities.

- Growth patterns should take account of opportunities to conserve energy through the closer location of living and working areas.

- Proper location of industrial, commercial and residential growth can reduce air and water pollution, and conserve water resources.

- Properly managed residential growth can result in lower land and construction costs, and reduced public utility expenditures, and can contribute to the creation of more viable communities. More efficient land development patterns can decrease utility costs by as much as 50 to 200 per cent. (The Costs of Sprawl, CEQ 1974).

- Major natural, cultural and historic resources should be identified and state and local initiative should be taken to protect and conserve them in order to assure their availability for future needs.

- Relief and community reconstruction costs can be limited or avoided by controlling growth in areas prone to floods, earthquake, mud slides, and other natural hazards.

Agriculture Land

How should the United States protect prime agriculture land for food and fiber production?

Prime agriculture land for both unique crops (fruits and vegetables) and food stock grains must be defined and identified. The Soil Conservation Service is doing this now.

State and local governments must be part of the identification effort and should develop methods to preserve prime land from incompatible development. This can be achieved through tax incentives which limit the inducement to convert agriculture land, land trust arrangements, and other methods for encouraging the best use of farm land.

Other land more suitable for urban development should be designated in order to limit the pressure for development of important agriculture land.

Water for agriculture use should be given the highest priority by those responsible for water resource development and the allocation of scarce water supplies.

The Federal-local government agriculture partnership must continue to work together to improve farming methods and insure the use of the wisest conservation and management practices for farm land.

Land Resources -- The Federal Role

What role should the Federal Government play with respect to the Nation's land resources?

The Federal Government already plays a major role now:

-- It owns and manages 1/3 of the nation's land, the use of which provides for important national needs while directly impacting the use of adjacent state and private lands.

-- Direct development and development assistance for transportation and sewer facilities, Federal buildings, community development and other public investments.

-- Flood protection and disaster assistance.

-- Housing assistance and mortgage guarantees.

-- Federal air and water quality programs influence the location of new development.

-- Financial assistance for comprehensive, economic development, transportation, air and water pollution control, recreation and historic preservation planning.

-- Grants from the Land and Water Conservation Fund.

Each of these programs have a direct, pervasive, and sometimes adverse effect on land resources and local and state management efforts.

The Federal Government should recognize that state and local governments have the primary responsibility for land resource management. Existing state and local efforts are often limited and fragmented, or fail to resolve land conservation and development conflicts in a timely and effective way. States should provide more coherent guidance on major land resource issues having regional and statewide impact. The Federal Government should provide some form of encouragement to strengthen state institutions and procedures for dealing with major land resource conflicts through:

-- technical assistance and information, and

-- financial grants under existing Federal programs.

If we are to have a more coherent resource policy which recognizes the partnership of Federal and state governments, the Federal Government must take steps to coordinate its wide ranging role and strengthen ways to involve states and communities in its ongoing planning and management efforts by:

--identifying the national interest inhererent in land resource decisions.

--strengthening procedures to assure that Federal actions are compatible with state and local planning unless a clear exception is required by national need.

--coordinating the administration of policy and programs decisions to avoid conflict in Federal actions.

The procedures of the Coastal Zone Management Act of 1972 provide a good model for coordinating Federal actions and involving the states.

The Federal public domain should be properly managed to meet national water resource, food and fiber production, energy, defense, recreation, and wilderness requirements. Its important scenic, natural environmental, and historic values should be conserved against unneeded or incompatible development.

--The Forest Service's renewable resource program under the Forest and Rangeland Renewable Resource Planning Act of 1974 will provide a framework determining the direction and appropriate investment level for both the short and long term.

--Congress should pass the National Resource Lands Management Act recommended by the Administration to equip the Bureau of Land Management with the necessary resource planning and management authority for BLM lands.

--Administrative steps are now being taken to strengthen the planning and management of the National Parks and National Wildlife Refuges.

What is the Administration's position on the proposed Land Resource Planning Assistance Act (H.R. 3510/S. 984)?

The Administration has opposed this bill on budgetary grounds consistent with the President's recommended moratorium on new Federal spending except that directly related

to meeting the nation's energy needs. It would provide a new Federal grant program at a time when we need to hold the line on or reduce the Federal budget. Much can be done under existing authority to assist states and to facilitate the coordination of Federal agency responsibilities. Where new authority to coordinate Federal actions and involve state and local governments is needed it should be sought. The Department of the Interior is now completing a study of the present Federal role and ways to strengthen state and local efforts without the enactment of new spending programs.

REMARKS BY

EDWIN L. THOMAS

DIRECTOR, COMPREHENSIVE STATE PLANNING

MARYLAND STATE DEPARTMENT OF PLANNING

Secretary Wahbe extends his regrets for not being able to be here with you personally. Since his acceptance to speak here, he has been called to a two-day meeting with the Governor regarding finalization of the State's Capital Budget. The relationship of land use planning to capital projects and associated fiscal benefits is one which this presentation will address.

On his behalf, I am representing the Department of State Planning and I wish to express our appreciation for being requested to participate in this important symposium. For my part in the panel in addressing "Recent Trends in Land Use Planning", I am going to focus on our activities in Maryland to produce the State's first Generalized State Land Use Plan. Our approach should be applicable in other States and though the scale and level of detail may be different, the methods are applicable below the State level as well.

Before proceeding to a presentation of our land use planning efforts, it is important to describe the governmental context within which these duties are performed. As a result of reorganization of State government which marked the beginning of this decade, the structure of State government has been greatly simplified. Over two hundred agencies, commissions, boards, etc. have been consolidated into a limited number of cabinet level Departments. At the local level, there is likewise a reasonably simple structure with significant duties vested in 24 major jurisdictions. I would be remiss if I did not point out that each of these jurisdictions has a comprehensive plan, a continuing planning process and land management techniques. Well over 90% of all municipalities with over 1,000 population (78 to 82) are likewise equipped. The practice of land use planning at the sub-state level is widespread and sophisticated. This achievement, which was stimulated and successfully brought about by our Department, is due in large part to the successful expenditure of over $5,000,000 from the Department of Housing and Urban Development (HUD) through the Comprehensive Planning and Management Program. With HUD aid and funds, we have been able to urge, stimulate, assist and guide the local governments in giving greater priority to the planning function. Thus, Maryland has comprehensive planning as a solid

base for improving the tradition of strong local government with a State government which has in recent years accelerated Statewide plans, programs and provision of fiscal and technical assistance to the localities.

Within that framework, it is the mission of the Department of State Planning to advise and assist the Governor, General Assembly and governmental agencies at all levels in matters of broad, comprehensive planning; to coordinate and stimulate planning throughout the State and to prepare and from time to time revise, amend, extend or add to plans for the development of the State. Based on physical, social, economic, and governmental conditions, planning is aimed at improving the quality of life of Maryland's citizens. This broadly stated mission can be translated into the following duties:

1. Function as the Governor's principal staff agency for planning matters, providing to the Governor and the General Assembly data and recommendations for their use in making policy determinations.

2. Provide technical and financial planning assistance to regional, county and local governments and stimulate the planning capabilities of State departments.

3. Collect, analyze, project and publish socio-economic information for use as a common data base.

4. The right to intervene in, and become a party to any administrative, judicial or other proceeding in the State concerning land use, development, or construction.

5. The power to establish a State depository for all Government general, area, and functional plans prepared by State, Regional, local, municipal, and interstate agencies. Each entity is required to submit such plans to the Department of State Planning as they are promulgated.

The land use planning activities of the Department are aimed at achievement of this mission. The planning process through which the plan will emerge is related to four major premises: first, the Generalized State Land Use Plan and planning process can establish an effective basis for solving land use and related problems in the State. Second, the plan and planning process can strengthen and maintain intergovernmental cooperation, coordination and management in the

conservation and development of Maryland's land resources. Third, the plan can provide for the conservation and optimization of state expenditures by guiding orderly land use arrangements and promoting sound public investment patterns. Fourth, the plan and process can have a substantial impact upon the future quality of life in the State.

As with the previously mentioned local planning accomplishments, the State land use planning work is being accomplished with substantial HUD "701" planning assistance. The planning and management endeavors which I have described are consistent with and in furtherance of the objectives being pursued by HUD. Federal legislation has contributed to and in some cases caused an unfortunate fragmentation of planning which directly or indirectly influence the use of land. Currently, our work as aided by HUD is the only focal point for guiding, coordinating and harmonizing all the plans and programs of the local, regional, State and Federal agencies which impact on land resources.

Many areas of governmental activity are concerned with the expenditures of public funds or the regulation of private funds. They are single purpose and directed toward maximizing an individual objective or purpose. Our approach to land use planning is one of interrelating these many activities, avoiding duplication, preventing conflict; thereby these activities make dollars and cents - sense. For example, sewer lines should be designed based on projected population and proposed land use patterns. Schools should be built in association with an area's particular population characteristics. Park lands should be acquired and developed in association with human demands and in relation to natural features. Transportation facilities should serve projected land use patterns. The planned use of land is foremost and these costly facilities and utilities should be located and sized accordingly. Employment of this fundamental approach will save significant Federal funds for capital projects and maintenance and operating costs as well.

In conclusion, the "Recent Trends in Maryland Land Use Planning" are integrally related to balancing settlement and growth with natural resource considerations within an intergovernmental planning and management framework.

REMARKS BY

VIRGINIA G. YOUNG,

PLANNING DIRECTOR

COUNTY OF PRINCE WILLIAM, VIRGINIA

It's at the local level where all of the land use planning either comes together or falls apart. Today I feel very much like a platoon leader who's on the firing line. You've heard the grand strategy; you've heard the support. But the local planning department is the one who receives the comments from the disgruntled citizens, from the landowner who cannot develop his land the way he wants, from every parent whose child is not getting quality education, and from everyone of you who sits for hours on the highway trying to get to work.

In order to put my biases before you, let me tell you that Prince William County, as you may or may not know, was the fastest growing county in the country during the period 1960-1970 for counties over 50,000 population. We grew as a result of two Federal programs, both of which have had a tremendous influence on the development of the nation as a whole but certainly in areas such as the Washington area.

One of these programs is the interstate highway program. Two major highways were built through Prince William County and they opened it up for development by providing access to low cost land. The second Federal program, is the Federal Housing Administration mortgage insurance program, which made it feasible for people to buy houses in what had formerly been suburban or rural areas.

As a result of these programs, the county experienced tremendous growth; growth for which the county was not prepared and growth which it has had difficulty keeping up to date with. The county has been playing catch up for quite some time and it still is. The county has gone through the regular planning exercises. It has prepared a comprehensive plan, an environmental plan, a sewer and water plan, and a land use plan.

We do not see land use planning as the ultimate. We do see it as an all encompassing terminology, not just land use. We consider it a very important aspect leading to a capital improvements program. What good is it to the county to develop land and not be able to support such development or not be able to provide the necessary community facilities?

This is where you find a great amount of unhappiness and unrest. People move into suburban areas looking for the amenities they want. As more and more people move into the area they suddenly realize that the amenities they expect are not there, or it costs a great deal to provide them. Schools, roads, and sewer and water all need to be provided. Most of us are not willing to wait. We expect these facilities to be there when we arrive.

We, at the local level, agree with many of the Federal programs. Federal and state involvement in land use is one of the recent trends, but one that we view with mixed emotions.

Let me take one Federal program and tell you some of our problems with it. The program is the Federal flood insurance program. It is an extremely valuable program and one that we need desparately, but as a local official how am I going to deal with it? First, we need to enact ordinances in order to comply with the program provisions, but we cannot enforce the ordinances unless we have adequate mapping. We do not have adequate mapping and we have difficulty getting it. The demands on the U.S. Geological Survey and others are so tremendous that it will be years before we have the tools we need in order to enforce this particular Federal program.

This whole problem of land use and the local relationship to it can be boiled down to several very basic approaches. As far as new or current trends are concerned, there has been a reconsideration of what land really is. In the past, we have thought of land as being inexhaustible and progress as being the continued use of this abundance. We have learned that grow, grow, grow should not be our goal. We have learned that progress does not mean using up our natural resources. We have a realization that land is precious and not just a product of the market place. We also have the tremendous problem of a growth in population which creates a conflict of interest. How do we handle the demands for housing, the need for proper shelter within a living environment, coupled with the amenities we want?

I would like to discuss some very mundane approaches to land use. In the absence of Federal and state land use regulations, localities have branched out on their own and have taken various and sundry approaches in trying to solve some of these problems.

To try to achieve some degree of liveability and open space, localities have tried types of zoning not used

previously. For years localities have approached control of land, particularly residential land, on an individual basis--unit lot sizes, everybody the same, 50 to 100 foot frontage on a public road. This results in the tickey tackey house approach, but of course it is cheaper.

Attempts have been made to develop cluster zoning. This approach was given impetus by Federal guidelines in setting up homeowners associations. Open space could be provided which would be owned and maintained by the homeowners living adjacent to it. Other facilities such as roads and recreation facilities are also owned and maintained by these homeowners associations.

Planned unit development is also a new approach. Developers of large tracts are required to show the planned development for the entire tract but are allowed flexibility in the location of the various facilities. This approach encourages the best use of the topography of the land and the provision of open space and other amenities in the development. It has also led in many cases to developer contributions of land for community facilities, or in some cases even requiring the developer to build such facilities, particularly schools.

Another new trend has been the horizonal property ordinances which allow condominium development. Presumably this approach leads to a reduction in the cost of construction and provides a means of controlling open space areas.

Scenic easements have also been used by localities. A new approach which has not been used very frequently, but which has been explored is the concept of development rights. Under this approach, development points are assigned to land and the sale of the points thus assigned is permitted. This approach has been pushed rather successfully in Maryland.

One of the reasons for different types of control over land in the United States as opposed to European countries, has been that localities in this country have not bought land to keep it out of development or to hold it for certain types of development. It has been proposed that we in this country initiate such a land banking program. Fairfax County is considering this approach.

Other approaches that are taking place have to do with tax reductions that states are allowing localities to give for certain types of land being withheld from development for given periods of time. Maryland has used this approach

for some time and for the past several years Virginia has allowed tax reductions for lands held in forestry, agriculture, and open space.

Localities are also approaching land development through impact analysis. The National Environmental Policy Act provided the impetus for this type of analysis. More and more of a trend is toward impact analysis, for rezoning cases and new development proposals. Unfortunately, one problem with this approach is that although these environmental impact statements may be required, how they will be used is uncertain. Criteria for evaluation of the statements has not been perfected to the point where the statements are completely useful.

One of the major recent trends is growth management. As a result of the various and sundry impacts that have occurred as a result of growth, many communities have questioned their growth policies. Opponents of this approach have called it no-growth, anti-growth, and zero-growth. Proponents have called it growth control or growth management. Regardless of what it is called, there have been several concepts to the approach.

First there was the "pop-cap" concept which involved limiting the total community population. Boulder, Colorado, and Boca Raton, Florida, tried this concept but they were not upheld by the courts because the concept did not meet the criterion of reasonableness.

Another concept which has been used involves the timing of public facilities to development, which is a very real problem at the local level. This concept was first used by Ramapo, New York. Ramapo prepared an 18-year community facility plan and regulated its growth in relation to the provision of those facilities. The door was not entirely blocked for developers, however. If the community facilities were not going to be available at the time the developer wished to go forward, the developer was required to provide such facilities. The Ramapo growth management concept was upheld by the courts.

Recent court decisions, one in Fairfax County, have held, however, that if a certain land use is permitted in an area and the public facilities are not available, it is the responsibility of the local government to provide the facilities and allow development to take place. These decisions are rather freightening from the local viewpoint. If the local community attempts to plan for 10 to 15 years in advance and indicates certain permissible uses in its plans,

the first thing that happens is that someone initiates a zoning request to develop the land and argues that because the plan permits the requested use it is his right to go forward with the development. For this reason, except for transportation planning, particularly roads, Prince William County does not believe in planning for longer than five years in advance.

Building permit limitations is another growth control concept. Petaluma, California, first tried this concept, but the courts held that the practice of limiting building permits was unconstitutional because it violated the right to travel.

Exclusionary zoning has also been used as a means of growth control. Mount Laurel, New Jersey, attempted to use this concept to control certain types of development, such as housing for low and moderate income families. In this case, the courts held that this concept could not be used. Other similar cases are still pending before the courts.

In conclusion, I would like to discuss one matter which previous speakers mentioned--the relationship of Federal programs to the way land develops at the local level. As long as local financial bases depend on real estate taxes, tremendous pressure for development will occur at the local level. In zoning cases the argument will regularly be made that the requested land use is the highest and best use and will provide a tax base for the community. It will also be argued that industry is necessary to establish a tax base. As Federal and state funds are cut, particularly funds for education and welfare, the local community will attempt to expand its tax base and to provide the funds to meet the demands for services previously provided by the Federal and state governments. Thus, the pressure for growth continues. How do we stop it? I do not know.

Panel Discussion: Recent Trends in Land Use Planning

Selected Questions and Answers

Q: How do we stop the pressure for growth that comes on the localities with their limited tax base?

A: Marston: Tax policies at the Federal and local levels need to be changed if we are to have more control over growth. Heavy dependence on property taxes has created all sorts of problems.

Q: Proponents of Federal land use legislation claim that 90 percent of the land use decisions under a Federal program will still be made at the local level. Opponents of the legislation dispute this. What impact will Federal legislation have on the local and state land use decisions?

A: Marston: No one can answer that question at this time. Nobody knows where the 90 percent figure came from. Some states may make many land use decisions, whereas others will leave many decisions to the local authorities.

Gardner: It depends on how the states perceive their mandate under the act or under their own legislation. Our experience has been limited in this area. In Maine, there has been a limited state role, but in California the reverse has been true.

(Technical difficulties with the recording equipment prevented the presentation of any additional questions and answers from this session.)

"Non-Public Land Planning in Foreign Countries"

By

Max Hirschhorn and David L. Jones

U.S. General Accounting Office

GENERAL

Very few countries have advanced land use planning programs. Of those countries which do have land use programs, several Western European countries generally are the most advanced--Sweden, the Netherlands, Great Britain, France, and West Germany.

The impetus for land use planning in most of these countries was the concentration of large segments of population in a few urban areas--the greater London area in Great Britain, the Paris basin in France, and Stockholm, Gothenberg, Malmo, and Southern Sweden in general. In most of these countries, land use planning is tied to regional economic development planning, which attempts to encourage development through government loans, grants, and other incentives to industry. These economic development programs are similar to the programs of the Economic Development Administration and the various regional development commissions in the United States.

Based on a survey of the literature of foreign land use planning, Canada and Sweden were selected for review to determine if their land use programs, procedures, and experiences are applicable to the United States. Canada was selected because it is, in many respects, similar to the United States, although it has only about one-tenth of the population of the United States. It has a large land area and is a highly industrialized country, with large agricultural and forestry sectors and a heterogenous population. Canada also has many landownership attitudes and laws similar to the United States.

Sweden was selected for review because it also has many similarities to the United States. It is a highly industrialized country, with large agriculture and forestry sectors, and it has a long coastal zone of high importance. It is a large country by European standards, although it has a homogenous population and is small compared to the United States.

PLANNING IN CANADA

The Canadian Federal Government has had little involvement in land use planning until recently. Land planning in Canada has traditionally been at the local and provincial levels. Also, most Canadian public or crown lands are under the jurisdiction and management of the provinces, rather than the National Government.

National Planning

At the time of our study, the Canadian Federal Government was attempting to develop a policy position on land use. An interagency task force on national land use policy was attempting to (1) develop a list of Federal interests in land use policy; (2) determine facts and trends on land characteristics, tenure, use, and policies; (3) develop recommendations for a national position on land use objectives; (4) determine the relationship of national land use objectives to related policy issues such as foreign ownership, demographic objectives, and food supply; and (5) determine the best means of developing and coordinating national and provincial policies, resources, and responsibilities to achieve national land use objectives.

Although the task force had not yet completed it's work, Canadian officials believed that three distinct programs or policies, or a combination of these programs and policies would mostly likely result from the study work. The three potential programs or policies include (1) a land use planning assistance program for the provinces and units of local government similar to the program proposed in the United States; (2) a technical assistance program to provide accurate and up-to-date information and research to assist provincial and local governments in their planning activities; and (3) a re-ordering of Federal programs which impact on land use, with emphasis on the use of Federal fiscal powers as a planning tool. This last approach would definitely be intended as a stick, rather than a carrot approach, to encouraging land use planning at the provincial and local levels.

The Canadian Federal Government has not, however, been totally inactive in land use planning and control activities. Of particularly interest are the Canadian Land Inventory and the Federal Land Management Strategy.

Canadian Land Inventory

The Canadian Land Inventory, which was established in 1963, is a comprehensive study and mapping system of land capability and use, designed as a basis for land use and resource planning for agriculture, forestry, recreation, and wildlife. The program is operated as a cooperative effort between Federal and provincial agencies responsible for resource development. The provinces carryout the actual studies and mapping activities within their boundaries and the work of the provinces is coordinated by the Federal resource departments. Incremental program funding, over and above that which the provinces would normally have expanded on land use and resource studies and mapping activities, is provided by the Federal Government.

The inventory system is computerized and is capable of producing maps of given geographical areas by type of use capability--agriculture, forestry, recreation, and wildlife (both waterfowl and ungulates). The system can also provide current use maps, showing urban concentrations.

Through the use of map overlays, it is possible for planners to determine the best areas for each resource, as well as current use and areas of possible resource conflicts. This information can then serve as guidelines for orderly and effective development planning and can assist in the avoidance of use conflicts.

The Canadian Land Inventory does not cover the entire country. The provinces are concentrating their activities on studying and mapping the land areas within the 100 mile inhabited band north of the United States border. Many, although not all, areas within this band have been mapped, but little, if any, mapping has been done above the band.

The Canadian Land Inventory appears to have good capability to the United States. The U.S. Geological Survey (USGS) has a land classification and mapping system which has recently received increased emphasis as a means of providing needed technical assistance to state and local governments in carrying out land use planning activities. An assignment to compare the USGS and Canadian systems and to evaluate the usefulness of the USGS system would appear to have good potential.

Federal Land Management Strategy

In 1973, the Canadian Federal Government instituted a new program for the management of Federally owned lands,

particularly those lands located in urban areas. Generally, the program is intended to insure that (1) the development of Federal land programs and services harmonize with local and regional development strategies, and (2) Federal lands are managed in a manner to combine the efficient provision of government services with the achievement of wider social, economic, and environmental objectives.

