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NATIONAL LAND USE POLICY

BACKGROUND PAPERS ON PAST AND PENDING
LEGISLATION AND THE ROLES OF THE EXECUTIVE
BRANCH, CONGRESS, AND THE STATES IN LAND
USE POLICY AND PLANNING

COMPILED AT THE REQUEST OF
SENATOR HENRY M. JACKSON, *Chairman*
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS
UNITED STATES SENATE



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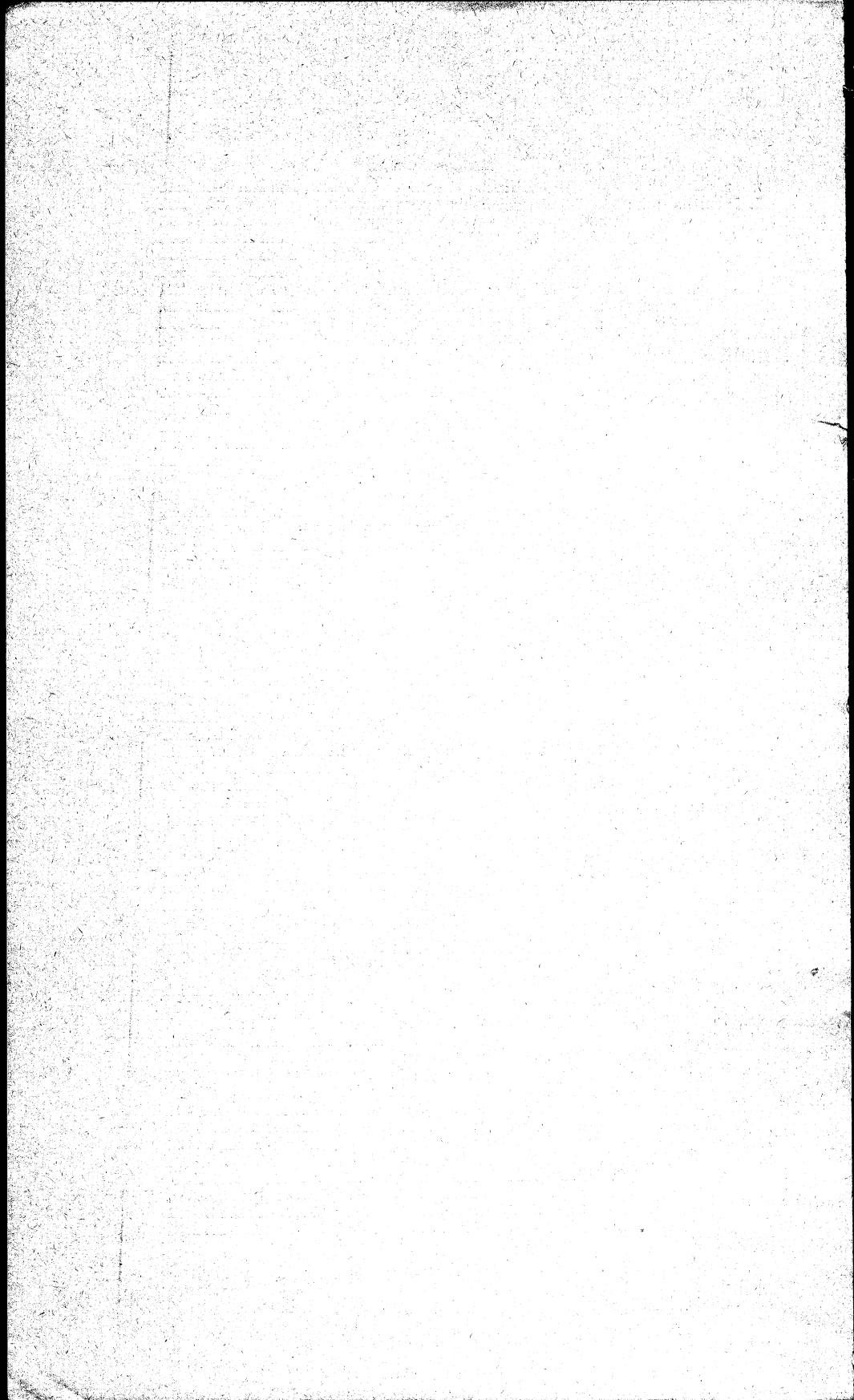
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MEMORANDUM OF THE CHAIRMAN

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

Environmental crises, energy crises, indeed most of the domestic crises with which the media confront us, can be traced to decisions as to how our land is used. This lends emphasis to the statements of numerous public officials and concerned citizens who maintain that too many land use decisions of wide public concern are being made on the basis of expediency, tradition, short-term economic considerations, and other factors frequently unrelated or contradictory to the real concerns of sound land use policy. The rapid and continued growth of the Nation's population, expanding urban development, proliferating transportation systems, large-scale industrial and economic growth, conflicts in patterns of land use, fragmentation of governmental entities exercising land use planning powers, and the increased size, scale, and impact of private actions, have today created what many Americans perceive to be a national land use crisis.

That such a perception is widely shared in the Federal Government—in both the legislative and executive branches—is demonstrated by the more than two hundred land use policy measures before Congress. Of particular importance are two bills to establish a national land use policy and to assist the States to develop and implement land use programs: S. 632 was first introduced by me in January 1970 and was reintroduced the following year; S. 992, the Administration's proposal, was introduced in February 1971. These two proposals, pending before the two Committees on Interior and Insular Affairs, can be regarded as "umbrella" bills to encourage the establishment of the decisionmaking framework and to assist the development of the expertise and collection of data necessary to insure the effectiveness of the numerous other land use proposals now before Congress—such as the power plant siting, the surface mining, and the coastal zone management bills.

In considering the National Land Use Policy bills, various members of the Senate Committee on Interior and Insular Affairs have requested preparation of informational papers by committee staff members and by the Congressional Research Service. In the expectation that these papers are of interest to the entire Committee and to others as well, I have asked Wallace Bowman, Assistant Chief, Environmental Policy Division of the Congressional Research Service, and Steven P. Quarles, Special Counsel to the Committee, to assemble them in Committee Print form.

The Print is divided into four sections. The first section is intended to give the reader insight into how the Federal Government—both the legislative and executive branches—perceives the land use crisis.

The second section, "The Congress and Land Use Policy", contains an in depth analysis of the two land use proposals—S. 632 and S. 992—and a summary of the hearings on the proposals. Briefly discussed are the jurisdictions of Congressional committees as they relate to land

use, the other principal land use policy bills before Congress, and a chronology of past, significant land use legislation.

Federal land-oriented programs and Federal organization as it relates to land use are highlighted in the third section.

In the fourth section, innovative State legislation is noted for the reader in a review of recent reports on State land use activities.

Finally, a list of recent writings compiled from the Congressional Research Service's computer, a list of hearings on land use legislation in the 92d Congress, 1st Session, the texts of S. 632 and S. 992, and summaries of the other National Land Use Policy proposals are found in the appendix.

HENRY M. JACKSON, *Chairman.*

I. INTRODUCTION: THE LAND USE CRISIS FROM A NATIONAL PERSPECTIVE

As Senator Henry M. Jackson noted in his Memorandum, many Americans today believe that our Nation is faced with a land use crisis of major proportions. The large number of legislative proposals pending before Congress suggests that the Federal Government shares this belief. The following excerpts from a speech by Senator Jackson and a memorandum prepared by the Administration indicate the views of the sponsors of the two principal land use proposals concerning the origin and effects of the land use crisis and the need for land use legislation.

(Excerpts from a September 1970 speech by Senator Henry M. Jackson, Chairman of the Senate Committee on Interior and Insular Affairs):

* * * For nearly three centuries the American people moved ever westward seeking land and opportunity, seeking a better place to live, to work and to play. Rapid urbanization along the Pacific coast testifies to the end of this era of abundant and open land. No longer will there always be more land over the next rise. Yet the "pioneer land ethic" remains with its commonly accepted principle that ownership of the land carries with it the right to do with the land as one pleases—to buy and sell, to use and deplete.

Although the notion of unlimited land may have lost acceptance, the tendency to view land in monetary and ownership terms continues. Will Rogers succinctly, albeit unwittingly, described our present perception of land when he admonished us to: "Buy land; they ain't making any more of it."

We must modify further our concept of land. We must treat land not as a commodity to be consumed or expended but as a valuable finite resource to be husbanded.

DEVELOPMENTAL AND SOCIAL PRESSURES

* * * Those who tell us we have no land crisis—that this natural resource is not diminishing—always point to the rural-urban migration. They produce statistics which show a population reduction in a number of rural counties and cite population projections which place an ever larger percentage of the American people on a smaller percentage of the land.

Yet, I submit, this crowding is deceptive and the land use patterns which are evolving from this urbanization process are causing the greatest damage to our land. Our urban-suburban dwellers, these

modern "urban homesteaders", settle and move on and settle again in a manner absolutely inimical to wise management of our land. We may be demanding less land for traditional rural purposes, but today's urbanites are laying claim to ever greater quantities of land. Thus, they contribute to the worst of our land use problems: the urban sprawl, the "slurbs", which reduce the quality of our physical and social environments. Rather than accommodating urban densities, urban sprawl spreads urban populations across vast areas of land—idling and ending the productive use of far too much of it.

The politics of the "territorial imperative" practiced by the vast majority of the 10,000 local governments with zoning powers has markedly decreased present and potential population densities. For example, Westchester County in New York, moving steadily over the past two decades toward more and more restrictive zoning has nearly halved its population capacity—reducing it from 3.2 million in 1952 to 1.8 million today—while simultaneously expanding an additional mile per year onto formerly rural land.

And, where restrictive land use regulations and decisions have not contributed to urban sprawl, the automobile and the modern high speed highway system have. This can be seen in comparisons of the cities in which much of the growth predated the massive use of the automobile and those cities which experienced rapid expansion in the modern era of freeways and long distance commuting. For example, Los Angeles, the freeway city, has somewhat less than one-third fewer people per square mile than New York City.

But decreasing density in the midst of increasing urbanization is not the only factor in the rapid consumption of land. Another major influence is speculation in land on the urban fringe. Nationally, of the some 17 million acres which have been withdrawn from any other use by urban growth, only about 11 million acres are actually in urban use. Much of the remaining 6 million acres is idle and unproductive land held for speculation—speculation which pays, as, over the decade of the sixties, raw land prices increased at an average annual rate seven times that of the wholesale commodity price index and nearly four times consumer prices. The high cost of land makes it increasingly difficult to farm or engage in other non-intensive land uses near urban areas.

The social problems inherent in a land use system which maximizes land prices and minimizes urban population densities are well-known to all of us. Ironically, the cities are becoming bedroom communities for the salaried man, the poor, and the black who must commute to jobs in the tax-base-enriched suburbs. In town after town, residents find that not only have outsiders been excluded, but also their own grown children, their elderly parents, and local civil servants. In the New York area, the National Council Against Discrimination in Housing, found that 80% of the area's families are now priced out of the new housing market entirely.

The inability of the vast majority of Americans to live in a place of their choice—a place with quality environmental and service amenities—has contributed directly to most of our social ills—violence, despair, crime, urban blight, poor schooling, and social and economic segregation. By refusing to address the central question—that of land

use and residence—this Nation has fostered, and witnessed the failure of, costly, transitory, and unpopular compensatory programs directed at effects not underlying causes—long distance school busing, heavy-handed crime control, paternalistic welfare, and impersonal urban renewal programs.

Not only does the idle and unproductive land associated with urban sprawl fail to contribute to our economic growth or to the amelioration of social problems, but it fails, as well, to satisfy our aesthetic needs. The kind of land we find ugliest is not that which is overused but that which is underused or largely vacant: worked-out gravel pits; vacant lots; rubbish-strewn fields festooned with weeds, billboards and high tension lines; and the seas of asphalt around suburban shopping centers.

Urban sprawl does not pause at the periphery of the ever-widening circle of land dedicated to or held for urban use. Urban dwellers today place demands upon rural land miles and sometimes several states away from their homes. Los Angeles' power needs have brought air-polluting power plants and land-polluting strip mining to the Navajo and Hopi lands of Black Mesa in Arizona and New Mexico. Waste disposal problems have forced consideration of such solutions as the shipment of refuse by rail hundreds of miles beyond our cities' boundaries. And along our shores and in our mountains escape from the cities has become the unattainable goal of those who in seeking second homesites create second suburbias.

Sobering statistics bespeak the future of our land under these economic and social pressures: Over the next 30 years, these pressures will result in an additional 18 million acres or 28 thousand square miles of undeveloped land surrendered to urban use. Urban sprawl will consume an area of land approximately equal to all the urbanized land now within the 228 Standard Metropolitan Statistical Areas—the equivalent of the total areas of the states of New Hampshire, Vermont, Massachusetts, and Rhode Island. Each decade, new urban growth will absorb an area greater than the entire state of New Jersey. Twenty six million new housing units must be constructed by 1978, the equivalent of building 2½ cities the size of the San Francisco-Oakland metropolitan area every year. In the next twenty years, new high-voltage transmission lines will consume three million acres for new rights-of-way, while 225 new major electrical generating stations will require some 140,000 acres of prime industrial sites. In short, between now and the year 2000 we must build again upon our land all that we have built before. We must duplicate in three decades what has taken us three centuries to construct—a new home, school, hospital, office building for every one now in existence.

LAND USE AND THE ENVIRONMENT

* * * These pressures upon our land base could have a profoundly negative impact upon our environment. Yet, on the other hand, the protection of our environment can and should be aided by a proper consideration of land use.

In recent years we have made important progress toward introducing environmental values into governmental decisions. We have also

initiated a number of action programs to deal with the problems which have been identified. We have not, however, fully developed institutional machinery and the specific laws and policies which are needed to do a comprehensive, coherent job of environmental management rather than merely to react to problems which already exist.

Adoption of the National Environmental Policy Act of 1969, constituted a Congressional response to the need for a comprehensive policy and a new organizing concept for dealing with environmental problems. As the Act's author, I felt a national policy for the environment was necessary to provide both a conceptual basis and legal sanction for applying to environmental management the high level policy concern we apply to other areas of critical national importance. Over the last two years, the strength of that Act has been well established.

We must, however, further enlarge the Federal Government's capacity to sort out environmental conflicts, to weigh alternatives, and to assess their costs and benefits, if we are to avoid the pitfalls of concentrating on immediate, pressing problems—the environmental *causes célèbres* with which the media daily confront us—to the exclusion of long-term policy considerations. It is, therefore, essential that we develop a framework within which the myriad proposals to use or consume natural resources can be balanced against one another and measured against the demands they collectively impose upon the environment. Put simply, we need a focal point upon which we can compare alternative proposals to achieve our goals. That focal point, I submit, should be the use of land.

A NEW POLICY AND A NEW PLANNING

* * * The crucial question is whether we are to allow rapid development, the ir retrievable dedication of our land, to be done in accordance with the tenets of our traditional pioneer land ethic or whether we are prepared to demand that our land be managed and used to best meet our Nation's environmental and social requirements.

To foster wise land use patterns, we must adopt a National Land Use Policy. This Policy must recognize that land use decisions are, in fact, also economic, social and environmental decisions—that the uses to which land is put dictate the pace and shape of economic growth, the character and severity of social problems, and the extent to which the environment is preserved or destroyed. With so much at stake in choosing the use of land, fierce competition over the right to choose ultimately results. The National Land Use Policy must contain new procedures and machinery to lessen the conflicts, the wasteful delays, and the inefficient results which land use competition generates. It must shift this competition from the adversary process to the planning process.

In January 1970, I introduced legislation to establish such a National Land Use Policy. That measure was reported favorably by the Senate Committee on Interior and Insular Affairs too late in the 91st Congress to reach a floor vote. The following year it was reintroduced as S. 632. (It has since been joined by an Administration proposal, S. 992, featured prominently in the President's February 8, 1971 Message to Congress on the environment.)

My bill would establish forums and procedures to foster rational, consistent, long-term decision-making with the participation of citizens and experts alike. Most importantly these decisions would not be based upon emotion or preconceived ideas, but rather upon objective data and information and goals developed at the local and State levels. In short, these decisions would result from the planning process—not the oft-maligned and seldom effective traditional planning process but a new participatory process based upon adequate data and capable of implementation.

For too long, land use decision-making has been conducted without data adequate to consider fully the decisions' potential impacts. Four years ago, Congress wrestled with the issue of whether dams should be constructed in the vicinity of the Grand Canyon. The decision was no. Now the Senate Interior Committee is holding a series of hearings on the Four Corners power question, considered by some to be an even greater threat to the environment. Of course, the issues involved are much the same—growing West Coast energy needs and environmental protection—but in neither case have they been addressed properly, with sufficient data to identify the various options and their potential environmental and economic consequences.

Other examples abound. Open spaces valuable for recreation, greenbelts or just a break in the carpet of urbanization are succumbing to private development catering to the one-acre recreational homesite dreams of our nation's city-dwellers. Land uniquely suitable for certain uses, such as major airports, is preempted for other uses which possess far less demanding criteria. And unwanted, but essential projects, such as power plants, meet with wasteful delays and are finally sited in locations where resistance is least but without consideration for sound developmental and environmental needs.

What planning we have accomplished has too often been single purpose planning which has failed to relate that purpose to a balanced range of national goals. For example, highway planners have slashed highways through parks where land is invaluable for recreation but cheap for roadbuilding; carved up low income districts with knives of concrete—thus effectively destroying any sense of community; and poured more highway lanes into cities already choking on automobile traffic and fumes.

In addition, we have conducted too many of our programs and activities in inexcusable ignorance of their often contradictory and deleterious effects. Illustrative of this was the Everglades Jetport controversy. In the Senate Interior Committee hearings in June 1969, three prestigious Federal agencies were displayed as blithely undertaking activities—flood control, airport development, and national park and recreation programs—in compliance with their mission-oriented guidelines but with little appreciation of the contradictory, self-defeating, and environmentally destructive land use impacts of those activities.

These are examples of the ill-effects which come from poor planning or no planning at all. My bill attempts to insure that our needs for proper planning are met.

Furthermore, too many resplendently color-coded plans, single purpose or not, have been left to collect dust on administrators' shelves.

My bill would require effective methods for implementation and make implementation an integral part of the planning process.

Finally, planning without citizen participation is neither democratic nor wise. Until the Model Cities' program required citizen participation in planning, citizens were conspicuously absent from the planning process. All the other problems of planning become intractable without the effective voice of citizens. Their practical wisdom and support make plans capable of implementation, their knowledge of local conditions fills gaps in the planners' data and information, and their varied interests diminish the tendency of planning to embody a single purpose. My bill would demand frequent and effective citizen participation in all stages of the planning process.

The challenge of planning for the future—the challenge of a better design for tomorrow—is awesome. This challenge cannot be met by good intentions or by assertions of concern. Nor can it be met by passage of a single piece of legislation, although such action would indeed serve as a good beginning. It will require major governmental reforms and effective citizen action. If we work together, we will preserve a healthy, liveable environment for our children and their children. I know of no finer legacy.

(Excerpts from "Guidelines: State Land Use Policy Act" prepared by the Council on Environmental Quality, March 1972):

BACKGROUND OF STATE INVOLVEMENT IN LAND USE CONTROL

Both major land use bills pending before the Congress would make States the major actors in dealing with important land use problems. Constitutionally, States have always possessed full authority to engage in land use planning and regulation. However, most States have delegated control over land use to their constituent local governments, thereby abrogating responsibility over land use problems beyond the scope of local governments.

The laws accomplishing these delegations are nearly all modeled upon two acts which were prepared by the U.S. Department of Commerce in 1922 and referred to as the Standard City Planning Enabling Act (SPEA) and the Standard State Zoning Enabling Act (SSEA). The SPEA authorized cities to engage in planning and it covered six subjects:

- (1) the organization and power of the plan commission, which was directed to prepare and adopt a "master plan";
- (2) the content of the master plan for the physical development of the territory governed by those local governments the State authorized to plan;
- (3) provision for adoption by the governing body of a master street plan for the community and the control thereafter of private and public building within mapped but unopened streets;
- (4) provision for approval by the plan commission, before approval by the governing body, of all public improvements (legislative override of commission veto was provided);
- (5) control of private subdivision of land into building parcels and accompanying streets and other open spaces;

(6) provision for the establishment of a region, a plan for the region, and for adoption of the regional plan by any municipality in the region that desired to do so.

The Standard State Zoning Enabling Act authorized the classes of local governments specified by the enacting State to control the height, area, bulk, location, and use of buildings and premises. The major characteristic of this model was the authorization given to a local government to divide its territory into zones or districts with uniform regulation throughout the district but with different regulations for each district. The control was exercised through specification in the local ordinance of the authorized limit on size of a building parcel; on size, height, and placement of structures on a lot; and through specification of the uses to which buildings and land in the district could be put. Flexibility or individualized treatment of a particular parcel was permitted by authorizing the local government to provide for a "board of adjustment" to make "special exceptions" to the terms of the ordinance and to authorize a "variance" from the terms of the ordinance where literal enforcement would result in unnecessary hardship.

The existing laws in most States are closely based on these two models. Underlying the SPEA and SZE A are two important assumptions:

(1) The "owner" of land (private person or governmental agency) has the power to use or develop his land as he wishes except as specifically restricted in State and local legislation;

(2) The public interest of the State lies in authorizing local government to control the development decisions of an owner of land within the borders of the local government. There was no affirmative authorization to an owner to undertake development not expressly prohibited by local ordinances, and there was no authority granted to a private person or governmental entity to acquire land by purchase or by eminent domain. The SPEA and SZE A and the State statutes modeled after them assume that the decision to acquire land for development and the decision to develop are made independently of the planning laws and that the purpose of the local planning and zoning laws which they authorize is to prohibit undesirable development, not to encourage desirable development.

Furthermore, as far as these enabling acts were concerned, it appears to have been immaterial to the broader public interest of the State whether any local government actually engaged in planning, whether development actually took place in accordance with a plan, whether the plan, if any, produced by the local government in fact promoted the public interest of the local community, and even whether the plan of the local government adversely affected the public interest of a larger area such as the region or the State as a whole. The purposes for which the local government could act under the SPEA and SZE A were the full inventory of constitutionally permissible purposes—promotion of health, safety, morals, and general welfare—but the purely local public interest was dominant.

The models assumed a rigid pattern of land and urban development. The local ordinances under the SZE A assumed that develop-

ment would take place lot by lot on individual parcels. It was also assumed that the territorial boundaries of the city or other unit of urban government would more or less keep pace with the economic and social development of the urban community. The SPEA authorized the master plan to encompass territory beyond the boundaries of the planning government because it was likely that the territory would be annexed to the planning government in a short interval of time. A comment to the SZEAL suggested that States might desire to permit local government to control land in the unincorporated territory beyond its borders so that when the territory is annexed to the local government it would come into the jurisdiction with consistent land use controls. However, except for areas undergoing urbanization and ripe for annexation, little attention was paid to the huge areas of rural and natural lands.

THE NEED TO REEXAMINE LAND USE PLANNING AND
REGULATION LAWS

Several studies in recent years have concurred in concluding that the existing approach to land use planning and regulation is inadequate. The unrestricted grant of power to the smallest unit of local government has produced in many States a distortion in metropolitan growth a lack of authority and planning interest in the major portions of non urban lands, and an incapacity to deal with regional problems such as pollution, inadequate supply of decent housing, proper management of the environment, transportation and the like. This incapacity has been most apparent in the areas undergoing most intense development pressure—the metropolitan fringe. Major low density development such as industrial parks, residential subdivisions, regional shopping centers, and new communities which are springing up at the urban periphery pose serious problems of relating industry to housing of the work force and of relating growth generally to a whole complex of urban public services such as schools, hospitals, neighborhood shopping centers, waste treatment facilities and services, and mass transit. The units of government which must deal with these issues are invariably too small, and sometimes too inexperienced, to plan comprehensively for these matters.

Fragmented localism which characterizes our land use control systems in most States has proved inadequate to achieve important developmental objectives such as housing, just as it has failed to achieve a harmony of city design with the natural landscape, and to protect critical environmental areas such as coastal wetlands. The Douglas Commission, which focused primarily on the impediments to meeting the demand for housing, concluded that the difficulty small units of government have in acting in concert or in pursuing regional objectives seriously inhibits an orderly, equitable allocation of land resources (See *Building the American City: Report of the National Commission on Urban Problems, 1969*). The National Estuarine Pollution Study and the National Estuarine Inventory, which were concerned with the conservation of coastal wetlands, likewise concluded that States should play a more significant role in conserving conservation resources such as wetlands which extend across local boundaries (Report of the Secretary of the Interior, Federal Water Quality Ad-

ministration, 1970). Several reports of the Advisory Commission on Intergovernmental Relations have called for more State control over land use. (See *Urban and Rural America*, ACIR, 1969).

