

Senator JORDAN. How would one go about compensating where a difference of opinion arose with the owner, who said, "If I could subdivide I might make x dollars under a complete subdivision plan, and under the standards you propose, I will realize much less than that," and you have an honest difference of opinion?

Secretary FREEMAN. First of all, your question assumes that you are unable to negotiate an agreement. I expect you would have to litigate it. It would be just like condemnation. I don't know any other way that it could be determined.

Senator CHURCH. And that litigation would take place in the Federal district court in Idaho?

Secretary FREEMAN. Yes, it would.

Mr. CLIFF. That would be friendly condemnation. If we reached agreement on everything except the price—we couldn't condemn without his consent, but we presumably could get his consent to take it under friendly condemnation to determine the price.

Secretary FREEMAN. Likely, I suppose, he would be the moving party, we wouldn't. Because the regulations would have been issued, the standards would have been set. If he conformed with the standards that were determined as consistent with the use of the area, why there would be no problem. If he wished to take additional actions that would not be consistent, he would have to be informed that he could not do so. At that point he would have an interest that was violated, and I presume we could proceed to litigate and determine its value.

Senator JORDAN. The final determination, then, would have to be in the court?

Secretary FREEMAN. I don't know of any other way. It would just have to be in the court.

Senator BIBLE. One other question.

On page 4, Mr. Secretary, you say, under the provisions of this bill, the Secretary of Interior may transfer the public domain lands to the jurisdiction of the Secretary of Agriculture.

Now, that is the 10,400 acres of public domain lands; is that correct?

Secretary FREEMAN. That is correct.

Mr. CLIFF. That is that dark green? (Referring to map.)

Secretary FREEMAN. You will note the dark green there on the border; some on the east and then some on the west. The Chief can identify it.

Senator BIBLE. These are presently being administered by the Bureau of Land Management, would that be correct?

Secretary FREEMAN. That is correct.

Senator BIBLE. And what character of lands are they, grazing lands that carry permitted rights for running cattle, or what?

Mr. CLIFF. They are grazing lands, primarily sagebrush cover, with some scattering of timber as well as other types of cover.

This area in the valley originally was left out of the national forest when the national forest was created to permit homesteading. The lands which are in white on the map were largely homesteaded, and they were the better lands. The lands that are in the dark green, the public domain lands, were those that were not homesteaded. They are a remnant of the public domain lands that are administered by the Bureau of Land Management. Most of them are under section 15 leases to the ranchers in the valley for grazing purposes.