Prior to the creation of the new program, the administration of Federal lands--its acquisition, use, and disposal--basically responded to a market economy. Land was bought and sold according to commercial criteria.

The new program, however, requires that the acquisition, use, and disposal of Federal lands is to be measured against not only the current and anticipated needs to individual Federal program agencies, but also local, region, and provincial needs and objectives. Federal real property will generally be retained in Federal ownership for the use in the public interest, after it becomes surplus to the needs of operating departments and agencies. Also, no urban lands will be released from Federal ownership without consultation with the Ministry of State for Urban Affairs.

To assist in administering the programs, a Federal advisory committee has been created. The committee is composed of:

--the Treasury Board (similar to the Office of Management and Budget), which chairs the Committee and has overall management responsibility for the program;

--the Ministry of State for Urban Affairs, which provides policy advice on land use and development, and intergovernmental and interdepartmental coordination in urban areas;

--the Department of Public Works (similar to the General Services Administration), which provides professional land management advice and services and acts as the holding agent for surplus lands;

--the Central Mortgage and Housing Corporation, which provides policy advice on housing and community development; and

--the Department of Environment, which provides policy advice with respect to rural lands and the environment in general.

In addition, other Federal agencies and departments may be called to provide input to the committee, if such input is necessary.

All proposed actions affecting Federal lands--acquisition, disposal, lease, or change in use--must be reported to the advisory committee for its consideration. Also, upon advise of the committee, the Treasury Board can order Federal agencies to make cyclical reviews of the current uses of the lands under its jurisdiction. In considering proposed land actions and reviewing current uses, the committee will consult with provincial and local governments to determine how the lands can best be used to foster Federal, provincial, and local objectives.

Although the program is relatively new, it has already contributed to improved uses of surplus lands. For example, 900 acres of surplus Federal lands on Lake Ontario in downtown Toronto were, in cooperation with provincial and local governments, developed into a mall and recreation area. Also, abandoned Welland Canal lands in Welland, Ontario, were used to redevelop the downtown area of Welland and to provide land needed by the community for residential and industrial purposes.

The Canadian Federal Land Management Strategy appears to have applicability to the United States. Of particular interest is the requirement for cyclical reviews of existing Federal land holdings and current uses. We are considering including in our planning document an assignment to compare the General Services Administration surplus property program with the Canadian program.

PROVINCIAL PLANNING

Traditionally land use planning has been done at the local level in Canada. Canadian provinces have, however, played a strong role in influencing local planning because (1) they control most of the public land holdings, particularly in the more populous areas; (2) they have retained and used the strong powers provided to them under the British North American Act and they have provided leadership in designing and implementing programs for housing, health, transportation, etc., at the local level; and (3) they believe that local communities are "creatures of the State," and are therefore subject to state controls.

In contrast to the power and influence of the Canadian provinces, many of the State governments in the United States have not exerted the powers provided to them under the Constitution, nor have they provided leadership in dealing with

problems at the local level. The impetus for many of our housing, health, transportation, and recreation programs has been provided by the Federal Government and local communities have become accustomed to dealing directly with the Federal Government. Also, many states have delegated State powers to local communities, resulting in even further erosion of their influence.

The metropolitan Toronto Parkway Belt and the British Columbia Land Commission are good examples of the influence of the provinces in land use planning matters.

Metropolitan Toronto Parkway Belt

The Metropolitan Toronto urban area had been rapidly expanding to the North and the West. Many small communities which formerly were in agricultural areas had become surrounded by residential, commercial, and industrial development and much of the agricultural lands had disappeared.

Ontario Province officials became concerned about the spread of urban sprawl in the Toronto area. A 1967 study forecast that if growth in the area continued as it had in the past, it would lead to inevitable merging of towns and cities into a sprawling urban mass about 75 miles long and 15 miles wide.

The study recommended four alternative concepts for regional growth. Three of these concepts contained a Parkway Belt around metropolitan Toronto as key elements in the growth plan. The purpose of the Parkway was to:

--Define and separate communities and thus to provide the people with a sense of community;

--Link communities with service corridors for transportation and energy purposes;

--Provide a land reserve for the future; and

--Offer open space and recreational facilities within the urban complex.

In 1970, the Ontario Province Government accepted the concept of a Parkway Belt and appointed an interministerial task force to refine the Parkway principles and design the Parkway. Based on the work of the task force, in 1973, the Provincial Government enacted legislation establishing a Parkway Belt of about 58,000 acres and instituting planning regulations which restricted the use of land in the Belt

area to agricultural uses, or in cases of non-agricultural uses, to the current use.

Much of the land within the Parkway Belt was in agriculture or other low intensity uses, but a significant portion of the land had been zoned by local communities for commercial, industrial, and residential development. The action taken by the province, in effect, overruled the local zoning decisions.

About 58 percent of the land within the Parkway Belt will be, or has been purchased for public use, primarily recreation and transportation purposes. The remaining 42 percent will be allowed to remain in private ownership, but new industrial and commercial development which is not compatible with the Parkway Belt principles will not be allowed.

The establishment of the Parkway Belt, with its resultant overruling of local zoning decisions and placing restrictions on the use of privately owned land has not been without controversy. Although Canada does not have a "taking" provision similar to the Fourth Amendment to the United States Constitution, the question of the extent to which the Province can restrict the use of privately owned land is currently in the courts and has not been settled. Preliminary 1973 estimates of the cost to acquire and develop the lands for public use within the Parkway Belt ranged from $150 to $200 million. Of course, the cost would most likely be higher today because of inflation. If, however, the courts rule that landowners cannot be restricted in the use of their land without just compensation, the ultimate cost of the Parkway Belt will be much higher.

British Columbia Land Commission

In the early 1970's, British Columbia Provincial Government officials became very concerned about the rate of conversion of prime agricultural lands within the Province to non-agricultural uses. Most of these lands were located in the valley and river delta areas where the urban concentrations and growth pressures were located.

In December 1972, the provincial government "froze" the existing zoning on all farm lands in the province pending a review to determine how such lands should be protected. At the time that the provincial government "froze" the zoning of agricultural lands, only 5 percent of the total land base in the province was capable of producing food crops.

On April 9, 1973, the British Columbia Land Commission was created to administer an agricultural land reserve program. The Commission is comprised of five members appointed by the provincial government and is supported by a staff of about 12 permanent employees, assisted by about four or five consultants.

In accordance with its charter, the Land Commission directed the regional government districts within the province to prepare agricultural land reserve plans, indicating which existing agricultural lands should be protected. The reserve plans were prepared by the regional districts based on the land capability information contained in the Canadian Land Inventory, supplemented by such other data as was necessary.

After the land reserve plans were drafted by the regional districts, public hearings were held at the local level and the plans were revised based on these hearings. The plans were then forwarded to the Land Commission where they were reviewed and, if considered necessary, amended. Based on the recommendations of the Land Commission, the Provincial Government then formally established agricultural land reserves in the province.

Subsequent to the establishment of the land reserves, the Land Commission issued land use regulations for the reserves. Generally these regulations provide for the continuation of farming activities on the reserves. Some non-farm activities are also permitted, provided that they do not permanently damage the capability of the land to produce crops and provided that the land use can be changed in the future if food production is needed.

The Land Commission must approve all changes in the use of lands in a reserve, when the change is to non-farming activities. An application for such a change must be made to the Commission through the applicable regional government district. If a change in use is denied by the Commission, the only recourse is to appeal the decision to the Provincial Environmental and Land Use Committee, which is comprised of Cabinet Members.

In addition to its duties and responsibilities with respect to agricultural land reserves, the British Columbia Land Commission is also authorized to carryout other activities, These activities include:

--purchasing, managing, selling, and leasing agricultural lands, primarily to encourage farming by young farmers and to consolidate lands into economical farming units;

--purchasing land for greenbelts within or surrounding communities, provided such greenbelts are managed by local or provincial authorities;

--purchasing, either on its own or in conjunction with other governmental, lands suitable for urban or industrial development and expansion (land banking); and

--encouraging the establishment of parks by provincial and municipal authorities.

The creation of the Land Commission and the agricultural land reserves was very controversial. Farmers were particularly displeased with the Commission and the reserves because they would no longer be able to sell their lands for urban development purposes and thus were deprived of a source of retirement funds. As a concession, the Provincial Government enacted a series of income support programs to provide farmers with a higher annual income and thereby establish their own retirement funds.

PLANNING IN SWEDEN

To understand the system of national land use (physical) planning in Sweden, an understanding of the Swedish governmental structure is necessary. There are three basic levels of government in Sweden--national, county, and local.

Sweden is a constitutional monarchy with a parliamentary form of government. Parliament--the Riksdagen--consists of a single chamber with 350 members who are popularly elected for a term of three years. The Social Democratic Labor party has been in power, either alone or in coalition with other parties, since 1932.

Sweden is divided into 24 counties, or provinces, for administrative purposes. The county administrative board is the principal national planning and administrative authority in each county and is responsible for the coordination of national, local, and county activities. County administrative boards are comprised of 10 members, five of which are popularly elected and five of which are appointed by the national government. A provincial governor, who is appointed by the national government for a six year term, is chairman of the county board.

At one time there were over 2,500 local governments (communes) in Sweden. Through a consolidation program, the number of communes has been reduced to 273 at the present time, and consideration is being given to even further consolidation. Communes are governed by popularly elected councils. The duties of the communes are those generally associated with local governments in the United States.

Land use planning, primarily from the viewpoint of urban expansion, has been carried out at the local level since about 1947. It was not until 1969, however, that emphasis was placed on national land use planning.

From 1969 to 1971, the National Government conducted studies of the sectors of society judged likely to lay claims to the utilization or preservation of natural resources. These studies, which were conducted by the Ministry of Physical Planning and Local Government, concentrated on the following sectors of society: defense; certain scientific and technical activities; agriculture, forestry, and fishing; scientific nature conservatory; preservation of cultural monuments; open air life; holiday residences; and industry. The studies included inventories of the resources corresponding to the needs of the various sectors and a description of the present day knowledge concerning the

state and sensitivity of the national environment upon which the various sectors were dependent.

As a result of these studies, in 1972, the National Government issued a report on the management of land and water resources which detailed the planning actions necessary to insure that adequate natural resources are available to meet the needs of the various sectors of society. This report, along with parliamentary guidelines for land and water management in geographical areas of the country, where severe competition was present or an imminent reality, were circulated to county and local governments, private industry, and other interested parties. The guidelines were primarily concerned with coastal areas, mountain regions, and certain river valleys.

Based on the National Government guidelines, communes were required to develop programs, including general maps of their areas, by July 1, 1974, indicating suitable planning areas where special care should be taken to insure that the land resources were not unnecessarily harmed or endangered and to insure that the interests and needs of the various sectors of society were taken into consideration. County administrative boards were to assist the communes in their planning activities and coordinate the planning work of the communes within the county.

The programs developed by the communes were submitted to the National Government through the county administrative boards. The programs were reviewed and commented on at the county level and by interested National Government agencies. Differences and disagreements on the plans were resolved by the National Government. After the programs were approved by the National Government, the communes were then responsible for the preparation of detailed development plans for their areas.

To assist the communes in implementing their planning activities and controlling the development of their land resources, the National Government has enacted legislation controlling the use of land resources. Four of these acts are:

--Nature Conservancy Act - Areas which are considered valuable from a nature, recreation, or conservation viewpoint may be protected from development by placing them under the act. The act contains provisions which restrict the use of these lands and which require the approval of the National Government for any change in the use of the land. Communes can

request that land areas be placed under the protection of the act, regardless of whether the land is publicly or privately owned.

--Building Act - This act requires that communes issue permits for any building or development activity regardless of land ownership or location. It also requires the submission of and approval of a detailed site development plan before the issuance of a permit.

--Environment Protection Act - Any proposed activity which could result in water, air, or noise pollution, or any other nuisances arising out of the use of the land must be approved by the Government. Also, if an activity is approved which does result in pollution, the individual or entity causing the pollution must bear the cost of abating or eliminating the pollution.

--Expropriation Act - This act regulates the amount of compensation a land owner may receive because of the expropriation or diminished use of his land. After July 1, 1971, a landowner does not receive the increase in the value of his land, unless he can show that the increased value was caused by factors other than the expectation concerning a change in its current use.

The Swedish land use planning program is interesting in that although it is a national program with national planning guidelines, the actual planning and implementation is accomplished at the local level. The program appears to have many aspects which could be applicable in the United States especially since Sweden faces some of the same problems being encountered in the United States. For example, the conversion of agricultural lands to urban and industrial uses is a particular problem, especially in Southern Sweden. Also, in various parts of the country, lands which are valuable for open-air life and recreational opportunities are facing pressures for leisure home development and industrial uses. Through their planning activities, several local governments have developed methods and procedures to deal with these matters.

Pressures on prime agricultural lands

Most of the large contiguous acreages of prime agricultural lands in Sweden are located in the southern third of the country. The area to the south, east, and north of the City of Malmo contains some of the best agricultural lands in Sweden. Under the national government physical

planning guidelines, this area was identified as a planning area where special care should be taken to insure that the agricultural land resources were not unnecessarily harmed or endangered. In addition, the same general area, and in particular the area to the north of the city, was identified as a planning area for historical and recreational purposes.

The Malmo commune in southwestern Sweden is a highly industrialized area, which experienced a large population growth during the 1960s and early 1970s. This population growth resulted in a significant expansion of the Malmo urban area, but the rate of growth has decreased somewhat during the mid-1970s.

Swedish officials realize that if Malmo is to retain and expand its industrialized base, additional urban growth will result. To determine where such growth should be directed, they have conducted, in cooperation with county and regional planning officials, extensive studies of the location of the best agricultural lands, as well as studies of the location of areas with the best historical and recreational potential. Based on these studies they have designated areas for future urban expansion.

Most of the expansion areas are located to the north of the city, away from the best agricultural lands. Some expansion will be allowed to the east and the south of the city, but in areas where urban growth has already occurred. To insure that the growth in the designated areas does not become uncontrolled, population limits have been designated for each area and future development will be required to be more clustered than in the past. In addition, through a series of demarcation lines, development activities will be blocked from encroaching on agricultural lands or areas of recreational and historical significance.

Pressure on open-air life and recreation areas

Lulea commune is located in northeast Sweden on the Baltic Sea. It is characterized by an archipelago landscape with many uninhabited, unspoiled islands, which have come under increasing pressure from the building of recreation homes. The area was identified in the National Government's physical planning guidelines as an area of concern for recreation purposes and the preservation of nature.

Although it once had a thriving fishing and forestry industry, the Lulea area experienced a decline in population over the years as people migrated to Southern Sweden where job opportunities were greater. To reverse this out

migration, the national government designated Lulea as an industrial growth area and offered incentives to companies to relocate there. A large, government-owned steel plant at Lulea is being significantly expanded and additional industries have or will relocate in the area. The potential for conflicts between industrial and leisure home development and recreation and nature preservation in the area has therefore become very real.

To comply with the national physical planning guidelines designating Lulea as an area of concern for recreation and the preservation of nature, Lulea commune and Norrbotten County planning officials carried out an extensive and detailed study of the area. The study included (1) inventories of existing vacation homes, uninhabited islands, bathing beaches, and boat harbors and anchorages, agricultural lands and scenic, historical, and cultural areas, (2) soil surveys to determine capability to support various types of activities, and (3) assessments of anticipated land and water needs for urban and industrial purposes.

Based on this study, the Lulea area was divided into four zones where different types of activities will be permitted in the future. In zone 1, or the outer-archipelago area, no development at all will be permitted. The lands in this area are the most pristine and will be preserved in their natural state for the enjoyment of all people.

The inner-archipelago area, or zone 2, is the most highly exploited area in terms of vacation homes. Many of these vacation homes are in widely scattered locations and they often restrict access to beaches and shorelines, or distract from natural and scenic beauty of the area. Future vacation home development will be permitted in the zone, but it will be strictly regulated. Such development will be tightly clustered and designed to complement the natural landscape and will not be allowed to restrict access to beaches and shorelines. Attempts will also be made to remove existing housing which is unsightly or restricts access to public areas.

Zone 3, which has been designated for urban and industrial purposes, generally encompasses existing urban and industrial areas, although additional lands have been provided for expansion. Such expansion will, however, be controlled. Urban expansion will be highly clustered so as not to create sprawl and will be integrated with large open space areas providing close-to-home recreational opportunities. Industrial expansion will be directed away from residential areas and existing conflicts with residential

areas will be corrected. For example, the government-owned steel plant will be allowed to expand, but as a condition for expansion the company will be required to relocate an iron ore depot which causes dust pollution in a residential neighborhood.

River valleys and shorelines have been included in zone 4. These valleys contain the limited agricultural lands in the area and will preserve in agricultural uses. Also, the river shorelines will be protected in their natural state to insure access by the public for recreational and nature study purposes.

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The techniques and methods of land use planning being used in foreign countries are undoubtedly based on the political, social, and economic characteristics of each country. This does not mean, however, that some of these techniques and methods could not be adopted in the United States. The long experience that many of these countries have in land use planning could well serve as examples for the United States. Hopefully, responsible officials in this country will not hesitate to study these foreign experiences and use those techniques and methods which have the greatest applicability to our unique situations. Also, in making future reviews and studies, we in GAO should consider the applicability of foreign techniques and methods as potential means of solving some of our problems.

Selected Questions and Answers

Q: It sounds like the Canadian Land Inventory System is similar to existing systems in the U.S. For example, the Soil Conservation Service does soil surveys in the U.S.

A: That's true, but the question is whether the SCS surveys are tied into the mapping work that the Geological Survey is doing. We doubt whether the various activities are coordinated as they are in Canada. The Canadian system is a national system coordinated with the local government levels. We believe it is very useful to people at the provincial and municipal level and a similar system in the U.S. may be desirable.

Q: What do the people at the local level in Canda do with the information generated by the Canadian Land Inventory?

A: The use made of information in the system by British Columbia in establishing its agricultural land reserves is a good example.

Q: How do you believe the example of the Toronto Beltway Park can be applied in this country?

A: It is a good example of the power of the State in intervening in a matter of greater than local significance. If a local community takes an action which impacts on other communities, without considering such impact, the State could, if it chose to do so, overrule the local decision because it was of greater than local significance and not in the best interest of the State as a whole. It is an interesting study in what a State could do, if it so chose. That does not mean that it would be easy, but it could be done.

Q: Would the differences in the forms of government between the U.S. and Canada affect the ability to carry out action such as the Toronto Beltway Park?

A: No, because it is an example of the potential power of state governments, not the National Government.

Q: Has the B.C. Land Commission been effective? What has been the results of their efforts?

A: It has protected the prime agricultural lands and it has been very effective in stopping sprawl, at least the expansion of sprawl. It has channeled the expansion to areas which are not especially good for agricultural purposes, but which are usable for urban expansion.

Q: Can many of the Swedish concepts really be applied in the U.S.?

A: The concept of national guidelines, delineating specific areas where special interests of national concern need to be taken into consideration, but with actual state or local planning for such areas is very interesting, and could possibly be adopted in the U.S. The Swedish national guidelines, however, are much more explicit than the national guidelines in the legislation currently pending before the Congress. With respect to matters such as expropriation of property and no reimbursement for diminished use of property because of a governmental decision, it would be much more difficult to implement such ideas in this country.

PANEL DISCUSSION:

"THE IMPACT OF FEDERAL PROGRAMS, SUCH AS HOUSING, TRANSPORTATION, AND WATER AND SEWER, ON NON-PUBLIC LAND USE DECISIONS"

REMARKS BY

SHELLEY MARK

DIRECTOR, OFFICE OF LAND USE COORDINATION

ENVIRONMENTAL PROTECTION AGENCY

In most panel sessions where you deal with "The Impact of....Whozits on....Wheejees," the scholarly way of getting into the subject is first to raise questions about "whether there is an impact," modestly conclude "indeed there is," and then proceed with the discussion. However, when a meticulous and sometimes awesome agency such as the General Accounting Office allots three and a half hours of its and your precious time to the topic: "The Impact of Federal Programs on Non-Public Land Use Decision," not to overlook the proceedings of the other two days, you had better believe there is an impact and take it from there.

At any rate, I am sure GAO has put together this symposium only after very thorough contemplation of key problems and issues it must deal with in carrying out its mandates to ensure proper and effective usage of public resources. Personally, I am familiar with GAO's penetrating analysis of a recent study, entitled "Operation Fresh," on the disposition (or non disposition) of military lands in Hawaii. I forget what the acronym stands for, but do recall the findings and recommendation did not quite live up to either its promise or the expectations of Hawaii State officials and community representatives. I hope that the GAO report will freshen things up in that arena.

Coming down to your current agenda, I would comment that it is indeed a microcosm of today's pertinent land use issues. And with its cadre of knowledge speakers, most of whom responded to your invitation with alacrity I am sure, we can confidently get down to the business at hand.

I am sure you are very familiar with some of the consequences of the Nation's land use tendencies and practices--urban congestion and pollution, suburban sprawl, leap-frogging development, loss of prime farm lands, endangered natural areas, inability of fragmented authorities to cope, et. al. The benefits of economic growth, which for a long time rationalized the Nation's benevolent attitude toward the land using proclivities of its citizens, are being challenged by increasingly perceptible costs of unrestrained growth. Clearly a better balance has to be struck between economic growth and environmental quality. A watershed was

reached with the environmental movement of the 1960's culminating in passage of Federal Environmental Policy, Water Pollution Control, and Clean Air legislation.

Yet while the pervasiveness of these issues and the consequences of not facing up to them are apparent, we are still highly tentative in our attempts to deal with them. Although various mandated Federal programs have very obvious land use impacts, though many States and localities have exercised land use controls for decades, and recent court decisions have generally supported land use restraints, attempts by Congress to pass land use legislation have failed in each of the last four years.

Meantime, the Federal Government is actively involved in implementing all kinds of land use legislation. These range all the way from wet national land use law administered by NOAA under the Coastal Zone Management Act to HUD's traditional support of land use planning under its 701 program. These involvements and implications are best described by the symposium speakers representing these programs.