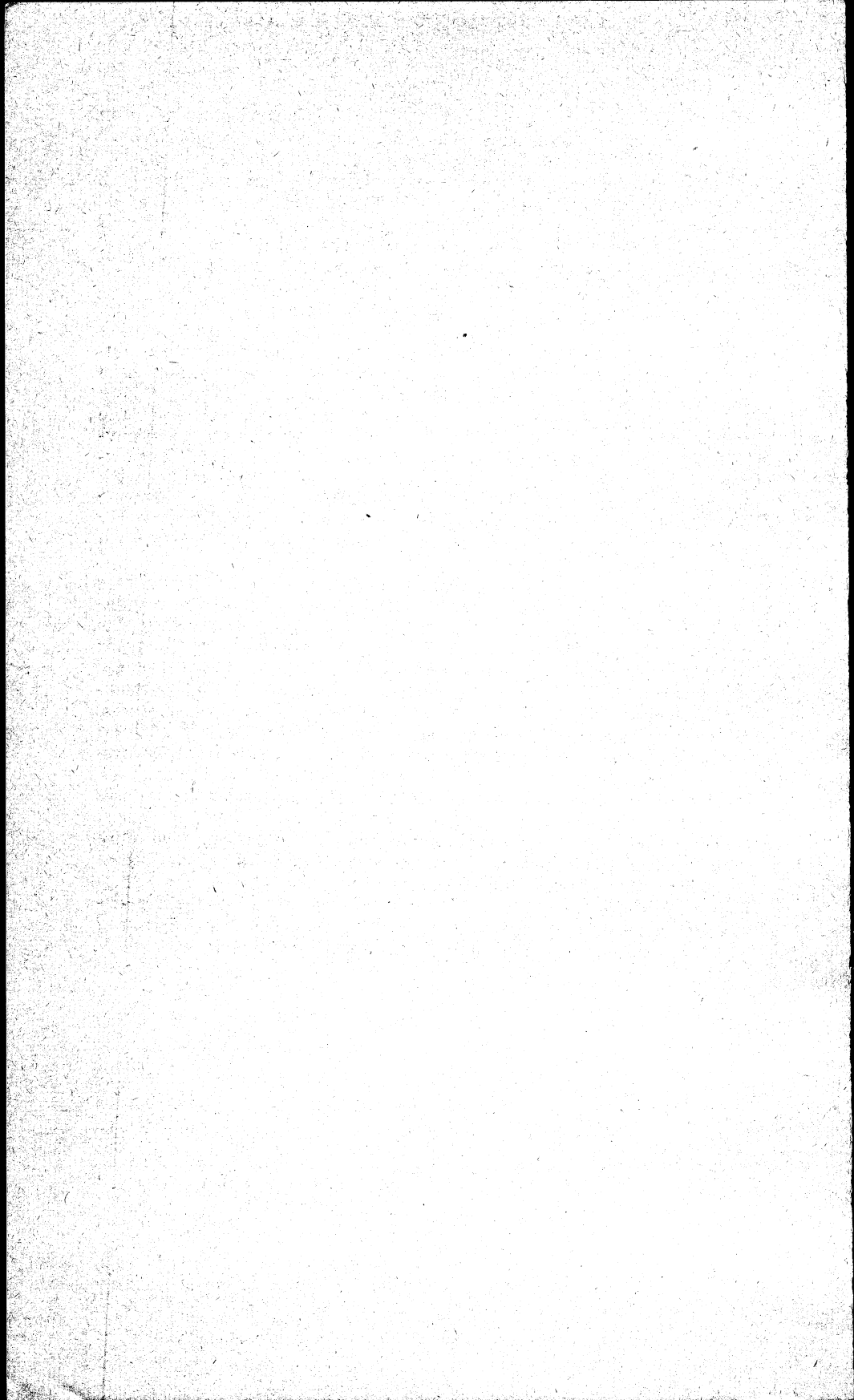
There are three reasons why the unrestricted grant of power by a State to a relatively small unit of local government may no longer be adequate to deal with land use issues of greater than local impact. First, small units of government are inherently limited by the confines of their jurisdiction. Scenic or important natural areas are rarely viewed by a locality in terms of their regional importance. Even when one locality acts wisely to fit development to the capacity of the land, it may not be able to affect the adjoining town's land use control practices. The limits of local jurisdiction are simply not adequate to encompass regional ecological systems or economic areas without some policy guidance and control from larger units of government.

Secondly, the inadequacy of local solutions to regional land use management problems derives from the dependency of many local governments upon development-related property tax revenues. The powerful economic incentive to develop at any price often conflicts with the long range interests of the region. American cities find it very difficult to act in concert in planning and controlling land use, partly because neighboring communities compete economically for tax-returning new development.

Finally, it is the changing attitude about land in the United States which demands reform of our current approach to land use regulation. The incremental loss of wetlands to dredging and filling, the gradual destruction of scenic areas—all are now seen in the light of a limited resource. The myth of inexhaustible land resources is now confronting a growing public concern that our supply of land, particularly of ecologically significant and scenic land, is being rapidly lost.

As a consequence of problems largely beyond the control of local governments, the current locally oriented land use regulatory system is doing very poorly at dealing with three kinds of issues:

- protecting lands which serve vital natural or aesthetic purposes for a regional population;
- accepting and siting development which the larger area may badly need but which may represent net tax costs or pose social problems to a local community; and
- controlling growth which is induced by certain magnetic developments on such a scale that it altogether changes the ground rules of the conventional planning and zoning game.

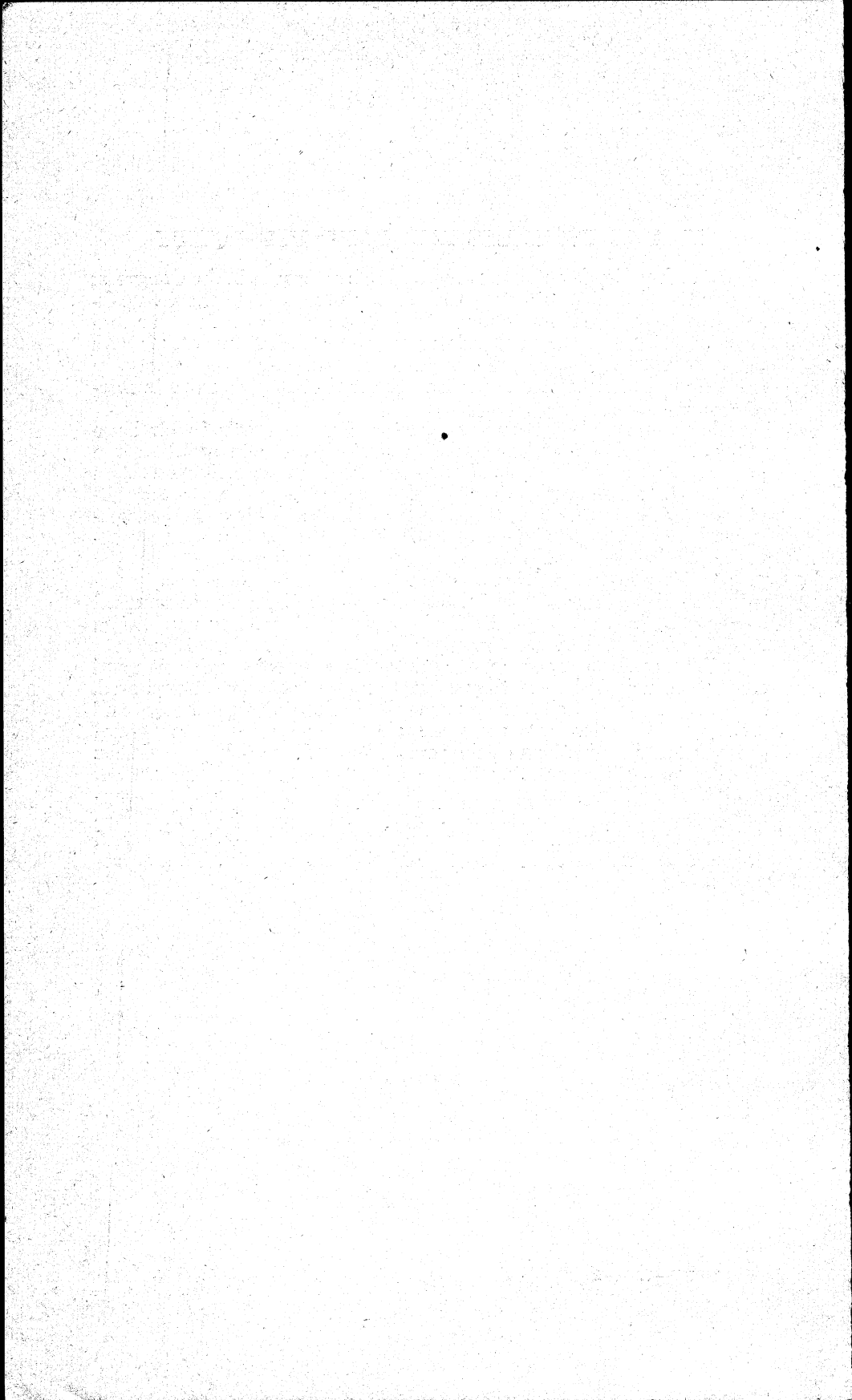


II. THE CONGRESS AND LAND USE POLICY

Land use policy is an issue of increasing importance in the Congress; of this there can be no doubt. In a report prepared by the Congressional Research Service for the Senate Committee on Interior and Insular Affairs, there were found to be over 120 bills concerning land use policy before twelve committees in the 91st Congress. Today, in the 92nd Congress, that number has risen to over 200 measures in thirteen committees.

This section reviews Congress' past and present role in land use policy. In the first part, emphasis is placed on the principal land use policy proposals—S. 632 and S. 992—and related measures to establish a national land use policy and to assist the States to develop and implement State land use programs. Included in this section are the legislative background of these proposals, written and chart-form comparisons of S. 632 and S. 992, a debate on planning concepts by the proposals' sponsors (a *Washington Post* editorial and letters to the editor from Senator Henry M. Jackson, Council on Environmental Quality Chairman Russell E. Train, and Interior Secretary Rogers C. B. Morton), and a summary of the hearings on S. 632 and S. 992.

In the second part, other past and pending land use legislation and committee jurisdictions as they relate to land use policy are reviewed. Included are a brief chronology of major legislation, statements, and actions pertinent to land use policy; a statement of Congressional Committees' jurisdictions as they relate to land use policy; and lists of bills on land use policy in the 91st Congress and of selected, significant land use proposals before the 92nd Congress. In the appendix is a list of hearings held during the first session of the 92nd Congress on land-oriented legislation and issues the texts of S. 632 and S. 992, and summaries of the other National Land Use Policy proposals.



A. THE NATIONAL LAND USE POLICY PROPOSALS

1. LEGISLATIVE BACKGROUND

The Senate Committee on Interior and Insular Affairs has before it several proposals to establish a National Land Use Policy and to encourage and assist the States to prepare and implement land use programs. The first bill proposing such a policy, S. 3354, was introduced in January 1970 by Senator Jackson. Four days of hearings were held, and in December 1970 the bill was reported favorably by the Committee. S. 3354 did not come to a vote before the end of the 91st Congress and the measure was reintroduced as S. 632 in January 1971. In his February 8, 1971 Message to Congress on the environment, President Nixon emphasized the need for better management of the Nation's land resources. S. 992 was introduced as part of the President's package of environmental legislation for that year.

Committee hearings on S. 632 and S. 992 were held on four occasions during May and June of 1971.

In early September, at the direction of Chairman Jackson, the Senate Interior Committee staff prepared a Committee Print incorporating features of both S. 632 and S. 992 and suggestions made by Committee members and witnesses. An alternative Committee Print (No. 2) was prepared by minority staff.

On September 21, 1971, Senator Mathias introduced S. 2554. In February 1972, S. 3175 (Senator Allott) and S. 3177 (Senators Jordan and Allott) and an Administration amendment to S. 992 were introduced.

At the direction of the Chairman, and after discussions with representatives of the Council on Environmental Quality and the Department of the Interior, and with staff of other Senate Committees, Interior Committee Staff prepared a third Committee Print early this March.

As of publication date of this print, both the Senate and the House Interior Committees are considering the proposals in executive session.

2. WRITTEN AND CHART-FORM COMPARISONS

The following comparison concentrates on S. 632 and S. 992. Except for minor differences, S. 2554 can be considered to be similar to S. 632, and S. 3175 and S. 3177 similar to S. 992. (S. 3177 also contains, as a separate title, the provisions of S. 2450, the Public Land Policy Act proposed by Senators Allott and Jordan.) (Summaries of the differences between the provisions of S. 2554, S. 3175 and S. 3177, and the provisions of S. 632 and S. 992 are contained in Appendix (C, p. 211.)

- S. 632 and S. 992 have compatible major objectives. In general:
- They encourage the States, which have the police power and the basic Constitutional authority for planning and management of non-Federal lands, to take the initiative in developing land use programs for activities of more than local significance;
 - They provide Federal assistance to the States for the staffing, data gathering and analysis, and planning which are necessary prerequisites for coherent decisionmaking;
 - They encourage or require State land use controls to implement State land use programs;
 - They contemplate a higher measure of coordination and compliance of Federal action with approved State land use programs; and
 - They introduce Federal review of the States' land use efforts as a condition to further grants.

The principal substantive differences in these two legislative proposals are the following:

Scope of State Program.—S. 632 requires comprehensive coverage in the State's land use program with the exception of Federal lands and, at the State's discretion, cities of a certain size; whereas S. 992 would have the States focus on certain critical areas and uses: areas of critical environmental concern, key facilities, use or development of regional benefit, and large scale development.

Content of State Program.—Both bills contain guidelines for the States. However, S. 632 includes a balanced set of economic, social, and environmental criteria of which the States must take cognizance in conducting their planning and places greater emphasis on the necessity of collecting adequate data; S. 992 possesses a more exhaustive list of performance guidelines, including responsibilities, powers, and methods of implementation which the State must adopt.

Implementation of State Program.—Both bills provide for State planning and implementation. (Delegation of planning and implementation to localities is permitted and expected in S. 632 subject only to the State's ultimate responsibility for approval and coordination of local plans and enforcement procedures, submission of a statewide plan for Federal review, and consistency of that plan with the Act's guidelines.) In addition to direct State planning and implementation, however, S. 992 offers two other alternative, but not mutually exclusive, techniques of State control: judicial enforcement and/or State administrative review of local planning, actions, and enforcement according to State-established criteria and standards.

Locus of Federal Authority.—Federal jurisdiction differs conceptually as well as physically. S. 992 adopts a line agency approach by vesting authority in the Secretary of the Interior with advice from the Secretary of Housing and Urban Development concerning key facilities, use and development of regional benefit, and large scale development. S. 632 favors an interagency approach through the expansion and upgrading of the Water Resources Council, renamed the

Land and Water Resources Council (S. 632 amends the Water Resources Planning Act). In addition, in S. 632, a Federal Planning Data and Information Center would be established and housed in the Council.

Federal Review.—In S. 992 approval or disapproval of a State program is made by the Secretary of the Interior with the advice of the Secretary of HUD on certain items (see "Locus" above); whereas in S. 632 the Council cannot disapprove without recommendation to do so from an impartial ad hoc hearing board established by the President.

Interstate Coordination.—S. 632 provides for interstate forums—the River Basin Commissions—for coordination of the State planning efforts; whereas S. 992 places interstate coordination responsibilities on the Secretary of the Interior.

Incentives.—S. 632's incentives are more substantial (\$100 million per year for not more than 90% of costs for first five years and 66 $\frac{2}{3}$ % thereafter) than S. 992's (\$20 million per year for five years not to exceed 50% of costs). Both bills have a strong incentive in the requirement that Federal activities which have a land use impact must be in compliance with approved State programs.

Sanctions.—Both bills provide for termination of grants whenever land use programs fail to gain Federal approval by the end of certain period (five years in S. 632; December 31, 1975 in S. 992). In addition, both bills provide a freeze on new Federal and federally-assisted activities which have a substantial land use impact when no plan has been submitted by the end of the same period. S. 632's freeze has a temporary suspension procedure in which, at the request of the Governor or head of the relevant Federal agency, the President approves the activity as necessary for the public health, safety, or welfare; in S. 992's freeze public hearings are held on each activity and Federal agency findings and comments of the Secretaries of the Interior and HUD are attached to the Sec. 102(2)(C) environmental impact statement for each such activity. Finally, the recent administration amendment provides for a phased reduction (7% first year, 14% second year, and 21% third year) in the developmental (not research, planning, or safety) portions of three grant-in-aid programs (the Airport and Airway Development Act, Federal-aid highway program, and the Land and Water Conservation Fund) in a State the program of which has not been approved after 1975.

Relationship with Federal Lands.—Although attention is not devoted to the Federal lands in S. 992, the problem of relating planning and use of those lands with planning and use of private and other public lands is addressed in S. 632. The latter measure requires the Federal agencies which have Federal land management responsibilities to take cognizance of State and local needs and asks the States to inventory those needs, provides for cooperative Federal-State consultation on the Federal lands, and places the duty on the States to provide for compatible uses on lands contiguous to Federal lands.

TABLE I.—COMPARISON OF NATIONAL LAND USE POLICY BILLS

Provision	Senator Jackson bill, S. 632	Administration bill, S. 992
I. Federal authority:		
1. Administration of grants-in-aid program.	Program administered by expanded and upgraded Water Resources Council (bill amends Water Resources Planning Act, 79 Stat. 244), renamed Land and Water Resources Council (hereinafter "L. & W.R. Council") which is chaired by the Vice President and composed of Secretaries of Agriculture, Commerce, HEW, HUD, the Interior, Transportation, and Army; Chairmen of FPC and CEQ; and Administrator of EPA.	Program administered by Secretary of the Interior.
2. Review of statewide land use plans or State land use programs:		
(a) Approval.	Approval by L. & W.R. Council upon consultation with heads of Federal agencies.	Approval by Secretary of the Interior with approval of Secretary of HUD where program deals with large-scale development, key facilities, development and land use of regional benefit, and new communities, and upon consultation with heads of Federal agencies. After December 31, 1975, or approval of a grant under the Act, Federal agencies submitting 102(2)(C) statements must include a detailed statement on relationship of each proposed action to any applicable State land use plan which is eligible under the Act.
(b) Disapproval.	When L. & W.R. Council determines grounds for disapproval, it notifies President who appoints ad hoc hearing board of neutral Governor, impartial Federal official, and impartial citizen. L. & W.R. Council disapproves plan if board recommends disapproval.	Same as approval procedure.
3. Formulation of guidelines.	L. & W.R. Council (with the approval of the President concerning coordination with other Federal planning assistance programs and utilization of other Federal agencies).	President designates Federal department or agency (letter of transmittal and Administration witnesses noted that Council on Environmental Quality would be designated).
4. Other.	L. & W.R. Council maintains Federal Planning Information Center. L. & W.R. Council coordinates Federal programs which have land use impact.	
5. Authorization for administration.	\$16 million annually.	Open-ended.
II. Regional authority.	Regional network of existing and newly created River Basin Commissions coordinates States' and other plans; recommends priorities for collection and analysis of data, etc.; and, upon request of L. & W.R. Council or Governors, prepares comprehensive, coordinated plan.	No regional entities or functions.
III. Grants to States:		
1. Program.	Single grant program: Statewide and Interstate Land Use Planning grants.	Two grant programs: program development grants and program management grants
2. Recipient.	Single State agencies, which can assign funds to local governments, and any interstate agency which is authorized by Federal law or interstate compact to plan for land use.	States.
3. Purpose.	To inventory land and related resources. To compile and analyze data relating to population, economy, growth, public programs and projects; ecological, environmental, geological, and physical conditions relevant to siting of uses; projected land use requirements for all principal uses for 50 years in advance; and governmental organization and financial resources available for land use planning and management. To	Two annual grants to assist States to develop land use programs. Annual grants thereafter to assist States in managing land use programs.

TABLE I.—COMPARISON OF NATIONAL LAND USE POLICY BILLS—Continued

Provision	Senator Jackson bill, S. 632	Administration bill, S. 992
	provide technical assistance to, and train, government personnel. To arrange cooperative planning of Federal lands. To develop common data bases and establish arrangements for data exchange. To conduct hearings, prepare reports, etc. and related planning and coordination functions	
4. Percent of cost.	Not to exceed 90 percent of planning costs for first five years.	Two annual grants not to exceed 50 percent of the costs of development of land use program.
	Not to exceed 66 $\frac{2}{3}$ percent of planning and operating costs after first five years.	After approval of program, not to exceed 50 percent of management costs.
5. Authorization.	\$100 million annually.	\$20 million annually for five fiscal years.
IV. State authority and State land use plan or program.		
1. Scope of land use planning or program.	Comprehensive, statewide coverage with the exception of (i) Federal lands and (ii), at the State's discretion, cities over 250,000 or 20 percent of State's population.	Coverage of certain areas and types of uses: areas of critical environmental concern (coastal zones and estuaries; shorelands and floodplains of rivers, lakes, and streams of State importance; rare or valuable ecosystems; scenic or historic areas; and other areas of similar valuable or hazardous characteristics), key facilities (public facilities which tend to induce development and urbanization of more than local impact, including major airports, highway interchanges and frontage access streets or highways, and major recreational lands and facilities), development and land use of regional benefit, and large-scale development.
2. Technique of State control.	State planning and implementation of statewide plan. State may delegate planning and implementation to local governments subject to State's ultimate responsibility for approval and coordination of local plans and enforcement procedures, submission of statewide plan for Federal review, and consistency of that plan with Act's guidelines.	State land use program may employ any one or combination of three techniques: (i) direct State land use planning and regulation; (ii) State establishment of criteria and standards subject to judicial review and judicial enforcement of local implementation and compliance; and (iii) State administrative review of local land use plans, regulations, and implementation with full powers to approve or disapprove.
3. Criteria upon which Federal review and continued funding are based.		
(a) Criteria concerning content of plan or program.	Statewide plan must include identification of lands which: because of ecological, environmental, geological, and physical conditions, exclusion of certain uses is dictated; are best suited for recreational, agricultural, mineral, industrial, commercial uses and transportation and utility facilities; furnish amenities for revitalization of existing communities and development of new communities; are outside of State but have land use impact within State; and notwithstanding Federal ownership or jurisdiction are important to State. Plan must provide: that requirements for material goods, natural resources, energy, housing, recreation, and environmental amenities have been considered; for insuring consistency of plan with all governmental environmental standards; for insuring orderly land use and development patterns; for protection of Federal lands by insuring compatible uses of contiguous areas for identification and management of flood plains; and for coordinating plans with plans of other States.	Land use program must include methods: for inventorying, designating, and exercising State control over areas of critical environmental concern and areas impacted by key facilities; assuring that local regulations do not restrict or exclude development and land use of regional benefit; for influencing locations of new communities, for controlling environmental impact of large scale development; for insuring no violation of any applicable air, water, noise or other pollution standard; and for revising land use program. Programs must also include a detailed schedule for implementing all aspects of the program.

TABLE I.—COMPARISON OF NATIONAL LAND USE POLICY BILLS—Continued

Provision	Senator Jackson bill, S. 632	Administration bill, S. 992
(b) Criteria concerning administration and performance.	Single State agency for development and administration of statewide plan, with interdisciplinary staff and consultants, and with use of all pertinent local, State, and Federal plans, studies and data. And after 5 years: Federal approval of plan; authority in agency to implement and enforce plan; agency may have power to acquire interests in real property; police power in agency to prohibit use of lands inconsistent with plan; public hearings with right of appeal for aggrieved parties; and procedures established for modifying plan.	In areas of critical environmental concern, State has police power to prevent action inconsistent with program; State laws controlling coastal zones take into account esthetic and ecological values and possible permanent destruction of wetlands through draining, dredging and filling and need to restrict such activities; State is organized to implement program; program approved by Governor; State has provided for adequate dissemination of information and for adequate public hearings. State has coordinated with metropolitan wide plans pursuant to Demonstration Cities and Metropolitan Development Act of 1966 and with neighboring States; and State has considered plans and programs of other State agencies and of Federal and local governments.
V. Coordination of Federal activities with State planning.	Federal project must be consistent with approved statewide plan unless L. & W.R. Council determines that the project is essential to the national interest and there is no reasonable and prudent alternative. President may allow project despite Council's failure to do so only when overriding consideration of national policy require such approval. State or local governments requesting federally assisted projects having significant land use implications must indicate the views of the State land use planning agency as to consistency of such projects with the plan. Federal officials charged with responsibility over Federal lands must take cognizance of State planning efforts and coordinate wherever possible.	Federal projects and activities significantly affecting land use must be consistent with State land use programs funded under Act except in cases of overriding national interest. Federal agencies must insert statement of relationship of project or activity to State land use program in each section 102(2)(C) NEPA environmental impact statement.
VI. Sanctions:	(a) Sanctions for failure to submit plan or program.	After December 31, 1975, responsible agency must hold a public hearing at least 180 days in advance of proposed action. Findings submitted for review and comment by Secretary of the Interior and where appropriate, Secretary of HUD. Findings and comments must be attached to section 102(2)(C) statement. Subject to exception when President determines required by interests of the United States.
(6) Sanctions for failure to obtain Federal approval of plan or program.	Termination of grants when land use plan fails to obtain Council approval after five fiscal years	Termination of grants when land use program fails to obtain approval of Secretary of the Interior (with the advice of the Secretary of HUD) after December 31, 1975. In addition, the recent Administration amendment provides for a phased reduction (7 percent first year, 14 percent second year, and 21 percent third year) in the developmental (not research, planning, or safety) portions of three grant-in-aid programs (the Airport and Airway Development Act, Federal-aid highway program, and the Land and Water Conservation Fund) in a State the program of which has not been approved after December 31, 1975.

3. A DEBATE BY THE SPONSORS OF THE PROPOSALS

[Editorial from The Washington Post, Nov. 20, 1971]

PLANNING THE SECOND AMERICA

Between now and the end of this century, the statisticians say, we will build as much again as we have built in our entire history. We will build a second America, as it were. Every 10 years new homes and apartment houses, schools and hospitals, factories and offices, roads and railroads, shops and parking lots, gas stations and whatever will cover some five million acres, an area the size of New Jersey. In 30 years, by the year 2000, a population the size of that of New York City today will have crowded into the area between Washington and Baltimore. And while it is true that the population as a whole may not increase quite as rapidly as was predicted some years ago, the pace of urbanization is not likely to decrease because we keep using up more and more land per person. People keep moving from downtown apartment and townhouses to spacious suburban homes. Industry is building new plants on manorial country estates. Shopping centers, freeways and parking lots are becoming ever more expansive. Our demand for electric energy doubles every 10 years and so does the amount of land needed for power sites and utility corridors. Land, in short, is becoming our most precious commodity. "Buy land," Will Rogers used to say, "they ain't making any more of it."

Nor is land easily reused once it has been built on. You can't readily clean or purify it like water or air, or recycle it like newsprint or beer cans. Land use, in fact, is the key to all the rest of our environmental problems. A freeway will open up an entire area to development. The nature of one development—whether it is a country club or a chemical plant—determines the nature of everything around it, it affects the quality of the air and the water and the lives of perhaps thousands of people. And yet, as a nation, we still subscribe to the old "pioneer land ethic," which holds that the owner of the land has the God-given right to do with it as he damned pleases. And our real estate taxing and zoning system, as administered and misadministered by some 10,000 local jurisdictions, inevitably rewards "the highest and best use of the land." That means the most profitable use unless an incensed citizenry (which is not always a choir of angels, either) has smarter lawyers on its side.

We obviously need a better and more democratic method to determine what use we make of the land. Last year several states, including Colorado, Maine, Vermont and Georgia, adopted legislation providing for state land use management. Some 120 national land-use policy bills, furthermore, have been introduced in Congress. Two of them are now under final consideration by the Senate Committee on Interior and Insular Affairs. One (S. 632) was introduced by Sen. Henry M. Jackson. The other (S. 992) is part of President Nixon's package of environmental legislation. Identical bills are before the House Interior Committee. There is a good chance that the matter will come to a vote in both houses before the end of this Congress.

The Jackson and the administration bills agree in their basic approach, which has the almost-unanimous support of "urbanists and

ruralists, environmentalists and developmentalists alike," as a Senate staff member put it. Both proposals would encourage the states, which have the police power under the 50-year-old zoning enabling legislation, to take the initiative in developing statewide land use plans and to implement them. Both would provide federal funds for the staff and information gathering to draw up these plans. Both would make all federal activities that involve the use of land—such as highway construction, federal power dams, parks and the like—subject to the state plan. And both call for federal review of the plan to assure coordination. What one state decides about the location of an airport, say, or a water-resource project, can obviously have a decisive effect on the welfare of neighboring states.

The fundamental difference between the two bills seems only semantic but could, in our view, spell success or failure of the whole effort to bring order into our environment. Senator Jackson's bill calls for comprehensive statewide planning based on over-all economic, social and environmental concerns. It challenges the planners to assure a brighter future by bringing our economic and social needs into balance with the requirements of the natural ecology. The administration bill would have the state plans focus only on "areas of critical environmental concern, the location of key facilities and use or development of regional benefit." It does not define "critical environmental concern" or "regional benefit" and thus seems to us only a call to put out the brush fires. We need more than that. It is none too soon to get started on acting rather than merely reacting to the problems posed by that second America. It must be comprehensively planned, as Senator Jackson proposes, if it is to be a livable place.

[Letter to the Editor from Russel E. Train, Chairman, Council on Environmental Quality, in The Washington Post, Dec. 15, 1971]

ON THE STATES' ROLE IN "PLANNING THE SECOND AMERICA"

Your editorial of Saturday, Nov. 20, "Planning the Second America," accorded welcome attention to an issue fundamental to many environmental problems, the use of our nation's land. I commend your statements in favor of state action to take control over certain land use problems and areas.

But I do not agree with your comments to the effect that federal legislation should require "Comprehensive statewide planning" in all states and that the presence or absence of a requirement for comprehensive coverage, called for in S. 632 (Senator Jackson's land use bill) could "spell success or failure of the whole effort to bring order into our environment."

There are three important reasons why the administration's proposed National Land Use Policy Act (S. 992, H.R. 4332) would require selective state regulation rather than comprehensive state planning. First, we have somewhat less faith than you in the efficacy of "comprehensive planning" without adequate teeth or implementation controls to make planning work. For nearly half a century most American cities have been required by law to zone their lands "in

accordance with a comprehensive plan." We are not impressed by the results of this comprehensive planning in most cities. We are not interested in encouraging more "advisory planning," but rather we would insist that federally aided state action on land use lead to real state control to assure effective results.

Second, we do not want to force all states to take more control from their local governments than is absolutely necessary to deal with regional or statewide land use issues. Many states have no tradition or experience in planning and regulating the use of land and some states confer substantial autonomy upon their cities. The federal interest in proper land use is not in the wholesale dismantling of local control over land use, but in state control where issues of truly state or regional significance are involved. Therefore, our bill would require that states control land use in "areas of critical environmental concern" (the coastal zone, shorelands of major rivers and lakes, scenic and historic districts, etc.), areas impacted by "key facilities" (major airports, highway interchanges and parks) and large scale development of all kinds. These are the problems that are too big for local government. We would not exclude the large cities from coverage under our land use policy bill as S. 632 would. (Contrary to your assertion, the administration bill contains a substantial definition of each of the operative terms).

Finally, the administration bill is selective and specific because it is not enough merely to ask the states to prescribe areas for residential or commercial uses and expect the various conflicts over development to be sensitively dealt with. For example, there are some kinds of development (housing could be one example) which are badly needed by metropolitan areas but which are resisted by local governments for economic and other reasons. Our bill would deal with these problems by requiring states to establish a process to permit "development of regional benefit" to be weighed against a locality's reasons for wanting to exclude such development. If a local government could not establish valid reasons for excluding the development, (a valid reason might be the fact that an area already possessed a fair share of the type of development being proposed) then its zoning or other exclusionary laws would have to fall and the development would have to be permitted. One way a state could comply with this provision is by authorizing the courts to adjudicate cases where local governments are alleged to be standing in the way of regional needs. The concept of regional benefit is not hostile to planning, but depends upon sound planning to establish levels of regional needs, suitability of areas to meet regional objectives, and capacities of local governments to absorb growth.

It is not difficult to get people to agree upon the general desirability of comprehensive state planning, and certainly we are not opposed to it if a state wishes to do it. However, the administration's land use bill goes beyond planning to the central issue of controls. It is at this point that our legislation is quite specific indeed, calling for a fundamental reallocation of responsibilities between state and local governments where regional issues are involved. I hope you will take a closer look at our bill.

[Letter to the Editor from Senator Henry M. Jackson, Chairman, Senate Committee on Interior and Insular Affairs, in The Washington Post, Dec. 28, 1971]

SENATOR JACKSON ON THE BILL FOR A LAND USE POLICY

I wish to thank you for your editorial of Nov. 20, "Planning the Second America", and your support for my National Land Use Policy proposal. I would also like to comment on the remarks of Mr. Russell Train, chairman of the Council on Environmental Quality, which appeared as a letter to the Editor on Dec. 15.

Both my bill (introduced in January 1970) and the administration's bill (introduced in February 1971) would provide grants-in-aid to the states to develop state land use programs. One major difference between the two measures is that my bill requires "comprehensive planning" by the states, while the administration's bill requires state control only over lands in "special areas" or upon which "special uses" might be sited. (The special uses and areas are "critical areas of environmental concern", "key facilities", and "development and land use of regional benefit.") Mr. Train maintains the comprehensive planning approach would be less effective than the administration's limited critical areas and uses approach. I disagree.

There are several reasons why the administration's bill would not necessarily foster the wise management of our finite land resources.

First, although the three categories in which the states could assume land controls are "balanced" in that embodied in one category are environmental concerns, in another economic concerns, and the third economic and, possibly, social concerns, there is no guarantee that such a "balance" would be maintained. The states would be given wide latitude to define these categories and the distinct possibility exists that one category could be defined very broadly and another very narrowly, thus destroying any possibility of effecting true "balance" in land use decisionmaking. For example, one state might declare its entire coastal zone to be an "area of critical environmental concern" and thus effectively inhibit the construction of needed housing units or transportation and industrial facilities. Another state, anxious to expand its tax base, could define very narrowly "area of critical environmental concern" and very broadly "development and land use of regional benefit", and thus sharply limit consideration of environmental requirements in the disposition and management of its land base.

Second, such a potentially imbalanced approach to land use is exacerbated by the requirement in the administration's bill that the states must give labels to land areas in order to obtain land use control over them. Unless a state were to label a land area an "area of critical environmental concern", "key facility", or "development and land use of regional benefit", it could not include the area in its land use program. This labelling system is certainly not a rational process of planning for land use. It is, rather, a prejudging of land use without adequate study. Let me give an example:

The Senate Interior and Insular Affairs Committee, on which I serve as chairman, was actively involved in the Everglades Jetport controversy. I submit that the critical areas and uses approach of the administration measure would have forestalled any equitable set-

tlement of that controversy. If the state were forced to assume land use control over the site pursuant to the administration bill, for all intents and purposes, it would make the decision prior to having initiated the planning process. By pre-labeling the site a "key facility", the state would have prejudged the necessity of the development. By applying to it the definition of "area of critical environmental concern", the state would have prejudged the site's abandonment.

Third, such a "labels" approach does not encourage flexible and judicious long-term analysis but rather precipitates short-term, or, as you noted in the editorial, "brush fire" actions. Pressure from conservationists could evoke sudden state assumption of control over the proposed sites of power plants. Pressure from transportation interests could result in effective control over highway routes and airport sites. The exercise of control to solve immediate issues and to meet immediate pressure invites narrow consideration of the important problems at hand. Ignored are the larger and longer-term social, economic, and environmental implications which the solution would have for the state and the region.

My proposal, which enjoyed your editorial support, calls for comprehensive statewide planning. The requirement of comprehensiveness would ensure a broad and careful consideration and integration of all relevant social, economic and environmental concerns. Contrary to Mr. Train's letter, comprehensiveness [refers to the breadth of consideration and does not call for] *in-depth* intervention by the state in truly local planning decisions. In fact, subject only to the state's subsequent review to ensure compliance with the planning process and criteria set forth in the bill, each state could, and in my view *should*, delegate to those localities which possess planning competence its planning and implementation functions. On the other hand, the administration's bill would prohibit any delegation of planning to localities.

To further ensure careful, long-range planning my measure contains a "balanced" set of economic, social, and environmental criteria of which the states must take cognizance in developing their plans. The criteria do not say "thou shalt have so much of this and so much of that." Rather they merely say to the states they must not fail to consider, and attempt to develop their *own* integrative solutions to, the full range of their citizens' varied needs: environmental, recreational, service, energy, industrial, housing and transportation.

I welcome your editorial support and hope that national land use policy legislation will be enacted early in the second session of the 92d Congress.

[Letter to the Editor from Rogers C. B. Morton, Secretary of the Interior, in the Washington Post, Jan. 4, 1972]

SECRETARY OF THE INTERIOR ON THE LAND USE POLICY

The Department of the Interior endorses wholeheartedly the spirit and philosophy so ably expressed in The Post's editorial of Nov. 20 on the need for a National Land Use Policy. That editorial prompted two subsequent letters to the editor, the first on Dec. 15 by Chairman Train of the Council on Environmental Quality and the second, by Senator Jackson, appearing in the Dec. 28 issue.

Your editorial characterized the administration's bill as "only a call to put out the brush fires" whereas you favored the "more comprehensive approach" of S. 632. Senator Jackson, who sponsored S. 632, characterized the administration's bill as a "potentially imbalanced approach."

We would characterize the basic difference between the two bills differently. No one would contend that all planning objectives have equal priority. The location of a jetport is clearly more critical from every point of view than the location of a corner filling station. And since planning resources are not infinite, some effort must be made to set the priorities.

S. 632, calling for statewide planning, provides no guidance in the assignment of priorities. Available funds might be wasted on local problems of little statewide concern or spread so thinly across the board that no problem is adequately treated.

More serious, we feel, is the provision in S. 632 which would permit states to exempt metropolitan areas from the so-called "comprehensive planning." Most of the really difficult planning problems are in or near urban areas, where development pressure is most intense, and where jurisdictional disputes are greatest. By allowing the states to shirk the tough political task of asserting control over major metropolitan areas, Senator Jackson has begged the really tough issue and cast his bill essentially a planning bill for rural areas.

The administration's bill requires the state planning agency receiving federal funds first to identify what we consider to be the most critical planning needs; areas of critical environmental concern (which, contrary to your editorial, *is* defined in the bill), areas impacted by key facilities, such as airports, large scale development and development of regional benefit. These will necessarily include problems in urban areas. In addition to concentrating state and federal planning efforts where they are needed most, the administration's bill would restrict state interference in local affairs to those issues of more than local concern.

Chairman Train pointed out another difference between the administration's bill and S. 632, which is that the latter places primary emphasis on developing more plans while the administration's proposal places primary emphasis on restructuring the land use regulatory mechanism so that those plans can be *implemented* and not simply join the stack of good plans that have been gathering dust on the shelf.

The thrust of the administration's bill is therefore to concentrate on institutional reform but not repudiate the entire existing state mechanism for land use control. It recognizes that the great majority of land use decisions are of purely local interest and should continue to be made at the local level.

Two other features of the administration's bill are worthy of note. The administration's bill is not simply exclusionary or protectionist—designed to tell developers where they *cannot* develop. It also is designed to assist development and land use projects of regional benefit to *overcome* local exclusionary ordinances and find places where they can develop. Such developments include those things that are neces-

sary and everyone agrees to but few want in their own community, such as waste treatment facilities and various kinds of institutions.

The second important feature is flexibility. The administration is asking the states to undertake the delicate task of restructuring their relationships with their respective local governments. Washington should not try to tell the states exactly how to do this important job. The administration's bill sets out three broad techniques which the states may use: direct state regulation; concurrent state and local regulation; or local implementation of state established criteria with judicial review and enforcement.

Therefore, returning to Senator Jackson's characterization we see his bill as "imbalanced" in its omission of metropolitan areas, its lack of planning priorities, and its overlooking the regulatory mechanism in land use planning.

Again let me commend you for putting your finger on the heart of the environment issue. "Land use, in fact, is the key to all the rest of our environmental problems."

4. A SUMMARY OF THE HEARINGS

During the months of March, April, and July 1970, and May-June 1971, testimony was received from over 60 witnesses on the national land use bills pending before the Senate Interior and Insular Affairs Committee. Additional communications were received from twenty-six Governors.

The desirability of establishing a national land use policy has been studied by diverse interest groups, including industry, environmentalists, professional planners, labor and national trade associations. This summary of the Committee's hearing records illustrates the breadth of attention devoted to this important subject and also highlights some of the salient issues on which there is considerable depth of interest group opinion.

A recurring theme in the testimony was the inadequacy of existing land planning arrangements at the state level. It was noted that local governments are increasingly unable to cope with the public outcry over problems associated with environmental deterioration. Moreover, many witnesses contended that state land planning activities today are not relevant to decisionmaking on the large scale developments over which the jurisdiction of local governments do not impinge. While major land use proposals normally cast their shadows long before development actually takes place, the states, in many instances, are not effectively involved in fully evaluating the environmental, social and economic impacts.

Nonetheless, several witnesses stressed that the states are *potentially* capable of becoming the principal architect of land management, particularly with respect to developments of regional and statewide concern.

It was also emphasized that the Federal Government can do much to provide new leadership and new directions in land planning. Several witnesses testified that more effective mechanisms must be devised for an improved Federal-State partnership. The Federal Gov-

ernment plays a vital role in land planning by providing numerous programs of assistance to State and local governments, and through its own development and management programs on vast Federal land holdings scattered across the Nation.

Policy Position of the National Governors Conference

The general position of State Governments was submitted for the hearing record in the form of a policy declaration formulated at the 1970 National Governors Conference:

There is an interest and need for a more efficient and comprehensive system of national and statewide land use planning and decision-making. The proliferating transportation systems, large-scale industrial and economic growth, conflicts in emerging patterns of land use, the fragmentation of governmental entities exercising land use planning powers, and the increased size, scale and impact of private actions have created a situation in which land use management decisions of national, regional and statewide concern are being made on the basis of expediency, tradition, short-term economic considerations, and other factors which are often unrelated to the real concerns of a sound land use policy.

Across the Nation, a failure to conduct sound land use planning has required public and private enterprise to delay, litigate, and cancel proposed public utility and industrial and commercial developments because of unresolved land use questions, thereby causing an unnecessary waste of human and economic resources and a threat to public services, often resulting in decisions to locate utilities and industrial and commercial activities in the area of least public and political resistance, but without regard to relevant environmental and economic considerations.

The land use decisions of the Federal Government often have a tremendous impact upon the environment and the patterns of development in local communities; that the substance and the nature of a national land use policy ought to be formulated upon an expression of the needs and interests of state, regional, and local government, as well as those of the Federal Government. Federal land use decisions require greater participation by state and local government to insure that they are in accord with the highest and best standards of land use management and the desires and aspirations of state and local government.

The promotion of the general welfare and to provide for the full and wise application of the resources of the Federal Government in strengthening the environmental, economic and social well-being of the people of the United States, we believe, is a continuing responsibility of the Federal Government, but should be consistent with and recognize the responsibility of state and local government for land use planning and management.

There should be undertaken the development of a national policy, to be known as the National Land-Use Policy, which shall incorporate environmental, economic, social and other appropriate factors. Such policy shall serve as a guide in making specific decisions at the national level which affect the pattern of environmental and industrial growth and development on the federal lands, and shall provide a framework for development of interstate, state and local land use policy.

The National Land Use Policy should:

1. Foster the continued economic growth of all States and regions of the United States;
2. Favor patterns of land use planning, management and development which are in accord with sound environmental principles and which offer a range of alternative locations for specific activities and encourage the wise and balanced use of the Nation's land and water resources;
3. Favorably influence patterns of population distribution in a manner such that a wide range of scenic, environmental and cultural amenities are available to the American people;
4. Contribute to carrying out the federal responsibility for revitalizing existing rural communities and encourage, where appropriate, new communities which offer diverse opportunities and diversity of living styles;
5. Assist State Government to assume responsibility for major land use planning and management decisions which are of regional, interstate, and national concern;

6. Facilitate increased coordination in the administration of federal programs so as to encourage desirable patterns of environmental, recreational, and industrial land use planning; and

7. Systematize methods for the exchange of land use, environmental and economic information in order to assist all levels of government in the development and implementation of the National Land Use Policy.

Intelligent land use planning and management provides the single most important institutional device for preserving and enhancing the environment and for maintaining conditions capable of supporting a quality life while providing the material means necessary to improve the national standard of living.

Public versus Private Decisionmaking

A threshold question addressed in the hearings was the advisability of public intervention in private land decisions. Because of the dominating influence which the economic profit objective plays in most private land operations, there is a problem of developing adequate land controls which account for the broader public interest.

Chairman Jackson stated:

Today, most land use decisions remain almost totally private decisions, even though they often result in public costs far beyond the proprietary interest of the decisionmaker. . . . The Nation can no longer permit public or private decisions to go forward in disregard of the general public demand for environmental quality. We must impose upon both public and private proposals criteria which will prevent unthinking, unnecessary environmental impairment and which will prohibit the loss of important values in the name of short-term gain or profit.

State and Local Concerns versus National Goals and Guidelines

After reasonable public controls are suitably formulated, the critical question is how the responsibilities of imposing such controls can best be distributed among the Federal, State and local governments. In making this determination, both State and local objectives and priorities must be fully considered in the context of broader national goals. The need of maintaining flexibility in land planning and regulation was discussed by Chairman Jackson:

Certainly each State, with the advice of its communities, should devise its own plan. These plans should be diverse. Yet, to allow diversity without prejudicing the needs of our people, the legislation must supply the States with guidelines setting forth very clearly the national goals we seek to attain.

While it was generally acknowledged that the development of a concise national land use plan would be a difficult achievement, several witnesses presented strong arguments for the formulation of uniform national guidelines and action-forcing inducements to encourage all States to participate in land planning on an equal footing.

Patrick J. Lucey, Governor of Wisconsin, testified:

I believe a strong set of national guidelines is necessary. These would apply to urban areas that transcend State boundaries, regional and national transportation systems. They should delineate corridors through which oil, gas and electrical energy can move, and other areas of broader than statewide concern.

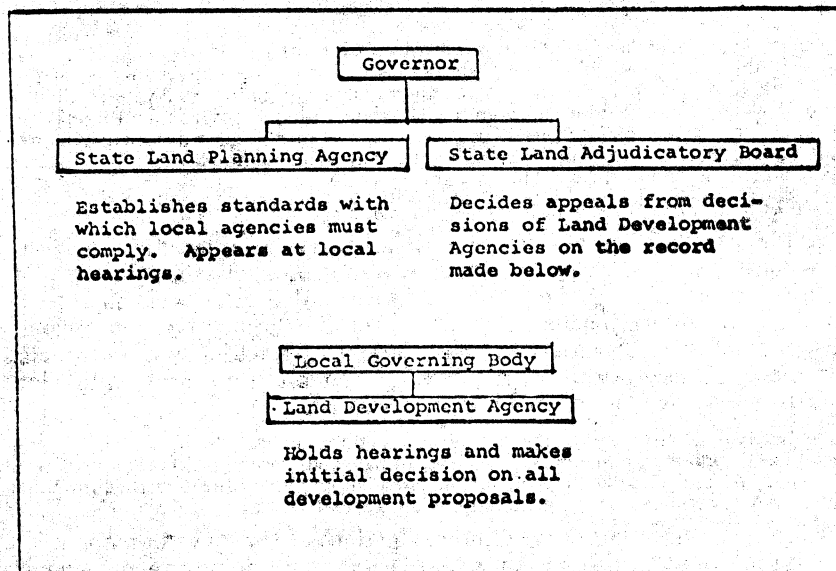
Both bills recognize that State government is the key to developing and implementing a rational land use policy. States represent a wide variety, however, of social, economic, physical, and political conditions. They also differ in institutional structures, Government philosophies, and intergovernment relationships. Institutional arrangements that are appropriate for one State may be unacceptable for another. A means of cooperation by all levels of government which provides for innovation and which permits individual States to have an influence on their destinies within a national framework should be provided by the act.

Determining Proper Roles for State, Regional, and Local Governments

A comprehensive framework for the balancing of State and local land use concerns and powers was presented to the Committee by Richard F. Babcock, chairman of the American Law Institute's project on the formulation of a Model State Land Development Code:

In considering various formulas for allocating state and local power in the American Law Institute's Model Land Development Code, the Reporters for the Institute tried to be careful not to throw out the baby with the bath water. There are important benefits in having power exercised at a level as close to the people as possible—an issue, by the way, on which the suburbanite and the ghetto resident find common ground. Local control should be given up only where important state or regional interests clearly require it, and then only to the degree necessary to achieve the state or regional goal.

The system proposed by the Reporters for the ALI is a relatively simple one, but because it involves agencies with new names it may initially be easier to understand by reference to the following chart:



In general, the functions of the State Land Planning Agency includes the establishment of rules and standards governing development having state or regional impact. Anyone seeking permission to undertake such development, however, applies to the local Land Development Agency where the hearing is held and the initial decision made. The State Land Planning Agency may participate in the hearing and, if the decision is unfavorable, may appeal it to the State Land Adjudicatory Board, an independent state board created to hear such appeals. The developer or any other party to the local hearing also has a similar right of appeal.

This system preserves the benefits of community control by assuring the local agency the right to make the initial decision in each case. It allows the State Land Planning Agency to concentrate on policy-making functions and participate in individual cases only to the extent it feels such participation is necessary to defend its policies. And by allowing the state board to review local decisions on the record made below, it avoids the necessity of creating an expensive and time-consuming procedure for new hearings at the state level.

A key element of the entire system is the principle that the state would be allowed to become involved only in the "big cases." Probably 90% of the local

land development decisions have no real state or regional impact. It is important to keep the state out of those 90%, not only to preserve community control, but to prevent the state agency from being bogged down in paperwork over a multitude of unimportant decisions.

William K. Gernhauser, speaking on behalf of the National Association of Counties, argued strongly for the use of existing expertise of local agencies for both the planning and implementation of State-wide plans wherever local units have been delegated such authorities:

The detailed preparation of land use plans should be accomplished at the county and city level. Statewide and regional consideration should be paramount in preparing these local plans, but we should not ignore the expertise and many years of experience that exists in our local planning agencies.

After counties and cities have prepared detailed land use plans, councils of governments and State authorities should review these plans for regional and State implications and consistencies.

Once these plans have been approved and adopted, it seems logical to use city and county planning agencies to implement the approved plans. It would seem, on the other hand, illogical and wasteful not to utilize those thousands of planning experts that exist at the local level.

The case for using "regional councils", which involve more than one local government and encompass regional communities, as a means of establishing areawide policy jurisdiction without depriving local governments of the control and direction of their own social and economic destinies, was presented by James G. Martin, vice president of the National Service to Regional Councils:

Planning is a two-way street. It cannot be effectively accomplished by a process imposed solely from the top. In short, local and regional interest must be articulated and considered in the formulation of State land use plans. And in our opinion, this interest could be represented through the elected officials of the local government, acting through their regional councils, if they are to be most effective.

Under this procedure—it has precedent in the procedure for developing a State development plan under the proposed rural revenue sharing legislation—each State would regionalize.

These regions or districts would be established by State law or designation by the Governor, or Governors, in the case of interstate areas. Their governing bodies would be composed primarily of local elected officials from the general purpose local governments of the region.

The purpose of these regional organizations would be to reflect regional and local land use planning in the development of statewide land use plan. . . .

Land use decisions cannot be made in a vacuum. Their most immediate impact is on the physical environment. But this influence does not stop there; they affect the social and economic environment as well. Therefore, planning and land use regulations can only be an effective tool of government management when there is a policy context that considers all of these factors.

Determining the Proper Roles of State and Federal Governments in Land Use Policy and Planning

Some States have already established forceful policies to control future land development, reflecting a determination to influence the countless decisions of local agencies and private developers.