EPA's involvements are more indirect, but consequential nevertheless. In attempting to carry out its environmental protection (pollution abatement) mandates, EPA is bound to have an impact on how land is used throughout the country. At the same time, prevailing land use practices and the extent to which they may be influenced by land use or comprehensive planning can not help but affect the acceptability and effectiveness of our environmental protection programs.

In terms of air quality, EPA activities are carried out under the Clean Air Act Amendments of 1970. These amendments were adopted because of the inadequate response of state and local governments under previous air quality legislation. The 1970 Act set in motion joint Federal and state efforts to achieve national standards of air quality. The states are to devise state implementation plans, or SIPs, for achieving and maintaining the air quality standards. Potential areas where SIPs may have significant impacts on local land use management include the nondeterioration provisions, the transportation control plans, the indirect source reviews, and the air quality maintenance planning.

To protect those areas of the country with relatively clean air, Federal court action has required that the State planning process include provisions designed to prohibit any significant deterioration in air quality. This would apply to those areas which have already met the primary and

secondary ambient air quality standards, even if such deterioration would not violate those standards.

Another provision of the SIP applies to those parts of the state where the use of stationary source emission controls cannot alone solve the problem. Plans for these areas must be supplemented by control strategies which would reduce transportation induced pollution, particularly that generated by private automobiles. The intent here is to encourage the use of public transportation systems by enacting measures which will reduce private automobile travel to and within the central business districts.

Indirect source regulations can be considered as one element in the transportation control plan strategy. They were established to review the location of major new traffic generators. Although the regulations have been temporarily suspended, their promulgation would require States to approve in advance the location of facilities designated as indirect sources, such as shopping centers, amusement parks, and major sport facilities. The impact of such indirect sources is measured by their associated transportation activity as indicated for example, by the size and design of proposed parking facilities and the volume of traffic attracted accordingly.

The air quality maintenance program is also being developed in response to a court suit. Air quality maintenance planning is being undertaken in those areas where air quality has the potential of surpassing secondary standards over the next ten year period. We would estimate that there will be roughly 170 such areas designated in the near future. Most of these will be standard metropolitan statistical areas, although some will also be in energy resource development areas.

At the moment there seems to be considerable uncertainty concerning the status and future of air quality planning in the country. This has been compounded by the prospect of further Congressional amendments to the Clean Air Act, as well as judicial rulings under the current Act. The transportation control plans (TCPs) generally seem to be moving ahead, aside from the issue of bridge tolls in New York. TCP's for the roughly thirty areas throughout the country, where pollution levels are severe enough to require such plans, are in various stages of implementation. However, the parking management elements of the TCP's and indirect source reviews were suspended early this year to await further Congressional guidance and clarification of intent. Although the vocal reaction has been generally opposed to Federal imposition of these programs, it is not yet clear

whether Congress will insist that EPA work out an acceptable solution under present statutory language or specifically delegate the problem to the states. This assumes the Congress has no desire to retreat from the air quality standards the suspended measures were intended to enforce.

A similar situation has occurred in the non-deterioration program. Early this year, EPA designated all areas as Class II where moderate growth will be allowed. The states would have the option to reclassify certain of these areas as Class I or Class III. To date, only five states have requested this responsibility, most of the remaining states preferring to take their chances with further Congressional clarification. The chariness with which the states are embracing this new found responsibility may also be due to the enduring influence of new industry promoters and the general scarcity of economic development or growth management planning in most state capitols.

Be that as it may, EPA air quality programs are having and will have both direct and indirect impacts on a number of land use categories. The direct impacts relate more specifically to siting considerations of new industrial and public facilities. Indirect impacts are somewhat more difficult to define and assess.

For example, TCP's as part of an overall transportation strategy for an area can have considerable influence on the general pattern of residential development in a locality. Recommendations as to public transportation modes and routes designed to alleviate air pollutant levels must confront the issue of land use densities at the modes or along the corridors of the proposed system. Unless compatible decisions are made by local planning authorities, the intent behind both the program and law may be contradicted.

EPA air quality planning requirements can have a wide variety of other local land use consequences, ranging from the discouragement of industrial or power plant siting to the encouragement of bikeways as an additional public recreational resource. Without prior understanding of these impacts, and the advance planning to ameliorate any undesired effects, any resemblance between Federal implementation and local aspiration may be purely coincidental. At this juncture it may be politic to shift from hot to deep water.

Water Quality Programs

The Federal Water Pollution Control Act Amendments of 1972 outline an ambitious national water clean-up program.

Implementation of this Act involves the development of water quality standards and guidelines with respect to permissible effluent which may be discharged into the Nation's waters. It also requires the establishment of State and area-wide plans and programs for administering and enforcing water quality standards. Furthermore, it provides funding for research, for implementation of Water Act Programs, and for the construction of wastewater treatment plants. And, it provides for the creation of a national pollution discharge elimination system. The grants for building treatment facilities are subject to a number of conditions, including consistency with areawide waste treatment management or "208" plans and state plans developed to implement Water Act standards.

The two programs most closely related to land use questions are: the waste treatment grants programs outlined under section 201 of the Water Act and the areawide waste treatment management planning requirements under section 208 of the Act. Another area of considerable potential impact is the Safe Drinking Water Act, which requires the agency to assure that any Federally-assisted project within an aquifer recharge zone be carried out so as not to contaminate the drinking water source. Although EPA's approach to administering the aquifer protection section of the Safe Drinking Water Act has not yet been finalized, the land use implications seem fairly obvious.

The land use impact of the older EPA water programs is substantial. The facilities construction grants program, by providing sewage capacity to existing and future residential areas, will to a large extent determine the pace and intensity of growth in these areas. The 208 areawide waste management plans will influence overall residential patterns by deciding which areas need to be serviced by public facilities and prescribing alternative methods of maintaining water quality in the regions. The fact that many sewage treatment plant sites have already been selected under the 201 construction grants program without the benefit of the areawide 208 perspective may be injurious, but not necessarily fatal to "good" planning. The ultimate test may be whether engineers or planners have the better hindsight. Nevertheless this is a situation which the Agency and local officials have to address promptly and judiciously, lest the wall-to-wall statewide 208 planning called for in a recent court decision become merely wall-to-wall plans.

However, the distinguishing and possibly redeeming feature of 208 water quality planning, in addition to the statewide planning mandate, may be its coverage of non-point

sources of pollution (namely, from such activities as agriculture, mining, forestry, and construction). Impacts on local land use practices may arise with enforcement of erosion and sedimentation control ordinances during construction phases of development. However, it may not prove too gainful to generalize on these impacts at these points, since the purpose of the 208 planning effort is to bring groups of local officials together to look at water quality problems on an areawide basis and propose solutions that may be implemented by each member of the groups. In many cases, these will be new groupings whose activities are quite likely to confront practices and proclivities of established local power centers (i.e., city halls or county court houses). It may be as much a challenge for 208 planning to straighten out "who is to do what" as much as "what is in terms of water quality and land use that has to be done."

Suffice to say that what we do with our water in the future will be intertwined with what we do with our land--whether this be in determining where and how new shopping centers can be built, where industrial plants can be located, what capital investment will be required, where large feedlots may be placed, what kind of mining practices can be tolerated, where transportation networks must be directed, and how flood plains must be safeguarded, not to speak of the previously-mentioned anti-contamination requirements of the Safe Drinking Water Act.

In one form or another, these constraints on how we use and care for our land are contained in existing national legislation. Whether the ultimate outcomes are anywhere near the expectations of the lawmakers or the constituencies to whom they are responsible will depend on the care and sensitivity with which Federal agencies draw up and administer their rules and procedures and the pragmatic optimism guiding the response of state and local agencies throughout the land.

One way in which public laws and programs may be regarded in this light of pragmatic optimism may be mentioned at this point. It concerns a major effort of EPA's Office of Land Use Coordination (which by its very title must be full of pragmatic optimists). It should also be of interest to GAO, since it builds on the concept of multiple-use planning and seeks to recapture public benefits from public investment.

As you may know, most of EPA's 201 wastewater treatment project grants concern facilities located on or in close

proximity to bodies of water. All such projects are destined to improve the quality of receiving waters which are now being polluted by disgorgement of untreated municipal and industrial wastes. As 201 projects begin improving water quality, shoreland which was previously by-passed by development will become more attractive to private developers and public agencies alike.

Since the costs of water clean-up efforts will be largely borne by the general public, it stands to reason an appropriate share of the benefits that cleaned waters present in terms of recreational, open space and other potentials ought to be captured for public use. It is quite likely that if no steps are taken to safeguard heretofore fallow shoreland and watershed, unplanned developments in these areas could result in the reemergence of water pollution problems in future years.

With judicious planning on the part of local communities and states, and through cooperative action between EPA and the Bureau of Outdoor Recreation's Land and Water Conservation Fund, many recreational and open space sites may be acquired, and developed. This can be done through local public initiative prior to rising real estate values that may accompany the cleaning of polluted rivers, lakes, and estuaries. The planning for these acquisitions and their subsequent development of safeguarding for public benefit could be initiated early in the process of planning for the improving of water quality under EPA's 201 and 208 programs.

I can report that both EPA and BOR are now actively involved in a joint effort to assure that public access and shoreland protection may be synchronized with the process of cleaning up the Nation's waters.

Solid Waste, et. al.

Emphasis has been placed in this paper on EPA's air and water quality programs. These have drawn the greatest public attention, received the largest Congressional appropriations, and generated the liveliest controversies. Other EPA involvements have also drawn fire. These range from the banning of certain pesticides and chemicals to return of soda pop bottles. While there are undoubtedly land use implications in these programs, our time and knowledge do not permit their exposition here.

Mention should be made of EPA's role in administration of the Solid Waste Disposal Act. A major land use consideration of the solid waste program concerns the siting of

solid waste disposal facilities. By and large, open dumps occupy sites with no apparent competitive land uses, (e.g., abandoned gravel pits, marshes and swamplands). Most of these low cost sites are conducive to environmental degradation.

Since solid waste management planning is generally a low priority item with local government, urban sprawl has generally outstripped disposal capability and more capacity has to be found after intensive development has occurred. The default strategy of the past has caused a number of subsequent environmental problems. One in five land disposal sites for solid waste surveyed in 1968 actually had refuse in direct contact with ground water. As of 1974, over two-thirds of all land fill sites were located in areas of positive infiltration of groundwater recharge areas.

The need for strong planning initiatives to assure ground and surface water protection becomes more apparent when one considers that roughly one-third of all U.S. cities surveyed in 1974 by the International City Management Association have less than two years remaining in landfill reserve capacity.

From EPA's perspective there is at least a de facto national land use policy. In this connection I call your attention to a resolution adopted by the County Supervisors of Green Lake, Wisconsin which urges Congress to prohibit EPA from getting into the land use business and provide criminal penalties of any Federal agent who gets out of line. This is indeed the new Federalism with a vengeance.

Incrementalism vs. Comprehensiveness

Why further legislation? In the land use area, do we not already have enough or too much? Should not the task now be to straighten out what we already have or at least develop a strategy on how to come to grips with it? Is it possible to achieve the objectives without the legislation? Should we mandate comprehensiveness, or can we get there quicker via the incremental approach?

There is much to be said for incrementalism. It is much easier to focus initially on a single issue--e.g., control of air pollution, protection of coastal areas, acquisition of recreation areas. It is also possible to coalesce various sectional interests to get necessary legislation passed; the political tradeoff process works best when there is something to trade--protection of my wetlands for your prime farm lands, or more crassly your county

courthouse. And it is easier to identify the state or local agency to be charged, after due planning assistance funding, with whatever the legislation is to charge it with--i.e., the State Water Pollution Board, the energy coordinator, the local planning commission.

On the other hand, how comprehensive can you get before losing comprehension? What are the ingredients of land use policy? What is "good" land use, and who says so? What is to be legislated, and why? Opponents of national land use legislation have been able to exploit this situation to their advantage. Proponents are hard-pressed. It is difficult to stand four-square behind "good" land use planning ("good" being defined as what planners think it is) when the opposition is waving the flags of states' rights or personal liberty. One frustrated official has been heard to say: "If we didn't have to call it "land use," we would have gotten the legislation passed."

The moral seems to be: take it a step at a time. If dirty water is the problem, clean it up. If polluted air is the problem, reduce the pollutant level. If energy is running scarce, conserve it. Not that these represent shining examples of progress or achievement. But do not complicate matters with interrelationships and interdependencies. You will get there if you take it a step at a time.

Yet this does not dismiss the case for comprehensiveness. It is a tricky business we are involved in. It is difficult to push ahead on your own mandates without wandering off to someone else's turf. Examples within EPA itself come readily to mind. Technologies designed to reduce emissions to one medium (e.g., scrubbers installed by industrial or utility plants) may simply transfer the pollutants and the accompanying disposal problems to another medium (e.g., sludge).

Of greater relevance to local land use concerns are the siting and sizing of sewage treatment facilities. Located in presently urbanized areas, which may coincidentally contain the main sources of pollution, they forthrightly fulfill their primary mission of abating public health hazards. But sewage treatment plants are not always the most welcomed neighbors and finding desirable and acceptable locations is often difficult. Such locations are often out in the veritable "boondocks." However, the technology is such that a network of interceptor and main trunk lines can be laid out, limited mainly by the capacity of the treatment plant. The nature of this layout can govern the type, extent, and staging of development in any given locality. The potency of

this potential influence in land use patterns has led some observers to term sewer systems the new underground highways. Thus, in support of comprehensiveness, when sewer treatment planning is addressed solely to the primary objective of abating public health hazards, it may also provoke unanticipated and undesired community growth and thus exacerbate existing air pollution problems.

Without a more comprehensive or better coordinated planning approach than is called for by most existing legislation, it is quite possible to wander off into another medium, another mandate or another jurisdiction. To avoid resultant problems of conflicting objectives, confusing directives, and contradictory results in the absence of more comprehensive legislation now requires a fresher and harder look at existing authorities.

It is possible to improvise an incremental approach to comprehensiveness. Stripped of inflammatory dialogue, it may be viewed simply as devising the institutions and procedures and motivating the key performers to solve today's problems with today's technology, but with tomorrow's interests and the concerns of one's neighbors in mind. Some of the necessary ingredients for this approach seem to be in place.

States, and to some extent localities, are beginning to approach their problems more comprehensively--perhaps as a defense against the plethora of Federal programs and requirements they have been forced to deal with. Confronted with all sorts of interconnected and conflicting requirements, state governors and their planners and budget officers are beginning to develop or utilize coordinative mechanisms to rationalize what it is they are supposed to do, what they may do it with, and what public benefits result from their so doing. State environmental impact statement requirements, use of the A-95 program clearinghouse process, and more comprehensive outlooks on functional planning requirements are some examples of these interests.

Federal agencies might well take a closer look at their planning assistance programs to see how they can encourage these tendencies. EPA's court-mandated wall-to-wall Statewide 208 planning requirements should be viewed as an opportunity rather than a disaster. State planning agencies should be encouraged through funding and technical assistance to assume closer coordinating roles among the state air and water pollution control agencies, among environmental, economic development, and growth management planning functions, and among the different agencies and levels of

government. In turn, the area-wide but local 208 agencies need to face up to the realization that the game may well be over when 208 funding runs out and what happens thereafter will depend on the bridges they are currently building to the funding and implementation authority resting with state government. The hoped-for outcome of such efforts might well be the emergence of comprehensive planning agencies in each state, responsible to the chief executives and with authority to deal with various Federal programs on a coordinated basis.

Following this incremental approach, it would be necessary for the Federal establishment to get and keep its own house in order. What appears needed as a first order of business and within existing statutory authority is the putting in place of strong and meaningful coordinative mechanisms within and among the various agencies that impact on local community growth and development decisions. The interagency agreements on planning requirements, involving coastal zone management, HUD 701 and EPA 208 programs are good starting points.

What seems also in order is a concerted effort at all levels to articulate, formulate, manage, and coordinate those broader policies concerning the direction, quantity and quality of growth of individual communities. As a recent court decision has indicated, local communities are more likely to be permitted to chart their own destinies if they can demonstrate they have done so in a reasonable and non-arbitrary fashion.

Their ability to do this would be greatly enhanced if the longer-range policies and program objectives of state and Federal establishments were more deliberately formulated and effectively communicated. For while some judicial decisions may be generally supportive of orderly growth management, they are usually rendered on an ad hoc basis and should not be regarded as a substitute for responsive long-range thinking and responsible comprehensive planning in concluding with a comprehensive outlook. Environmental protection programs can be short-sighted and off target without full awareness of their land use impacts. Land use policies are meaningful only in the context of overall community growth--a context where tradeoffs between environment and economy, resource availability and consuming propensities, today's urgencies and tomorrow's aspirations are confronted and dealt with in an open manner.

REMARKS BY

LAWRENCE HOUSTON

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

There is no tendency in government more pervasive than the penchant to look inward and to avoid uncomfortable externalities. In contrast, and as a result, the most intractable urban and environmental problems persist at the points where development systems come into contact--or where they should and fail to. With the recent growth in federal planning assistance and requirements affecting land use has come the likelihood of subjecting a single geographic area to as many as a half dozen land use plans, each consistent with the development activities to which they are tied, but rarely if ever to one another. Does it make any difference to the average American whether or not different planning and development systems are subject to some form of reconciliation? Is the effort to coordinate, integrate, or unite such systems of significant social consequence, or is it simply a matter of professional and technical concern?

Development patterns of all kinds are shaped by a great many public decisions, most of which may be said to be subject to some form of planning. For example, the zoning process is a major shaping instrument and is generally rooted in some form of legally recognized public plan. Private developers plan, too, at least in terms of the land which they hold, and tax policies are often used to influence the use of land.

Equally important is another set of development planning processes. The location of new schools, the replacement or improvement of old ones, and the provision of educational services all have a pronounced and predictable effect on the use of land. A recognizable element in the expansion of the suburbs has been the pursuit by middle-income families of what they perceived to be improved educational opportunities.

Similarly, the location of new parks and recreation facilities--which tend in recent years to favor the outlying sections of metropolitan areas where land is cheaper--has a decided effect on the use of nearby land. The amount and kind of recreational programs and the effectiveness of the maintenance, repair, and public safety programs also influence land uses. Most of these decisions are handled by

parks and recreation specialists who similarly plan for the use of land. Other major land shapers, of course, include the creation and improvement of streets and highways and the provision of water and sewer systems. Specialized planners guide the decision-makers here, too, often operating from county or state governments or independent authorities.

While it is not fair to charge that all of these systems operate totally without reference to one another, their specific focus on a single aspect of development produces development policies and effects that can and often do cancel one another out. Each of these decision-making structures attempts to predict what public needs will be in its field and to meet them. In the process, of course, they help fulfill their own prophesies by accelerating development in some areas and, necessarily, reducing the relative attractiveness of others. Since each type of development planning is in most cases administered by a distinct agency of government and frequently by an entirely different government, rationalization of these systems will not come easily. That has been the pattern for decades, and there is little reason to believe that it will correct itself.

Functional insularity is not the only barrier to the rationalization of planning systems. As many as 60,000 governmental entities--States, special districts, counties, and municipalities--shape the use of land in the United States, and frequently two or more of these governments have some degree of jurisdiction for the same geographic area. Back in 1966, the Committee for Economic Development produced a now famous graphic presentation of the eleven governmental layers which affect the lives of citizens in Fridley, Minnesota. In addition to the federal and state governments, Fridley citizens reside within the jurisdictions of the metropolitan mosquito control commission, the Minneapolis-St. Paul Airports Commission, Anoka County, a soil conservation district, the North Suburban Hospital District, the Minneapolis-St. Paul Sanitary District, the North Suburban Sanitary Sewer District, an independent school district, and Fridley itself. Each of these jurisdictions is engaged in some form of planning (however informal it may be in the case of the mosquito control commission) and in some cases there is more than one planning activity under way per jurisdiction.

The waste and conflict inherent in sprawl development, for example, stems not from any lack of planning, but rather from the functional and governmental compartmentalization in which planning proceeds. The shape of the built environment emerges incrementally and inexorably from the interaction of

a great many public decisions--most of them planned--which affect tax policies, zoning, routing of transportation, location of water and sewer systems, the siting of schools and recreation areas, and similar factors.

The 1969 report of the National Committee on Urban Growth contains a passage which summarizes this review:

> Beyond the edge of the city where today's suburb trails off into fitful countryside, there is another city larger than any that has been built before. You cannot see it even if you drive off into the cornfields. But it is there, breathing in the silence all around you. It is there in the forces that are already loosed, in the rules you have established, in the adjustments you have made.

The growth of planning in America has certainly strengthened those activities for which in each case the planning was intended to serve. There is no question that we are getting better highways from highway planning and better water quality from water quality planning. Because of the functional insularity of these systems, however, there is a real question as to whether we are also, for example, getting improved water quality from improved highway planning. Perhaps the best we can expect from the coordination of functional planning systems is less adverse effect.

Because it is the sole funding source available for reconciling or unifying planning systems, the HUD 701 program has a special responsibility and considerable potential. Our objective is to make possible the development and use of a unified land use plan which will meet all or most of the requirements of the federal agencies concerned. Needless to say, the differing statutory charters, perspectives, state and local implementing agencies, and development objectives make such an undertaking difficult to achieve.

We are approaching this problem in four ways:

1. Federal to Federal Coordination. Though a series of agreements with the other federal agencies having principal responsibility for the provision of land use planning assistance, we are making it possible for states and other jurisdictions to develop and apply one land use plan and set of policies to meet all or most of each agency's requirements.

2. State Agency to State Agency Coordination. Under the leadership of the governors, state 701 recipients will be required to develop a mechanism for coordinating or unifying the principal state-administered land use planning systems. Special funding emphasis will also be applied in concert with the other cooperating federal agencies.

3. State-Areawide-Local Coordination. States will be offered the opportunity to develop, in consultation with substate 701 recipients, policies, directed at coordination of land use planning among the governmental levels. Again, special funding as well as regulations will reinforce this measure.

4. Planning and Land Management Coordination. We have begun discussions with the principal land management agencies of the Departments of Interior and Agriculture to begin to relate state, areawide and local planning to federal lands.