Governor Deane C. Davis of Vermont outlined his views on the function of State Land Use plans:

I feel strongly that such plans must provide a focal point for all levels of public and private development activities. In this regard, our plans will (1) provide criteria for statewide development and subdivision regulation, (2) be a guide for State capital investments, (3) be a guide to regional and local planning and government agencies, and (4) be a means of informing private enterprise of public goals and policies regarding land development.

A Chamber of Commerce statement of December 17, 1971 defined the Chamber's position as to the proper role of the Federal Government in land use policy and planning as follows:

A proper function of the Federal Government is to articulate a statement of national goals, developed through interaction of the public and governments at all levels, as a general framework for anticipating long-range national needs, including land use needs. Federal legislation should encourage states to develop broad land use goals taking into consideration the overall supply of resources and the fundamental economic and social needs of the nation as reflected in the statement of national goals. . . .

Meshing the Planning for Federal and Non-Federal Lands

The extent to which land use planning should attempt to encompass the totality of our nation's land resources was a question debated among the members of the Committee. Senators Gordon Allott and Len B. Jordan submitted the following views for the hearing record:

It is our belief that land use planning for both Federal and non-Federal lands should proceed together, since they are mutually interdependent, and the results of decisions with respect to one will generally have an impact upon decisions to be made with respect to the other. . . .

We believe our Committee should, and will, consider legislation which includes land use planning for all our lands, Federal and State. We believe that such legislation, by providing a concerted foundation for land use planning on lands within both the Federal and State authority will lead to the desired end: an intelligent, comprehensive system for the maximum and best use of all the lands of this country for the long-term benefit of all of the people.

The Allott-Jordan statement recalled a pertinent observation of the Public Land Law Review Commission in its report to Congress:

We are convinced that effective land use planning is essential to rational programs for the use and development of the public lands and their resources. Planning is done at the national, regional, and local levels. It is intended to provide a guide for future decisions. Thus, plans developed by the public land agencies at the national level provide guidance for decisions at all levels, and those developed at the regional and local levels provide guidance for decisions at those levels. Our interest focuses on planning land uses at the regional and local levels because the effects of public land programs are felt most strongly there. And it is at those levels that the Commission noted the greatest public concern with the manner in which public land programs are being implemented.

Resource Management and Industry Problems

Natural resource development and industrial expansion were often noted as key controversies in land use planning. John Quarles, general counsel of the Environmental Protection Agency, summarized the views of many witnesses concerned with the general problems of siting of industry.

An orderly mechanism of general applicability is needed to assure that land use decisions not involving Federal lands or activities are made on a planned basis, and after consideration of possible adverse impacts upon the environment.

To illustrate this point, I would like to mention one issue which was of concern to me. This was the action of the Secretary of the Interior in issuing a public warning to a large German Chemical Manufacturer, BASF, that it would be required to meet stringent standards for environmental protection in building a proposed petrochemical plant on the estuary of the Colleton River in South Carolina, near Hilton Head. This warning resulted in a decision by the company not to build the plant.

In my judgment this case, although it was concluded satisfactorily, from our point of view, graphically illustrates the need to have an orderly means for dealing with such problems, that generally cannot be handled successfully on an ad hoc basis with sole reliance on persuasion. Instead, a more comprehensive approach is required, one which incorporates all interests, public and private, which are involved in decisions affecting certain types of land use.

Preserving Prime Agricultural Land

John W. Scott, Master of the National Grange, warned of the critical need to protect prime agricultural lands from unnecessary encroachment:

Looking at recent trends in land use, it's apparent that urbanization favors the use of the better farmland. Also, a fair-sized chunk of the better quality land is located in those counties within Standard Metropolitan Statistical Areas (SMSA's)—the ones in or nearby a city or community with at least 50,000 people.

In 1904, by the latest data available, the SMSA's had some 17 percent of total farm numbers, and 14 percent of the harvested cropland. The SMSA's also contained about 15 percent of the better land, i.e., of Land Use Capability Classes I, II, and III.

The annual conversion of land to urban uses is around 420,000 acres on the average. Most of this is former cropland, and much of it, probably of Classes I-III. Nationwide estimates have been made, but a study of urbanization in 98 northeastern counties showed that about 80 percent of the converted land fell into this category.

In the 1950's and most of the 1960's it was population pressure and high incomes—coupled with readily available mortgage money—that led to large shifts of rural land to urban use. Financing difficulties reduced the level of urban expansion in the late sixties.

Energy Production and Land Use

Our ability to meet the energy requirements of a growing population and an expanding economy was singled out as a critical land-oriented issue by John Nassikas, Chairman of the Federal Power Commission:

The present projected growth of the electric utility industry, during the next two decades may require the construction of about 40 new hydroelectric installations of 100 megawatts or more, approximately 50 new pumped storage hydroelectric installations of 300 megawatts or more and about 90 fossil and 156 nuclear steam-electric plants on new sites. * * *

Regardless of the source of this needed additional generation, vast new areas of land will necessarily be committed to generating transmitting and distributing the power produced. To cite an example, the December 27, 1968 report of the Working Committee on Utilities estimated that the new transmission construction between now and 1990 will utilize more than 7,100,000 acres of land for rights-of-way, compared with 4,000,000 acres now used by existing transmission.

* * * One of the most basic and troublesome problems involved in connection with the siting of powerplants or of any other large scale industrial activity; that problem is how to set up functioning democratic institutions of government at the State level which can draw upon the State's basic Constitutional authority to plan and to make land use decisions which will enable society to meet its growing material needs without causing damage to public resources and without flaunting the accumulated lessons which we have gained from the emerging science of ecology. Setting the stage for the creation of new institutions and rechanneling of State powers over land use decisionmaking is needed now, because the demands which Americans are making on their once ample land resources are growing at an ever increasing rate.

The statement submitted by the Southern California Edison Company stressed the urgency of reducing, rather than increasing, the regulatory and licensing steps in developing land for power production and distribution:

The ability of Edison, and other electric utilities throughout the nation, to construct needed generating resources on a timely basis is becoming increasingly limited because of two principal factors. The first is opposition to projects by citizens and citizen groups principally concerned with environmental matters. The second is the current proliferation of overlapping regulatory reviews and

inconsistent governmental policies pertaining to the issuance of licenses, permits and other regulatory approvals.

For example, a current Edison nuclear generation project involves some eighteen federal, state and regional regulatory approvals, and a current Edison fossil-fueled generation project has been substantially-affected by reason of a jurisdictional dispute between a state and local agency.

While the foregoing may at first blush appear to be of little consequence, the potential for delay and the potential effects of delay can be staggering. The nuclear project referred to above involves in some cases single and in many cases multiple reviews and approvals by the United States Atomic Energy Commission, the United States Army Corps of Engineers, the United States Coast Guard, the California State Water Resources Control Board, the California Department of Public Health, and the California Regional Water Quality Control Board, San Diego Region. A delay in acquiring a necessary regulatory approval would in all likelihood result in delay of the entire project. Additionally, there is a growing tendency for regulatory delays to have a tandem effect, because a given regulatory approval is often a prerequisite to another regulatory approval.

Multiple Use

Several witnesses stressed the need for flexibility in assigning highest, or best, uses to the land in response to changing national needs. Carl Bagge, President of the National Coal Association, urged that a distinction be made in establishing land use criteria which reflects understanding of the inherent differences between renewable and non-renewable land resources:

. . . Coal, as well as other minerals, are uniquely different from many other natural resources such as forests and agricultural products. New trees and crops are renewable assets and can be grown in many different areas. Land use planning for agricultural, recreational, residential, commercial and industrial purposes can take advantage of innumerable sites depending upon the criteria to be established.

However, nature has already done most of the planning for coal and other minerals. Since man cannot grow minerals in the earth, coal must, of course, be mined where it can be found. In view of the importance of coal to our energy-oriented economy, especially with the limited reserves of our other hydrocarbon fuels, a land use policy should recognize as a priority-use the necessity to permit the full development of our coal reserves.

There must also be an express recognition that mineral extractive operations are only a temporary use of the land and, thus, lands should be categorized and considered in terms of their multiple benefits to man. Inherent in this multiple-use concept is the assumption that we can no longer disqualify the use of land for different purposes at different times. Therefore, land well suited to supply premium coal close to a major urban market area for a period of years, could after that time, be classified as best suited for low-density residential use, open space or industrial use. This is particularly true in view of what can be done today through sound, effective reclamation of surface mined areas.

It is also essential to take into account the fact that most of our mineral resources lie hidden beneath the earth's surface and only a small percentage of these reserves have been adequately explored so as to be clearly identifiable.

Relationships Between Land and Water

The distribution of water resources poses a constraint on land development. And changes in land use patterns affect both the quality and quantity of water. The relevance of these relationships in land use policy was pointed out by John Rosholt, chairman of the National Water Resources Association:

In most parts of the western United States, land planning without regard for water planning would indeed be futile. To a degree, the use of land is dependent upon the availability of water of suitable quantity and quality. From this standpoint allocation among competing uses determines the shape of the development.

Meeting the Needs of Economic Expansion

James R. Turnbull of the National Forest Products Association attributed many of the economic shortcomings and problems faced by all resource development industries to the lack of a national land use policy:

There is a direct chain of economic consequences which has its beginnings in the land.

Lands provide the opportunity for investment of private funds for the production of useful goods. When such investment is made, with the prospect of an adequate return, jobs are created. Jobs allow the creation of communities, family stability and payrolls, lead to taxes and social, business and government organizations.

Removal of the basic ingredient, access to raw material resources, has a domino effect throughout such communities and ultimately upon the entire economy.

When the resources use is not assured, the investment is not forthcoming; when the investment is withdrawn or withheld, jobs are reduced or are not realized; when jobs disappear, people are obliged to disappear from communities; whole communities dry up and go away. The people then tend to go to the metropolitan centers.

Thus, the lack of a national land use policy, dedicated to sustaining a vital rural economy, is contributing materially to the problems of the cities and the decline of our rural population and its self-sufficiency.

The harsh realities of this economic formula are best revealed when one considers that the forest products and other resource-based industries should provide an appropriate share of good employment opportunities and products for new workers entering the national work force over the years.

Without land, without resource stability and investment security, those jobs will never be created.

Removing Unnecessary Constraints on Land Development

Many of the growing conflicts between environmental protection and development were seen to result from unnecessary restraints imposed on needed projects. "Sometimes locally unwanted development," said Housing and Urban Development Secretary George W. Romney, "may be important to environmental protection objectives. For it is often the large or controversial project that is pushed off, in the absence of any more suitable site, to a remote or marginal location where there are marshlands, or forests, or valuable open space that would otherwise be protected. But failure to remove unnecessary constraints and to improve the efficiency with which land is made available for development has other adverse consequences. For if an adequate supply of suitably prepared land cannot be made available, there are human needs that will be filled only at much higher cost, or filled not at all . . ."

Linking Land Use Planning to Environmental Controls

Considerable attention was given to the concept that land use plans should serve as a framework against which the decision-making on environmental protection could be evaluated.

Chairman Jackson:

To a very great extent all environmental management decisions are ultimately related to land use decisions. All environmental problems are outgrowths of land use patterns. The collective land use decisions which we make today and in the future will dictate our success in providing the American people with a quality life in quality surroundings.

Similarly, Chairman Russell Train of the Council on Environmental Quality said:

I don't think there is any question but that the matter of effective land use controls is the single most critical element affecting the quality of our environment which remains substantially unaddressed as a matter of national policy. . . . [The] objective in developing [such a] policy is to reform the institutions of Government in such a way that important conservation areas are protected, vital development needs are accommodated, and major developments and facilities are controlled.

Housing and Social Needs

Throughout the hearings, attention was focused on the goal set by Congress in 1949 of providing "a decent home and suitable living environment for every American family." In commenting on our failure to meet this very worthy objective, Professor Ann L. Strong, of the Institute for Environmental Studies, University of Pennsylvania, argued that a new, well-articulated national land use policy should bring concentrated effort to the nation's housing needs:

As a government, we must officially reestablish our goals as a nation and then plan for the commitment of our resources to the fulfillment of those goals. We also must create a process for continually reevaluating our goals and the comparative effectiveness of the programs followed in realizing them. This national land use policy must embody two commitments: (1) a commitment to use our land to afford to all people a suitable living environment, and (2) a guarantee that this first commitment will be enforced throughout the United States.

The National Association of Home Builders submitted a Resolution on this subject, which stressed the responsibility of both the public and private sectors:

NAHB RESOLUTION

IMPLEMENTING NATIONAL HOUSING GOALS

Whereas, the responsibility of the Home Building Industry is to house all Americans, and

Whereas, the Home Building Industry has the ability and desire to achieve this goal, and

Whereas, implementation of our national housing goals is not occurring at a rate sufficient to meet our country's housing needs, and

Whereas, policies with respect to the control of land and production of housing by all levels of government, including those currently proposed at the federal level, greatly limit the potential of the housing industry to implement these housing goals,

Now, therefore, be it *resolved*, That giving the home building industry the opportunity to implement national housing goals shall be a major element of land control and housing policy by all levels of government with primary leadership provided by governmental departments responsible for housing, which shall be the Department of Housing and Urban Development at the national level, and

Be it further *resolved*, That implementation of our national housing goals by these departments shall include the adoption of specific numerical housing goals, or targets, which goals should (1) reflect the housing needs of all income levels, (2) relate to the national housing goals, and (3) be reviewed periodically to meet changing local needs, and

Be it further *resolved*, That the development of a commitment to implement housing goals must involve both the public and private sectors of the community, and the establishment of the increasing importance of said goals at all levels must be a primary objective of our Association and its allies, and

Be it further *resolved*, That NAHB strongly support a program of incentives and rewards for those governments which adopt and implement balanced housing goals.

Reordering of housing and other development priorities was viewed by Professor Strong as only a partial approach in using land use policy for improving overall social opportunities:

How are we to decide when economic growth shall be limited to protect the natural environment or when efficiencies of agglomeration should be preferred over goals of widespread distribution of production?

What minimum standard of living do we wish to guarantee to all people, including what opportunity for education, what jobs, what accessibility to work and to nature, what quality of housing, what range of public services, and what income?

How highly will we value provision of choices as part of this guarantee? Once we refine answers to this set of questions, we can determine the implications for economic development and for tradeoffs between such development, use of natural resources, and location of development.

New Towns

The declaration of a national land use policy was seen as a mechanism for implementing the Congressional commitment to the new town movement. With the enactment of the Housing and Urban Development Act of 1970, Title VII, "Urban Growth and New Community Development," large-scale Federal involvement in new town location and construction through an extensive program of guaranteed loans and grants was authorized. The Act created a Community Development Corporation in the Department of Housing and Urban Development (HUD) to direct the program.

Planner Herman D. Ruth pointed out an opportunity for broadening this Federal involvement by making public lands available for new town development:

The major problem has been the inability to hold and finance the land over a long period of development, the large capital outlays for basic infrastructure facilities, and the vagaries of the housing market in a changing money market . . . The advantage of using the federally owned public lands is the opportunity to provide lands at nominal cost [and] the control of the peripheral areas by insuring contiguous open space to the developed metropolitan city.

Samuel C. Jackson, Assistant Secretary for Metropolitan Planning, stressed the general need to predicate HUD's new towns policy on regional impact:

Built into the consideration of all of the actions of the Community Development Corporation in approving projects is the factor of the impact of a new community upon the region in which it is located, whether that is a region lying wholly within a State or one that has interstate impact. We must make a finding of what that impact is. In addition, we must have appropriate clearances and approvals from State and local and regional planning bodies that are affected by the particular new community project.

Managing and Exchanging Information

The recent development of sophisticated techniques for projecting future land use needs and new advances in the field of information processing now make it more readily possible to link various State planning activities into an integrated national effort. Federal support of the informational aspects of land planning implies a systematic, continuous program and effective communication with State and local governments as well as universities and industry.

Over the years, many Federal agencies involved in various land management programs have collected extensive data on land resources. In the Department of the Interior, the Bureau of Land Management possesses data arising from its long time management of vast tracts of the public domain; the Geological Survey has developed mapping information as well as mineral survey information; the Bureau of Out-

door Recreation and the National Park Service have developed recreation data and the Bureau of Reclamation has accumulated useful data on individual rivers and entire river basins. Recently the Department has been active in developing new and innovative data collection and analysis methods, most notable of which are the various data storage and mapping activities to be conducted in conjunction with the earth resources satellite system, EROS.

During the Committee hearings, Interior Secretary Morton, responding to a question concerning the need for a central data bank, said:

My opinion is that we should develop in the Department of the Interior all of the expertise that would be required that would be helpful [and] useful . . . to the States. We are dealing here with classification methods, with methods of storing and retrieving information and . . . data that could be useful in the determination of not only the inventoried areas . . . but also the methods that we are encouraging to be developed.

The Department of Agriculture also is heavily involved in gathering and processing land use information. The following is a committee question on this subject and the Department's response:

a. What kinds of data and analyses of resources and patterns pertaining to land use does the Department of Agriculture now collect or have on hand that might be useful in a Federal land-use planning information center such as would be established by Section 409(a) of the bill [S. 632]?

The Department has a capability to make national and interregional land use and production projections, based on its information about soils, land use, conservation needs, cropping patterns, projected crop yields for various kinds of soils, expanded markets for agricultural and forest products, with assumptions about foreign markets and population growth and distribution. The projections capability allows study of the land use implications of a number of important issues such as population redistribution, expanded agriculture exports, major resource developments investments or restrictions on agriculture inputs. In this connection, should the use of herbicides, pesticides, and fertilizers used for agricultural production be restricted, there could be a serious impact on land use and the productive capacity upon which we depend for our supply of food, feed, and fiber. In this way the projections system, serves as an analytical tool to study policy alternatives and program impacts.

The research arm of the Department undertakes a variety of physical, biological and behavioral science efforts of significance to land use policies and programs. The research reports and staff assistance of these scientists will not only improve the data base but will improve the analytical capacity of policy makers.

B. PAST AND PENDING LAND USE LEGISLATION AND COMMITTEES' JURISDICTIONS AS THEY RELATE TO LAND USE POLICY

1. A BRIEF CHRONOLOGY OF MAJOR LEGISLATION, STATEMENTS, AND ACTIONS PERTINENT TO LAND USE POLICY

Over the past several decades, land use policy has received increasing attention from the Congress which has gradually developed numerous, widely-differing programs and authorizations for land planning, management and development. Unfortunately many of these programs—particularly those involving grants to State and local governments for physical planning and development (highways, recreation areas, etc.)—have not been effectively meshed with one another; nor have they been established at their inception with a view toward developing consistent goals, procedures and administrative approaches. Consequently, in the last decade attempts have been made to formulate and implement new coordination mechanisms, primarily through the process of governmental reorganization.¹ This congressional activity has been forced in large part by the growing public awareness of land use conflicts being generated by urban pressures, population growth and shifts, and the needs of preserving quality in our physical surroundings. Recently, Congress has undertaken comprehensive reviews of the general programs relating to land use in an effort to clarify and codify the laws enacted over many years and to bring about more rational land planning and control at the Federal, State, Regional and local levels.

This chronology, covering the period 1944-1971, highlights some of the most significant Federal legislation, policy statements and reorganization efforts in the broad field of land use.

1944

Federal-Aid Highway Act of 1944 (P.L. 78-521): Congress designated a National System of Interstate Highways within the continental United States not to exceed 40,000 miles.

1945

Veterans Mortgage Guarantees (P.L. 79-268): This broad amendment to the Servicemen's Readjustment Act of 1944 raised the limit on the amount of mortgage guarantees as a major means of Federal assistance to housing.

Temporary Veterans Housing (P.L. 79-269): This amendment to the National Defense Housing Act of 1940 (Lanham Act) directly subsidized the building of temporary housing.

¹ This was the main objective, for example, in the establishment of the Water Resources Council.

1946

Federal Airport Act of 1946 (P.L. 79-377) : Congress authorized the Administrator of the Civil Aeronautics Administration, in consultation with the War and Navy Departments, to prepare a national plan for the development of public airports to meet the needs of civil aeronautics.

Administrative Recreation Authority Bill (P.L. 79-633) : Congress provided clear statutory authority for the Park Service to carry on certain administrative activities in connection with the park system units and to administer for recreation purposes, pursuant to inter-agency agreements, land under the jurisdiction of other agencies. It authorized the Park Service to administer, protect, maintain and improve the Chesapeake and Ohio Canal; to administer and investigate water rights and rights of way in connection with the park system; to carry on certain educational lectures and related activities.

Grand Coulee Agreement : Under the authority of PL 79-633 the Park Service concluded an agreement with the Bureau of Reclamation and Indian Affairs to manage an area at the Grand Coulee Dam in Washington as a national recreation area. This was the beginning of multiple use of water projects and the first of the "national recreation areas".

1946 Coordination Act (P.L. 79-732) : The Act established as a Government-wide policy that all new federal water projects should, if possible, prevent loss or damage to fish and wildlife existing at the project site. Toward this end, the Act provided that whenever any federal agency, or any other public or private agency operating under federal permit or license, undertook any water project, it should first consult the Fish and Wildlife Service to learn what measures might be necessary. The cost of the planning and construction of prevention measures would be borne by the Federal government. The Act also contained provisions giving the Service power to cooperate with states and other Government agencies in wildlife disease control efforts, minimizing damage from overabundant animals, rearing and stocking of animals, providing public shooting areas; and to conduct studies of the effects of pollution on wildlife and surveys of wildlife on lands and waters controlled by the U.S.

Creation of the Bureau of Land Management : Presidential Reorganization Plan No. 3 of 1946 created a new Bureau of Land Management (BLM) in the Interior Department. The BLM was assigned the functions of two agencies abolished by Plan No. 3—the Central Land Office (created in 1812) and the Grazing Service (created in 1934). These functions consisted of managing the public lands in the U.S. and Alaska and administering the laws providing for disposition of the public lands (formerly performed by the General Land Office), administering the 1872 mining law and the 1920 Mineral Leasing Act, and administering the 1934 Grazing Act.

1947

Resource Appraisal : The Forest Service completed a 1945-47 appraisal of forest resources in the nation as a whole. It concluded that the volume of sawtimber on publicly and privately owned forests as a whole had declined 43% in the preceding 36 years, that sawtimber

was being taken from the forests one-and-a-half times as fast as it was being replaced by growth, and that there was a marked deterioration in the quality as well as quantity of lumber. The appraisal showed that only 8% of the cutting practice on private forest land was rated good or better. It concluded that there was ample forest land in the U.S. for timber needs, but to meet these needs sawtimber growing stock should be built up to double the existing volume.

1948

Creation of HFFA: President Truman's *Reorganization Plan No. 3* created the Housing and Home Finance Agency to succeed the National Housing Agency with three constituent parts: The Federal Home Loan Bank Board, the Federal Housing Administration, and the Public Housing Administration. The plan also established a National Housing Council.

1949

Housing Act of 1949 (P.L. 81-171): The Act of 1949 declared a national housing goal of "a decent home and a suitable living environment for every American family". Title I provided for slum clearance and community development and redevelopment; title II provided FHA mortgage insurance authorization; title III provided low-rent public housing.

Anderson-Mansfield Reforestation and Revegetation Act (P.L. 81-348): This Act provided funds for more rapid reforestation and revegetation of national forests and revegetation of range lands.

Amendment to the 1924 Clark-McNary Law (P.L. 81-392): Amendments to the Clark-McNary Act (the basic federal legislation for federal-state cooperation to enhance forests on state and private lands) provided authorization for aid to states in helping farmers to restock denuded lands with seedlings.

1953

Cape Hatteras Seashore: Cape Hatteras National Seashore, N.C., authorized in 1937, was established on Jan. 12, 1953. This was the first of a number of seashores to be set aside in a national seashore system.

Submarginal Lands: The Forest Service was assigned the management of some 7 million acres of "land utilization project" areas acquired by the Federal Government during the depression of the 1930's. Previously administered by the Soil Conservation Service the long-term policy of the Department of Agriculture looked toward ultimate disposal of these lands through addition to the national forest system.

1954

Omnibus Housing Act of 1954 (P.L. 83-560): This Act accomplished a major broadening of the urban development program initiated in 1949—renaming it "urban renewal"—and contained provisions to eliminate abuses. The urban renewal program provided matching grants to the states to assist communities with populations under 25,000 in planning. It authorized a revolving fund for interest-free advances to communities to plan public works—such advances to be repaid when the works were put under construction.

Recreation and Public Purposes Act (P.L. 83-387): This Act authorized the disposal of BLM-administered lands to state or local governments, and to qualified nonprofit groups, for recreational or other public purposes such as playgrounds, campsites, boating, swimming areas, hunting and fishing areas, ski runs, trails and parks; and for schools, hospitals, sewage plants, waterworks and so forth.

Watershed Protection and Flood Prevention Act of 1954 (P.L. 83-566): After a pilot program in 1953 Congress provided for a permanent small watershed program to be carried out by the Soil Conservation Service. The program providing for a coordinated, balanced development of soil and water resources in areas up to 250,000 acres/project.

1955

Federal Airport Act Revision (P.L. 84-211): Amended the 1946 Act to authorize specific grants with which the states could contract for airport development.

Housing Amendments of 1955 (P.L. 84-345): This act authorized funds for loans to public agencies for planning community facilities and increased monies for slum clearance and urban renewal.

Multiple Surface Use Act (P.L. 84-167): This act was designed to end abuse of government lands being developed under the pretense of mining. This law made clear that until and unless a patent was obtained, all timber, grazing and other surface resources remained the property of the U.S. Government.

1956

Small Watershed Amendments (P.L. 84-1018): Amendments permitted small watershed projects to be undertaken not only for flood prevention and irrigation purposes but for other purposes such as municipal and industrial water supply, fish and wildlife development, and recreation.

Great Plains Conservation Act (P.L. 84-1021): This Act authorized contracts for up to 10 years with farmers who shifted farmland into programs to combat soil erosion. A major goal was to convert land unsuitable for continuous cultivation to permanent vegetation.

Highway Act of 1956 (P.L. 84-627): Congress authorized the biggest roadbuilding program in history and earmarked certain highway-user fees and taxes for a Highway Trust Fund to finance the National System of Highways initiated in 1944.

Omnibus Housing Act of 1956 (P.L. 84-1020): This Act doubled urban planning grant authorization to \$10 million and increased the scope of the urban renewal programs.

Our Vanishing Shoreline: With funds donated by private sources the Park Service in 1954-55 undertook a survey of potential seashore recreational areas along the U.S. Atlantic and Gulf Coasts. "Our Vanishing Shoreline" was the first of three major studies on this subject. It recommended that Federal, state, and local government agencies acquire as soon as possible at least half of the 640 miles of recreational seashore available for public recreational use. It also recommended acquisition of hinterland marsh and swamp areas for bird and animal development near the shorelines, and acquisition of plant-animal com-

munities of great ecological interest along the shore. It designated 16 areas as the "choicest still available".

Agricultural Act of 1956 (P.L. 84-540) : The soil bank conservation program authorized financial assistance to farmers for converting general cropland to conservation uses, including the planting of trees. This program was intended to help assure an adequate future supply of timber by helping to stock more than 50 million acres of federal and non-federal lands. Although its primary purpose was the retirement of land from crop production for the direct and express purpose of reducing farm surpluses immediately, the soil bank constituted an early effort to effect shifts in land use to assure that land would be used for purposes for which it was really needed.

1958

Recreation Policy Statement: The Secretary of the Interior approved a formal policy statement outlining policy for recreational use of the public lands. Under the new policy the Bureau of Land Management (BLM) was to make a special effort to identify sites on the public lands that would be suitable for recreational use. Sales, leases and transfers had been authorized in 1954, but under the statement a new policy was initiated in which BLM was to take the lead in discovering suitable recreational sites (particularly along lakeshores and coasts) on public lands in order to offer them to other agencies for development.

Multiple Use Act (P.L. 86-517) : This Act established as a specific, formal, over-all Government policy that the national forests should be administered under the principles of multiple use and sustained yield with the objective of developing five basic resources: outdoor recreation, range, timber, watershed, and fish and wildlife resources.

In June of 1960 the Secretary of Agriculture issued an order classifying 3,822,000 acres, which were unsuitable for intensive agriculture, as "national grasslands" to be administered by the Forest Service. The order specified that the grasslands were to be managed under the multiple use-sustained yield principles for development of outdoor recreation, range, timber, watershed and fish and wildlife resources. This affected lands in eleven Great Plains states and other Western states.

1961

BLM Management Criteria: Bureau of Land Management (BLM)—In a February 23, 1961 natural resources message, President Kennedy described the Bureau of Land Management (BLM) administered public lands as a national resource which should be retained in public ownership and developed for the benefit of future generations, with disposals kept at a minimum. He said the public lands were a "vital national reserve that should be devoted to productive use now and maintained for future generations."

Mr. Kennedy's remarks, together with a policy statement Feb. 14 by Secretary of Interior Stewart L. Udall, clearly reflected the long-term change in national attitudes toward the public lands.

In the 19th and early 20th centuries, the Government had followed a policy of disposing of the public lands to the greatest extent possible and at low or no cost. The objective was to encourage settlement and

development of the West by offering inducements to settlers, railroads, etc., in the form of free lands. Since the early 20th century, however, the national policy had increasingly been moving in the direction of retaining and managing the public lands as a national resource, rather than disposing of them.

Mr. Kennedy's Feb. 23 statement, together with Udall's, established the policy that henceforth, the public lands would not be sold and opened to settlement in the West unless the applicant could show that the use to which he would put the land was at least equal in value to possible Government uses if the BLM retained the land.

It meant a tightening of general administrative procedures, with the view toward blocking people from buying or obtaining public lands for land speculation or for agriculture in seriously water-short areas. It meant that, in classifying land in the West, the BLM would not classify areas as open to homestead entry if they were particularly valuable for some other purpose, such as future recreational development; and that the BLM would try to assure that all public lands, whether disposed of or retained in federal lands, would be put to uses that would produce substantial benefits for the nation.

Mr. Kennedy said he was directing the BLM to develop a policy of "balanced usage designed to reconcile the conflict uses—grazing, forestry, recreation, wildlife, urban development and minerals." In effect, he was formally calling for a multiple use policy for the public lands. He also called for soil conservation and revegetation.

Certain aspects of the policy enunciated by Mr. Kennedy Feb. 23—retention and multiple-use development of the public lands—had been touched upon by Secretary Udall in a Feb. 14, 1961 statement outlining land policies for his department.

In general, Udall said: (1) The BLM would insist on receiving full value when selling portions of the public lands. The idea that public lands should be disposed of at low cost, already fading, would be formally ended.

(2) Leases, sales and other dispositions of public lands would be permitted only where they served some sound public purpose, and in accord with the objective of assuring a balanced use of land to produce maximum public benefits, and in addition, every effort would be made to avoid disposal of public lands to land speculators.

(3) Public lands which were marginal for agriculture, or which were more valuable for some other use, would not be opened to agricultural settlement under the homestead laws. (In a related development, the BLM adopted the policy of not opening to agricultural settlement any public lands in areas with declining water tables, lest farming in such areas destroy underground water resources.)

(4) Lands which could not be properly developed under existing public lands laws would be retained in federal ownership pending enactment of appropriate legislation.

Housing Act of 1961 (P.L. 87-70): This Act expanded the categories for mortgage loans that could be insured by the Federal Housing Administration and subsidized through direct loans at lower rates the construction of housing for the elderly. It authorized funds of \$2 billion for urban renewal, \$25 million for mass transport, \$55 million for urban planning aid and \$50 million in federal grants to states and

localities to pay up to 30 percent of the cost of acquisition of land in and around urban centers to create "open space" areas for recreational, conservation, scenic and historical purposes.

Cape Cod National Seashore Bill (P.L. 87-126) : This bill was precedent-making in two respects: it was the first park-type unit in the National Park System to be acquired largely through purchase and condemnation of private land in the desired area; and it was the first unit to be acquired following the recommendations of the three major 1955-1960 seashore studies.

1962

Conservation Needs Inventory : A nationwide conservation needs inventory based on conditions in the year 1958 was published early in 1962 by the Department of Agriculture's Soil Conservation Service.

The inventory showed that, of some 1.9 billion acres of land in the mainland U.S. (excluding Alaska), about 50 million acres consisted of urban and built-up areas and another 400 million were federally owned lands. The remaining 1.448 billion acres were made up of rural lands owned by private individuals (1.3 billion acres) or state and local government agencies (97 million), and Indian trust lands (\$52 million).

Of this 1.448 billion acres, the inventory indicated, about 637 million acres were suitable for regular cultivation of crops. There was therefore no shortage of land for food production, since existing crop needs were being met from less than 450 million acres. However, of the 1.448 billion acres, only about 36 million were free of erosion and other features reducing land capability. The remaining 1.412 billion acres were suffering from:

Erosion—737 million acres. Erosion was a major problem in the Plains States and Appalachian region.

Excess Water—246 million acres. Excess water was the most serious difficulty in the Lake states and the Delta area.

Soil Deficiencies—352 million acres. Soil deficiencies were the chief problem of the Northeast and Mountain states.

Adverse Climate—75 million acres. The chief areas with adverse climate problems were the Plains and Mountain states.

The inventory indicated that only about one-third of the acreage with erosion, excess water, soil deficiencies and adverse climate was receiving soil conservation treatment.

The inventory also showed that considerable land was being used for the wrong purposes. For example, some acreage suitable for regular cultivation was being used for pasturage, while substantial acreage unsuited to regular cultivation was being used for cropland.

Food and Agriculture Act (P.L. 87-703) : Important authorities for land-conversion efforts directed toward shifting rural land out of marginal crop production or other low-return uses were included in this act. The Act authorized several programs under which the Agriculture Department would aid farmers, farm associations and local government units to develop land use plans and to put them into practice. Such plans were to involve the application of conservation and water-development practices, shifting cropland to forests, recreational uses, and industrial and commercial uses in an effort to boost rural prosperity.

1963

Billboards (P.L. 88-157) : Congress passed the Federal-Aid Highway Amendments Act which extended for two years the program of federal incentives for billboard control along the Interstate Highway System.

Bureau of Outdoor Recreation (P.L. 88-29) : Congress gave statutory authority to the Bureau of Recreation which had been created by administrative action in the Department of the Interior, following the issuance of the Report of the Outdoor Recreation Resources Commission. This Act created a centralized planning agency with responsibility for studying and encouraging coordinated and rapid development of recreation facilities at all levels of government. The agency was charged with formulating and maintaining a comprehensive nationwide plan for outdoor recreation development by federal, state and local agencies.

1964

Urban Mass Transportation Act of 1964 (P.L. 88-365) : This Act authorized the Administrator of the Housing and Home Finance Agency to make grants covering two-thirds of net cost of a project when he determines that assistance was needed to carry out a program for a unified or officially coordinated urban transportation system as part of comprehensively-planned development of an urban area.

Housing Act of 1964 (P.L. 88-560) : This Act set minimum housing standards for federal aid, authorized urban renewal projects for "air-rights developments" to provide elevated sites for low- or moderate-income housing (air rights projects would be undertaken in an area which is not itself a slum but consists primarily of land in highways, railways or similar facilities which have a blighting influence); authorized urban planning aid to areas where employment opportunities were reduced because of withdrawal of a federal installation; authorized urban planning aid to any depressed area without regard to population which qualified for assistance under the area redevelopment program; authorized additional \$20 million in advances for public works planning; established a new system for federal-state training and research to develop skills in community development; and authorized a fellowship program in city planning and urban and housing specialists.

Land and Water Conservation Fund Act (P.L. 88-578) : This Act established a special federal fund to help finance accelerated acquisition of outdoor recreation areas by federal and state agencies. The fund was to receive revenues from four federal sources: 1) admission, entrance and recreation user fees which the Land and Water Conservation Fund authorized to be imposed by the President at existing facilities operated by a number of federal agencies; 2) net proceeds from the sale of certain federal surplus real property; 3) proceeds from the existing 2 percent net tax on motorboat fuels, which had previously gone into the Highway Trust Fund; 4) appropriations averaging no more than \$60 million a year.

Public Land Law Review Commission (P.L. 88-606) : Congress created the Public Land Law Review Commission to study existing public land laws and to formulate recommendations for over-all revision

of existing laws and to establish firm principles of national policy for the management of the public lands.

National Wilderness Preservation System (P.L. 88-577) : This Act designated as part of a national wilderness preservation system approximately 9.1 million acres of national forest lands which, by administrative action, had previously been classified as "wild", "wilderness" or "canoe" areas and directed the Secretaries of Agriculture and the Interior to study areas of the national forest system classified as "primitive" and the various wild areas of the national park system and national wildlife refuges and game ranges to determine which of those areas were suitable for addition to the National Wilderness Preservation System. Addition of such areas to the National Wilderness Preservation System would be permitted only through an act of Congress.

Ozark Scenic Riverways (P.L. 88-492) : This Act established the first riverway to be added to the National Park System. Congress authorized the Secretary of the Interior to acquire 65,000 acres of privately owned land, with additional lands to be added from government sources. The Act also permitted hunting and fishing in zones not set aside for public safety.

Appalachian Regional Development Act (P.L. 89-4) : This Act authorized over a billion dollars for the development of the economically depressed 12-State region. Funds were allocated for additional highway construction, conservation, timber aid, mining area restoration, water resource survey, sewage treatment and expenses of local development districts, and research.

Public Works and Economic Development Act (P.L. 89-136) : Title I funds were development grants for facilities such as water works, water and sewer lines, waste treatment plants and health facilities; streets and roads needed for commercial and industrial development; harbor facilities, reservoirs, railroad sidings, airports and industrial parks (land improvement and site utilities); tourist facilities; vocational schools; and land for the above. Title V encouraged the States to set up multi-state regional commissions to plan and foster economic development programs in depressed regions and provided funds for Federal technical advice and planning aid to the commissions.

The Department of Housing and Urban Development (P.L. 89-174) : Congress created this Cabinet-level department with all the powers, functions and duties of the Housing and Home Finance Agency.

The Housing Act of 1965 (P.L. 89-117) : This Act established new urban development features included: uniform land acquisition procedures; matching grants for construction of basic public water and sewer facilities; increased grants for open-space acquisition and provided a new program of grants to provide open space for parks and playgrounds in urban areas; authorized grants to local public bodies to provide programs of urban beautification and improvement; expanded the loan program for rural residence loans to all age groups; directed the Administrator to study and report on methods of reducing the loss to homeowners whose property depreciates because of proximity to airports.

Highway Beautification Act of 1965 (P.L. 89-285) : This Act authorized a new program to beautify the nation's federal-aid highways

through removal of junkyards and landscaping of areas adjacent to the highways. The program was to be financed through the Treasury rather than the Highway Trust Fund. Although no funds were authorized in the 1967-68 period the bill established maintenance or restoration of natural beauty as a national goal.

Water Resources Planning Act (P.L. 89-80) : Congress enacted this legislation to provide for federal and regional coordination of plans for water resources development. It established the Federal Water Resources Council; directed the Council to evaluate regional and river basin plans and to coordinate the administration of federal water programs; authorized the President to establish regional federal-state river basin commissions to prepare and keep up-to-date comprehensive water resource plans; and directed each commission to coordinate federal, state, interstate, local and private water development plans for the basin; to prepare and keep up-to-date a comprehensive joint development plan to consider alternatives; and to establish priorities for the basic data for planning. All plans are to be submitted to the Water Resources Council.

The Federal Water Project Recreation Act (P.L. 89-72) : Congress established a uniform federal-local cost-sharing formula for recreation facilities and fish and wildlife enhancement features at federal water projects. It provided that recreation and fish and wildlife enhancement be given "full consideration" in the investigation and planning of any federal water project.

Rural Water Systems (P.L. 89-240) : This Act created a new program of \$55 million in grants for development of water supply and waste disposal systems in rural areas passed Congress. An additional \$5 million was authorized in grants to help public agencies prepare comprehensive plans for development of water supply or sewage disposal systems in rural areas.

1966

Demonstration Cities and Metropolitan Development Act of 1966 (P.L. 89-754) : Congress enacted a broad new program of community renewal in U.S. cities for the orderly development of metropolitan areas. The Act established a three year \$1.2 billion "demonstration cities" plan which envisioned a restructuring of the "total environment" of the residents in the "demonstration neighborhoods", a new program for federal land development mortgage insurance for developers of entire "new towns", and a plan for "incentive" grants to encourage comprehensive and current area-wide planning.

Department of Transportation (P.L. 89-670) : This act created the Department of Transportation as the 12th Cabinet-level department.

Congress enacted a bill *amending the Urban Mass Transportation Act of 1964* (P.L. 89-562) which authorized the use of grant funds for: planning and technical studies preparatory to construction and improved operation of mass transit systems and for grants to state and local public bodies to cover up to two-thirds of the cost of planning, engineering, designing and technical studies of urban mass transportation systems to be included in coordinated programs for development of entire urban areas.

In *highway legislation* (P.L. 89-574), Congress declared a national policy that the Secretary of Transportation make maximum effort to preserve federal, state and local government parklands and historic sites and their beauty and historic value. It required the Secretary to cooperate with the states in developing highway plans and programs to carry out the policy and, after July 1, 1968, to approve only those programs and projects which did not require the use of such parks and historic sites, unless a program included all possible alternatives and sought to minimize any harm to a park or site resulting from highway use.

1967

Rent Supplements and Model Cities (P.L. 90-121): Congress renamed the "demonstration cities" program and appropriated \$312 million for the program.

1968

Housing and Urban Development Act of 1968 (P.L. 90-448): The third major housing bill under President Johnson had fourteen titles, several of which had significant effects on land use: title IV—New Community Land Development, title V—Urban Renewal, title VI—Urban Planning and Facilities, title VII—Urban Mass Transportation. This Act authorized \$1 billion for the model cities program for fiscal year 1970; \$12 million for model cities planning grants in fiscal year 1969; and increased the authorization of the grants for demonstration projects from \$10 million to \$20 million.

Department of Transportation: President Johnson proposed a *re-organization plan* (Plan No. 2) to shift urban mass transit programs from the Department of Housing and Urban Development to the Department of Transportation. Congress did not oppose the plan.

The Federal-Aid Highway Act of 1968 increased the interstate mileage from 41,000 to 42,000 and extended the completion date; it directed the Secretary of Transportation to preserve parkland and historic sites considered from encroachment; established a revolving fund for advance acquisition of rights-of-way, as a means of acquiring land less expensively; retained the 10-percent penalty against construction funds in states which do not have a beautification program; required hearings on proposed highway route locations to consider proposed locations' impact and effect on community environment as well as the existing criterion, economic impact.

National Trails Systems (P.L. 90-543): Congress completed action on an Administrative proposal to establish a nationwide system of trails. The bill created three categories of trails: national scenic trails, national recreation trails, and connecting or side trails. The scenic trails would be located in remote areas and would be reserved primarily for hiking and camping. Recreation trails would be located near urban areas and would be developed for various uses, such as bicycling and jogging. Connecting or side trails would provide additional points of public access to the two types of trails or would provide connections between such trails. The bill authorized initial appropriations, from the Land and Water Conservation Fund, of up to \$5 million for land acquisition along the Appalachian Trail and \$500,000 for the Pacific

Crest Trail. These two trails were the only two initially placed in the system.

Wild and Scenic Rivers System (P.L. 90-542) : Congress completed action on a bill establishing a National Wild and Scenic Rivers System to preserve outstanding stretches of rivers from incompatible water resources development, pollution, or commercialization. The bill established three classifications in the system: wild river areas, essentially primitive and accessible only by trail; scenic river areas, largely primitive but accessible by road; and recreational river areas, having some development and readily accessible by car. Eight rivers were placed in the system.

Public Land Law Review Commission (P.L. 90-213) : The work of this commission was extended for 18 months, until December 31, 1970.

Land and Water Conservation Fund (P.L. 90-401) : Additions to the Fund, up to an annual \$200 million annually, were authorized.

Estuary Preservation Study (P.L. 90-454) : Congress authorized the initiation of a program to preserve the nation's estuaries. The areas to be preserved include coastal marshlands, bays, sounds, seaward areas, lagoons and the land and waters of the Great Lakes. The report by the Department of Interior was due by January 30, 1970 and was to include legislative recommendations.

National Water Commission (P.L. 90-515) : Congress after two years of debate established this commission to make a non-federal comprehensive study of water resources problems.

1969

Housing and Urban Development Act (P.L. 91-152) : The 1968 Housing and Urban Development Act authorized the Secretary of Housing and Urban Development to set up a flood insurance program which would provide insurance for flood damage in those states which adopted land use practices consistent with the wise use of areas subject to flooding. The 1968 Act provided for detailed studies to establish risk premium rates. In order to provide flood insurance at the earliest possible time, Congress included in the Housing and Urban Development Act to 1969 an emergency program to continue through December 31, 1971. The new program authorized the Secretary of HUD to provide flood insurance on an emergency basis without first determining the individual community actuarial rates called for in the 1968 Act. The effect of the new program has been to permit the offering of flood insurance at chargeable rates to existing structures and up to the subsidized limits specified in the original Act in communities where actuarial studies had not been completed. At the end of 1970, 401 communities had been declared eligible for coverage.

Great Plains Conservation Program Extension (P.L. 91-118) : The Great Plains Conservation Program was extended by this Act to December 31, 1981. The program, established in 1956, authorizes the Secretary of Agriculture to enter into cost-sharing contracts with operators and owners of land in the Great Plains area to carry out soil and water conservation practices. It is aimed at obtaining shifts and improvements in land uses, based on the varying capability of the land.

National Environmental Policy Act (P.L. 91-190) : By its passage of the National Environmental Policy Act, the 91st Congress departed

from the traditional single-solution treatment of resource development problems and set the stage for full-scale action to restore and maintain the quality of the natural, as well as the manmade, environment. The prime significance of the Act centers in its expressed determination to move the Nation in a comprehensive manner toward the accommodation of the goals of economic development and preservation of a quality environment. By proclaiming the responsibility of the Federal Government to promote the restoration and maintenance of the human environment, the Act provides a framework for the formulation of specific legislative measures to deal with a wide variety of future land and environmental problems.

Housing and Urban Development Act of 1970 (P.L. 91-609) : This comprehensive legislation embodied several sections pertinent to land use policy. Title VII consolidated and simplified administration of the open space programs to reduce costs to HUD and also to State and local agencies applying for assistance. Another section, the Urban Growth and New Community Development Act of 1970, set forth specific goals to guide future urban growth and also provided increased Federal assistance to public agencies and private developers for the creation of new communities.

Airport and Airways Development Act (P.L. 91-258) : This Act stipulates that the Department of Transportation must take into account environmental values when considering the siting of future airports; the requirement was designed to avoid repetition of such controversies as that surrounding the recent plan to locate a large air facility near parklands in the southern Florida Everglades. Similar provisions were included in the *Urban Mass Transportation Act* (P.L. 91-453).

Federal-Aid Highway Act of 1970 (P.L. 91-605) : The Federal-Aid Highway Act of 1970 sought continuation of the Federal highway program by : Extending the Interstate System for 2 years; continuing primary and secondary systems and their urban extensions; providing ongoing aid to States in the face of possible reduced interstate allocations; creating an urban highway system; and improving the utilization of highways as mass movers of people. In addition to these major provisions, however, the Act contained several provisions of importance to the interface between transportation and the environment.

Section 136 of the Act directs the Secretary of the Department of Transportation (DOT) to promulgate guidelines " * * * designed to assure that possible adverse economic, social, and environmental effects relating to any proposed project * * *" be fully considered in the development of the project. These guidelines are designed to insure that the environmental factors are given consideration, and controversy during planning, design, and construction stages be reduced. This latter point is reinforced by another section in the Act that insures open and responsive hearings which give consideration to local needs and wishes.

A beginning was made toward the creation of integrated transportation systems with a provision in the act which designates "critical" transportation corridors and regions. The Secretary of DOT may designate the regions and corridors when movement in these areas reaches critical volumes. This would enable him to undertake planning to ac-

celerate development of transportation systems to meet critical needs. He is also empowered by the Act to establish planning bodies with the States to assist in development of coordinated transportation planning.

In response to another problem, the Act calls for the issuance of guidelines to control soil erosion in connection with highway construction projects.

Resources Recovery Act of 1970 (P.L. 91-512) : This Act, among other things, provides for a 2-year national disposal site study which will list methods now used in solid waste disposal and recommend new methods; it will inventory possible disposal sites including potential sites for hazardous substances. A separate provision of the Act calls for the formulation of a National Materials Policy by a National Commission on Materials Policy appointed by the President. The report of the Commission is to be completed by June 1973.

Federal Assistance for Resource Conservation and Development Projects (P.L. 91-343) : The development of resources for outdoor recreation in rural areas was advanced by passage of an amendment to the Bankhead-Jones Farm Tenant Act. The amendment authorized the Secretary of Agriculture to provide financial assistance for installing public fish and wildlife or recreational development projects authorized by the Bankhead-Jones Act. Such assistance is limited to one-half the cost of the land, easements, rights-of-way and minimum basic public facilities required to develop projects not exceeding 75,000 acres.

Agriculture Act of 1970 (P.L. 91-524) : In passing the Agricultural Act of 1970, the 91st Congress outlined the first steps of a plan to achieve rural development. Title 9 of the Act committed the Congress to the establishment of rural-urban balance in the provision of government services, and called for a series of reports as a first step in formulating programs of rural development.

Land and Water Conservation Fund Act Amendments (P.L. 91-485) : This amendment to the Land Water Conservation Fund Act increased its funding capacity from \$200 to \$300 million. The amendment also provided for the transfer of excess Federal lands to States and their political subdivisions for recreational purposes. Land transfers may be made by the Secretary of the Interior with or without payment.

Commission on Population Growth and the American Future (P.L. 91-213) : A predicted population of 300 million Americans within the next 30 years prompted the President to recommend a major study on the economic, social, and governmental requirements of population growth, authorizing it to investigate the impact of population growth expansion on natural resources and various means of achieving a population level suited for the Nation's environmental, natural resources and other needs.

1971-72

Alaska Native Claims Settlement Act (P.L. 92-203) : The Alaska Native Claims Settlement Act provided Alaska's 53,000 Eskimos, Aleuts and Indians with \$462.5 million in Federal grants and \$500 million from State and Federal mineral revenues. The Act also established Native State and Regional Corporations to administer the

grants and other revenues. This settlement, which culminates several year's debate and controversy, also included provisions to protect existing parks, forests or refuges.

The Act allows native villages to choose 22 million acres of land, while Regional Corporations will select an additional 16 million acres and the Secretary of the Interior will confer the remaining 2 million on the villages and regional corporations. Settlement of native land claims will allow the State of Alaska to complete the selection of an additional 80 million acres to which it was entitled under the Alaskan Statehood Act of 1958.

Additional provisions significant for land use policy include the following: (a) A Joint Federal-State Planning Commission is established. (b) The Secretary of the Interior is authorized to withdraw from selection by the State and Regional Corporations and from operation of the public land laws some 80 million acres of unreserved lands which, in his view, may be suitable for inclusion in the National Park, Forest, Wildlife Refuge, and Wild and Scenic Rivers Systems. (c) In addition, the Secretary is authorized, under existing authority, to withdraw public lands and to classify or reclassify such lands and to open them to entry, location and leasing in a manner which would protect the public interest and avoid a "land rush" and massive filings on public lands in Alaska immediately following the expiration of the "land freeze". (d) Appropriate public access and recreational site easements would be reserved on lands granted to Native Corporations to insure that the larger public interest is protected.