The 701 statewide and regulations require the development by August 1977 of a comprehensive plan which includes, as a minimum:

1. A housing element linked to...

2. A land use-growth management element.

3. Citizen involvement at key points in the process, and

4. Coordination of functional planning among and between governments.

Several provisions have been incorporated into the revised 701 regulations to support the coordination objective, starting with the statement of intent:

> "It is the intent of this section to enable States, units of general local government and areawide planning organizations to integrate all existing land use policies and functional planning activities impacting land use and to involve Federal, State and other public agencies charged with significant functional planning or land management responsibilities in the development of the land use element required in section 600.67. The unified land use policies and plans of a State, unit of general local government and areawide planning organization should be such that they serve as a guide for Federal, State, and local government decision-making on all

matters related to the use of land, including, for example, air and water quality concerns, waste disposal, transportation, protection of coastal areas, open space, agricultural food and fiber production, environmental conservation, development and housing. A further objective is to facilitate coordinated land use policies among the various levels of government. Recipients will have latitude to develop the land use element in a form which will allow them to meet the requirements of other Federal programs requiring comparable land use elements or components thereof."

The land use problems which 701 recipients may address are defined in the regulations as including:

"Identification of public facilities, utilities, open space and recreation needs, transportation needs and other services required to support projected uses of land;

The impact of the recipient's proposed policies (including tax policies) on air and water quality, coastal zone management, waste disposal, areas of critical concern, natural resources including productive soils (especially for agricultural production), availability of and need for conserving natural resources and energy, and disaster mitigation activities;

Distribution of growth including possible locations for new communities, large scale projects and key facilities;

The conservation of energy through land use strategies designed to reduce energy consumption and the development of policies designed to facilitate the recovery of energy resources in a manner compatible with environmental protection and future reuse of lands..."

States will need to include:

"Long and short term policies, and where appropriate, administrative procedures and legislative proposals, with regard to where growth should and should not take place;

Studies, criteria, standards and implementing procedures necessary for effectively guiding and controlling major decisions as to where growth shall and shall not take place; and

Policies, procedures, and mechanisms necessary for coordinating local, areawide, and State land use policies with functional planning and capital investment strategies, when available, and improvements in governmental structures, systems and procedures that will facilitate the achievement of land use objectives..."

Each applicant's work program will describe the current status of land use related planning (e.g., coastal zone management, air and water quality, transportation, solid waste planning, etc.) and related implementation activities within the applicant's planning jurisdiction.

Almost $200 million is allocated by federal agencies for land use related functional planning on the part of states, regions and local governments. The impact of these funds directly and indirectly on transportation, housing, key facilities and the natural environment is considerable. Looking to the future, we would encourage each responsible federal agency to adopt, wherever it would not be in conflict with statute, similar regulatory provisions which actively support coordinated land use planning. Proposals have also been made to enact legislation which would place common requirements on all federal planning assistance programs.

Acting with due regard for Ambassador Moynihan's classic reminder that "Everything is related to everything else," HUD and EPA have entered into an agreement to coordinate their respective planning programs so as to facilitate planning coordination among states, areawide organizations and local governments.

This was the first such agreement, the major objectives of which are:

1. Consistency of 701's required land use element and the required land use provisions of the 208 water quality plan.

2. Joint funding of demonstration projects.

3. Coordinated 208 and 701 work programs assuring that:

a. there will be no duplication;
b. the completed plans will be consistent; and
c. the objectives of both programs will be achieved.

4. Mutual review and comment of completed plans.

5. EPA will encourage substantive involvement of area-wide comprehensive planning agencies in water quality planning where the 208 and comprehensive planning agencies are not the same.

6. Encouragement of 701 and 208 recipients to use common data bases, analytic techniques and consistent criteria.

HUD and EPA are now developing and applying procedures designed to assure that, where water quality planning is performed by the same agency that handles the 701 work, the land use plans will be identical. Where they are not performed by the same agency, there will be an effective mechanism for working out conflicts in goals and objectives affecting the same area.

In addition to the agreement with EPA on water quality, there is a signed agreement with the coastal zone management program which includes a provision that HUD will accept an approved coastal zone management program as meeting the 701 land use requirement to the degree that the geography fits and applicable provisions of the law are met. An agreement with the Federal Energy Administration commits 701 and that agency to cooperate on a wide range of activities especially in communities heavily impacted by coal and oil extraction. We have already begun joint funding of demonstration projects and the preparation of a handbook for planning in energy-impacted areas. A conference on energy considerations in planning is planned during the present fiscal year. Agreements are pending with the Bureau of Outdoor Recreation, the Economic Development Administration, and the EPA Air Quality program and we have begun discussions with the Administrator of the Urban Mass Transit Administration in DOT. Particularly satisfying to the 701 staff is the secondary effect of these agreements as some of our signatories negotiate agreements with one another and with other agencies and programs.

This month, at our initiative, the federal land management agencies began discussions with the federal planning assistance agencies concerning the relationship of state and local planning to the use of federal land. While these relationships are of concern throughout the United States, they are, of course, of particular concern west of

the one hundredth meridian. Certainly, this coordination would be significantly advanced by the pending amendments to OMB's A-95 system, particularly part two which has until now received little attention. In addition, however, we expect that a number of states and perhaps other levels of government whose jurisdictions include significant amounts of federal lands will want to involve the land management agencies more directly in the required land use planning processes. In cooperation with several other federal agencies, a number of demonstration projects have been funded which should soon advance our understanding of the most appropriate ways in which federal agencies with direct and significant land use authority should work with state, local and regional authorities.

While all of this effort may save a few dollars in planning funds, of greater significance is the possibility of saving uncounted public and private money which would otherwise continue to be wasted through incompatible development decisions. Improvements in planning coordination pay significant dividends in terms of savings to governments otherwise burdened with excessive development, operating and maintenance costs and to family budgets in such items as the cost of utilities and transportation.

The dollars and cents implications of uncoordinated planning are becoming more obvious each year. The Council on Environmental Quality in its most recent report observes that "new sewers are becoming in many metropolitan areas the prime determinants of where and how fast development occurs... Because the allocation of a new interceptor (sewer) significantly increases the number of buildable lots along its right of way, a key issue is its capacity. There is a general tendency for such lines to be oversized in order to assure the necessary capacity for future development, but the oversizing itself can contribute to the extent that development occurs."

Noting the tendency for interceptors to run for long distances between towns before reaching treatment plants, CEQ points out that "such lines open large areas of what may have been previously undeveloped land....(This) could run counter to desirable development patterns, particularly if sewers are placed only with an eye toward waste-water treatment efficiency."

By way of illustration, CEQ reported the case of a proposed interceptor that was slated to run through a large undeveloped coastal area of Delaware that was on the state plan for eventual purchase as recreation land. The proposal

would have used public funds to build a sewer that would have substantially raised the cost of the land to the public.

The HUD 701 program will not require or support land use planning and policy making which simply reflects the chaos of thousands of jurisdictions acting in isolation and, not infrequently, in conflict with one another. It was not the intention of Congress to fund yet another vision of the appropriate use of land for each of the nearly 2,000 participating jurisdictions. Our objective,--and it is in many ways a more difficult one--is to reconcile the conflicts that inevitably exist as the result of single-purpose planning and development.

We believe that when the principal land use shaping instruments of the states, regions, local governments and federal agencies begin to act on the basis of a single set of assumptions as to how growth should take place, we will at once have reduced many long term, built-in costs of government, lessened the burden on consumers and markedly improved the quality of urban life.

REMARKS BY

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DEPARTMENT OF TRANSPORTATION

I'm delighted to be able to join you here today. Assistant Secretary Binder, who was originally scheduled to be here, developed an unavoidable conflict and very much regrets that he could not come.

Secretary Coleman began his recently released Statement on National Transportation Policy with the observation that "Transportation has substantially shaped the growth and development of the United States." Many of us are likely to dismiss this statement as constituting "a blinding glimpse of the obvious," failing to differentiate between its obvious historical accuracy and its far less obvious prescriptive relevance. This is a particularly important distinction in this case since the primary objective which transportation is seen as having had and, it is hoped, will continue to have an impact on, has changed dramatically. That is, what has historically been a development growth policy has, over the course of the last three to five years, been in the throes of transitioning to a growth management policy.

This country has often been accused of having no national growth policy. I would contend that this is clearly incorrect. We are all aware that during our nation's first century, the settlement and subsequent development of the vast stretches of uninhabited area which our ever expanding boundaries encompassed was critical to the nation-building process itself. Even after the physical boundary expansion ceased, this growth philosophy, which was both progenitor and offspring of the expansion, continued to permeate the public policies affecting growth. The earlier homesteading and land grant policies later supported by pervasive social legislation nationalizing welfare, unemployment and retirement programs, thereby making our populace more mobile. Federal programs have also facilitated cheap power, irrigation and flood control, thereby making more feasible the opening up of new areas for settlement. At the state and local levels similar programs, further buttressed by growth stimulating tax policies and the willing expansion of public

services, contributed to reinforcing this national quest for expansion.

Without suggesting that transportation was, by itself, a sufficient condition for the growth which resulted, it is certainly correct to say that transportation played a major role in this picture. But this was the easy part. Transportation, along with the other growth supporting activities, was simply supporting a policy with benefits to almost everyone and with few, if any, hard choices--except, possibly, which railroad to build this year and which dam the next.

On a local level, post World War II Federal mortgage guarantees made single family dwellings financially accessible to greater numbers and more widely available personal transportation made more land areas physically accessible, resulting in increasingly less dense residential development. And it is in this local setting where the contemporary issues in land use have become most urgent. As a nation we are largely past the era when expansion of borders and the filling of open spaces were important national issues. Though a proper national policy framework provides a necessary guide, the rational management of growth and land use is one whose impacts will be most directly felt and whose problems most effectively dealt with on a more localized scale.

I find it useful to categorize transportation's impact on land use under three basic relationships through which its direct effects are transmitted. First, transportation changes the time and/or cost of moving goods and people between different places. Second, transportation facilities consume land directly, often in sizeable quantities. For instance, transportation and its associated uses (e.g., parking, terminals, etc.) account for 30 to 40 percent of the land use in many of our major cities. Moreover, it indirectly affects the use of adjacent land by its presence through changing the land values by visual and aesthetic impact. Third, its environmental effects, most directly noise and engine emissions, have a large and increasingly important impact on the suitability of the affected land for various uses. I try to keep these effects in mind particularly when I see analyses which purport to represent the transportation impact on land use solely through the use of time and cost parameters. That is not to say that our analysts do not recognize the other impacts, but it does indicate that we do not quantify them very well. More germane to my topic today is the extension of this observation to other influences, some of which were alluded to earlier.

Just as we often are forced to ignore non-quantifiable, but direct, impacts of transportation in our analyses, we are often guilty of not confronting other policy influences in our deliberations on transportation and land use. We have adopted a perception of transportation as a sufficient condition in the context of a growth policy predicated upon the desirability of expansion and have positioned a response to a new objective--that of managed growth--based upon identification of changes to the transportation system as the major--occasionally the only--policy component. While it is conceivable that transportation system improvements could have allowed sufficient expansionary pressures to build to force growth in the historical setting, none of the various social and service policies, including transportation, can, by itself, effectively control growth.

It is true, of course, that very direct and specific land use planning can directly accomplish whatever land use goals may be identified; however, controls of this type which infringe upon private individual decisions and freedoms are foreign to the traditions of this country. Though realizing that ecological considerations may, in the future, force us to use measures different from our historical ways of doing business, the courts appear to be very concerned that such controls have a rational basis in order to justify the limitations on basic rights and liberties which direct controls inherently imply. One, it appears that the courts find such a rational basis in plans which relate private development to public investment. The designation of urban service areas is one method of directing development, and when these service areas and/or public investment plans include reasonable provision for rational growth and are not exclusionary, they avoid the appearance of the arbitrariness which the courts are not likely to sustain. The point is that the direction that courts seem to be moving is clear. The legal, as well as practical, considerations dictate that the public sector service programs must be coordinated and mutually supportive if we are to have any reasonable control of land use, short of direct, pervasive involvement in private decisions.

Transportation has acted as a visible, often dramatic, contributor to growth in the context of a host of policies where there was an objective related to a clear national need. Historically, the infrastructure for transportation, as well as other systems, has been both a stimulant to and product of the demands generated by growth. We have but recently reached that seemingly abrupt point at which the approaching saturation of the land's ability to support more growth begins to precipitate increasingly complex and inter-

related negative impacts. These impacts are the result of a long and gradual process and, in my opinion, do not signal that we have reached some absolute limit, but rather that we must now recognize and be more sensitive to the implications and linkages among the development activities with which we are dealing.

These considerations have important and profound implications for Federal actions impacting land use, growth and development. On a broad scale it implies the identification and exposition of national level policies and guidelines. These neither could nor would be specific to local decisions, but would provide a consistent policy framework within which such decisions and plans could be drawn. I feel that the treatment of the transportation/land use nexus in Secretary Coleman's Statement on National Transportation Policy, placed Federal transportation policy in just the right perspective by emphasizing that it must support and respond to sound, rational and locally determined community development and land use. The specific implications for Federal transportation programs and, I would suggest, Federal programs in housing, water resources and power must be to incorporate the flexibility and support necessary to allow and encourage their use in a comprehensive land use strategy.

Though there remains room for substantial improvement, I feel that recent Federal transportation actions have incorporated a number of positive steps along the foregoing lines outlined. Secretary Coleman's call for greater flexibility in Federal transportation programs is not one which is new nor has it been fully accomplished. But considering where most Federal transportation programs were when the Department of Transportation was established eight years ago and the size and influence of the various entrenched interest groups, important, even startling, progress has been made.

The best known and perhaps most useful example of the increased flexibility in Federal transportation programs is the growing uses to which Federal motor fuel taxes may be applied. Only five years ago the Highway Trust Fund allowed these tax revenues to be used only for a very limited and zealously guarded category of uses. Essentially these permitted uses were the construction, improvement and maintenance of highways as the Federal-Aid System. Although the Department of Transportation along with many others had long sought greater flexibility in the use of Trust Fund monies, the loosening of the Trust Fund was basically the product of a widespread awareness that times had changed. It had become increasingly apparent to growing numbers of people--both

within and outside the public sector--that the conditions which provided the rationale for the establishment of the Trust fund had changed. More important was the realization that the Trust fund was providing fiscal momentum for actions which were moving counter to other objectives dealing with land use, the environment and, more recently, energy. Obviously there was not much flexibility in a funding approach which earmarked large and growing revenues for a single transportation purpose which was not always consonant with current goals.

The first major change in the conditions restricting the use of fuel tax revenues came in 1970 when specific categories of highway program funds were made available for certain purposes rather closely related to highways--e.g., exclusive bus lanes, traffic control devices, parking facilities, etc. In retrospect this change appears hardly earth shaking--after all, using highway funds for parking and traffic signals is scarcely a great departure from the original purpose of the fund. The fact that those of us who were working to crack this nut saw this as a significant breakthrough illustrates something of the difficulties in overcoming the political and bureaucratic momentum which had built up in support of these programs over the years.

In the Federal-Aid Highway Act of 1973, however, some truly major changes were made. First, the "related uses" first allowed in 1970 for certain programs were expanded to cover all highways funds. Second, and, in practice, having the greatest impact, was the opening of urban system authorization, initially to bus transit project funding, and finally to any mass transit project regardless of mode. Third, the Act provided that upon joint request by the Governor and the affected local governments, the Secretary of Transportation could withdraw approval for an Interstate segment (contingent upon his finding that the segment is not essential to the completion of a unified and connected Interstate System). The segment could then be replaced, upon request by the local governments and approval by State and Federal authorities, by a public mass transportation project. In practice, this last provision has proved cumbersome bureaucratically and difficult politically and has not been utilized as much as had been hoped. Though these changes to the funding authority under the highway legislation have vastly improved its flexibility, we feel that more can be accomplished.

The Department, in its pending Federal-Aid Highway Act of 1975, has proposed that only one cent of the four collected by the Federal government on each gallon of gasoline

sold be retained in the Trust Fund and only for the completion and improvement of the Interstate System. Of the remainder, two cents would be returned to the General Fund of the Treasury and one cent returned to any State which increases its own gasoline tax by one cent. Flexibility in the use of urban transportation assistance funds is retained and the availability of rural funds extended to allow their use, under certain conditions, for initiating and operating rural highway public transportation projects and for highway construction on or off the Federal-aid system. The various grant programs would be consolidated, under this bill, into three: an urban transportation assistance program, a rural transportation assistance program and a highway safety improvement program. To further increase the State's flexibility in the use of their highway monies, up to 40 percent of the urban and rural funds may be transferred from one program to the other. To many not familiar with the history of Federal activity in this area, these changes may appear to be fiscal slight-of-hand, though I am sure that this group can appreciate their impacts. But what may be even more important in the long run is what it says about the ongoing evolution of transportation policy. Secretary Coleman, testifying in support of the proposed legislation, proposed, as reasons for returning non-interstate funding to the General fund, the following:

(1) Non-interstate highway programs focus heavily upon economic and general community development.

(2) Programs funded by earmarked revenues are difficult to modify in response to changing circumstances and national priorities, and

(3) User taxes are most logical where the beneficiaries are easily identifiable; this is simply not possible given the broad community development nature of these projects.

Together with the grant consolidation provisions and program flexibility in terms of inter-program transfers and expanded purposes for which the authority can be used, a picture emerges of practical and philosophical changes which few among us would have believed possible ten years ago.

In terms of our public transportation programs, the need for greater flexibility has not been as critical because it is a newer program, therefore more in line with current community objectives. Moreover, they are not financed through a trust fund which would be likely to provide the impetus for the continuation of specific funding levels for narrow uses.

Yet we have taken some steps to anticipate counterproductive rigidities in the program. One important addition is the provision of apportioned funds which can be used for operating, as well as capital, assistance. A more recent innovation has been to require both the incorporation in local plans, and the implementation of short-term and low-capital actions which can be used to address transportation problems. The emphasis here is on management strategies and improvements which can make the existing major capital infrastructure investment work more efficiently and effectively in the near term. The intended effect of these two changes is to move local transportation planners and authorities from an emphasis on long-term, costly solutions to less expensive, near-term responses to their problems. In addition to having obvious advantages from the Federal budgetary viewpoint, we also hope to generate some new low-capital approaches, which can be focused rather quickly on transportation problems.

My discussion so far has dealt essentially with our programmatic efforts to incorporate the greater flexibility needed for Federal transportation activities to be effective elements of a coordinated local land use strategy. Another need is to create a capability within the transportation planning process to relate effectively to other public and private planning processes. The interconnectedness of one transportation system facility with another has long been apparent to those in the field. While it has taken longer to recognize the importance of connectivity between the modes, necessity to plan--if only for a single mode system--was recognized early enough to put transportation in the planning game at a rather early stage. As is true in many other instances, this has proved to be a mixed blessing. It did provide the opportunity to develop considerable technical proficiency; however, it also provided the time necessary for a not untypical parochialism to become thoroughly entrenched. We now see our task as providing both the technical and philosophical underpinnings which will move transportation planning from simply planning transportation systems to that of planning one segment of a community social and economic structure.

One way to move toward this end is to open lines of communication with the rest of those who plan the other parts of that structure. The Intergovernmental Cooperation Act of 1968 and the resulting Circular A-95 emanating from the then Bureau of the Budget, created the beginnings of a coordination process at the local level. In many instances this new local coordination process dovetailed neatly with the highway planning process inasmuch as the local agency

designated as the "A-95 clearinghouse" was frequently the so-called local "Section 134" planning body. Section 134 was added to Title 23, United States Code, dealing with highways, in 1962. It declared it to be in the national interest to encourage the development of transportation systems that would serve the States and communities efficiently and effectively. To accomplish this it required that the Secretary of Transportation not approve any highway construction program in an urban area of more than 50 thousand population unless the projects "are based on a continuing, comprehensive transportation process carried on cooperatively by States and local communities."

The intent of this section was interpreted to mandate the development of a capability for dealing with transportation planning in a much broader context than had previously been the case. It continued to focus Federal planning activities on the planning process rather than the output of these activities. This focus has resulted, not surprisingly, in some variation in the quality of the local planning efforts. It has, however, enhanced the ability of many planning bodies to test the effect of the proposed project changes on a broader community plan. When the A-95 body is able to provide a realistic community plan as an objective benchmark against which a transportation change can be measured, this kind of approach can provide useful input. Yet this process in its most favorable guise falls well short of a coordinated community planning process which can deal with the many social and service variables, accurately predicting the impact of change on the social system.

There are both philosophical and technical aspects which limit our ability to handle land use planning adequately. Honest differences in comprehending the role of the various influences have produced differing, sometimes contradictory, approaches to planning. Bureaucratic parochialism also contributes to what often appears to be a "Tower of Babel" in our planning communities. These situations can only be addressed through better coordination and communications. Yet there are more easily identified, but no less difficult technical shortcomings. These are, for the most part, recognized and considerable effort is being devoted to their solution. As an example, in transportation we cannot accurately predict the full impact of transportation on land use. What makes the problem more challenging is the perception that, as our activity centers become more complex and specialized, the impacts become more interrelated and more difficult to identify. The Department of Transportation is, I believe, to a greater or lesser degree typical of many Federal agencies in its continuint effort to develop

and disseminate information and techniques as they evolve from our own research programs established to help local planners deal with these problems more effectively. The Urban Mass Transportation and Federal Highway Administrations have major research and outreach programs which have, in a highly coordinated and cooperative effort, been very active in the respect.

There is another general area where, I believe, Federal actions can make a positive contribution to a more rational transportation/land use interface. There are a number of preconstruction requirements, often analytical in nature, which are levied by the Department or by legislative mandate. Familiarly known as "red tape", these requirements were originally levied with some positive end in mind. If this positive end can be realized while the "red tape" aspects are reduced, the net benefits in terms of a better understanding of the effects of our actions and the facilitation of local transportation efforts can be substantial.

We are all familiar with the Environmental Impact Statement required for all Federal actions which would have a major impact on the environment. Fewer, however, are aware that the EIS does not require that the least impacting option be chosen, but simply that all of the environmental impacts be considered in the decision. Similarly, the Department of Transportation has issued an order requiring inflation impact statements for actions having major economic, energy and resource impacts, following guidelines drawn from the President's initiative on this subject. This requirement will be levied upon State and local governments, as well as private parties, should their actions meet the qualification in the guidelines. Along these same lines the Urban Mass Transportation has recently issued regulations on a proposed policy governing the application for, and award of, funding for major urban mass transportation investments. This may be described as a process oriented approach requiring the analysis of alternatives investments to determine which serves the area's transportation needs in the most cost effective manner, taking into account the social, economic, environmental and urban development goals. We are now proposing that this same approach be applied to major urban highway investments.