2. CONGRESSIONAL COMMITTEES' JURISDICTIONS

A review of the statements of jurisdiction and Subcommittee titles of the various Congressional Committees reveals that there are eleven committees in the House, eleven in the Senate and one Joint Committee which have continuing responsibilities in issues relating to land use policies and practices.

In both the House and the Senate, those Committees which have principal responsibility in this field are the Committees on Interior and Insular Affairs and on Public Works.

The Committees on Interior and Insular Affairs have both preservation and management responsibilities while the jurisdiction of the Committees on Public Works is primarily of a developmental nature.

Although it would seem reasonable that the title of a Committee or Subcommittee would provide ample indication of that Committee's major areas of jurisdiction, consideration of a specific land use issue may reveal that several Committees have partial responsibility. For example, matters related to the use of land for agricultural purposes are usually referred to the Committee on Agriculture. This is always true if the matter concerns soil conservation. However, if the matter involves Federal irrigation lands or reclamation projects, it will fall under the jurisdiction of the Committee on Interior and Insular Affairs, and in the case of flood control it will be referred to the Committee on Public Works.

One should bear in mind that precedent and statements of Committee jurisdiction under the Reorganization Act of 1946, as amended in 1970, are factors in determining a Committee's area of responsibility.

STANDING COMMITTEES IN THE SENATE AND HOUSE: JURISDICTION
AND SUBCOMMITTEES INVOLVED WITH LAND USE POLICY

HOUSE

Agriculture Committee:

- Crop insurance and soil conservation
- Forestry in general, and forest reserves other than those created from the public domain
- Plant industry, soils, and agricultural engineering
- Rural electrification
- Subcommittee on Forests
- Special Subcommittees on Conservation and credit, family farms, and rural development

Appropriations Committee:

- Subcommittees on:
 - Agriculture
 - Independent Offices and Department of Housing and Urban Development
 - Interior and Related Agencies
 - Military Construction
 - Public Works
 - State, Justice, Commerce, and the Judiciary
 - Transportation

Armed Services Committee:

- Ammunition depots; forts; arsenals; Army, Navy, and Air Force reservations and establishments
- Conservation, development, and use of naval petroleum and oil shale reserves
- Special Subcommittee on Real Estate

Banking and Currency: Public and private housing

Subcommittee on Housing

Interior and Insular Affairs:

- Forest reserves and national parks created from the public domain
- Forfeiture of land grants and alien ownership, including alien ownership of mineral lands
- Geological survey
- Interstate compacts relating to apportionment of waters for irrigation purposes
- Irrigation and reclamation, including water supply for reclamation projects, and easements of public lands for irrigation projects, and acquisition of private lands when necessary to complete irrigation projects
- Measures relating to the care, education, and management of Indians, including the care and allotment of Indian lands and general and specific measures relating to claims which are paid out of Indian funds
- Measures relating to insular possessions of the U.S., except matters affecting the revenue and appropriations
- Military parks and battlefields
- Mineral land laws and claims and entries thereunder
- Mineral resources of the public lands

Mining interests generally
 Mining schools and experimental stations
 Petroleum conservation on the public lands and conservation of
 the radium supply in the United States
 Preservation of prehistoric rivers and objects of interest on the
 public domain
 Public lands generally, including entry, easements, and grazing
 thereon
 Relations of the United States with Indians and the Indian tribes

Subcommittees on:

Indian Affairs
 Irrigation and Reclamation
 Mines and Mining
 National Parks and Recreation
 Public Lands
 Territorial and Insular Affairs

Interstate and Foreign Commerce:

Regulation of interstate and foreign transportation, except trans-
 portation by water not subject to the jurisdiction of the Inter-
 state Commerce Commission
 Interstate oil compacts; and petroleum and natural gas, except
 on the public lands
 Regulation of interstate transmission of power, except the instal-
 lation of connections between government water projects
 Inland waterways

Subcommittees on:

Communications and Power
 Transportation and Aeronautics

Judiciary: State and Territorial boundary lines

Special Subcommittee on Submerged Lands

Merchant Marine and Fisheries:

Navigation and the laws relating thereto, including pilotage
 Coast and geodetic surveys
 The Panama Canal and the maintenance and operation of the
 Panama Canal, including the administration, sanitation, and
 government of the Canal Zone: and interoceanic canals
 generally
 Fisheries and wildlife, including research, restoration refuges,
 and conservation

Subcommittees on:

Coast Guard, Coast and Geodetic Survey and Navigation
 Fisheries and Wildlife Conservation
 Panama Canal

Public Works:

Flood control and improvement of rivers and harbors
 Public works for the benefit of navigation, including bridges and
 dams (other than international bridges and dams)
 Water power
 Oil and other pollution of navigable waters
 Public buildings and occupied or improved grounds of the United
 States generally

Measures relating to the purchase of sites and construction of post offices, customhouses, Federal courthouses, and government building within the District of Columbia

Construction or reconstruction, maintenance, and care of the buildings and grounds of the Botanic gardens, the Library of Congress, and the Smithsonian Institution

Public reservations and parks within the District of Columbia, including Rock Creek Park and the Zoological Park

Measures relating to the construction or maintenance of roads and post roads, other than appropriations therefor;

Subcommittees on:

Flood Control

Public Buildings and Grounds

Rivers and Harbors

Roads

Watershed Development

Special Subcommittee on the Federal-Aid Highway Program

Ways and Means:

Transportation of dutiable goods

Revenue measures relating to the insular possessions

Veterans' Affairs:

Subcommittee on:

Hospitals

Housing

SENATE

Agriculture and Forestry:

Agriculture colleges and experimental stations

Forestry in general and forest reserves; other than those created from the public domain

Plant industry, soils, and agricultural engineering

Rural electrification

Crop insurance and soil conservation

Subcommittees on:

Agricultural Credit and Rural Electrification

Soil Conservation and Forestry

Special Subcommittee on Watershed Projects

Appropriations:

Subcommittees on:

Agriculture and related agencies

Department of Interior and related agencies

Military construction

Public Works

Department of State, Justice, Commerce, and Judiciary and related agencies

Transportation

Armed Services:

Forts, arsenals, military reservations, and navy yards

Maintenance and operation of the Panama Canal, including the administration, sanitation, and government of the Canal Zone

Conservation, development, and use of naval petroleum and oil shale reserves

Subcommittees on:

- Military construction

- National stockpile and Naval Petroleum Reserves

Banking, Housing and Urban Affairs: Public and private housing
Subcommittee on Housing and Urban Affairs

Commerce:

- Regulation of interstate railroads, buses, trucks, and pipelines

- Communication by telephone, telegraph, radio, and television

- Navigation and the laws relating thereto

- Coast and geodetic survey

- Except as provided in paragraph (c) [Armed Services Committee Jurisdiction], the Panama Canal and interoceanic canals generally

- Inland waterways

- Fisheries and wildlife, including research, restoration, refuges, and conservation

Subcommittees on:

- Aviation

- Communication

- Energy, Natural Resources, and the Environment

Subcommittee on Surface transportation

Finance:

- Transportation of dutiable goods

- Revenue measures relating to the insular possessions

Interior and Insular Affairs:

- Public lands generally, including entry, easements, and grazing thereon

- Mineral resources of the public lands

- Forfeiture of land grants and alien ownership, including alien ownership of mineral lands

- Forest reserves and national parks created from the public domain

- Military parks and battlefields, and national cemeteries

- Preservation of prehistoric rivers and objects of interest on the public domain

- Measures relating generally to the insular possessions of the United States except those affecting their revenue and appropriations

- Irrigation and reclamation, including water supply for reclamation projects, and easements of public lands for irrigation projects

- Interstate compacts relating to apportionment of waters for irrigation purposes

- Mining interests general

- Mineral land laws and claims and entries thereunder

- Geological survey

- Mining schools and experimental stations

- Petroleum conservation and conservation of the radium supply in the United States

- Relations of the United States with the Indian and the Indian tribes

- Measures relating to the care, education, and management of Indians, including the care and allotment of Indian lands and

general and special measures relating to claims which are paid out of Indian funds

Subcommittees on:

Indian Affairs
Minerals, materials, and fuels
Parks and Recreation
Public Lands
Territories and Insular Affairs
Water and power resources

Special Subcommittees on:

Outer Continental Shelf
Legislative Oversight

Judiciary:

State and Territorial boundary lines
Interstate and compacts generally

Labor and Public Welfare: Measures relating to education, labor or public welfare generally

Public Works:

Flood control and improvement of rivers and harbors
Public works for the benefit of navigation, and bridges and dams (other than international bridges and dams)

Water power

Oil and other pollution of navigable waters

Public buildings and occupied or improved grounds of the United States generally

Measures relating to the purchases of sites and construction of post offices, customhouses, Federal courthouses, and government buildings within the District of Columbia

Measures relating to the construction or reconstruction, maintenance, and care of the buildings, and grounds of the Botanic gardens, the Library of Congress, and the Smithsonian Institution

Public reservations and parks within D.C. including Rock Creek Park and the Zoological Park

Measures relating to construction or maintenance of roads and post roads, air pollution control measures; disaster relief; economics development; environmental pollution control measures

Subcommittees on:

Air and Water Pollution
Flood Control—River and Harbors
Public buildings and grounds
Public roads

Special Committee on Aging:

Subcommittee on Housing for the Elderly (does not report legislation)

JOINT COMMITTEES

Atomic Energy: “. . . shall make continuing studies of the activities of the Atomic Energy Commission and of problems relating to the development, use, and control of atomic energy.”

3. BILLS IN THE 91ST CONGRESS PERTINENT TO LAND USE POLICY

(From a Congressional Research Service report published in the Report on S. 3354, National Land Use Policy Act, Committee on Interior and Insular Affairs, U.S. Senate, Report No. 91-1435, December 14, 1970.)

Broad interest in the problems of guiding the future use and development of land resources in large regions, States, and the country as a whole was manifested in the 91st Congress. The principal objective of much of the diverse legislation in this field is to accommodate new growth, required by population increases and economic expansion, without doing irreparable damage to our natural environment or causing serious conflicts on various levels of government and between competing land uses (e.g., airports and national parks; power plants and amenity preservation; urban growth and the protection of the best of our agricultural land).

The following list of selected bills indicates that legislation on this subject was referred to twelve committees of both Houses of Congress. Some of the bills deal with the inventorying or setting aside of sites and resources for industrial and public uses. Others stress the improved coordination of land planning activities on an intergovernmental basis. Still others propose expanded research relating to land management, the laying down of proper environmental criteria or guidelines, and the establishment of new funding arrangements to influence future land use trends.

SENATECommittee on Interior and Insular Affairs

- S. 3354 (Mr. Jackson) Enables the States and the Federal agencies involved in land use activities to establish machinery for comprehensive land use planning which would incorporate environmental as well as economic considerations. Provides for grants-in-aid to the States to develop and implement statewide land use plans. Directs the President to reduce Federal grant-in-aid funds with respect to States which do not develop, implement or maintain statewide land use plans. Expands the present Water Resources Council into a Land and Water Resources Council to administer the Federal program.
- S. 3044 (Mr. Yarborough) Declares a public interest in the open beaches of the Nation. Provides for the protection of such interest and for the acquisition of easements pertaining to such seaward beaches and for the orderly management and control thereof.
- S. 3351 (Messrs. Murphy and Cranston) Provides for the termination of mineral leases in the area of the Outer Continental Shelf seaward of the Santa Barbara State oil drilling sanctuary in the State of California.
- S. 1708 (Mr. Jackson et al.) Enables States or their political subdivisions to acquire Federal surplus real property at little or no cost.
- S. 3468 (Mr. Scott et al.) Authorizes the Administrator of General Services, at his discretion, to assign to the Secretary of the Interior for disposal, such surplus real property as is recommended by the Secretary of the Interior as needed for use as a public park or recreation area.
- S. 3390 (Mr. Jackson) Provides that the Secretary of the Interior shall develop and promulgate regulations containing criteria by which he will determine which of the public lands shall be: (a) disposed of because they are (1) required for the orderly growth and development of a community; or (2) are chiefly valuable for residential, commercial, agricultural (exclusive of lands chiefly valuable for grazing

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- and raising forage crops), industrial, or public uses or development; or (b) retained, at least during this period, in Federal ownership and managed for (1) domestic livestock grazing; (2) fish and wildlife development and utilization; (3) industrial development; (4) mineral production; (5) occupancy; (6) outdoor recreation; (7) timber production; (8) watershed protection; (9) wilderness preservation; or (10) preservation of public values that would be lost if the land passed from Federal ownership.
- S. 524 (Mr. Jackson) Provides for the cooperation between the Secretary of the Interior and the States with respect to the future regulation of surface mining.
- S. 719 (Mr. Allott et al.) Establishes a national mining and minerals policy to promote the wise and efficient use of mineral resources. Gives the Secretary of the Interior the duty to implement the mining and minerals policy.
- S. 3093 (Mr. Cranston et al.) Creates marine sanctuaries from leasing pursuant to the Outer Continental Shelf Lands Act in areas off the coast of California adjacent to State owned submerged lands when such State suspends leasing of such submerged lands for mineral purposes.
- S. 1830 (Mr. Jackson et al.) Provides for the settlement of native land claims in Alaska.
- S. 3444 (Mr. Nelson) To preserve, protect, develop, restore and make accessible the lake areas of the Nation by establishing a national lakes area system and authorizing a program of lake and lake areas research.
- S. 3491 (Mr. Nelson) Provides for the regulation of present and future surface and strip mining and reclamation of surface and strip mined areas.
- S. 3389 (Mr. Jackson) Provides for the protection, development and enhancement of the public recreation values of the public lands.

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- S. 1075 (P.L. 91-190)
(Mr. Jackson
et al.)
- Provides a declaration of national environmental policy which set national goals for environmental management and established supplementary operating procedures for all Federal agencies to follow in planning and decision making which have an impact on man's environment. Authorizes environmental research and data gathering. Establishes a three-member Council of Environmental Quality Advisers in the Executive Office of the President. Provides for the preparation of an Annual Environmental Quality Report which, among other things, will document changes in the natural environment and define the adequacy of natural resources for fulfilling human and economic requirements of the Nation in the light of population increases.

Committee on Public Works

- S. 3181 (Mr. Proxmire
et al.)
- Encourages the formation of permanent regional water management associations which are responsible for the preparation and development of comprehensive pollution control plans for all or part of a river basin or parts thereof that is consistent with or part of a comprehensive river basin water and related use plan for the area.
- S. 1072 (Mr. Randolph
et al.)
- Extends the Appalachian regional development program for two additional years. Extends for two years Title V of the Public Works and Economic Development Act of 1965 pursuant to which five regional commissions have been established: the Ozarks region, the Upper Great Lakes, the New England region, the Coastal Plains region, and the Four Corners region in the Southwest.
- S. 1442 (Mr. Moss)
- Authorizes the Secretary of Transportation to enter into agreements with the States for the purpose of carrying out one or more pilot programs to determine the best means of accomplishing the control of outdoor advertising along Federal-aid highways.

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- S. 2005 (Mr. Boggs et al.) Title of proposed amendment would be cited as the National Materials Policy Act of 1969. Enhances environmental quality and conserves materials through utilization of resources and technology more efficiently, anticipation of future materials requirements of the Nation and the world, and making recommendations on the supply, use, recovery and disposal of materials. Establishes a 7-member commission on materials policy which would be charged with a full study of a possible national materials policy.
- S. 3042 (Mr. Gravel et al.) Establishes a 15-member Commission to undertake a comprehensive investigation and study of the use of underground nuclear energy.
- S. 3183 (Mr. Boggs et al.) Establishes a national policy for the effective management and protection of the coastal zone. Provides for a cooperative program between the Federal and coastal state governments. Authorizes the Secretary of the Interior to make grants to the coastal states for developing a comprehensive management program for the coastal zone. Upon approval by the Secretary of a coastal zone's management program, provides that operational grants may be made to the coastal state on a matching basis for the purpose of implementing the program.
- S. 3293 (Mr. Randolph) Authorizes the Secretary of Transportation to permit urban areas of more than 50,000 population to use highway funds in the operation of public transportation facilities. Provides that the Governor of any State may make such requests to the Secretary only on the recommendation of the mayor and city council and such recommendation shall only be made after a public hearing at which all of the economic, social and environmental factors of the area have been fully considered.

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Committee on Commerce

- S. 914 (Mr. Pell) Encourages the preservation and development of a modern and efficient passenger rail transportation service in the northeastern seaboard area by granting the consent and approval of Congress to the States of Massachusetts, Rhode Island, Connecticut and New York to negotiate and enter into a compact to create their own Northeast Rail Authority, and by guaranteeing certain loans and other credit to such authority.
- S. 924 (Mr. Pell) Encourages the development and preservation of a modern and efficient intercity passenger rail transportation service in the United States by granting the consent and approval of Congress to the States to negotiate and enter into compacts to create their own regional intercity rail passenger service authorities, and by guaranteeing certain loans and other credit to such authorities.
- S. 1071 (Mr. Kennedy et al.) Amends the Federal Power Act to further promote the reliability, abundance, economy and efficiency of bulk electric power supplies through regional and interregional coordination. Encourages the installation and use of improved extra-high-voltage facilities to preserve the environment and conserve natural resources. Establishes the National Council on the Environment.
- S. 1592 (Mr. Brooke et al.) Authorizes the Secretary of the Interior to study the most feasible and desirable means of establishing certain portions of the tidelands, Outer Continental Shelf, seaward areas, and Great Lakes of the United States as marine sanctuaries.
- S. 1916 (Mr. Magnuson) Amends the Federal Power Act to further promote the provision of reliable, abundant, and economical electric power supply by intergovernmental cooperation and strengthening existing mechanisms for coordination of electric utility systems. Encourages the installation and use of the products of advancing technology with due regard for the preservation and enhancement of the environment and conservation of scenic, historic, recreational and other natural resources.

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- S. 1925 (Mr. Magnuson et al.) Amends the Marine Resources and Engineering Development Act of 1966 to continue the National Council on Marine Resources and Engineering Development.
- S. 2054 (Messrs. Tower and Hatfield) Establishes the National Oceanographic Agency.
- Related bill:
S. 2204
- S. 2393 (Mr. Muskie et al.) Authorizes the Secretary of the Interior to study the most feasible and desirable means of protecting certain portions of the tidelands, Outer Continental Shelf, seaward areas, Great Lakes of the United States, and the adjoining shorelines thereof as marine preserves.
- S. 2425 (Mr. Magnuson et al.) Authorizes the Secretary of Transportation to provide for a long range program of comprehensive regional planning for, and coordination of, transportation including therein the undertaking of research and development and the conducting of demonstrations.
- S. 2437 (Messrs. Magnuson and Cotton) Provides for the expansion and improvement of the Nation's airport and airway system.
- S. 2651 (Mr. Randolph) Amends the Federal Airport Act to provide additional federal assistance in connection with the construction, alteration or improvement of airports, airport terminals, and related facilities.
- S. 2713 (Mr. Randolph) Provides for the expansion and improvement of the Federal Airway system.
- S. 2802 (Mr. Magnuson et al.) Declares a national policy on coastal zone management and encourages State comprehensive planning for the development of the coastal zone. Authorizes the National Council on Marine Resources and Engineering Development to make grants to duly established coastal authorities for the preparation of long-range master plans and guarantees certain loans and agreements for the purpose of land acquisition and restoration projects.

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- S. 3460 (Mr. Tydings et al.) Declares that planning and development of the coastal zone should be carried out on the principle of multipurpose use and preservation of the natural environment. Authorizes the National Council on Marine Resources and Engineering Development to make grants to coastal authorities for assistance in developing master coastal plans and for implementation of such plans. Provides for the establishment of estuarine sanctuaries.

Committee on Banking and Currency

- S. 3640 (Messrs. Sparkman and Muskie) Provides for the development of a national urbanization policy to encourage and support more rational, orderly, efficient, and economic growth and development of our States, metropolitan areas, cities and towns with emphasis upon the development of new communities and upon inner city development. Establishes a Council on Urban Growth to develop a national urbanization policy. Requires the submission to Congress and to the President of a biennial Report on Urban Growth. Creates a Community Development Corporation within the Department of Housing and Urban Development to promote and sponsor new community and more orderly urban development. Encourages State and regional planning for growth and stabilization.
- S. 1474 (Mr. Proxmire et al.) Amends the Housing and Urban Development Act of 1968 to provide Federal guarantees for financing the development of land for recreational uses in order to contribute to the orderly development of underdeveloped areas and regions of the United States.
- S. 3025 (Mr. Javits et al.) Provides for assistance to the States and their localities in utilizing land resources more effectively and in providing more housing to meet present and future needs.

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Committee on Government Operations

- S. 2701 (P.L. 91-213)
(Messrs. Mundt
and McClellan) Establishes a Commission on Population Growth
and the American Future which has the responsibility,
among other things, of determining the effects of population
on natural resources and the environment.
- S. 2752 (Mr. Muskie) Promotes intergovernmental cooperation in the
control of site selection and construction of bulk power
facilities for environmental and coordination purposes.
- S. 3228 (Mr. Muskie) Provides for balanced urban development and
growth of the United States by providing greater coordination
in the administration of Federal grants. Provides assistance
to States and localities for developing comprehensive
coordination and planning agencies. Consolidates comprehensive
planning requirements for grant programs and systematizes
other planning requirements.
- S. J. Res. 60 (Mr. Mundt
et al.) Establishes a Commission composed of twenty
members to be appointed by the President to be known as
the Commission on Balanced Economic Development. Directs
the Commission to make a thorough study and analysis of
current geographic trends, in the economic development of
the Nation, the causative factors influencing the same,
the implication thereof in terms of distribution of
population, the effects of governmental actions in the
shaping of such trends, and the factors, private and
public, influencing the geographic location of industry
and commerce as an aid in the formulation of policy at
all levels of government.
- S. J. Res. 160
(Mr. Nelson et al.) Creates a Joint Congressional
Committee to review and recommend changes in national
priorities and resources allocations.

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HOUSECommittee on Interior and Insular Affairs

- H.R. 16670 (Mr. Morton) Amending the Water Resources Planning Act (79 Stat. 244) to include provision for a national land use policy by broadening the authority of the Water Resources Council and river basin commissions and by providing financial assistance for statewide land use planning.
- H.R. 6656 (Mr. Eckhardt) Declaring a public interest in the open beaches of the Nation. Providing for the protection of such interest, for the acquisition of easements pertaining to such seaward beaches and for the orderly management and control thereof.
- Related bills:
H.R. 11016
H.R. 15714
- H.R. 15783 (Mr. McClure) Declares it to be the policy of Congress that immediate action should be undertaken toward developing and implementing new programs to control and prevent the pollution and other destruction of our land, waters, atmosphere and scenic heritage. Directs the Public Land Law Review Commission to formulate legislative recommendations to protect the environment and to submit a report not later than December 31, 1974.
- H.R. 11650 (Mr. Wold et al.) Provides that in lieu of the disposal, under the Federal Property and Administrative Services Act of 1949, of surplus real property and related personal property that the Secretary of the Interior certifies is needed and suitable for public park or recreation uses, such property shall be transferred by the Administrator of General Services to the Secretary of the Interior, on request of the Secretary.
- Related bills:
H.R. 15916
H.R. 11788 and others
- H.R. 16593 (Mr. Foley) Amending the Land and Water Conservation Fund Act.
- H.R. 10193 (Mr. Pollock) Settlement of land claims of Alaska Natives.
- Related bills:
H.R. 13142
H.R. 14212

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- H.R. 14618 (Mr. Teague) Directs the Secretary of the Interior to suspend further leasing under the Outer Continental Shelf Lands Act for the exploration or extraction of oil, gas, or any other mineral in the portion of the Outer Continental Shelf seaward of such State area, in accordance with the passage of any California law, which would prohibit the issuance of leases for mineral exploration. California Marine Sanctuary Act.
- Related bills:
H.R. 14666
H.R. 14754 and others
- H.R. 3120 (Mr. Teague) Prohibits mineral exploration and development under the Outer Continental Shelf Lands Act within a buffer zone adjacent to the Santa Barbara oil sanctuary established by the State of California.
- Related bills:
H.R. 7074
H.R. 9420 and others
- H.R. 659 (Mr. Saylor) Provides for the cooperation between the Secretary of the Interior and the States with respect to the future regulation of surface mining operations.
- H.R. 14406 (Mr. Cohelan et al.) Amends the Land and Water Conservation Fund Act of 1965 to provide that authority to enter into certain mineral leases with respect to the Outer Continental Shelf shall be suspended during any period when amounts in the land and water conservation fund are impounded or otherwise withheld from expenditure.
- Related bill:
H.R. 14533
- H.R. 1337 (Mr. Reinecke) Provides for an announcement by the President setting forth various procedures, rules, and regulations which will assure that the Federal Government will not own, in the aggregate, more public domain and acquired land value than that owned by the United States on the effective date of this Act. Makes it the policy of Congress that land be acquired and disposed of in the same real estate taxing jurisdiction in order to insure equitable treatment under this Act.
- H.R. 11979 (Mr. Dingell) Provides for the compilation by the Secretary of the Interior of a national land and water inventory. Directs the Secretary to classify all lands and waters within each State according to (1) the present use being made of such lands and waters; and (2) the future use or alternative uses of such lands and waters which would best serve the

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needs of the Nation, particularly with respect to the need to conserve areas of great historic, scientific, scenic, and recreational importance and to preserve areas in the more densely populated sections of the Nation from development. Provides for the publication of this inventory three years after enactment of this Act and for its revision every 2 years. Authorizes the Secretary to make direct grants to the States or political subdivisions for the acquisition of interests in land if the acquisition is for purposes which are consonant with the use specified in the inventory.