The relationship of these requirements to transportation and land use is more or less direct, depending upon the specific details of the requirement. Clearly the environmental impact statements will address land use impacts directly because it is an explicit requirement. The alternatives analysis may vary with respect to land use treatment

because we don't have any actual experience with it yet, and the inflation impact statement form and substance is very much an unknown at this time. One feature common to all of them, however, is that they each advance our awareness and, we hope, our understanding of the manner and degree by which the physical changes being proposed affect a host of additional decisions and constructs in the community. Let me return to something I mentioned earlier which I believe will shed some light on the impact of Federal programs on private land-use decisions, that is, that these Federal impact assessment requirements do not prescribe a choice. They do require analysis and in some cases (e.g., the UMTA alternatives analysis) limit the amount of the Federal contribution to its share of the most cost effective solution. However, the ultimate decision on what will be done is left to the local decision-makers.

I think it would be useful to review the major points that I have attempted to illustrate in this discussion. First, transportation and, I suspect, most other Federal infrastructure programs have an important influence on growth, development and land-use. Moreover, this influence is much more pervasive individually or in aggregate when the policy is expansionary, than when it attempts to be restrictive or proscriptive. Second, the most critical land use questions which confront us today deal with local, or at most, regional decisions. The Federal role in such circumstances must be one of broad guidance and of programs with the flexibility necessary to allow local authorities to marshall the entire spectrum of influences which will be needed to direct effective, rational land use decisions. Third, those of us involved in Federal programs with important land use impacts have a responsibility to improve, and disseminate information on the relationship among programs and between programs and land use, and to require that the full implications of the specific local program decisions be recognized before these questions are finalized.

In summary, I would characterize the influence of Federal programs on private land-use decisions as pervasive, but somewhat chaotic at present. There is, however, some reason to believe that we are learning about how our programs relate to a land use objective which has, after all, been recognized as being of critical public interest for only a relatively short time. I believe, in addition, that the Federal influence in the areas of institutional rationalizations at the local level along with our efforts in regulatory reform will, in the future, allow local authorities to bring to bear in a much more harmonious and complementary manner the substantial influence of Federal programs. When

this is done, we will have come a long way toward being able to manage community growth and land use in an effective manner while preserving to the maximum extent the rights and privileges and decision-making freedom of the private sector.

Thank you very much.

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The Changing Role and Self-Perception of States

Within the evolving intergovernmental system states have become a more prominent actor from a local government perspective. From the perspective of the Council of State Governments, this poses an area of difficulty. The difficulty is "how does one view states?" They are 50 complex entities--yet, despite their complex individuality, they share commonalities. Discerning real rather than imagined commonalities while trying to infuse the counterbalance of individual distinctions is an elusive goal, but one which we pursue. Today you will notice that when I speak about land management, I will be shifting back and forth between the two.

One general commonality shared by states is an increased willingness to stand up and be heard within the Federal system. This willingness extends beyond their relationship with other levels of government. States have been increasingly willing to stand up to issues, redefine roles and problems, and assume greater responsibilities. The emergence (actually in some senses a re-emergence) of states in the management of land resources is but one example of the phenomenon.

Redefinitions and New Roles in Land Management

One of the most important evolving redefinitions concerns the concept of impact, i.e., impact that in its importance, effect or value transcends the jurisdiction of the traditional governing jurisdiction. The demonstrable and objective consequences of growth and development have long been with us. Environmental deterioration is not new. Social disruption and dysfunction resulting from boom town growth is not new, and the list could go on. This is not to say that there are not new urgencies associated with such phenomena in terms of scale, technological complexity or breadth of effect. It is to say, however, that in the past decade there have been society-wide changes in the understanding and valuation placed on these impacts. States have reacted to these changes. Very often state reaction has meant filling a role that was not being filled or assuming a responsibility that had been delegated. States have begun

an enormous number of programs across a broad front of functional activities that are land-use related in a direct way. For example, our studies at the Council of State Governments indicate that:

30 States have wetlands programs;

36 States have power plant siting laws;

40 States have surface mining controls;

43 States have programs to use the tax system to protect agricultural and/or open space;

26 States have floodplain management laws; and

13 States have programs to designate critical areas.

In addition to the broad range of functional or limited scope program activities, our studies show:

10 States with statewide land use planning and control authority;

12 others engaged in statewide planning without control authority; and

4 States which in the past biennium have passed legislation requiring comprehensive local planning and control.

Added to these should be the programs for coastal zone management being developed in 30 States. Included in these Department of Commerce funded programs are such pioneering efforts as Washington's 1971 Shorelines Management Act, California's 1972 Coastal Zone Commission, the Oregon Coastal Conservation and Development Commission, and Delaware's 1971 Coastal Protection Act, which were well underway prior to Department of Commerce grants.

A Diversity of Approaches to the Land Use Question

There are any number of possible typologies that can be used to group and classify the approaches being used at the state level. We at the Council of State Governments use several. We have found the various typologies used for analysis share two features:

1. No two people can agree exactly which State goes in which classification; and

2. Each typology completely destroys the richness and variety of the programs involved.

Consequently, rather than use a classification scheme to describe the diversity of approaches, I will give you thumb-nail sketches of the approaches in three different states.

Montana

Montana passed House Bill 672 just this year, so I am reporting what represents an untested approach. Rather than basing a land use measure on the police power, Montana has chosen the taxing power. Under this legislation local governments are required to classify all land into one of six broad categories, i.e., residential, commercial, industrial, agricultural, etc. Property taxes will then be based on the classification.

Once local government draws the classification, the property owner must indicate how the land will be used. If his use varies from the classification, his tax rate will also vary. Generally, to gain the best rate, the use must be consonant with the classification.

Each classification is to be broken down into subclasses, each with a different property tax formula. For instance, within the agricultural classification if an owner chooses Class A, he agrees to keep the land in agricultural use for 25 years. In return he receives a 20 percent reduction in his previous valuation. Or if the owner chooses, he may opt for Class D, which allows him to alter the classification of his land in the near future. However, he will pay a 10 percent increase over his previous valuation. Under this system the State Department of Revenue has final authority for the classification approval and any modifications thereafter. It should be mentioned that this classification is to be done within the context of a comprehensive plan.

Oregon

In 1973 Oregon passed Senate Bill 100. Under this law all Oregon cities and counties are required to develop, adopt and enforce comprehensive land use plans. The critical element, however, is that these local plans are subject to statewide goals and guidelines. In the future all land use plans and decisions must conform to these articulated policies which are in the form of binding state regulations. The regulations were promulgated last January (1975).

In developing its goals and guidelines, the State embarked on an exhaustive citizen participation program which included 56 public workshops and 18 public hearings in 1974.

The adopted goals are far reaching. They cover:

1. Mandatory citizen participation;
2. Land use planning procedures;
3. Agricultural land preservation;
4. Forestland preservation;
5. Open spaces, scenic and recreation areas, and natural resources;
6. Air, water and land resource quality;
7. Areas subject to natural disasters and hazards;
8. Recreational needs;
9. Economic development;
10. Housing needs;
11. Public facilities and services;
12. Transportation;
13. Energy conservation;
14. Requiring all cities to establish urban growth boundaries.

These goals, in the form of regulations, apply to all state, local and private land use activities. Importantly for a state in which the Federal government owns 50 percent of the land area, they hopefully apply to all Federal actions as well. Without pushing the possible constitutional issues, Oregon is attempting to obtain agreements from Federal agencies in the State to respect local plans and the statewide goals and guidelines much in the same manner prescribed by the Federal Consistency Provision of the Coastal Zone Management Act.

Minnesota

Minnesota is one of the many States that does not have a comprehensive statewide land use statute. However, they have a number of more functional statutes. These include:

1. A critical areas act;

2. A power plant siting act;

3. A subdivided land act;

4. A wild and scenic rivers act; and

5. A state environmental impact statement requirement.

This year Joseph Sizer of the State Planning Office described Minnesota's challenge in these words:

> In the past, government has taken a band-aid approach to problem solving in designing separate programs to deal with each problem after that problem occurs. Minnesota has created a host of separate statutory authorities, resulting in a vast array of functional programs and responsibilities under the jurisdiction of numerous state agencies, units of local government, and special purpose boards, districts, and commissions. Recent research has disclosed that 679 land-use related powers now exist among six state agencies. The Department of Natural Resources, Department of Aeronautics, Pollution Control Agency, Highway Department, Department of Administration and Environmental Quality Council have impact on the use of the state's lands through a variety of means. These include acquisition or disposal of land, the setting aside of certain lands, waters and resources, regulations and standards, permits and licenses, development, maintenance, financial assistance, enforcement, and taxation. . . .
>
> To date, we have not successfully knitted these various state and local programs together, nor have we provided any pattern to guide program administration or to determine program effectiveness and accountability. Our approach to problem-solving, in many instances, still relies on a case-by-case determination of good versus bad, where we win some and lose some. The trouble is both sides may lose

> the really crucial cases which should have been decided in their behalf--not so much for their sake, but for society's. . . .
>
> In recent years, Minnesota has probably done more than any other state to harmonize its decision-making procedures. In 1965, the Legislature created the State Planning Agency, to coordinate the various programs of state government. With the advent of programs such as land use planning, which transcend the various jurisdictions of many state agencies, this coordination rule becomes even more important. But comprehensive planning must be supported by functional or program planning developed by the various departments. Hopefully, in the years ahead, the departments, with the support of the Legislature, will strengthen their own planning programs in order to achieve state goals.

Joe Sizer's comments on the overwhelming need to provide coordination and an overall policy framework applies to the numerous Federal programs with which the state participates. While there are many, let me name only a few with major land use implications: coastal zone management, area-wide waste treatment planning, recreation planning, transportation planning, air, water and solid waste programming and planning, and community development. Coordinating Federal programs, as well as state and local programs, to further and implement state policy is a major challenge facing state government.

The Impact of Land-Related Federal Programs

A 1973 OMB study concluded that there were at least 137 Federal programs with a direct impact on land use. It should be noted that this compilation omitted the economic development assistance activities of the Department of Commerce and the acquisition of estuarine sanctuaries under the Coastal Zone Management Act of 1972.

One Federal agency that greatly affects land use through a number of programs is HUD. The catalog of such HUD programs encompasses a rich variety of community development and infrastructure grant, loan, and insurance programs. Rather than try to go through such a list, I would like to single out for mention one particular program. HUD 701 funds at the state, substate, and local levels for years have supported land planning and management activities. Without these funds, many communities and states would not be nearly as able to try to cope with growth and development as they now are. The new 701 regulations requiring a land

use element by 1977 will be explained, I am sure, by Mr. Houstoun. I merely want to make the point that state 701 funds have been in the past and will surely be even more so in the future, key and essential ingredients to any state formula for more effective coordination of Federal land use regulated activities at the state level. The new land use and growth requirements must not be allowed to diminish this crucial function.

Energy resource development has become a primary issue in many States. Federal policy or non-policy related to energy is a prime candidate for land use loser of the year. Up and down the Rocky Mountains and the shores of both the Atlantic and Pacific, governors, legislators and citizens are facing extreme uncertainties in the face of energy resource development. Coastal impact funds, boom towns, public infrastructure, secondary and tertiary growth, economic stabilization, water rights, water scarcity, air and water quality, all these and more are becoming the phrases of the day in many state capitols. The problems are complex and the solutions hard to see and I merely raise this issue as one of enormous importance to many States.

EPA programs and land use management are closely related. By now everyone probably agrees that both the Clean Air Act and Federal Water Pollution Control Act are significant de facto land use statutes. There are many in EPA who recognize the danger of single-purpose land use planning. Yet, programs sometimes seem to have a will of their own. Indirect source review and significant deterioration are both in hibernation at the Federal level, although some states are affirmatively moving on them.

The program most often called EPA's land use measure, of course, is section 208. The size of recent program grants alone present real challenges to state and local government. If not adequately prepared and planned, 208 could indeed become a single-track planning and management bully. On the other hand, it may be possible to harness the institutional arrangements and dollars to help initiate a more broad-based intergovernmental effort aimed at comprehensive growth guidance. In any event, sensitivity on the part of the Federal administrators is imperative.

Summary

In summary, state government has been in a remarkable period of change. This change has manifested itself in a number of positive ways. States are moving to fill a vacuum in land use and growth management. However, they cannot do the job alone. It is one that must be shared by all levels

of government working together. To be an effective partnership they must respect the needs of one another.

Without trying to single any one agency out, let me offer two illustrations in a forthcoming Council of State Governments study principally written by Leonard Wilson.

In the keynote address at an EPA conference this fall, Governor Salmon of Vermont criticized the Federal government's $18 billion crash water pollution control program for pitting environmental engineers, intent on cleaning state water at any cost, with land use and community development planners who fear that the program will saddle communities with debt obligations that will force them to invite unplanned growth to support their sewer systems. The Governor revealed that his planners had caused a furor in his administration by suggesting that since sewage plants encourage growth, highest priority for construction should be placed where growth is most desired.

Another example is the October ruling of the U.S. Court of Appeals that EPA had violated state sovereignty by ordering Washington, D.C., Maryland and Virginia to require emission control devices on automobiles. In essence, the court said that in the control of ambient air quality, the Federal government could offer the power to the states to regulate, could institute regulations itself, but could not force the States.

Force, I think, is the key word. Federal activities should compliment, encourage and where necessary, lead state activity. On the other hand, states are assisting the Federal government by trying to coordinate Federal actions at the state level to a much larger degree than in the past. But this does not mean that Federal agencies should cease their efforts to coordinate with one another. Interagency agreements such as those between HUD 701 and EPA section 208 and HUD 701 and Coastal Zone Management are positive steps. It does mean that the partnership should be one based on respect and willingness to accommodate and a full realization that national goals can be met while state and regional goals are also being met.

Panel Discussion: Impact of Federal Programs on Non-Public Land Use Decisions

Selected Questions and Answers

Q: What are the implementation problems after an area wide agency has prepared a wastewater treatment program under the EPA 208 planning program?

A: (Dr. Mark)--It is an evolving process. The final determination still has not been made. We are hopeful that the various agency officials will be able to built bridges back to their own jurisdictions and will have some say as to how these jurisdictions will react to the plan. In addition, there has been a recent court decision which stated that the states are responsible for all the territory after the area wide designations have been made, and if there are water quality problems in these areas, the state would be held accountable. There is really no precise answer--this is really a good question. Hopefully in the planning process these kinds of decisions will be made. My own feeling is that the state governments will have to play a more assertive role.

Q: Does the 208 agency itself have any legal authority to implement their plans?

A: (Dr. Mark)--All of them are supposed to come together based on some legal resolution which has been passed by the local jurisdictions. How enforceable these are and how enduring these are is open to question. Currently it would be within the power of the local jurisdictions to carry out any actions decided by these plans.

(Mr. Breithaupt)--I agree with what Dr. Mark has said. I think, however, that there is an interesting element on the 208 approach that should be mentioned. The jurisdictions that are brought together to perform in a 208 planning and management agency sign a letter agreeing that they will implement the plan which results in the combined efforts. It is not at all clear, however, if in court you will be able to hold a municipality responsible for having agreed to implement a plan before they ever knew what the plan was. It is, however, an important and rather ingenious new element to this question.

Q: Several speakers have said that there is a great deal of planning but no implementation under the HUD 701

program. Do you see any mechanism, either under the 701 Act of 1974 or within HUD, to follow up on implementation of HUD 701 plans?

A: (Mr. Houstoun)--I don't have any more basis for saying there has been alot of implementation than those who say there has not been. Implementation cannot be any better than the jurisdiction or its leadership, both executive and legislative, and perhaps today, judiciary. The HUD 701 program at the funding level of $75 million is not going to change the degree to which executives do or do not propose to implement such planning. What it does is influence the process of their decision making. Since 1968, for example, every recipient of 701 funds must consider the housing needs of its low and moderate income residents. That's a condition of the grant. That's what you must do while you are taking care of your other higher priority activities.

More recently, after 20 years of funding land use activities on a voluntary basis, Congress determined that you must consider growth policy and coordination of existing land use systems and related issues, and involve citizens, as a condition of receiving these grants.

Consider housing for example. At $75 million, $175 million, or $375 million a year funding, the creation of housing for low income, large families is not going to be greatly influenced where the political resistance to that is very high. All you can do is to drag the jurisdiction through the process of publicly exposing its needs and at least considering some possible remedies.

As you know, at no time has Congress ever tied housing construction assistance to housing planning, including the required housing planning. The comment that one hears from time to time about relative degree of implementation has to be put in the context of who implements, and what Federal requirements are, what amount of influence relatively small appropriations might have. Based on the relatively small evidence available, I think implementation has been quite good.

Q: Should local governments have a role in the planning of programs such as highways and mortgage insurance and what role should they have?

A: (Mr. Houstoun)--There is an enormous vacuum of law and regulation in making the pieces fit together on a

complementary basis. If I had my choice at the Federal level I would ask for a Federal consistency requirement to overcome some of these problems. I don't see how you can possibly do much with the mortgage insurance program, but it could work with the highway program.

(Dr. Hedges)--I like the idea of the environmental review process and the necessity of filing environmental impact statements before construction can begin. We seem to be pretty much through the major impacts of the highway programs.

(Mr. Breithaupt)--The general approach of the coastal zone management program with its Federal consistency provisions seems to me to be a possible avenue to answer some of these questions. Building from less than city wide plans to State and interstate plans creates a planning house of cards, but it's so theoretically enticing. I'm inclined to go with it.

(Dr. Mark)--I would like to mention the A-95 clearing house process. The way the law is written it should be more than simply a check-off process. I think there is high potential in this process whereby both Federal and state agencies can improve and coordinate the planning process.

Q: Why couldn't a requirement for consistency with local land use plans be tied to the mortgage insurance program?

A: (Mr. Houstoun)--On a theoretical basis I don't see anything wrong with that approach, but there may be economic or technical problems. Off-hand the approach doesn't sound bad. Chances are if HUD doesn't do it the courts may on a case by case basis.

Q: Do you think there is a need for Federal land use planning legislation given the fact that many States already have their own legislation? Wouldn't land use planning occur without the involvement of the Federal Government?

A: (Mr. Breithaupt)--Who knows. Probably not. There are leader States and follower States. I don't know how you can achieve integrated planning without the involvement of the Federal Government.

PANEL DISCUSSION:

"PERSPECTIVES ON COMPETING USES OF PUBLIC LAND - ENERGY, RECREATION, FOOD, TIMBER, MINERALS, AND CONSERVATION"

REMARKS BY

JOHN KYL

ASSISTANT SECRETARY FOR CONGRESSIONAL AND

LEGISLATIVE AFFAIRS

DEPARTMENT OF THE INTERIOR

I do not want to plow the same ground which has been cultivated by previous speakers--or those on this panel, with whom I have not had an opportunity for coordination. I do want to try to broaden our discussion. I do want to say something about the atmosphere in which our resource decision making takes place today. So, I will begin by presenting a thesis or two--not requesting that you believe what I say--but rather with the hope that you will think with me about these matters.

Our national climate today is not normal. I believe one can trace cause and effect relationships which got us to this point. We have been through a series of traumatic circumstances. A long-overdue civil rights effort brought with it civil disobedience and demonstrations. There was a very unpopular and costly war--costly in many respects. There was Watergate. There were and are relevations and scandals of varying degrees at the local, State, and national level. There has been economic stress and a serious energy crisis. Intermingled was a change of behavior standards and the growth of a drug culture. There grew a battle against "the system." Among the results was a considerable loss of faith in our institutions, including Government, Government servants (both elected and nonelected), and in politics and politicians.

In the last election, a very large number of people were elected to the Congress primarily by demonstrating that they were not "part of the system," but that "each was his own man." That in turn is reflected in current Congressional action and inaction.

There has been political mileage in "the investigation." Almost everyone in Congress today has to have his own relevation or investigation. Frequently, the committee schedules in Congress show more "oversight" hearings than "legislative" hearings. The Congress concentrates on the popular issues to the degree that, between January and September of this year, 86 different subcommittees and committees of the two houses held hearings on energy related matters, and many of these hearings were, again, investigative or oversight affairs.

In 1968, there began an almost evangelistic program of environmental concern. This was a people's program, with citizens of all ages, all areas, all economic groups participating. Congress passed the National Environmental Policy Act (with only a few members knowing the contents, and with far fewer with any contemplation of what was spawned) because of the most primary of all motivations--"vote for it or perish politically." The people wanted it.

The Congress still fears the public on environmental issues. The courts, as Mr. Dooley said so long ago, still follow the elections. The Congress cannot be expected to balance any environmental considerations. The courts continually expand the leading edge of the environmental law under a kind of free-access, no-fault litigation capability in the hands of the people.

The Administrator, fearing reaction of the people, the courts, and the Congress goes a bit farther than he has to go under law, but the Court tells him he hasn't gone far enough.

The court, through its decisions, writes whole-cloth decisions, thus making the court a legislative body. In interpreting procedural law, the Court becomes the administrator.

At the same time, in a more general context, through its investigations and its oversight and its new procedure of writing into law a congressional veto over executive actions, the Congress has tried to become the administrator. The Administration has become gunshy. The separation of powers in the Federal Government has broken down.

Now, from that too brief description of a general thesis, I will attempt to get very specific to demonstrate the atmosphere in which decisions of competing uses of public lands are made, to show what happens when the Administration makes a land use decision in 1975.

The Nation's and the Interior Department's biggest landlord is the Bureau of Land Management (BLM), with jurisdiction over 451 million acres of land. These acres do not include the outer continental shelf or those lands where the Federal Government owns only the subsurface rights. BLM's mission is guided by a multi-purpose use mandate.

The U.S. Fish and Wildlife Service manages over 30 million acres of land, but with a more specific orientation, as its title suggests. Some of these lands are managed under

a "game range" statute. Authority in that original statute is lodged with the Secretary of the Interior, rather than with an Assistant Secretary or a Bureau within the Department.

We have had three game ranges which have been managed jointly by the Fish and Wildlife Service and BLM. The joint management concept left something to be desired. Both management agencies agreed on that point.

In each of these three cases, the "game range" is surrounded by additional broad acreage of essentially the same character, which land is managed exclusively by BLM. The game species for which the ranges were established roam freely on the acres within and without the actual game range; sometimes on the same range, at least as frequently on the public land.

In the Interior Department, there was an issue. Joint management was not working. Who should manage the ranges?

Mr. Morton was the Secretary. He was not prejudiced in favor of either agency. He most certainly was not interested in "raiding" the Fish and Wildlife Service. He looked at some facts.

Remember that I said Fish and Wildlife Service manages about 30 million acres. Of the 451 million acres of BLM land, 375 million acres are big game habitat, 391 million acres are small game habitat, and 34 million acres are waterfowl habitat. Wetland habitat include five million surface acres of lakes, 7,664 reservoirs, and 258 thousand miles of streams. More specifically, BLM lands support 190,000 antelope, 1,500,000 deer, 100,000 elk, 150,000 moose, 450,000 caribou, and 10,000 bighorn sheep. BLM also manages a very successful Bird of Prey Natural Area in Idaho, the Blanca Water Fowl Area in Colorado, the Desert Pupfish Area in Nevada, and the San Simon Cienega Mexican Duck Area in New Mexico and Arizona for endangered species, as well as the Highland Range in Nevada for Desert Bighorn Sheep.

So, the Secretary decided that BLM should administer these three jointly managed game ranges, <u>but under the same statutory criteria under which Fish and Wildlife Service operated them</u>. His biggest motivation came from the fact that BLM needed a kind of core, laboratory area in which to train people and from which to increase total motivation for game management within BLM. It is true that some of the BLM's acres might one day be transferred to the Fish and Wildlife Service, but game values on those millions of acres ought to be cared for properly until such time. Most acres would remain with BLM, and game management should have increased emphasis. There was also the matter of fiscal efficiency.

I am not here trying to argue whether or not the decision was correct. I can proclaim that immediately we were taken to court and we were subjected to some of the most vitriolic hearings before a congressional committee that I have seen and, in six terms on the Hill, I sat in on some embarrassingly vituperative sessions.

Another committee wanted to investigate a Senator because "they" had information that he was in collusion with cattlemen who would have lower grazing fees if BLM managed the lands. The staff people were sorely dissappointed to find that there was absolutely no possible substance in their allegation.

In short, the Department was accused of everything from ignorance to conflict of interest. The congressional committee said it in so many words--"BLM cannot manage game lands. They don't know how. They don't want to know how. BLM is black hat. BLM is a despoiler."

Then, amazingly, the Congress in the appropriations act told us BLM must share in joint management "until Congress acts." In a bill passed last Friday by the House (341-10), the House gave the Secretary the prerogative of joint management or Fish and Wildlife Service management.

Again, I cite this specific, not to show that we are pure and good or right, but to demonstrate the fact that in the present climate the easiest way to avoid problems in making resource decisions, is to make none. On any major decision, whichever way the decision goes, there is better than fifty-fifty chance that the case will go to court.

The public, the Congress, the courts and the Administration all want the best possible land use planning on public lands. But, I close with a believe it or not.

The Bureau of Land Management, which administers 451 million acres of land, has no organic act by which to guide its decisions. So far, in the House of Representatives, the legislative effort is not directed to providing an organic act under which orderly administration is possible, but is directed, rather, to making the Congress the administrator on one hand and with giving proprietary interest to public land users on the other.

So, as of this date, BLM is guided by 3,500 different and frequently conflicting laws, hundreds of court decisions, and thousands of administrative precedents, which really is no guidance at all.

REMARKS BY

THOMAS C. NELSON

DEPUTY CHIEF, U.S. FOREST SERVICE

DEPARTMENT OF AGRICULTURE

Today, everyone is aware of the increasing demands on our Nation's natural resources. The subject has become a daily topic for newspaper headlines. It is debated on TV commentaries. It will most certainly contribute to campaign issues in next year's elections.

There are many reasons for these increasing demands, but population increase seems to be the major one. Most of our problems--one way or another--are a result of people pressure. As one real estate ad puts it, "There will always be more people, but there will never be more land."

Allocation of natural resources concerned the Forest Service long before it became a national concern. From the agency's beginning in 1905, the Forest Service managed the national forests under the principles of multiple use and sustained yield. This policy became legislative mandate in 1960, when Congress passed the Multiple Use Sustained Yield Act. Thus, we have had to grapple with competing demands for many years. We have had a land use planning process for quite a while. At first it was called multiple use planning system. More recently, it has been updated as a land use planning process. The change was motivated by the National Environmental Policy Act.

You might ask why are we so involved in land use planning? We estimate that by fiscal year 1977, our annual land use planning bill will run about $12 million. What gives the responsibility? After all, land use planning legislation has not been passed by Congress. But, land use planning does have a very strong foundation in this country. I believe this foundation exists in two forms: (1) there are formal demands through a multitude of laws that do require planning and (2) there are also more informal demands for land use planning--through public interest and involvement. Together, these demands form the basis for land use planning on the national forest system.

Land use planning has one and only one purpose--to meet man's goals and objectives. Of course, the process must be carried out within sound environmental constraints. Otherwise, man's goals and objectives will ultimately be lost

completely. A successful land use planning process should answer three basic questions:

How can the land be used? (What alternatives does the land manager have?)

How should the land be used? (What is dictated by law? What ethic is dictated by the public--the landowner? What are our moral obligations?)

How will the land be used? (Land use planning in its simplest form is the classic decision making process. Identify the problem, determine alternatives, test the alternatives, make the decision.)

In the national forest system, our goal is to optimize public benefits, while maintaining long-term productivity. If there is a way to accomplish this goal without thorough long-range planning, we have not been able to find it. There are numerous constraints--land capabilities, sustained yield management, and, as always, funding. In addition, the legal framework places constrints, or provide opportunities, depending on your point of view.

An entire series of land classifications for public land use have been devised by the Congress; wilderness, national recreation areas, wild and scenic rivers, national trails. These designations are overriding in that they specifically spell out land use objectives of the involved areas.

On other national forest lands, many laws have sections dealing with planning requirements. These laws vary from the Water Quality and Pollution Control Act to the Housing Act of 1954. Other laws have set up interagency cooperative planning efforts. An excellent example is the river basin planning effort, led by the Soil Conservation Service, and sponsored by the individual states and the Coastal Zone Management, under the Department of Commerce. In all, there are more than 140 laws that provide direction for certain programs and activities on national forests.

We feel that we have a very strong formal foundation for land use planning. As I mentioned earlier, the second foundation is a more informal foundation, but one which is just as important. This informal base involves the people directly--through public involvement in land use planning. The people--the landowners--becoming involved inthe management of public lands is a new force, arising in the past decade.

The people themselves should become involved in public land use planning. People have the opposite tendency unless something affects them in a very personal way. Involvement can also be limited by the highly sophisticated analytical techniques and the masses of facts and figures inherent in most planning processes. The result can be a final plan that lacks credibility, even though it may otherwise be a good plan.

Competition for the use of available land--particularly public land--is increasing. The developer was right. They are not making any more land. Land management decisions are becoming more complex. And, there is no indication that the trend will subside.

We have found no way to easily determine what the public wants--because the public is far from unanimous in its desires. The normal situation is for all interested publics to want as large a piece of the "pie" as possible, usually without understanding the desires and values of other contending factors. Public involvement leads to an improved data base and to more thorough identification and evaluation of alternatives. It does not make the decisionmakers' job easier.

If polarization exists on an issue before land use planning, odds are it will still exist the day a decision is reached. But the odds are that it will be a better decision, and while agreement may not prevail, understanding usually will. This can mean support for decisions not necessarily allied with a particular interest's thinking.

It should be emphasized that land use planning is not universally accepted by the public; I think, primarily because personal property ties are very strong in the United States.

In the United States, private ownership of land was considered basic to our freedom. It still is. As increased demands require more central direction in land use, we must be careful not to abridge these rights, or to even suggest that we are abridging them.

Inevitably, conflicts over use may be pushed into the judicial arena. This is the least desirable place to determine land and resource allocations, but is becoming more and more significant in clarification of issues.

The courts have become more and more involved in public land issues. A prime example is the Monongahela case. A district court has ruled that only timber which is dead or

old-growth can be harvested from the Monongahela National Forest in West Virginia. This can have a disastrous effect on land use plans for the Monogahela, and it will certainly lead to ramifications throughout the national forest system.

Another classic case is the boundary waters canoes area in Northeastern Minnesota. There have been several court suits to determine what activities can take place in this area. Wilderness groups, organized snowmobilers, and timber companies have violently disagreed over land use in this area.

Controversy is not always bad. In fact, controversy and disagreement should take place--and should begin early in the planning process. As one sociologist put it, "Planners should expect to catch hell." Most executives realize that disagreement generates alternatives. An environment that permits, or even encourages disagreement, will insure that all points of view are explored--before a final decision is made. Disagreement is vital to uncovering what people really want.

There are at least two factors that can lead to understanding and negotiation of local interests. First, be sure that everyone is aware of the legislative mandates. People must understand why things are done the way they are. Second, get everyone possible involved early in the planning process, so that localized interests can express their demands.

But we cannot stop here. Land use planning is dynamic and flexible--or at least it should be. The process does not end once a final document is printed. Planning must provide for changes in demand, as well as undiscovered interests and conflicts that may emerge later.

Some decisions can be changed later to meet new demands or new considerations. Other decisions are irretrievable commitments. For instance, the decision to build a permanent road is irretrievable. It is also a high-cost decision, in the sense that it can close out other options. Yet there are many uses which do not permanently affect the "character" of the land, its values for solitude, or esthetics. Decisions to allocate lands for these types of uses are not irretrievable.

If we can defer our "high-cost" options as long as possible, while still meeting public demands, we can allow for more alternatives in the future. One difficulty in planning is that we cannot infallibly predict what our world will look like next year, or five decades from now. In recent years, economic projections and population estimates have tended to confound all the experts.

Defining objectives is the most difficult part of planning. Missions, goals, objectives, or targets--which we call the "goal stack"--reflect the demand side of a supply and demand equation, from the general to the specific. Once this "goal stack" is established, management by objectives can become a reality. We know how many cubic feet of wood fiber, pounds of red meat, recreation visits, etc., must be provided within a given period of time. We have a finite number of acres of land capable of producing some maximum output. Proper planning answers the question, "What is the national forests' fair share of the Nation's needs." Management by objectives provides the means of meeting those needs.

In many ways, the land use planner is fortunate. Technology and research have provided the basic analytical techniques for planning in a changing world. We have advanced technology in computer and operations research, and in biological, natural and behavioral sciences. Yet the planning process must continue to adopt new and better methods as they are developed. Our planners must work closely with universities, and other state and federal research agencies, as well as with our own research branch.

I have attempted to define the problem, describe the situation and its constraints, and present a direction toward solution as we see it in the Forest Service. There is a limit to land and resources. Our demands are increasing. We must quantify our potential outputs within certain constraints and negotiate alternative ways of meeting demands. And, we must preserve the basic rights of private ownership. This is no easy task, but we have the means to do it and we are doing it.

REMARKS BY

JOAN M. DAVENPORT

DIRECTOR, OFFICE OF RESOURCE DEVELOPMENT

FEDERAL ENERGY ADMINISTRATION

Good evening ladies and gentlemen. It's a pleasure to be here with you this evening as you consider land use-and particularly to discuss the uses of those lands which are owned by the American public.

This Nation is today witnessing a convergence of trends relating to both energy and environment; a lively interchange by competing interests for uses of available land resources, and a general reawakining of citizens' interest in how land resources are used. Issues relating to public land development bring these factors into sharp focus. The area of land use planning, management, and control is the discipline for today and for many years into the future.

The public land use issue most actively debated is that which relates to energy development and environmental protections. Energy development includes development of all forms of fossil fuels and uranium, as well as proposals for commercialization of new synthetics industries. Environmental protection is a broad umbrella covering concerns of environmental groups, agricultural groups, fishing interests, resort owners and users, and a multitude of other publicly perceived values. Environmental awareness in this country had its genesis in a large oil spill from an offshore platform in the Santa Barbara channel. Since that time, State and Federal Governments have moved to enact laws which protect non-economic interests. At the Federal level, the National Environmental Policy Act was passed in 1969, the Clean Air Act was passed in 1970, and the Federal Water Pollution Control Act in 1972. The Coastal Zone Management Act, the Federal Insecticide, Fungicide, and Rodenticide Act, the Federal Noise Statutes, and the Safe Drinking Water Act have all been the result of growing awareness of the long term and sometimes lethal effects of the environmental pollution and degradation.

It appears that the environmental conscience of the Nation, which was awakened at the early part of this decade, remains a strong force throughout the country, and it will most likely continue in strength and vigor. We perceive the environmental movement, however, to have matured from those early "Earth Day" demonstration to a group of concerned and often very knowledgeable individuals who have learned how to

use legal and technical expertise to promote environmental viewpoints.

On the other hand, a shock wave burst upon this Nation in 1973 when the Arab nations decided to cut off our supplies of imported oil as a policy tool. We suddenly became aware that we had drifted from being actually and potentially self-sufficient in energy supplies to being dependent on cheap foreign oil for our daily activities. Today, of course, it is obvious that foreign oil is not cheap in either the public policy sense or in monetary terms. Currently, we are importing about 6.5 million barrels of oil per day from all foreign sources. At the beginning of 1973, we were importing about 6.3 million barrels per day. Prior to the embargo, 49 percent of our total imported oil came from Organization of Petroleum Exporting Countries (OPEC) members. By early 1975, 60 percent of imported oil came from OPEC. This Nation paid just over 8 billion dollars for oil imports in 1973, as opposed to over 24 billion dollars in 1974. Over the same time period (1973-1975), domestic production of coal volumetrically increased by about 8 percent and domestic production of crude oil declined by about 8 percent.

As a Nation, we must look to domestic energy resources to supply domestic needs. At the Federal Energy Administration we realize that a part of the solution to the energy dilemma is energy conservation and load management techniques. Cutting energy wastage from our energy intensive society is one of the most immediate and economical options available. Even accelerated conservation, however, will not fully supplant the need to develop domestic supplies. It is apparent to all concerned that a series of tough land use decisions related to energy development will have to be made, and will have to be made in the near future. However, with the interest and concern being shown by the public, by the Congress, by the Administration, and by the States, it is very hopeful that neither the the "develop at any cost" philosophy nor the "develop nothing-preserve everything" philosophy will prevail.

Many of our significant technologically recoverable energy resources underlie western public lands and the Outer Continental Shelves of the United States. Almost all of these energy resource rich areas are valued or used for other activities. The prospective development of resources in Alaska and in the northern great plains region has led to heightened concern by public interest groups and the states and localities involved. Energy development raises many serious land use questions including the protection of other natural resources, the urbanization and industrialization of rural areas, the use of scare water supplies, impacts on food production, proper balance between eastern and western

development and rural and metropolitan areas, and the ability to reclaim land and avoid serious pollution of air and water. The questions must be addressed both to protect the environment and the economic base of the country.

Yet, since the oil embargo, we have seen a changing of attitudes from a simple "go or no go" posture to a more sophisticated questioning of "how" and "when" will resources be developed. The how and when are clearly land use decisions.

Development decisions relating to public resources, whether it be coal or oil shale in the West, or oil and gas on the Outer Continental Shelf, cannot be made behind closed doors or in a vacuum. Public involvement in government decisions is deeply based and is a long-term trend for several reaons. First of all, there is today a general mistrust of government which in itself militates against "closed" decision-making. Secondly, the Federal system is being revitalized as energy issues come to the fore. State officials, all over the Nation, perceive their vital interests to be directly affected by Federal resource development decision. They are demanding an active role in their States' futures. This can be expected to become an even greater factor as this Nation moves toward potential energy self-sufficiency. Finally, the last few years have demonstrated to everyone involved in natural resource development that a group need not be large and wealthy to have a point of view weighed and decided by the judiciary.

I would strongly suggest that the American public does not consider the choice between a "dust bowl in the great plains" or "no lights and no heat" in the metropolitan areas a viable one. They are looking to their legislatures, including the Congress of the United States, for legislation embodying innovative approaches to complex problems. They are demanding of their Executive departments modern management techniques for public resources which can accommodate both National goals of protecting the environment and of assuring energy supplies. In short, there is a concensus that we need an energy policy, and that any energy policy must consider competing uses and values. At the National level, well over 2,400 energy related bills have been introduced in Congress since October 1973. The fact that we still have no cohesive national policy in part reflects the multitude of competing interests involved.

Energy development will proceed. We will shift to greater use of our domestic resources, especially coal, because we must lessen dependence on foreign oil and buy the time necessary to develop nondepletable energy sources. The energy related land-use decisions which we must make are the most important, both

in energy and environmental terms, since the decision to develop the automobile.

If anything, the citizens of this country will probably become more vigilant in their demands for protection of their environment, but will continue to expect adequate supplies of energy. The most difficult problem relating to energy and environmental protection is how can demands competing for the same land resources be harmonized or how can the optimal trade-offs be made and compromises be achieved that will be acceptable. Clearly, resolution of specific land use problems involves both judgmental and technical factors. On balance, we have relied heavily on the former. I believe our current situation will lead to a more technical oreintation for resolving energy related land use conflicts. Fortunately, scientific and technical expertise is an American forte. Through exposition of facts and data, and interpretation of those data by impartial experts, decisions can be made which, in many cases, will be acceptable to competing users. We have and are continuing to develop technology to evaluate land use impacts of alternative development strategies, as well as monitoring equipment which far surpasses what was available a decade ago. A good example is the increased civilian applications of remote sensing in the natural resource field. The scientific community is also becoming more aware of its responsibility not only to report data but to interpret its significance so that it is relevant to the decision making process.

It is necessary, of course, that those charged with the responsibility for making natural resource decisions have the authority and resources to generate the kinds of data needed for optimal decisions. Such a technical basis for decision-making will never completely obviate judgemental factors, but will take us a long way towards channelling competing demands along constructive rather than obstructive paths.

REMARKS BY

John S. Banta

Staff Attorney

The Conservation Foundation

Conservation and environmental interests are facing new pressures for "economic" use of public lands, in an era when new constraints seem to be forming. The constraints affecting public lands largely concern policies for developing new energy supplies. But environmental and conservation restrictions on the uses of land must also weather general charges of being economically inefficient. Without digging too deeply into the maze of institutional and policy objectives that affect use, the "conservation" perspective can be seen as a complementary factor in the larger rationale for public ownership of lands.

At a recent meeting on public lands ownership, after two days of detailed discussions of uses, policies and techniques, a Swede in a small working group stood up slightly frustrated. Simply stated, he noted, public ownership of land is a means of distributing economic and non-economic benefits associated with land in ways other than by the traditional market method.

The key is identifying what benefits are to be distributed and how--techniques and use principals should follow relatively easily. Of course in Sweden, the objectives pursued are very different than in the United States. Our tradition of private property and private economic activity add a twist that carries the point further. There is a presumption that the private market is the better manager of the distribution of strictly economic benefits. For this reason, the vast stocks of public lands from the last century were largely turned over to the private sector. For the remaining properties, public land ownership implicitly requires the recognition of non-economic benefits, or benefits over time periods the market may fail to respond to, in addition to the "business" that may take place on the land. These long range and non-economic factors are usually broadly classified as "environmental"--wilderness, recreation, watershed maintenance, species preservation, etc. and require value judgments to implement. Conflict over these judgments should not be surprising, particularly in the case of the Bureau of Land Management (BLM) which lacks the direction of a good organic act.

This environmental or conservation factor should be an integral element of policies governing the use of public lands. The hesitance to return additional lands to the private sector,

both by Congress and the agencies is another indicator of recognition of the special resource value offered by the public lands. Marion Clauson in his 1954 book on public lands noted this resistance (excluding military lands), and the situation has changed little in the 20 years that have followed his comments.

What types of lands are in public ownership--what are the benefits that have been expected and might be expected today? In their origin public lands have been the lands not wanted for cities or farming--mountain slopes, deserts, and the western residues of the Federal lands largely given away in the last century with additions as worn out areas in the east were added. In the past they have been milked for natural resources. With recreation and access to open spaces gaining increasing importance multiple uses are now a major consideration.

Here I sympathize with the administrator's institutional constraints. By their location, character and status, public lands constitute strategic assets in growth management. Their carefully considered multipurpose use can improve the overall quality of life by strengthening the basic regional programs--public and private--in conservation, recreation/aesthetics, wildlife preservation, agriculture/forestry, waste management, energy production, transportation, industry, housing, health, education and security.

But two current conditions preclude innovation to realize combined-use opportunities:

(a) The ownership of public lands is divided among several dozen Federal agencies, each with its specialized inventory-classification system. And even if full information on such properties were available, the broad criteria for appraising their growth management potential are not at hand.

(b) With a few "joint use" exceptions for airports, the present disposal procedures cover only the situation where the owning agency agrees that it no longer needs the property; and in this event, the property is generally channeled into limited-purpose use by another Federal, state or local agency or private organization. Furthermore, increasing portions of the Federal "public lands" traditionally available for multipurpose use are being diverted into exclusive agency uses by the "withdrawal" procedure.

In summary: The present fragmented state of information and limited-use ownership of public lands--institutional constraints--prevent an adequate appraisal of their potential, and hence the realization of the full range of benefits possible through their use.

These opportunities for innovation and long-term and non-economic benefits are being explored in a study of land use and the Eastern National Forests now underway in The Conservation Foundation. To briefly review their origin, the Eastern National Forests were, in the main, created out of land that nobody really wanted. Shorn of their most valuable timber species, sometimes burned over or badly eroded, millions of acres were the leavings of a timber industry that had exhausted the resource and moved west. Others, expecially in the Mississippi Valley, were the grown over fields of a marginal agriculture that had depleted the soil and disappeared.

Today this same land has been healed and rejuvenated. There are thousands of acres of fast-growing pines on Louisiana's Kisatchie National Forest, abandoned by loggers in the 1920's as a "jungle of scrub oak, rattan and cat briers." West Virginia's Monongahela National Forest, cut over and burned at the turn of the century, now boasts considerable stands of cuttable oak, poplar and cherry. The scenic value of New Hampshire's White Mountains, once heavily and destructively logged, has been restored. Some of this revival was due to investment by the Forest Service in replanting and in timber stand improvement. Much was due simply to the passage of time.