H.R. 10787 (Messrs. Baring and Burton) Requires that any action by the Secretary of the Interior which classifies for disposition or retention more than 5000 acres of land shall be subject to approval by Congress.

Committee on Public Works

H.R. 14845 (Mr. Fallon et al.) Establishes a national policy to encourage and assist the coastal States to exercise effectively their responsibilities over the Nation's estuarine and coastal zones through development and management programs to achieve effective use of the coastal zone through a balance between development and protection of the natural environment.

H.R. 15025 (Mr. Farbstein) Encourages the formation of permanent regional water management associations which are responsible for the preparation and development of comprehensive pollution control plans for all or part of a river basin or parts thereof that is consistent with or part of a comprehensive river basin water and related land use plan for the area.

Related bills:
H.R. 15044

H.R. 11314 (Mr. Burton) Authorizes the Secretary of Commerce to enter into agreements with one or more States for the purpose of carrying out pilot programs, relating to the control of outdoor advertising.

H.R. 16599 (Mr. Ashley) To preserve, protect, develop, restore and make accessible the lake areas of the Nation by establishing a National Lakes Areas System and authorizing programs of lake and lake areas research.

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H.R. 4018 (Mr. Fallon et al.) Provides for the renewal and extension of certain sections of the Appalachian Regional Development Act of 1965 and Title V of the Public Works and Economic Development Act of 1965, as amended.

Related bills:

H.R. 7600
H.R. 7709 and others

Committee on Merchant Marine and Fisheries

H.R. 145 (Mr. Boland) Authorizes the Secretary of the Interior to study the most feasible and desirable means of establishing certain portions of the tidelands, Outer Continental Shelf, seaward areas and Great Lakes of the United States as marine sanctuaries.

Related bills:

H.R. 727; H.R. 1151
H.R. 5824; H.R. 5955
and others

H.R. 3848 (Mr. Wilson) Establishes the National Oceanographic Agency.

Related bills:

H.R. 4838
H.R. 11240
H.R. 13247 and others

H.R. 5829 (Mr. Lennon) Extends the life of the National Council on Marine Resources and Engineering Development for a period of 1 year.

Related bills:

H.R. 7895
H.R. 8794

H.R. 12549 (Mr. Dingell et al.) Established as national policy that federal, state and local governments shall act to protect the environment. Directed agencies of the Federal Government to include environmental factors in decision-making. Directed that federal agencies include in every recommendation or report on proposals for legislation and other major federal actions affecting the environment a statement on the environmental impact of the proposed action and alternatives to the proposed action. Directed all federal agencies to determine by July 1, 1971, whether their policies were in compliance with the purposes of the Act. Established in the Office of the President a three-member Council on Environmental Quality to assist the President in the preparation of an annual report on the environment, to review federal activities affecting natural resources and to conduct studies on the environment. The members would be subject to Senate confirmation. Authorized

(Clean bill for

H.R. 6750 and others)
P.L. 91-190

LRS-13

expenditures for the Council of up to \$300,000 for fiscal year 1970 \$700,000 for fiscal year 1971, and \$1 million for each year thereafter. Directed that beginning July 1, 1970, the President submit an annual Environmental Quality Report to Congress, describing the state of the environment, current and foreseeable trends in the management of the environment, and environmental programs of the Federal Government.

- H.R. 13247 (Mr. Lennon) Amends the Marine Resources and Engineering Development Act of 1966 to establish a comprehensive and long-range national program of research, development, technical services exploration and utilization with respect to our marine and atmospheric environment.
- Related bills:
H.R. 14089
H.R. 14418
and others
- H.R. 14730 (Messrs. Lennon and Mosher) Declares the policy of Congress to foster effective utilization of coastal and estuarine zones through assistance to coastal States in their management. Authorizes the Administrator of the National Oceanic and Atmospheric Agency to make grants to any coastal authority for the purpose of defraying the operating expenses of such authority.
- Related bills:
H.R. 14731
H.R. 15099
H.R. 16155
- H.R. 14731 (Messrs. Lennon and Mosher) Establishes a national policy to encourage and assist the coastal States to exercise effectively their responsibilities over the coastal zone through development and implementation of comprehensive management programs to achieve the best use of resources through a balance between multi-purpose development and preservation of the natural environment. Authorizes the Secretary of the Interior to make grants to any coastal States for the purpose of assisting in the development of a comprehensive management program. Provides for general studies and investigations of various coastal and estuary problems.
- Related bill:
H.R. 16155
- H.R. 16427 (Mr. Murphy) Requiring the establishment of marine sanctuaries and prohibiting the deposit of harmful materials therein.
- Related bills:
H.R. 16609

LRS-14

Committee on Interstate and Foreign Commerce

- H.R. 2506 (Mr. Saylor) Directs the Federal Power Commission to conduct a national study and prepare a comprehensive national siting plan of the optimum locations for large electric power generating facilities of all types to: (1) insure availability of an abundant, low cost, and reliable supply of electricity from such facilities, and (2) protect environmental assets of the country. Sets out additional related duties for the Federal Power Commission to perform while carrying out the above duties. Requires the Federal Power Commission to start the study within ninety days after enactment of this Act and to submit its national powerplant siting plan to Congress within two years after that date. Sets limitations on the Atomic Energy Commission's issuance of licenses for the utilization of nuclear energy for the production of electric power.
- Related bills:
H.R. 15727
H.R. 15955
- H. J. Res. 49 (Mr. Long) Provides for a study of the impact of overhead electric transmission lines and towers upon scenic assets, zoning and community planning.
- Related bill:
H. Res. 163
- H.R. 487 (Mr. Long) Authorizes a program of research and development to encourage the use of underground transmission of electrical power and to undertake projects to evaluate and demonstrate the economical and technical feasibility of such transmission.
- Related bill:
H.R. 500
- H.R. 488 (Mr. Long) Authorizes a program of research to determine the effect of overhead electric transmission lines upon the health and welfare of citizens, community planning and zoning, real estate values and tax revenues and the natural beauty of our country.
- Related bill:
H.R. 501
- H. J. Res. 168 (Mr. Ruppe) Creates a Commission on Balanced Economic Development
- Related bills:
H. J. Res. 863
- H.R. Res. 52 (Mr. Moss) Provides for the preparation and submission to the Congress of a master ground transportation plan for the United States.

LRS-15

- H.R. 13529 (Mr. Evans) Authorizes the Secretary of Transportation to provide for a long-range program of comprehensive regional planning for, and coordination of, transportation, including therein the undertaking of research and development and the conducting of demonstrations. Establishes major transportation regions within the United States.
- H.R. 9429 (Mr. Friedel) Amends the Federal Power Act to further promote the provision of reliable, abundant, and economical electric power supply by intergovernmental cooperation and strengthening existing mechanisms for coordination of electric utility systems. Encourages the installation and use of the products of advancing technology with due regard for the preservation and enhancement of the environment and conservation of scenic, historic, recreational and other resources.
- H.R. 12585 (Mr. MacDonald) Directs the Federal Power Commission to secure bulk power supplies adequate to satisfy the mounting demands of the people of the United States, consistent with environmental protection. Establishes an Advisory Panel on the Environment to assist the State commissions and regional councils in dealing with environmental matters.
- H.R. 7016 (Mr. Moss et al.) Amends the Federal Power Act to further promote the reliability, abundance, economy, and efficiency of bulk electric power supplies through regional and interregional coordination. Encourages the installation and use of improved extra-high-voltage facilities. Establishes the National Council on the Environment.
- Related bills:
H.R. 7052
H.R. 7186
H.R. 9557
and others
- H.R. 1362 (Mr. Slack) Provides additional assistance in connection with the construction, alteration, or improvement of air carrier and general purpose airports, airport terminals, and related facilities.
- Related bills:
H.R. 3668; H.R. 4119
and others
- H.R. 12374 (Mr. Staggers) Provides for the expansion and improvement of the Nation's airport and airway system.
- Related bills:
H.R. 12824
H.R. 12862
and others

LRS-16

Committee on Banking and Currency

- H.R. 16647 (Mr. Ashley) Provides for the development of a national urban growth policy to encourage the support the rational, orderly efficient and economic growth and development of our States, metropolitan areas, cities, counties and towns with emphasis upon the development of new communities and upon inner city development.
- H.R. 3084 (Mr. Farbstein) Authorizes Federal grants under the open space land program for the development and redevelopment of existing open space land and the acquisition of outdoor and indoor recreational buildings, centers, facilities and equipment.
- H.R. 7006 (Mr. Koch et al.) Establishes an urban mass transportation trust fund.

Related bills:

H.R. 8915

H.R. 9661

and others

Committee on Government Operations

- H.R. 15900 (Messrs. Wyatt and Foley) Creates a Commission on Population Growth and the American Future. Directs the Commission to conduct an inquiry into the following aspect of population growth in the United States:
- Related bill:
H.R. 15954
P.L. 91-213
- (1) the probable course of population growth, internal migration, and related demographic developments between now and the year 2000;
- (2) the resources in the public sector of the economy that will be required to deal with the anticipated growth in population;
- (3) the ways in which population growth may affect the activities of Federal, State, and local government;
- (4) the impact of population growth on environmental pollution and on the depletion of natural resources; and
- (5) the various means appropriate to the ethical values and principles of this society by which our Nation can achieve a population level properly suited for its environmental, natural resources, and other needs.

LRS-17

- H.R. 13217 (Mrs. Dwyer and Mr. Fountain) Provides for balanced urban development and growth of the United States.
- H.R. 15870 (Mr. Bennett) Authorizes the Administrator of General Services in his discretion, to assign to the Secretary of the Interior for disposal, such surplus real property, including buildings, fixtures, and equipment situated thereon, as is recommended by the Secretary of the Interior as needed for use as a public park or recreation area.
- Related bill:
H.R. 16109

Committee on Rules

- H. J. Res. 949 (Mr. Eckhardt et al.) Creates a Joint Congressional Committee to be known as the Joint Committee on National Priorities to be composed of 14 Members. Authorizes the Committee to suggest national objectives and national priorities and to recommend the allocation of resources disposed of by the Federal Government to such national priorities. Also to recommend courses of action, based on its findings and investigations, in the national interest to departments and agencies in the executive branch, to the States and political subdivisions thereof, and to regional agencies.
- Related resolution:
H. J. Res. 950

4. SELECTED BILLS PERTINENT TO LAND USE POLICY INTRODUCED IN THE
92D CONGRESS, 1ST SESSION

Included in this listing are nearly 100 of the more significant "land-oriented" bills, grouped by committee referral. This is a selective list (many identical or closely-related bills are excluded) which shows that at least thirteen committees of the House and Senate are currently involved in handling some form of legislation in this broad subject area. The principal land use issues before the Congress are: formulation of a comprehensive national land use policy and management program for the public domain, rural revitalization, land development credit, acceleration of regional public works programs, increased funding for comprehensive planning, open space lands acquisition, improved urban transportation systems, housing consolidation, more effective Federal-state relations, reorganization of Federal land managing agencies, mined land reclamation, moratoriums on offshore development, airport planning, research on land and related resources, marine areas protection, environmental standards for land use control, maintenance of open beaches, community growth policy, and power plant siting.

	Bill No.	Introduced by
SENATE		
Committee on Interior and Insular Affairs:		
Saline Water Conversion Act.....	Public Law 92-60 (S. 991)	Mr. Jackson, et al.
Alaska Native lands settlement.....	Public Law 92-203 (S. 35)	Do.
Mined lands restoration.....	S. 77	Mr. Nelson, et al.
Protection of marine environment.....	S. 275	Mr. Nelson.
Acquisitions of subsurface mineral rights.....	S. 165	Mr. Hansen.
Comprehensive study of oil industry effects on coastal areas.....	S. 574	Mr. Gravel.
Surface mining reclamation.....	S. 630	Mr. Jackson.
Open beaches policy.....	S. 631	Do.
Land and water resource planning.....	S. 632	Mr. Jackson, et al.
Public domain lands organic act.....	S. 921	Do.
Federal support of recreational development.....	S. 990	Mr. Jackson (by request).
National land use policy.....	S. 992	Do.
Mined area protection.....	S. 993	Do.
Grants to seal voids in abandoned coal mines and oil and gas wells.....	S. 1160	Mr. Hansen.
Alters Federal finding approaches in the recreation planning.....	S. 1175	Mr. Jackson (by request)
Environmental regulations for mining operators.....	S. 1176	Do.
Closing certain Federal lands to earthmoving equipment.....	S. 2140	Mr. Church, et al.
Joint Federal-State planning of offshore development.....	S. 1329	Mr. Gravel.
Suspension of offshore oil explorations.....	S. 1446-52	Mr. Cranston, et al.
Establishment of a forest clearcutting study committee.....	S. 1592	Mr. McGee, et al.
Forest lands restoration.....	S. 1734	Mr. Metcalf, et al.
National resource land management.....	S. 2401	Mr. Jackson (by request).
Public land policy.....	S. 2450	Mr. Allott, et al.
Environmental regulations for surface mining.....	S. 2455	Mr. Moss.
Improved timber harvesting.....	S. 2477	Mr. Jackson, et al.
National land use policy.....	S. 2554	Mr. Mathias.
Committee on Public Works:		
Public Works and Economic Development Act.....	Public Law 92-65 (S. 2317)	Mr. Randolph, et al.
Designation of redevelopment areas.....	S. 38	Mr. Curtis.
Federal participation in the cost of protecting shores.....	S. 278	Mr. Nelson, et al.
Controlling damage to lands resulting from roadbed erosion.....	S. 279	Mr. Nelson.
Establishing a national lakes preservation system.....	S. 280	Do.
National shoreline erosion control demonstration program.....	S. 1053	Mr. Hollings, et al.
Revise and improve national transportation programs.....	S. 1344	Mr. Percy.
Committee on Banking, Housing and Urban Affairs:		
Comprehensive planning and open space land grants.....	S. J. Res. 52	Mr. Sparkman, et al.
National development financing.....	S. 580	Mr. Sparkman.
Rural community development banking.....	S. 742	Mr. Pearson, et al.
Adequate man transit.....	S. 1343	Mr. Percy.
Community development assistance.....	S. 1618	Mr. Sparkman (by request).
Domestic development bank.....	S. 1958	Mr. Humphrey.
Housing consolidation.....	S. 2049	Mr. Sparkman, et al.
Community development assistance.....	S. 2333	Mr. Sparkman.

	Bill No.	Introduced by
Committee on Agriculture and Forestry:		
Federal land banks	S. 1483	Mr. Talmadge, et al.
Rural development credit	S. 2223	Mr. Humphrey, et al.
Rural development study	S. Res. 76	
Committee on Commerce:		
Airport and airway development	S. 1434	Mr. Cannon, et al.
Electric power reliability	S. 294	Mr. Kennedy.
National transportation planning	S. 295	Mr. Kennedy, et al.
Coastal land management	S. 582	Mr. Hollings, et al.
Transportation effects on the countryside	S. 728	Mr. Hartke, et al.
National power grid	S. 2324	Mr. Metcalf, et al.
Committee on Government Operations:		
National policy for rural development	S. 10	Mr. McClellan, et al.
Department of Community Development	S. 1430	Mr. Percy, et al.
Department of Natural Resources	S. 1431	Do.
HOUSE		
Committee on Interior and Insular Affairs:		
Compile a national land use inventory	H.R. 659	Mr. Dingell.
Saline Water Conversion Act	H.R. 5334	Mr. Aspinall, et al.
Do	H.R. 9093	Mr. Johnson, et al.
Land and water resources planning	H.R. 2173	Mr. Meeds.
State land planning	H.R. 2449	Mr. Aspinall.
National land use policy	H.R. 4332	Mr. Aspinall (by request)
Do	H.R. 4569	Mr. Kemp.
Mined land restoration	H.R. 4556-7	Mr. Heckler.
Do	H.R. 4707	Mr. Broomfield.
Federal support of recreational planning	H.R. 4705	Do.
Alaska land claims	H.R. 7039	Mr. Meeds.
Public land policy	H.R. 7211	Mr. Aspinall, et al.
Public Domain Lands Organic Act	H.R. 8504	Mr. Reid.
Do	H.R. 9911	Mr. Saylor.
National resource land management	H.R. 10049	Mr. Kyl, et al.
Committee on Public Works:		
Public works and economic development	H.R. 9922	Mr. Blatnik, et al.
Do	H.R. 6588	Mr. Clausen.
Mass transportation financing	H.R. 55	Mr. Ryan.
Transportation improvement in support of economic growth centers	H.R. 2366	Mr. Pirnie.
Appalachian regional development	H.R. 3280	Mr. Evins.
Do	H.R. 4092	Mr. Carter.
Do	H.R. 4565	Mr. Kee.
Protection costs of shoreline	H.R. 9658	Mr. Henderson, et al.
National lakes preservation system	H.R. 7831	Mr. Ashley.
Committee on Interstate and Foreign Commerce:		
Electric power reliability	H.R. 605	Mr. Bingham.
Do	H.R. 1486	Mr. Patten.
Do	H.R. 3838	Mr. Moss, et al.
Powerplant siting	H.R. 1079	Mr. Reid.
Do	H.R. 5277	Mr. Staggers, et al.
Transportation planning to reserve countryside	H.R. 5899	Mr. Wolff.
Electric power supply and environmental protection	H.R. 6970	Mr. Macdonald.
Electric power coordination	H.R. 6972	Do.
National power grid	H.R. 9770	Mr. Tiernan, et al.
Committee on Government Operations:		
Department of Natural Resources Act	H.R. 653	Mr. Dingell.
Conveyance of certain Federal lands to State and local Government	H.R. 6959	Mr. Holifield (by request).
Department of Community Development	H.R. 6769	Mr. Ford.
Rural development financing	H.R. 6962	Mr. Holifield.
	H.R. 7993	Mr. Schwengel.
Committee on Merchant Marine and Fisheries:		
Coastal Land Management	H.R. 2492-3	Mr. Lennon.
Do	H.R. 3615	Mr. Dingell, et al.
Do	H.R. 9229	Mr. Lennon, et al.
Committee on Banking and Currency:		
National Development Act	H.R. 3550	Mr. Patman.
Community development	H.R. 8853	Mr. Widnall, et al.
Housing consolidation	H.R. 9331	Do.
Comprehensive planning and open space land grants	H.R. 9332	Do.
	H.J. Res. 508	Mr. Ford.
Rural development financing	H.R. 9630	Mr. Kyros.
Housing and urban development	H.R. 9688	Mr. Patman, et al.
Committee on Agriculture:		
Rural development credit	H.R. 9650	Mr. Abourezk.
Rural development	H.R. 10867	Mr. Poage.
Federal-State partnership for rural revitalization	H.R. 11678	Mr. Mizell.

III. THE EXECUTIVE BRANCH AND LAND USE POLICY: FEDERAL PROGRAMS AND FEDERAL ORGANIZATION AS THEY RELATE TO LAND USE POLICY

Twenty-three Federal departments and independent agencies have programs related to land use policy and planning. The accompanying table includes 112 Federal land-oriented programs, grouped according to function under two major headings—*natural resources* and *physical development*. These programs cover a wide variety of applications, including agriculture, regional development, transportation, wildlife preserves, recreation, housing and water control projects.

Very often several departments and agencies will be active in the same area of concern. For example, the Department of Agriculture, the Department of Housing and Urban Development, and the Environmental Protection Agency all sponsor programs for waste treatment and disposal. Water and water power projects are administered by the Departments of Agriculture and the Interior, the Army Corps of Engineers of the Department of Defense, and several independent commissions. The table indicates these and other examples of the fragmentation of similar efforts among various Federal agencies.

The information in the table is derived from the Appendix to the 1973 Budget of the United States Government. Accordingly, the consolidation of information on several related programs (as in the case of Appalachian regional development and the housing payments activities of H.U.D.) and the reporting of information separately on certain programs, for example, the activities of the Federal Highway Administration, the Soil Conservation Service, and others, was based on the existing arrangement within the Budget Appendix.

In an effort to confine the list of programs and the fiscal totals to actual mission-oriented activities and funds directly affecting land use, the solely administrative responsibilities and finances of some bureaus and agencies have not been included. The inclusion or exclusion of such information has depended in each case on the arrangement within the Budget Appendix.¹

The table identifies the agency which administers each program and gives the fiscal year 1971 actual total obligations and the fiscal years 1972 and 1973 estimated total obligations. Amounts are listed in thousands of dollars. The Appendix page number for each program is listed in the last column of the table for easy reference to the Budget Appendix.

The second column of the table, entitled "Nature of Program", is intended to give a general idea of the scope of each program. The abbreviations used are: *M*—management, refers to programs of gen-

¹ The Appendix sections on some bureaus and agencies have combined the information on administrative duties and expenses with information on program activities. Where information on the administrative aspects of a bureau or agency is detailed separately, it has been excluded here.

eral maintenance, operation, and protection of Federal property; *CP*, comprehensive planning, is intended to denote a planning process which surveys all elements within a given geographical area, including natural resources, human resources and needs, environmental concerns, physical and economic development, etc.; *FP*, functional planning, refers to planning and research programs which include in their purview all elements within a broad functional area of concern; *PP*, project planning, refers to those programs which involve specific individually-funded projects with a planning process oriented only to preparation and implementation of the individual project.

Following the table is a brief narrative discussion of the programs listed. An index arranged by agency appears immediately after the table.

TABLE II
A. NATURAL RESOURCES
[Dollars in thousands]

	Agency	Nature of program	Fiscal year—			1973 budget appendix page No.
			1971	1972	1973	
A. LAND						
1. Council on Environmental Quality.....	Executive office of the president, CEO.....	FP	\$1,459		\$2,550	57
2. Agricultural research.....	USDA, Agricultural Research Service.....	FP	274,379	238,590	185,654	116
3. Cooperative State research.....	USDA, Cooperative State Research Service.....	FP	69,507	82,894	87,841	125
4. Agricultural stabilization and conservation.....	USDA, Agricultural Stabilization and Conservation Service.....	M, PP	243,374	250,890	249,280	143
5. Commodity Credit Corporation.....	USDA, CCC.....	PP	8,824,567	10,047,456	9,398,378	154
6. Loans to farmers and ranchers.....	USDA, FHA.....	PP	368,565	333,225	351,038	171
7. Soil conservation.....	USDA, Soil Conservation Service.....	PP, PP	138,874	149,702	149,702	182
8. Great Plains conservation program.....	do.....	PP	16,243	17,907	17,907	189
9. Resource conservation and development.....	do.....	FP, PP	13,565	21,231	21,225	190
10. Forest protection and utilization.....	USDA, Forest Service.....	M, FP, PP	365,233	314,878	321,531	206
11. Forest land management, construction and land acquisition.....	do.....	PP	13,450	37,675	37,290	208
12. Forest roads and trails.....	do.....	PP	166,568	170,763	169,563	210
13. Acquisition of lands for national forests.....	do.....	PP	12	80	80	211
14. Assistance to States for tree planting.....	do.....	PP	980	1,118	1,015	212
15. Forest Service permanent appropriations.....	do.....	PP	115,900	97,942	138,910	213
16. Management of public lands and resources.....	Interior Department, Bureau of Land Management.....	M, PP	81,707	70,708	81,187	539
17. Construction and maintenance on public lands.....	do.....	PP	3,189	4,627	7,400	540
18. Public lands development roads and trails.....	do.....	PP	4,067	4,000	3,915	541
19. Range improvements.....	do.....	PP	1,931	2,523	3,073	544
20. Resource management of Indian-owned lands.....	Interior Department, Bureau of Indian Affairs.....	M, PP	73,507	71,132	81,159	549
21. Construction of buildings, utilities, and irrigation systems on Indian-owned lands.....	do.....	PP	37,940	59,601	47,666	550
22. Road construction on Indian-owned lands.....	do.....	PP	20,385	40,327	53,841	552
23. Geological surveys, investigation and research.....	Interior Department, Geological Survey.....	PP	114,080	128,927	145,840	554
24. Legal matters relating to land.....	Justice Department, Land and Natural Resources Division.....	PP	4,736	4,802	5,334	600
25. Environmental Protection Agency operations, research and facilities.....	Environmental Protection Agency.....	FP, PP	283,390	417,764	490,028	779
26. Franklin Delano Roosevelt Memorial Commission.....	F.D.R. Memorial Commission.....	PP	12	40	38	902
27. National Parks Centennial Commission.....	National Parks Centennial Commission.....	PP		250		902

TABLE II
A. NATURAL RESOURCES—Continued
(Dollars in thousands)

	Agency	Nature of program	Fiscal year—		1973 budget appendix page No.
			1971	1972	
B. WATER AND WATER POWER					
28. River basin surveys and investigation.	USDA, Soil Conservation Service	FP	\$9,520	\$10,333	\$11,083
29. Watershed planning.	do.	FP	6,310	6,805	6,799
30. Watershed and flood prevention operations.	do.	FP	102,834	127,638	127,591
31. General investigations: river, harbor, flood control, shore protection and others.	Defense Department, Army Corps of Engineers	FP	39,969	51,079	57,649
32. Construction of water related projects.	do.	PP	947,425	1,076,361	1,301,663
33. Operation and maintenance of water related projects.	do.	M	301,579	384,668	423,500
34. Emergency flood control and hurricane and shore protection.	do.	PP	13,173	11,667	7,000
35. Flood control, Mississippi River and tributaries.	do.	PP	91,869	90,867	96,000
36. Loan program for small irrigation-oriented projects.	Interior Department, Bureau of Reclamation	PP	4,918	15,895	19,170
37. Emergency fund for continuous operation of irrigation and power systems.	do.	PP	1,331	1,229	1,000
38. General investigations and conservation planning.	do.	FP	19,744	22,999	21,600
39. Construction and rehabilitation of reclamation and power projects.	do.	PP	188,443	236,554	275,306
40. Operation and maintenance of reclamation projects.	do.	M	69,115	83,856	89,889
41. Colorado River Basin Project.	do.	M, PP	17,991	32,101	11,000
42. Upper Colorado River storage project.	do.	M, PP	43,725	53,526	68,323
43. Alaska power investigations.	Interior Department, Alaska Power Administration	FP	614	604	584
44. Operation and maintenance of power projects in Alaska.	do.	M	399	440	627
45. Construction of facilities, Bonneville Power Administration.	Interior Department, Bonneville Power Administration	PP	93,145	93,131	94,899
46. Operation and maintenance, Bonneville Power Administration.	do.	M	39,306	66,384	96,450