Now the land that nobody wanted is back in demand. Loggers have returned to harvest its trees. Mining companies seek to discover and exploit its coal, oil and metals. Communities recognize the value of its slopes and valleys as watershed. Recreationists, far greater in number than ever before in history, compete to use it in activities as solitary as wilderness hiking or as gregarious as snowmobile rallies. A developer calls it "some of the most valuable recreational property in the country."

By law, the Forest Service manages the national forests to provide five categories of uses: timber, water, wildlife, grazing, and recreation. On the eastern forests, the relative demands for these uses has changed over time. They are likely to continue to do so in the future.

Future use opportunities will be defined by a combination of factors, many beyond the boundaries of the forest lands:

--a population which will continue to grow for a time, then level off with the advent of the 21st century.

--Development-saturated urban centers and a recently-discerned movement of people to rural areas of high natural amenity.

--energy and other resource shortages.

--increased leisure time coupled with uncertain personal mobility because of higher gasoline prices and potenial fuel shortages.

--economic uncertainty and demographic and economic trends which may limit employment opportunity.

All of the above are generating new needs and expectations on the part of the American public. The national forests of the east can play a key role in satisfying these needs. Use objectives compatible with both conservation and economic principles for land in an surrounding these forests could Include:

--Expansion of the rural exonomic base through increases in timber production and recreation-based use.

--Creation of large recreation areas offering the full spectrum of recreational opportunity. Such a proposal has been advanced for the Appalachian Mountains with the Appalachian trail as the core.

--The increased use of the forest as demonstration lands--perhaps in the restoration of strip-minded lands and waste disposal.

--The creative shaping of future urban development, particularly the prevention of strip cities and the encouragement of growth around population nodes.

--Use of the forests as catalysts for rural land use planning.

--The preservation of expansive open land to help enhance the environment of urban population centers.

--The reservation of the forests as a bank of land and mineral resources available to meet unanticipated future needs.

In trying to achieve balanced use objectives a Conservation Foundation discussion paper noted a number of factors to be considered. The Eastern National Forests are becoming part of the "urban fields" of large metropolitan areas and the relationship of both to the public lands forms points of departure for a discussion of uses in the forests.

While the Eastern Forests are part of the National Forest System, policies for managing them must take into account the special circumstances of their creation via purchase, the pattern of fragmented public ownership within forest purchase boundaries, their proximity to the large eastern population centers and not the least the natural character of the eastern forests--their topography, tree species, soil types, and climate.

The Multiple Use-Sustained Yield Act of 1960, requiring that the national forests be administered for "outdoor recreation, range, timber, watershed, and wildlife and fish purposes," while a useful guide to managing and protecing forest resources, needs sharper definition and expansion, in particular recognizing the special nature of the national forests of the east to help meet these objectives.

--In the context of the 1970's should the amenity value of Eastern National Forest lands--open space complementing the urban concentrations of the east--be added to the list of national forest uses?

--In terms of purposes for forest acquisition and subsequent management does land reclamation, particularly in Appalachian coal regions, deserve renewed emphasis?

In addition, the private sector provides many of the products and activities also supplies by the public forests. This complementary relationship is the key to understanding the range of benefits from various land uses, especially with increasing reliance on public lands for commercial purposes.

An accounting should be made of the resources and activities which can be supplies on lands other than the national forests by the private sector so that alternatives and priorities for use can be placed in the context of the differing complementary roles private and public lands fill.

The activities on private land in and around the national forests also directly affect the quality and use of forest resources. Likewise, the use of forest land can affect the value of adjacent private land for various uses.

Because of this and because of the special combination of purposes the use of public lands must meet--such as resource and environmental relationships, coordinated planning is essential. Without coordination both public and private resources may be impaired or wasted, and activities duplicated with actual economic loss to both the taxpaying public and private landowners.

The coordination of national forest planning and use with planning for and use of adjacent private land should be a truly cooperative effort, involving local and state agencies, the Forest Service, and appropriate regional agencies.

--Is it in the interest of local governments to assume a leadership role in a cooperative planning effort?

--Should the Federal Government, through the Forest Service and other Federal resource agencies, emphasize financial and technical assistance to enhance local, regional and state planning capabilities?

--Is Federal action necessary when local or state governments are either unwilling or lack the money and manpower to adequately protect forest resources of unusual national value?

In this cooperative effort, all interests in the national forests--local, regional, state and national--must be recognized though all may not be achievable.

Returning to the notion that public lands in the United States serve as a reservoir for innovative long term, perhaps non-economic benefits, some of the points made for the eastern forests have more general relevance. Choosing mining-since I feel it poses the most severe threat to the whole spectrum of other use benefits possible from the public lands--it would suggest that the public lands would not be the preferential sites. Given equivalent geo-physical characteristics preference should be given to development on the private lands because of the long-term--in some cases permanent--extinction of any value in the land other than resource extraction. To turn the lands to the opposite purpose--distorting the market for a resource to depress its price--squanders the public's resources. This requires an assessment of alternative

opportunities that may be difficult to achieve in some cases, though for the forest example and many similar cases, it is a manageable objective.

By way of contrast, the clear cutting issue, except where steep slopes or watersheds are concerned, is one that still calls for a relatively short term commitment of the land resource. The opportunities for multiple use and creative cooperation to explore options at a regional or local level remain. The conservation importance of the evaluation of public land-private land alternatives may shift dramatically depending on the resource discussed.

Conservation for the environment's sake serves people--though perhaps in the future as well as today, and should not be treated as a hollow exercise. The rehabilitation of the eastern forests, management of parks, and conservation of the reservoir of the balance of the public lands distinguishes the United States from other countries as sharply as other distinctions in economic and social philosophy. We should not hesitate to balance economic gains from public lands with their long-term and non-economic benefits--especially within a use planning system that sets priorities and explores non-public alternatives to intense or exclusively commercial use.

Panel Discussion: Perspectives on Competing Uses of Public Land - Energy, Recreation, Timber, Minerals, and Conservation

SELECTED QUESTIONS AND ANSWERS

Q: One of the criticisms of the wilderness program has been that we are placing millions of acres into wilderness when we don't know what these acres contain. Can we really afford to go with a wilderness program when we have energy, food, materials, and mineral shortages?

A: (Kyl). The argument that there have been no mineral studies is not true. Mineralization studies have been made. Sometimes, when these studies show the presence of minerals, that fact is neglected in the debate, but the studies are made. There are a lot of lands which have been withdrawn from mineral entry which are not in wilderness. Some statistics indicate that 60 percent or over 60 percent of all the public domain lands have been withdrawn from mineral entry under various withdrawal categories, such as primitive areas.

(Nelson). There are mineral surveys on every acre that goes into wilderness. In recent years, there has been a great deal more restraint upon the part of the Congress in putting minerals acres into wilderness. I believe that in the past there has been a great deal of difficulty in getting recognition of trade offs to wilderness. Wilderness is not a recreational resource, it is an ecological resource that will be untrampled by man. In the past there has been too much emphasis on the recreational aspects of wilderness and not enough emphasis on alternative uses of these lands.

(Banta). Wilderness is something the government does very well and should be retained.

Q: Where do we stop with Wilderness? What is enough?

A: (Kyl). You stop when the Congress said there will be no more wilderness. There are lots of acres which can still be put into wilderness.

Q: What are the chances for the passage of a BLM Organic Act?

A: (Kyl). In the last session of Congress, the Senate passed a good bill. The House started making it a "Christmas tree", exactly as they are doing in this session. If that bill passes the House in its present form, the Department

would strongly recommend a veto of the bill because it is not an organic act for BLM.

Q: What should the Federal government do to assist States and local communities impacted heavily by development of resources on Federal lands.

A: (Kyl). The royalty payment figures used to provide funds to the States--25 and 37 percent--are not scientific and there is no equity built into the royalty payment system to insure that the impact funds go where the impacts are.

The recommendation that I have made on impact aid is that we abolish all the royalty payments to States from Federal lands--25 percent on timber and 37 percent on other resources--and develop an equitable payment in lieu of taxes system for every acre of public land within the state regardless of the resource value, with a factor in the formula taking into account the tax efforts of the states to prevent them from using these funds as their only source of revenue.

(Davenport). The whole area of Federal impact aid is very interesting. People who live near public lands cite the fact that when recreation development has taken place on these lands in the past, land values have increased but so have taxes in order to pay for the services needed by people moving into the area to manage these recreation resources. It is true that when minerals or energy resources on Federal lands are developed the States get royalty payments, but most socio-economic studies have shown that the time the communities need aid is before the workers move into the area. They need front-end money to plan and get hold of the situation economically. The Administration has proposed a revolving fund to provide front-end money for infrastructure. This fund will probably be some combination of loans and grants.

(Nelson). I submit that there is no equity in the current royalty payment method. Let's grant that there is no equity, the question remains as to how do you devise an equitable method. Any method that may be devised would be so costly on the Federal government that it will fall of its own weight or be vetoed.

Q: Who has the responsibility for establishing Federal coal leasing goals and what are the different roles of the Secretary of the Interior and the Administrator of the Federal Energy Administration in this matter?

A: (Davenport). When Mr. Morton was Secretary of the Interior he also served as Chairman of the Domestic Energy Council and was therefore in a position to direct the development of the Department of the Interior's energy resources in light with national energy goals. Mr. Morton still holds the Chairmanship of the Domestic Energy Council although he is now the Secretary of Commerce. No decision has been made to return the Energy Council chairmanship to the Secretary of the Interior.

(Kyl). There is no doubt the Administrator of the Federal Energy Administration is the energy czar. However the Secretary of the Interior still has the responsibility for setting coal leasing goals.

PANEL DISCUSSION:

"INCREASED JOINT USE OF MILITARY LANDS"

REMARKS BY

E. A. ROGNER

DIRECTOR, INSTALLATION MANAGEMENT AND PLANNING

DEPARTMENT OF DEFENSE

It is indeed a pleasure for me to discuss with you this morning during this GAO symposium on land use planning, the topic of increased joint civilian use of military lands. You will note from the GAO's selection of the topic that, as befits their charter, they assume that increased joint civilian use of military lands is possible. Whether or not htis is an appropriate assumption is, of course, the purpose of the discussion this morning. At the conclusion of the discussion, each of you can decide whether or not the Defense Department is doing its part to protect and share the Nation's land resources which have been entrusted to it.

I would first then like to start out by presenting the broad areas I propose to discuss with you. Briefly, the dissucssion will cover the purpose and general policies involved in military land holdings; the size of these holdings and the force which uses the land; some of the accomplishments in both returning excess military lands to the civilian sector and in the joint civilian programs; and concluding remarks.

Purpose and Policies

In simple terms, the land entrusted to the Department of Defense is required for and used to support the Nation's defense effort. If it is not needed for this purpose, it is released to the General Services Administration (GSA) for disposal. The Department has a very firm policy in this regard--if there is no military justification for the land, then excess it. This has been and continues to be the Department's policy. It is through this policy that the Department benefits the civilian sector the most by striving to release all unneeded military property, hopefully for return to the tax rolls, but certainly for other beneficial uses, such as parks and recreation areas, airports, hospitals, schools and other uses. The Department only declares its unneeded property excess and it is up to the GSA, in accordance with the Federal Property and Administrative Services Act (FPASA) of 1949, as amended, to determine final disposition of the land after screening with the other Federal agencies for possible reuse. The FPASA, as amended, provides state and local communities with a number of discount programs by which such surplus defense and other agency property may be

acquired.

Based on this policy, therefore, all the land that the Departments holds is required for military purposes. However, since land is a valuable asset, the Department does have policies which permit and encourage the outleasing for grazing and other agricultural purposes of those lands which are not excess to its requirements, but which are not currently needed or only intermittently needed. In addition, if completely compatible with military operations under certain conditions, it is possible for civilian aviation (both commercial and general aviation) to jointly use some military air bases. As can be appreciated, however, with the amount of military aircraft activity, military readiness, alert and training requirements, security, and other vital functions going on at such bases, it is normally extremely difficult to allow civilian aviation use of military air bases. For instance, at the Naval Air Station, Oceana, Virginia, there are 280 aircraft assigned, and at Naval Air Station, Miramar, California, there are 380, not counting the aircraft carrier based planes which, when in port, off-load their aircraft at these bases.

In addition, while the Department is charged with the security of the Nation, it is also concerned with fish and wildlife, with forestry, and with the conservation and enhancement of other renewable natural resources under its control.

While large areas of the Department's holdings are improved with airfields, buildings, and other facilities, or are needed for specialized purposes, there are unimproved open areas, woodlands, safety or less intensively used training areas, and buffer zones which are essential to operations and cannot be excessed. The Department can, in many cases, however, and does, put these lands to multiple use. As trustee of this considerable amount of public property, the Department has an obligation to conserve and, if possible, enhance these rich physical assets for future generations of Americans.

Long before the current popular wave of conservation and environmental awareness, the military services took the initiative on grounds maintenance programs, in the restocking of fish and wildlife and the establishment of wildlife habitat, in employing modern methods of forestry management, in soil erosion control, and in the abatement of air, noise and water pollution. While some of these projects, particularly in the pollution abatement areas, were, of necessity, funded through the military construction programs, natural resources programs were and are in the most cases sustained through the moninal receipts from hunting and fishing licenses and through

the volunteer efforts of dedicated military and civilian personnel.

The Department is proud that its programs have progressed from mere grounds maintenance and rules for conservation, recreation, hunting, and fishing to a well defined, formalized, and integrated natural resources policy and management plan, giving full recognition to the improvement and enhancement of our environment and, in particular, more extensive enjoyment of military installations by the general public. In addition, as an internal incentive for this program, the secretary of each of the military departments nominates, after a competitive review, three military installations for the Secretary of Defense Award, which is presented each year to the military installation which has demonstrated to a panel of nationally recognized conservationists the most progress in the natural resources area.

Scope of Responsibilities

With respect to the scope of the Department's responsibility, the following charts and discussion will give an approximation of its magnitude.

Chart 1 depicts the number of major installations and total properties under the Department's control. Chart 2 presents the Department's personnel strength in the United States.

Chart 1

DEPARTMENT OF DEFENSE

INSTALLATION DATA

NUMBER OF MAJOR INSTALLATIONS

DEPARTMENT	UNITED STATES	OVERSEAS	TOTAL
ARMY	93	223	316
NAVY	200	51	251
AIR FORCE	156	41	197
TOTAL	449	315	764

Chart 1

DEPARTMENT OF DEFENSE

INSTALLATION DATA CONTINUED

	NUMBER OF TOTAL INSTALLATIONS & PROPERTIES		
DEPARTMENT	UNITED STATES	OVERSEAS	TOTAL
ARMY	1,310	1,066	2,376
NAVY	725	93	818
AIR FORCE	2,246	601	2,847
TOTAL	4,281	1,760	6,041

Chart 2

DEPARTMENT OF DEFENSE

PERSONNEL STRENGTHS IN THE 50 STATES

DISTRICT OF COLUMBIA AND PUERTO RICO

JUNE 1975

	MIL	CIV	TOTAL
ARMY	525,900	338,300	864,200
NAVY	378,000	295,000	673,000
AIR FORCE	473,700	270,200	743,900
DEFENSE AGENCIES	*	73,300	73,300
TOTAL	1,377,600	976,800	2,354,400

*INCLUDED IN SERVICE TOTALS

Chart 3 shows the Department's holdings and the annual costs to operate and maintain its base structure. The Department's installation budget is 1.1 times greater than the City of New York's budget and 1.2 times greater than New York State's budget. In terms of land area, the Department's holdings are 40 times greater than the State of Rhode Island

and 695 times greater than Washington, D.C. The Department's building space is 280 times greater than the space in the Pentagon and 202 times greater than the space in the New York World Trade Center.

Chart 3

DEPARTMENT OF DEFENSE

INSTALLATION DATA

SCOPE

	UNITED STATES	OVERSEAS	TOTAL
TOTAL ACREAGE (Millions of acres)	25.7	2.3	28.0
TOTAL BUILDING SPACE (millions of gross square feet)	1,818	541	2,359
TOTAL COST TO U.S. GOVT. ($ million)	$35,800	$6,200	$42,000

APPROXIMATE 1975 COSTS	BILLION
INSTALLATION OPERATING COSTS	$10
MILITARY CONSTRUCTION COSTS	3.2*
TOTAL	$13.2

*INCLUDES OPERATION & MAINTENANCE AND CONSTRUCTION OF FAMILY HOUSING.

As shown by chart 4 below, the Department controls 25.7 million acres of lnad, which is about 3.4 percent of the total Federal holdings and a little more than 1 percent of the land in the United States. It is interesting to note in this regard that a current issue of a prestigious weekly magazine contains an article on Federal land use which indicates that the Department has withdrawn 41.3 million acres of public domain lands. As shown by this chart, that figure is way off the mark. It is also interesting to note that Congress requires the Department to obtain legislation to withdraw lands from the public domain if the withdrawal exceeds 5,000 acres.

Chart 4

DEPARTMENT OF DEFENSE

ACREAGE CONTROLLED IN THE UNITED STATES

TYPE LAND	ARMY	NAVY	AIR FORCE	TOTAL DOD	TOTAL FED GOVT	DOD PERCENT
FEE	3,947,567	1,250,225	1,424,859	6,622,651	56,719,118 1/	11.7
PUBLIC DOMAIN	7,069,598	2,319,335	6,930,314	16,319,247	703,813,056	2.3
TEMPORARY USE	514,389	277,543	516,089	1,308,021		N/A
EASEMENTS	29,743	40,833	183,573	254,149		N/A
LEASED	631,694	177,644	308,611	1,117,949		N/A
TOTAL	12,192,991	4,065,580	9,363,446	25,622,017	760,532,174	3.4

TOTAL LAND AREA U.S. 2,313,678,000 AC

1/ Fee and interests other than Public Domain in the case of other Federal Agencies.

Accomplishments

The following discussion and charts will portray the Department's accomplishments in various areas.

Chart 5 depicts the reductions in defense land holdings in the United States, by category, since 1969. These data of course are net official figures at the end of the fiscal years shown. The chart shows that the Department has removed from its inventory property equating to 3.4 percent of its holdings since 1969.

Chart 5

DEPARTMENT OF DEFENSE

REDUCTIONS IN LAND HOLDINGS

1969 - 1974

	ACRES
FEE	364,800
PUBLIC DOMAIN	220,200
TEMPORARY USE	115,500
EASEMENT	34,000
LEASE	146,600
TOTAL	881,100

Chart 6 depicts the number of major bases the Department has announced for closure since 1969. In addition to these major bases, the Department has closed over 250 minor bases since that time.

Chart 7 summarizes the data connected with the results of the Department's very intensive effort to excess defense properties no longer required. Over 830 installations surveys have been conducted since Executive Order 11508 was promulgated in 1970, covering over 22 million acres of defense land or 86 percent of the Department's holdings. The remaining properties are generally too small to warrant a Washington team effort. The GSA also assisted in this endeavor. As a result of these surveys, the Department has agreed to release over 1.3 million acres of land or about 5.1 percent of its holdings. The land released or to be released under this program consists of over 700 individual parcels in most of the States and Puerto Rico.

Chart 6

DEPARTMENT OF DEFENSE

MAJOR MILITARY INSTALLATIONS 1969 - 1974

UNITED STATES

SERVICE	1969	1974	REDUCTION
ARMY	106	93	13
NAVY	241	200	41
AIR FORCE	173	156	17
TOTAL	520	449	71

Chart 7

DEPARTMENT OF DEFENSE

EXECUTIVE ORDER 11508 AND 11724

ACCOMPLISHMENTS

SEPTEMBER 1975

SURVEYS	
NUMBER OF SURVEYS	831
TOTAL ACREAGE SURVEYED	22,110,000
RESULTS	
ACREAGE DOD HAS AGREED TO RELEASE	1,381,000
ACREAGE REPORTED TO CONGRESS FOR DISPOSAL	513,500
ACREAGE DISPOSED OF BY OTHER MEANS	838,100

The results of the Department's contributions to the President's Legacy of Parks program are shown on chart 8. Over 52 percent of the parks, 60 percent of the park area, and 68 percent of the GSA estimated fair market value of the parks already conveyed to the states, counties, and local communities under the program were contributed as the result of the Department's efforts to release land no longer required for defense purposes.

Chart 8

DEPARTMENT OF DEFENSE

CONTRIBUTION TO THE LEGACY OF PARKS PROGRAM

NOVEMBER 1975

	NO.	ACRES	VALUE ($ MIL)*
TOTAL FEDERAL PROPERTIES	563	77,350	214.8
DEFENSE PROPERTIES INCLUDED IN TOTAL	295	46,600	146.6
BREAKOUT OF DEFENSE CONTRIBUTION BY SERVICE			
ARMY	157	24,200	51.6
NAVY	75	15,400	84.3
AIR FORCE	63	7,000	10.7

*GSA ESTIMATED FAIR MARKET VALUE

Chart 9 depicts the results of the Department's resources program which was discussed previously and of which the Department should be justly proud. Nineteen million acres or 24 percent, of the Department's holdings are associated with these programs.

Chart 9

DEPARTMENT OF DEFENSE

CONSERVATION*

1975

NUMBER OF COOPERATIVE AGREEMENTS	237
NUMBER OF ACRES	19,000,000
NUMBER OF USERS	8,000,000+

*EXAMPLES:

FISH AND WILDLIFE

- HUNTING/FISHING
- NON-GAME SPECIES
- ENDANGERED SPECIES

FOREST MANAGEMENT

OUTDOOR RECREATION

- NON-CONSUMPTIVE USERS

SOIL AND WATER CONSERVATION

- - - -

In conclusion, the Department of Defense considers that it is beneficially conserving and sharing with the American public the lands that have been entrusted to it. I trust that you have found this presentation helpful in understanding the Department's programs in this area of discussion. I appreciate the fact that you may have questions on this subject and I will do my best to respond to them.

Thank you for your attention.

REMARKS BY

PETER SCHAUFFLER,

REGIONAL SURVEY PROJECT MANAGER

WASHINGTON CENTER FOR METROPOLITAN STUDIES

The Problem

A substantial portion of the total land area of the United States consists of Federal properties. The extent, distribution and ownership of these properties is comprehensively described in the 1970 Report of the Public Land Law Review Commission--One Third of Our Nation's Land.

Many of these properties have great potential versatility. That is to say, significant complementary uses can be made of them without detriment to their present or planned Federal uses--and often with actual benefit.

By their location, character and status, these properties constitute strategic assets in growth management. Their carefully considered multipurpose use can improve the overall quality of life across the Nation by strengthening the basic regional programs--public and private--in conservation, recreation/aesthetics, wildlife preservation, agriculture/forestry, waste management, energy production, transportation, industry, housing, health, education and security.

As an example, a reasonably accessible underutilized Federal reservation might help greatly to meet a region's combined long-term needs for a long-haul airport and related industrial complex, a balanced residential community (sited away from the flight paths), additional large-acreage park and recreation areas, and perhaps an energy farm and waste-conversion facility--at the same time keeping all necessary portions of the property available for long-term Federal operations, with assured surrounding-use compatibility and reduced Federal expense. Such combined uses can be very important in shaping the region's long-term growth.

But two current conditions preclude the realization of these combined-use opportunities.

(1) The ownership of these properties is divided among several dozen Federal agencies, each with its specialized inventory-classification system. (2) Even if full information on such properties was available, the broad criteria for appraising their growth-management potential are not at hand.

For example, Federal Management Circular 73-5, issued by the General Services Administration in December of 1973, sets forth guidelines for determining whether a Federal property (exempting National Parks and Forests, wildlife refuges, grazing lands and "unreserved public domain") is "underutilized;" but these guidelines are to be applied only by the owning agency itself and only with respect to its own particular program needs.

A later circular (FMC 75-2) deals with the problem of assuring compatible land use in the vicinity of Federal airfields; but again, the objective is not the most effective overall combination of land uses but simply the prevention of infringements on aircraft operations. The mandated "coordination with State and local governments" is directed toward this single objective.

In summary, the present fragmented state of information and limited-use ownership of these properties prevent an adequate appraisal of their potential--and hence their fully effective use, in overall growth management.

Exploratory Study

An exploratory study to suggest a methodology for determining the broad growth-management potential of these underutilized Federal properties would be of great interest.

The study could begin to provide answers to questions such as:

--Can a combination of new Federal, state, regional, local and private functions be accommodated on such properties without serious detriment to their existing Federal roles?

--Under what circumstances and to what extent can such state/regional/local growth-management project actually assist or strengthen the Federal agency missions for these properties?

--Can these circumstances be generalized for Nationwide applicability?

--In addition to Federal properties, are there properties in state/regional/local or private ownership in the typical region (perhaps adjoining the Federal properties) that should also be evaluated for such growth-management potential?

--Can the total economic and environmental benefits from multipurpose use of typical properties be described in quantitative and/or qualitative terms and generalized into a meaningful statement for the Nation as a whole?

--What are the combinations of multipurpose uses of such properties that seem to have the greatest growth-management potential?

--What are the most important factors to be considered in developing specific criteria by which this growth-management potential can be comprehensively evaluated.

--In the development and case-by-case application of such criteria, what participants and procedures can best assure the achievement of the full growth-management potential of these properties?

To develop and apply such growth-management criteria, the following steps seem appropriate:

1. A preliminary review of underutilized Federal properties around the country to identify the principal categories for growth-management purposes;

2. A pilot project in which sample Federal properties in the principal categories in three major and diverse regions are intensively reviewed in seminars of national and regional representatives--to consider their growth-management potential, identify key criteria for determining this potential, and recommend a methodology for the detailed development of these criteria;

3. Formal preparation of nation-wide criteria in a widely applicable manual;

4. Detailed application of the criteria in a comprehensive classification and inventory of Federal surplus properties with significant growth-management potential; and

5. Based on all of the above, consideration of national and/or regional land-bank mechanisms by which such properties can be held in reserve, supplemented with additional acquisitions where desirable, and activated in multipurpose growth-management uses as needed over the coming years.

Possible Benefits

The potential benefits from such a study could be a major increase in the broad productivity of the properties put into a combination of community uses.

This increased productivity could be reflected in part in economic benefits through increased local investment, employment and the output of goods and services and through savings in the tax-derived financing of facilities that would be more expensive if developed on other properties. To indicate the potential magnitude of possible economic benefits are:

1. The total land area in Federal ownership throughout the country is approximately 755 million acres. On the conservative assumption that 1/10th of 1% of this acreage were improved through an average investment of $100,000/acre and thereafter supported an average increase of 10 jobs/acre at an average yearly income of $10,000 and with a total community multiplier of 2, the total benefits would be an increased investment of $75 billion and increased total annual national income of this same amount.

2. A long-haul airport that might cost a billion dollars or so for land acquisition and runway/taxiway development in a new location could be provided for a small fraction of this amount through the conversion of an existing Federal facility, and if there were a continuing need for Federal air operations at this location, the cost to the Federal Government for maintaining the airport needed in these operations could be greatly reduced.

Even more important, the increased productivity could be reflected in environmental and social benefits through reduced pollution in congested areas, easier access to parklands, improved mobility, increased energy and food supplies, expanded housing opportunities and enhanced landscapes.

Federal, state, regional and local agencies and commercial and environmental organizations (national and local) have shown great interest in the acquisition of surplus Federal properties for single-purpose use in their respective programs.

Little attention has been given so far to the opportunities for pooling these interests in broad growth-management strategies for the multipurpose use of such properties. But with increasing recognition of the limitations in the Nation's

land resources, strong interest in such combined uses will certainly develop.

Pending Policy Decisions

Long-term commitments will be made over the next few years on the large-scale disposal (and in some cases acquisition) of a wide variety of major Federal properties.

Executive Orders in 1970-71 (11508 and 11724) launched an earnest Federal effort to identify and where possible dispose of "real property that is not needed, is underutilized, or is not put to its optimum use." And some success has been achieved in this effort-mainly in single-purpose transactions such as state/county/local no-cost acquisitions in the "Legacy of Parks" program.

With the ending of the Vietnam War, furthermore, the pressures for more effective utilization of major military properties throughout the country are certain to rise.

The basic decision which must be made in this situation --deliberately or by default--is whether the improved-utilization effort will point toward single-purpose and short-run solutions or will point instead toward multipurpose and long-range solutions which can constructively influence the growth of the major urban regions.

It is therefore highly important at this point to develop broad criteria by which the long-term multipurpose potential of these properties can be identified.

To be comprehensive, this must be a joint Federal/state/regional and private effort; and to be effective, it must be undertaken promptly.

Panel Discussion: Increased Joint Use of Military Lends

SELECTED QUESTIONS AND ANSWERS

Q: Mr. Schauffler, would you provide a specific example of an area where the multiple, joint use concept you advocate could be applied.

A: (Schauffler) The air corridor situation in Southern California is very overcrowded, particularly with respect to Los Angeles International Airport and the volume of air traffic between Los Angeles and San Diego. Several years ago there was some discussion as to ways to alleviate the air traffic problems in this area and provide for a new long haul airport to serve the area.

Camp Pendleton, located between Los Angeles and San Diego, would be an ideal location for such an airport. Isn't it feasible that a portion of the base at Camp Pendleton could be used to locate such an airport facility (but not a city within a city as is common with most airports today) and link the facility to Los Angeles and San Diego with a high speed rail line? It sould appear that such a facility could be located at Camp Pendleton without interfering with the Marine Corps use of the camp.

Q: Mr. Rogner, what is your position on the multiple joint use concept set forth by Mr. Schauffler and more specifically the Camp Pendleton example?

A: (Mr. Rogner) The Department of Defense realizes that there are many national problems and needs for additional land for transportation, energy, etc. The Department is becoming more open in detailing its plans for its facilities and is working more with local communities on a regional basis to help in solving these problems. There is, however, no incentive for the Department to release property it no longer needs. In 1967, the Department proposed legislation called "sell and replace", which would have allowed us to sell surplus properties in metropolitan areas and use the proceeds from the sale of such property to relocate the facilities in more rural areas where they more properly belong. The legislation was not enacted. GSA has also suggested similar legislation without success. Some type of incentive program needs to be developed.

Vested interests may also prove to be a problem. For example, in 1967, the Department closed out two airfields in the Camp Pendleton area. At the present

time, one of the airfields is sitting idle because the Federal Aviation Administration, the state, and the local communities could not agree on the use of the field. In the other case, the community was so opposed to redeveloping the property for any purpose that the Department ended up keeping it. The Department's policy is to dispose of excess property but the community would not allow it to do so.

The Department is working with a regional group on the air corridor problem in Southern California. In 1970, Camp Pendleton was surveyed and a determination was made to declare portions of the base as excess. The proposal met great opposition, however, particularly from the local community which wants the Camp to remain as it is and serve as a buffer between Los Angeles and San Diego. As a result of this opposition, legislation was enacted which prohibited the Department from disposing of the excess property. A compromise was reached on this matter and seven miles of the beach area was opened to public uses, but the Department retained control of the area.

Philosophically I agree with Mr. Rogner's concepts, but in practicality I don't know if it will work.

Q: In many circles it is said that the Department of Defense is insensitive to needs other than its own. What is being done to disspell that notion?

A: (Rogner) I don't agree that the Department is insensitive, but I realize that is the feeling outside of the Department. The Department is a large bureaucracy, but it tries to work with local communities and hopes to improve in the future. The National Environmental Policy Act and the OMB Circulat A-95 clearing review process have helped the Department in getting greater community input into its decisions. Multiple joint use is good, but I don't believe it is the best action the Department can take. I believe that disposing of excess property is a much better contribution to the community because it puts property back on the tax rolls, as well as saves operation and maintenance funds for the Department.

Q: How much excess military property has actually gone back on the tax rolls?

A: (Rogner) Unfortunately almost none. Most of it goes either for parks under the legacy of parks program, or for hospitals, schools, etc. under the discount program.

It is practially impossible to get excess properties back on the tax rolls.

Q: In order to overcome the opposition of diverse interest groups to the disposal of a specific military property, wouldn't it be better to have these interest groups meet together very early in the life cycle of the property and plan for what could be done with the property if it should become excess to military needs?

A: (Rogner). Perhaps. There is a possibility that the Department could develop a section in its facility master plan to set forth possible alternative uses for the facility if it is no longer needed for military purposes. The problem is that there is no national mechanism to implement such a procedure. The A-95 clearing process could possibly be such a mechanism.

Q: Is it easier to excess and dispose of property or to get approval for joint use?

A: (Rogner). Both are as difficult. As a result of the Camp Pendleton case we now have to get Congressional approval for joint use out leasing commitments for anybody other than the Federal government.

Q: Mr. Schauffler, do you plan to present your joint use concept to the Congress to obtain some type of legislative framework for the concept?

A: (Schauffler). I believe that we need to take some initial steps on exploring whether the concept is workable before we can approach the Congress. The process has got to be started in a low key, exploratory way. Hopefully some guidelines on how the concept can be implemented will result from this initial phase. These guidelines may then prove useful to the Congress in demonstrating that the concept is workable.

Q: Mr. Schauffler, what organization should take the initiative in designing a program to explore the potential for multiple joint use of military lands?

A: (Schauffler). It could be anyone of several groups because there is more than just the Defense Department. DOD, OMB, perhaps even GAO through its reporting to the Congress, could take the initiative. The important thing is to get the concept started. We need to take a preliminary look in several regions at sample properties to determine what types of issues and problems are to be faced. Equally important is to bring the

right types of people together to get the process started. The selection of the people to participate in the process, whether they be members of governmental agencies, conservation groups, economic development organizations, or other special interest groups, is critical.

(Rogner). What is really needed to implement such a process on a pilot basis is a sponsor. The President's Federal Property Review Board would have been an ideal organization but it is now defunct. Until a sponsor is obtained, the process will probably not get off the ground.

SUMMARY OF VIEWS OF ATTENDEES

Following is a summary of the replies received from the Symposium attendees in response to a questionnaire regarding whether the Symposium had met its objectives and suggestions for improving future symposia and future audit work in the land use planning and control issue area.

I. Question: Do you believe the symposium achieved its objectives of:

--Acquainting GAO staff with the diverse nature of the activities included in the land use planning and control issue area, both in the public and private sectors?

--Familiarizing GAO staff with recent trends in land use planning and natural resource management activities?

--Discussing proposed audit efforts in the issue area?

Answer: The attendees were unanimous in their opinion that the Symposium had achieved the objective of acquainting the staff with the diverse nature of the activities included in the issue area. The vast majority also believed that the objective of familiarizing the staff with recent trends in issue area activities had been achieved, although a few attendees would have placed more emphasis on state and local planning activities or planning in metropolitan areas.

With respect to the objective of discussing proposed audit efforts in the issue area, a majority of the attendees believed that the objective had been achieved. Many attendees believed, however, that greater emphasis needs to be placed on this objective in future symposia.

II. Question: Would you suggest the use of symposia of this type in the future to give GAO staff members background information or particular lead division issue areas?

Answer: The great majority of the attendees considered the symposium informative, worthwhile, and beneficial, and recommended the use of similar symposia for other lead division issue areas.

III. Question: In what specific ways do you believe future symposia could be improved (nature of speakers, use of panels versus individual speakers, location, etc.)?

Answer: The attendees generally preferred the use of panel discussions rather than individual speakers. The most frequently mentioned suggestions were:

--Smaller discussion groups and/or concurrent panel sessions.

--More speakers from non-governmental services, such as conservation and industry associations.

--More pleasant surroundings and/or better access to public transportation and eating facilities.

--Providing appropriate background reading materials to the attendees well in advance of the symposium.

--More individuals with conflicting or controversial ideas on panels.

--Shorter panel presentations and/or more time for questions and discussions.

--More representation from the Congress.

IV. Question: In what ways do you believe GAO can best serve the Congress and in what areas would you suggest GAO concentrate its efforts in planning future work on land use planning and control activities?

Answer: There was no consensus on what should be the direction of GAO's future work in the land use planning and control issue area or in what specific areas our work should be concentrated. The most frequently identified area for future work concerned the coordination of land use planning at all levels of government and the identification of areas where Federal, State, and local planning activities overlap, conflict, and/or create gaps in planning coverage. Several attendees were also concerned with the extent of State and local land use planning activities and the effectiveness of Federal agencies in contributing to such programs.

Individual suggestions for future work generally fell into two broad areas--public and non-public lands. Most of the suggestions concerned non-public land activities. Following are some of the suggestions for specific GAO surveys and reviews:

Non-public lands

Feasibility of establishing national land use planning guidelines for implementation at the local level.

Use of existing Federal regulatory authority (e.g. permit programs of the Corps of Engineers and the Environmental Protection Agency) to influence land use planning for private lands.

Effectiveness of the Department of Housing and Urban Development 701 planning program and the degree of implementation of plans developed under the program.

Effectiveness of the coastal zone management program.

Extent to which model zoning laws have been updated.

Effectiveness of Federal efforts to insure public access to coastal and river areas after such areas have been improved through Federal pollution control programs.

Problems associated with the Office of Management and Budget Circular A-95 clearing and review process.

Public lands

Results achieved by the Wilderness Act, with emphasis on the effect of the act on other land uses, such as recreation, water resources, timber, grazing, and mining.

Adequacy of controls over surface mining and the rehabilitation of damaged lands.

Effectiveness of the classification of public lands.

Adequacy of preservation of natural and scenic lands.

Fairness of the Federal Government's control over the public domain.

AGENDA

U.S. General Accounting Office

Resource and Economic Development Division

LAND USE PLANNING AND CONTROL SYMPOSIUM

November 18-20, 1975

Quality Inn

Leesburg, Virginia

LAND USE PLANNING AND CONTROL SYMPOSIUM

PURPOSE: The purpose of the Symposium is to:

--Acquaint the General Accounting Office professional staff with the diverse nature of the activities included in the land use planning and control issue area, both in the public and private sectors;

--Familiarize our staff with recent trends in land use planning and natural resource management activities; and

--Discuss proposed audit efforts in the issue area.

FORMAT: Speakers and panel members will present their remarks (supplemented by any exhibits, slides, etc., they wish to use) and a period for questions and answers will follow.

AGENDA FOR TUESDAY, NOVEMBER 18, 1975

TIME	TOPIC	PARTICIPANTS
8:00 to 9:00	ARRIVAL AND REGISTRATION	
9:00 to 10:00	INTRODUCTORY REMARKS	Elmer B. Staats, Comptroller General Henry Eschwege, Director, RED Max Hirschhorn, Deputy Director, RED
10:00 to 11:30	LAND USE PLANNING-WHAT IT IS AND WHY IT IS NEEDED	Marion Clawson, Vice President - Resources for the Future
12:30 to 3:30	RECENT TRENDS IN LAND USE PLANNING	Richard R. Gardner, Deputy Assistant Administrator for Coastal Zone Management, National Oceanic and Atmospheric Administration, Department of Commerce Edwin Thomas, Director of Comprehensive Planning, Maryland Department of State Planning Lance Marston, Director - Office of Land Use and Resources Planning, Department of the Interior Mrs. Virginia G. Young, Planning Director, County of Prince William, Virginia
3:45 to 5:00	NON-PUBLIC LAND PLANNING IN FOREIGN COUNTRIES	Max Hirschhorn and David L. Jones, RED

AGENDA FOR WEDNESDAY, NOVEMBER 19, 1975

TIME	TOPIC	PARTICIPANTS
8:30 to 12:00	THE IMPACT OF FEDERAL PROGRAMS, SUCH AS HOUSING, TRANSPORTATION, AND WATER AND SEWER, ON NON-PUBLIC LAND USE DECISIONS	Shelley Mark, Director - Office of Land Use Coordination, Environmental Protection Agency Charles A. Hedges, Senior Economist - Office of the Assistant Secretary for Policy, Plans and International Affairs, Department of Transportation James L. Breithhaupt, Special Assistant of Environmental Affairs, Council of State Governments Lawrence Houstoun, Director - Office of Planning and Management Assistance, Department of Housing and Urban Development
1:00 to 4:00	EXAMPLES OF LAND USE PLANNING ON PUBLIC LANDS	John W. Russell, Staff Assistant for Land Use Planning, U.S. Forest Service, Department of Agriculture Donald Renton, Planning Systems Coordinator for Land Use Planning, U.S. Forest Service, Department of Agriculture Kenneth Bottoms, U.S. Forest Service, Department of Agriculture
4:14 to 5:30	GROUP DISCUSSION - ONGOING AND PLANNED AUDIT EFFORTS ON NON-PUBLIC LAND ACTIVITIES	David L. Jones, RED

AGENDA FOR WEDNESDAY, NOVEMBER 19, 1975 CONTINUED

TIME	TOPIC	PARTICIPANTS
7:00 to 9:30	PERSPECTIVES ON COMPETING USES OF PUBLIC LANDS - ENERGY, RECREATION, FOOD, TIMBER, MINERALS, AND CONSERVATION	John Kyl, Assistant Secretary for Congressional Affairs, Department of the Interior Thomas C. Nelson, Deputy Chief - National Forest System, Department of Agriculture John Banta, Conservation Foundation Joan Davenport, Director - Office of Resource Development, Federal Energy Administration

AGENDA FOR THURSDAY, NOVEMBER 20, 1975

TIME	TOPIC	PARTICIPANTS
8:00 to 10:15	INCREASED JOINT USE OF MILITARY LANDS	E. A. Rogner, Director for Installations, Management, and Planning, Department of Defense Peter B. Schauffler, Regional Survey Project Manager, Washington Center for Metropolitan Studies
10:30 to 12:00	DEVELOPMENTS FACING GAO - GROUP DISCUSSION	Henry Eschwege, Director, RED
1:00 to 2:30	GROUP DISCUSSION - ONGOING AND PLANNED AUDIT EFFORTS ON PUBLIC LAND PLANNING AND MANAGEMENT	Richard Woods and Frank Subalusky, RED
2:30	ADJOURN	

LAND USE PLANNING AND CONTROL SYMPOSIUM

LIST OF ATTENDEES

OFFICE OF THE COMPTROLLER GENERAL

Elmer B. Staats, Comptroller General

RESOURCES AND ECONOMIC DEVELOPMENT DIVISION

Henry Eschwege, Director
B. E. Birkle, Deputy Director
Max Hirschhorn, Deputy Director
Richard Kelley, Associate Director
Wilbur Campbell, Associate Director
Richard Woods, Associate Director

Edward Allan	Robert Hartz	Clare Rohrer
David Brooks	Mark Heatwole	Joseph Rother
F. Kevin Boland	James Howard	Stanley Sargol
Ray Busen	Woodcliff Jenkins	Clarence Seigler
Kenneth Clark	David Jones	Frank Subalusky
Marcus Clark	Roy Kirk	Larry Turman
Frank Degnan	Virginia Levin	Donald Vande Sand
Kevin Donahue	Ronald Morgan	Dwayne Weigal
Steven Gazda	John Noto	Fred Yohey
Kenneth Goodmiller	Frederick Rabel	

GENERAL GOVERNMENT DIVISION

Dennis Gehley	William Martino	William Mohan

LOGISTICS AND COMMUNICATIONS DIVISION

Kenneth Driscoll Patrick McGuire

OFFICE OF PROGRAM PLANNING

Michael Gryszkowicz

OFFICE OF SPECIAL PROGRAMS

Steve Zwerling

FIELD OPERATIONS DIVISION

Albert Braddock, Denver
Marvin Burch, Altanta
Arnett Burrow, Kansas City
Donald Cluff, Washington
Paul de Lassus, Dallas
Ralph Dominick, Washington
John Dowell, Detroit
Frank Fee, Philadelphia
Harold Fine, Cincinnati
Paul Greeley, Boston
Edgar Hessick, Denver
Donley Johnson, Chicago
Edwin Kolakowski, Los Angeles
James Mansheim, San Francisco
Mac McGraw, Los Angeles
John Moran, San Francisco
Robert Sawyer, Seattle
Peter Taliancich, Dallas
Ernest Taylor, Norfolk
Valentine Tomicich, New York
Gary Wyant, Denver

Mr. Rabel

UNITED STATES GOVERNMENT

Memorandum

GENERAL ACCOUNTING OFFICE

MAR 11 1976

TO : Land Use Planning and Control Symposium Attendees

FROM : Deputy Director, RED - Max Hirschhorn

SUBJECT: Symposium Report

Attached is a copy of the symposium report. Subsequent to the symposium, we requested your ideas and suggestions for future work in the Land Use Planning and Control issue areas. A summary of these ideas and suggestions are included in the report.

Thank you for your participation in the symposium.

Attachment

cc: Mr. Eschwege
Mr. Jones