47. Operation and maintenance, Bonneville Power Administration.	5,441	6,130	6,154	608
48. Construction of facilities, Southwestern Power Administration.	2,046	2,004	922	609
49. Operation and maintenance, Southwestern Power Administration.	15,600	17,343	17,765	610
50. Water resources research.	13,225	14,258	14,257	612
51. Federal Power Commission.	19,820	21,583	22,798	897
52. Delaware River Basin Commission.	175	179	216	907
53. Potomac River pollution control, U.S. share.	5	20	34	907
54. Susquehanna River Basin development, U.S. share.	75	75	150	908
55. Water resource planning.	5,411	6,143	6,375	976
C. MINERALS				
56. Conservation and development of mineral resources.	48,298	48,432	53,351	567
D. FISH AND WILDLIFE				
57. Management and investigations of fish and wildlife resources.	59,708	64,753	70,441	575
58. Construction of facilities necessary to conservation and management of fish and wildlife.	4,613	9,153	6,961	576
59. Migratory bird conservation.	15,434	14,591	14,412	577
60. Anadromous and Great Lakes fisheries conservation.	2,280	2,368	2,330	578
E. RECREATION				
61. Planning and research and Federal coordination for outdoor recreation.	4,164	3,807	4,011	558
62. Land and water conservation for recreation.	203,103	381,483	323,373	559
63. Parks and recreation areas management and research.	65,823	70,642	84,755	581
64. Maintenance and rehabilitation of park roads, trails, and facilities.	50,547	56,444	72,586	582
65. Construction of park facilities.	17,502	46,838	42,026	583
66. Parkways, roads, and trails construction.	23,165	23,297	22,000	584
67. Preservation of historic properties.	6,625	8,653	10,000	586
68. Recreational and fish and wildlife facilities.	1,505	2,030	959	590

TABLE II
B. PHYSICAL DEVELOPMENT—Continued

A. HOUSING									
65.	Rural housing for domestic farm labor.....	USDA, Farmers Home Administration.....	PP	\$737	\$3,767	\$5,463	169		
70.	Mutual and self-help housing.....	do.....	FP	1,721	2,450	3,729	170		
71.	Family housing, defense.....	Defense Department.....	PP	668,235	802,417	958,829	326		
72.	Interstate land sales full disclosure.....	Department of Housing and Urban Development, Federal Housing Administration.....	M		700	500	487		
73.	Nonprofit sponsor assistance.....	do.....	PP	2,770	6,340	8,690	487		
74.	Housing payments.....	Department of Housing and Urban Development, Housing Management.....	PP	808,176	1,310,400	1,882,000	510		
75.	Rehabilitation loan fund.....	Department of Housing and Urban Development.....	PP	50,872	51,485	51,700	524		
76.	Research and technology.....	do.....	FP	43,441	50,784	62,900	531		
	Operation Breakthrough.....	do.....	FP	26,715	16,284	4,500	531		
B. URBAN DEVELOPMENT									
77.	Comprehensive planning grants.....	Department of Housing and Urban Development.....	CP	45,794	66,389	100,000	514		
78.	New community assistance grants.....	do.....	PP	12,143	10,000	10,000	516		
79.	Model cities programs.....	do.....	CP, PP	520,625	620,530	620,000	517		
80.	Neighborhood facilities.....	do.....	PP	38,441	40,002	65,000	518		
81.	Open space land programs.....	do.....	PP	84,867	105,268	100,000	519		
82.	Urban renewal: Capital grants.....	do.....	FP, PP	1,239,331	2,321,091	1,300,000	521		
	Loans and planning advances.....	do.....	FP, PP	626,802	825,134	627,661	521		
83.	National Capital Planning Commission.....	National Capital Planning Commission.....	CP	1,092	1,527	1,365	911		
C. RURAL DEVELOPMENT									
84.	Extension Service.....	USDA.....	PP	159,607	172,259	181,631	126		
85.	Economic Research Service.....	do.....	FP	16,934	16,048	17,248	132		
86.	Rural Development Service.....	do.....	FP	48,980	61,998	62,241	164		
87.	Public facility loans.....	Department of Housing and Urban Development.....	PP				526		

INDEX OF FEDERAL AGENCIES

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- Department of Agriculture : 2-15, 28-30, 36-50, 69-70, 84-86, 94
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NATURAL RESOURCES

Natural resources program areas include land, water, hydro-power, minerals, fish and wildlife, and recreation.

The *Council on Environmental Quality* of the Executive Office of the President has responsibility for analyzing land and environmental conditions and trends, reviewing relevant Federal Government programs, recommending policies for environmental protection and improvement, and assisting in the preparation of the President's annual report to Congress (1).

The *Agricultural Research Service* of the *Department of Agriculture* (U.S.D.A.) conducts research in the areas of soil and water conservation, agricultural engineering, plant and animal disease, and other agricultural concerns (2). U.S.D.A.'s *Cooperative State Research Service* provides grants to State agricultural experiment stations and forestry schools for research in agriculture, rural community life, and forestry (3). The *Agricultural Stabilization and Conservation Service* of U.S.D.A. administers the commodity support programs including management of Commodity Credit Corporation-owned commodities and sales and donations of commodities (4). The *Commodity Credit Corporation* of U.S.D.A. stabilizes and supports farm income and prices, maintains supplies of farm commodities, and makes available materials and facilities necessary to the production and marketing of agricultural commodities (5).

The *Farmers Home Administration* of U.S.D.A. operates a program of direct loans to farmers and ranchers unable to obtain credit elsewhere for real estate acquisition, farm and ranch improvement and operation, watershed development, flood prevention, and soil and water conservation (6).

The *Soil Conservation Service* of USDA administers several programs relating to the use, protection, and development of land. Its general operations include research and technical assistance to farmers, ranchers and community groups in conservation and land use planning, small watershed management control, and other areas (7). The *Great Plains Conservation Program* provides cost-sharing assistance and technical services to participating landowners and operators in the Great Plains area for the development and implementation of land conservation plans (8). Another Soil Conservation Service program provides technical as well as financial assistance to individuals, groups, and local government units in planning for the conservation and development of natural resources, including recreation facilities and income-producing enterprises where appropriate (9).

The *Forest Service* of the Department of Agriculture has general responsibility for the conservation and use of about 187 million acres of land in National Forests and National Grasslands. Its program of forest protection and utilization provides for the management and protection, including forest research and forest fire control, of the 154 forests and 19 designated grasslands (10). Land acquisition to protect watersheds and increase timber production and the construction of management and recreational facilities are conducted by another Forest Service program (11). Still another program finances the construction of roads and trails in National Forests (12). Privately owned lands within the National Forests are purchased by the Government when necessary to aid in the control of soil erosion and flood damage (13). The Forest Service also supplies both technical and financial assistance to States for tree planting and reforestation work (14). The Forest Service permanent appropriations include funds for building and maintaining forest roads and trails, disposing of brush and other debris, preventing forest fires, and restoring damaged forest lands (15).

The *Bureau of Land Management* (B.L.M.) of the *Department of the Interior* is responsible for the management of about 450 million acres of Federal public lands, including 278 million acres in Alaska, as well as the submerged lands of the Outer Continental Shelf. B.L.M.'s program of administration, management, and development of the public lands includes resource conservation, wildlife management, soil and water conservation, firefighting, recreation planning, and other responsibilities (16). B.L.M. also provides for the construction and maintenance of buildings and other facilities on public lands (17) and for the construction of public land roads and trails (18). The Bureau also administers a program of range improvements (19).

The *Bureau of Indian Affairs* (B.I.A.) of the Department of the Interior has several programs for the protection and development of Indian lands. The programs promote economic advancement through development of forests and range lands, outdoor recreation, Indian arts and crafts, agriculture, soil and water conservation and maintenance of roads (20). Another B.I.A. program provides for the construction of buildings, utilities, and irrigation systems on Indian reservations (21). In addition, B.I.A. assists in the development of roads on Indian lands (22).

The Interior Department's *Geological Survey* conducts research and investigations of water, land, and mineral resources, does topographic surveying and mapping, and supervises the prospecting, development, and production of minerals and mineral fuels (23).

The *Land and Natural Resources Division* of the *Department of Justice* is the agency which handles all legal matters relating to title, possession, and use of Federal lands and natural resources (24).

The *Environmental Protection Agency* has responsibility for environmental research, pollution monitoring and control, solid waste management, and noise abatement. It provides grants to State, regional, and local agencies for planning and establishing environmental quality programs and for constructing appropriate facilities, and also supplies technical assistance for pollution control programs (25).

Two commissions which will influence land use in particular areas are the *Franklin Delano Roosevelt Memorial Commission* and the *National Parks Centennial Commission*. The first is presently formulating plans for a memorial to the late President of the United States (26). The second is preparing for a commemoration in 1972 of the 100th anniversary of the beginning of the worldwide national park movement (27).

Water and water power programs are spread throughout many Federal agencies, including the Departments of Agriculture, Defense, and the Interior, and many independent commissions. U.S.D.A.'s Soil Conservation Service conducts river basin surveys and investigations to provide necessary information for the development of coordinated water resource programs (28). The Service also works with States and local agencies in planning works of improvement in small watersheds to reduce damage from flood-water and erosion (29). Technical and financial assistance is provided for the installation of watershed works of improvement (30).

The civil works program of the *Corps of Engineers* of the *Department of Defense* includes several activities related to the control, development, and beneficial use of water resources. River basin and flood control studies, coastal engineering research and beach erosion control studies are conducted under the Corps' program of general investigations (31). A construction program conducts design studies and includes the building of locks, dams, and canals, and the improvement of channels and harbors (32). The Corps operates and maintains many navigation, flood control, and power projects (33). It also administers a program of flood emergency preparations, flood fighting, and rescue operations (34). In addition, a special program of flood control for the Mississippi River and its tributaries is conducted by the Corps of Engineers (35).

The *Department of the Interior's Bureau of Reclamation* plans, constructs, and operates facilities to irrigate lands, furnish municipal, industrial, and other water supplies, and develop hydroelectric power and flood control in seventeen western States and Hawaii. The Bureau sponsors a program of loans and grants to non-Federal organizations for the construction and improvement of small irrigation oriented projects (36). Another Bureau program maintains an emergency fund which is used to assure continuous operation of irrigation and power systems in the event of droughts, canal bank failures, generator fail-

ures, damage to transmission lines, or other emergencies (37). The Bureau conducts general research and planning for potential reclamation projects including basin surveys, geothermal investigations, engineering methods research, and studies of effects on fish and wildlife (38). Actual construction and rehabilitation of reclamation and irrigation projects is also the responsibility of the Bureau (39), as well as the operation and maintenance of completed projects (40).

The Colorado River Basin Project involves the planning, construction, operation, and maintenance of the Central Arizona and Dixie irrigation projects (41). The Upper Colorado River Storage Project, now under construction, will provide irrigation service, a supplemental water supply, and hydroelectric power to large areas in the West (42).

The *Alaska Power Administration* (A.P.A.) conducts surveys and research to determine the most economical means of development and utilization of water resources to assure power supplies in Alaska (43). A.P.A. also has responsibility for operating and maintaining two power projects, the Eklutna and Snettisham projects (44).

The *Bonneville Power Administration* (B.P.A.) has responsibility for the transmission and marketing of electric power produced at 26 hydroelectric generating plants in the Pacific Northwest. B.P.A. constructs transmission lines, substations, and related facilities (45), and operates and maintains them (46). The *Southeastern Power Administration* markets power generated at 16 projects in a 10-State area of the Southeast (47). The *Southwestern Power Administration* constructs transmission, substation, and switching facilities to transmit power generated at Corps of Engineers hydroelectric projects in the Southwest (48). It also operates these facilities and markets the electric power and energy (49).

The Office of *Water Resources Research* within the Department of the Interior has responsibility for stimulating and sponsoring research, experiments, investigations, and the training of scientists in the fields of water and resources which affect water. It provides grants to all 50 States and Puerto Rico as well as matching grants to institutes for water resources research (50).

The *Federal Power Commission* administers the Federal Power Act and Natural Gas Act. It has responsibility for the regulation of hydroelectric projects, electric power utilities, natural gas pipeline companies, and natural gas producers. It also evaluates and encourages coordination among electric power systems and natural gas industry systems (51).

The Federal Government participates in several river-basin Commissions and contributes a portion of commission expenses. The *Delaware River Basin Commission* was created by compact among the States of Delaware, New Jersey, New York, the Commonwealth of Pennsylvania, and the Federal Government to develop water and related resources in the region drained by the Delaware River and its tributaries (52). The *Interstate Commission on the Potomac River Basin* was created in 1940 for the purpose of water pollution abatement and control (53). The *Susquehanna River Basin Commission*, which includes the States of Maryland and New York and the Commonwealth of Pennsylvania, works to develop water and related resources in the Susquehanna River region (54).

The *Water Resources Council* was established by the Water Resources Planning Act of 1965. The Council assesses national and regional water requirements, coordinates the planning activities and participation of Federal agencies in regional water development, encourages the establishment of River Basin Commissions, and makes grants to States for the development of water and related land resources plans (55).

The Federal Government's basic program relating to minerals is administered by the Department of the Interior *Bureau of Mines*. This program promotes the conservation, evaluation, and development of mineral resources. Research is conducted in the areas of coal, petroleum, oil shale, metallurgy, mining, and explosives. Statistics on mineral production and consumption are recorded, and economic analyses and investigations are carried out relating to bituminous coal, anthracite, petroleum and other mineral resources (56).

The Federal Government has several programs for the management of lands for fish and wildlife purposes. The major responsibility in this area rests with the *Bureau of Sport Fisheries and Wildlife* in the Department of the Interior. The Bureau conducts research, manages a number of facilities including fish hatcheries and wildlife refuges, and coordinates efforts to save endangered species (57). The Bureau also constructs fish and wildlife facilities (58), acts to protect migratory birds through the sale of migratory bird hunting stamps and the acquisition of bird refuges (59), and makes grants to States to assist in the conservation and development of anadromous fishery resources (60).

Several bureaus within the Department of the Interior administer programs for recreational activities. The *Bureau of Outdoor Recreation* works to coordinate Federal, State, local, and private efforts, provides technical assistance, and conducts planning and research relating to outdoor recreation (61). The Bureau's Land and Water Conservation program provides matching grants to States to assist in the preparation of recreation plans, the acquisition of land and water areas, and the development of public outdoor recreation facilities (62).

The *National Park Service* (NPS) of the Department of the Interior has primary responsibility for the conservation of the natural, historical, and recreational resources of the National Park System. N.P.S. conducts research related to the protection and use of parks and wilderness areas and manages the 284 park areas comprising about 29.1 million acres which are included in the park system (63). The Park Service operates, maintains, and rehabilitates the parks' facilities, resources, roads, and trails (64), as well as constructing new facilities and acquiring land and water rights where needed (65). N.P.S. also constructs parkways and trails, parking areas, overlooks, campground roads, and drainage structures (66). In addition, N.P.S. provides for the preservation of historic properties by assisting the States to conduct statewide historic surveys the findings of which are incorporated in the National Register, and by making matching grants to the National Trust for Historic Preservation and the States for planning and for individual preservation projects (67).

The *Bureau of Reclamation* of the Department of the Interior takes part in the Federal effort to provide recreational opportunities through its program of recreational fish and wildlife facilities. The Bureau

has responsibility for planning, constructing, operating, and maintaining such facilities in connection with the development of the Colorado River storage project (68).

PHYSICAL DEVELOPMENT

Physical development program areas include housing, urban development, rural development, regional economic development, sanitation, and transportation.

Most Federal housing programs are administered by the *Department of Housing and Urban Development* (HUD), but the *Department of Agriculture* (U.S.D.A.) through its *Farmers Home Administration* also sponsors housing programs and the *Department of Defense* runs a housing program for military families.

U.S.D.A. *Farmers Home Administration* concentrates on the development and improvement of rural housing. One program provides grants to public or private nonprofit organizations for up to 90% of the cost of building or rehabilitating low-rent housing and related facilities for domestic farm labor (69). Another program, aimed at encouraging families and groups of families to build their own homes by mutually exchanging labor, provides grants for planning assistance to nonprofit organizations which aid such mutual and self-help housing construction (70).

The family housing program of the *Department of Defense* provides for construction, acquisition, expansion, rehabilitation, and maintenance, as well as leasing, of housing for Army, Navy, Marine Corps, Air Force, and Defense Agency families (71).

The *Department of Housing and Urban Development's* activities encompass all aspects of housing, including siting, construction, renting, and research. The Interstate Land Sales Full Disclosure Act requires that statements of record of subdivisions containing 50 or more lots must be filed with the Secretary of Housing and Urban Development before sales programs may begin, to protect the individual who is seeking to purchase or lease a subdivision lot (72). In another program H.U.D. facilitates the construction of low and moderate-income housing by furnishing information and technical assistance as well as interest-free loans to cover 80% of pre-construction costs to nonprofit sponsors of federally-assisted housing for low and moderate-income persons (73). H.U.D.'s major housing efforts are concentrated in its Housing Management office which administers several programs including: 1. Rent Supplement, which pays to certain landlords that part of the full economic rent which exceeds 25% of an eligible tenant's income; 2. Homeownership Assistance, known as the "235" program, which makes periodic payments on behalf of lower income families purchasing their own homes thereby reducing their monthly costs; 3. Rental Housing Assistance, known as the "236" program, which makes interest reduction payments on behalf of the landlord that are passed on in the form of decreased rent levels to lower income tenants; 4. Low-rent Public Housing, which involves annual contributions by the Federal Government to Local Housing Authorities (L.H.A.) for the support of L.H.A.-owned public housing; 5. College Housing, which provides for payment of debt service grants to colleges and eligible hospitals (74). H.U.D. also encourages the rehabilitation of existing

housing through Federal loans with annual interest rates of 3% or less to owners and tenants in urban renewal, neighborhood development, and code enforcement project areas and in certain other areas (75). The most well-known aspect of H.U.D.'s research and technology program is Operation Breakthrough, in which large volume production of industrialized housing has been studied and encouraged (76).

As with Federal housing programs, H.U.D. has the lion's share of programs for urban development. This includes the most comprehensive planning program presently sponsored by any Federal agency, the "701" program, through which grants are made to States, cities, counties, regional commissions, and Indian reservations to finance planning processes which take into account all factors involved in full, balanced growth and development (77). H.U.D.'s other urban development programs are generally oriented to particular projects. The New Community assistance grants are made to supplement regular Federal assistance for water, sewer, open space, transportation, and other development in new towns (78). The Model Cities program provides funds for planning, community development, and the coordination of other Federal projects within certain areas of selected cities and towns (79). Through the neighborhood facilities program, grants are made to local agencies to finance the construction of neighborhood centers designed to provide a wider range of services and activities to low and moderate-income residents in the area (80). To insure the protection of lands having scenic, recreation, or historic value, and to promote the development and preservation of park and recreation areas within the urban environment, H.U.D. makes grants to public agencies through its open space land programs (81). The Urban Renewal program, which was originally established by legislation in 1949, provides Federal assistance to local public agencies for rehabilitation and redevelopment of slum, blighted, and deteriorating areas (82).

The official planning agency for the District of Columbia and for the Federal Government in the National Capitol area is the *National Capitol Planning Commission*. It works to develop both long-range comprehensive plans and specific land use projects (83).

Many of H.U.D.'s urban development grant programs are available to small towns as well as large cities, but the *Department of Agriculture* and H.U.D. also have programs oriented particularly to rural development. The *Extension Service* of U.S.D.A. provides activities and educational programs to rural residents in the areas of agriculture, home economics, community development, 4-H youth programs, and others (84). The *Economic Research Service* of U.S.D.A. conducts research in farm and marketing economics as well as domestic and foreign economic analysis, including studies of rural development, rural life, and rural governmental organization (85).

The *Rural Development Service* is the bureau which coordinates all Department of Agriculture programs having to do with rural development (86). H.U.D.'s public facility loans are available to communities with populations under 50,000 but priority is given to communities of under 10,000 persons. The loans help finance the construction of water, sewer, and gas distribution systems (87).

Regional economic development programs affect many areas of the United States. The *Appalachian Regional Development Commission's*

program covers thirteen states from Mississippi to New York. It coordinates various Federal and State efforts for comprehensive planning to achieve full balanced growth in Appalachia as well as promotes specific development projects. It includes the Appalachian Development Highway System, demonstration health projects, mine area restoration, vocational education facilities, supplements to Federal grants-in-aid, sewage treatment facilities, timber development, fish and wildlife conservation, and a research and local development district program which provides for comprehensive planning for economic growth, natural resources conservation, and improvement of the health and education of the people of Appalachia (88).

The *Economic Development Administration* (E.D.A.) of the *Department of Commerce* has several programs to provide assistance particularly to economically distressed areas. The economic development facilities program finances the construction and improvement of sanitation, transportation, industrial, and skills development facilities to help promote private economic growth (89). E.D.A.'s program of industrial development loans and guarantees provides financial assistance when it is otherwise unavailable and is the agency's most direct means of generating new employment opportunities (90). E.D.A. also provides technical assistance and grants for planning and research for long-range economic development (91).

There are five regional development programs administered through the *Department of Commerce*. Like the Appalachian regional development program, they encompass multi-state areas and seek to encourage comprehensive planning and coordination of Federal and State efforts within each area. The five regions are *Coastal Plains*, *Four Corners*, *New England*, *Ozarks*, and *Upper Great Lakes* (92).

The oldest regional development program is the *Tennessee Valley Authority*, created in 1933 to spur development of a river basin area comprising parts of seven states. T.V.A. assists development of all resources in the area and includes programs for water use, flood control, power supply, recreation, wildlife, agriculture, forestry, minerals, education, manpower training, environmental protection, and industrial development (93).

Programs to assist the development of sanitation facilities are sponsored by several Federal agencies. U.S.D.A.'s Farmers Home Administration makes grants both for general planning and for actual project development of water and sewer systems in rural areas (94). H.U.D.'s water and sewer facilities program makes grants to local public agencies for projects involving storage, treatment, and distribution of water as well as collection and transmission of sewage (95). The Environmental Protection Agency makes grants to States to help finance the construction of municipal waste treatment facilities (96).

Most Federal transportation programs are now administered through the *Department of Transportation* (D.O.T.). The Department conducts a program of transportation research and planning which includes studies of national transportation requirements and new transportation systems technology (97). The Transportation Systems Center conducts specific research projects related to safety, pollution reduction, noise abatement, and other concerns (98).

The *Federal Aviation Administration* of D.O.T. provides grants to public agencies for planning, developing, and improving public air-

ports, including purchase of land and construction of runways and buildings (99).

D.O.T.'s *Federal Highway Administration* sponsors several programs of highway development. A highway beautification program provides funds to encourage the removal of non-conforming outdoor signs along major interstate roads (100). Another program finances the construction and improvement of main highways within or adjacent to national forests (101). And another funds the construction and improvement of highways through public lands in those States which have large areas of public lands (102).

The *Federal Highway Administration* of D.O.T. assists several particular highway development projects, including the Inter-American Highway, various Alaskan highways, and Chamizal Memorial Highway (103). The major Federal Highway Administration program involves the Federal-aid highway system by which grants are made to States to cover 90% of the costs of completing the 42,500-mile system of interstate highways and to provide Federal matching funds for certain other roads (104). The right-of-way revolving fund provides interest-free loans for the advance acquisition of right-of-way by the States and payment of relocation expenses (105).

The *Federal Railroad Administration* of D.O.T. conducts research and development related to high-speed ground transportation (106). The *Urban Mass Transportation Fund* of D.O.T. finances grants, contracts, and loans for research, development, demonstration, and managerial training related to urban mass transportation as well as making grants to State and local public agencies for actual construction of mass transportation facilities (107). An independent agency, the *Washington Metropolitan Area Transit Authority*, is charged with planning, developing, and financing a rapid transit system in the National Capital area (108).

Several other physical development programs which are not easily categorized include a *Coast Guard* program for the alteration or removal of bridges which obstruct free navigation of the waters of the United States. (109). The *Atomic Energy Commission* has a program of acquisition and construction of facilities for its research and production activities (110). The *General Services Administration* finances site acquisition and planning and construction of building for Federal Government use (111). The *Veterans Administration* provides funds for the construction and alteration of hospitals and domiciliaries for eligible persons (112).

V. THE STATES AND LAND USE POLICY: RECENT DEVELOPMENTS

Truly significant developments have taken place with respect to State involvement in the field of land use controls over the past few years. Some of the principal State activities were summarized in three recent survey reports: (1) *The State's Role in Land Resource Management*, a report prepared by Richard G. Rubino and William R. Wagner for The Council of State Governments (1972); (2) *The Quiet Revolution in Land Use Control*, prepared by Fred Bosselman and David Callies for The Council on Environmental Quality (1971); and (3) *Managing the Environment: Nine States Look for New Answers*, prepared by Elizabeth H. Haskell, et. al., for the Woodrow Wilson International Center for scholars (1971).

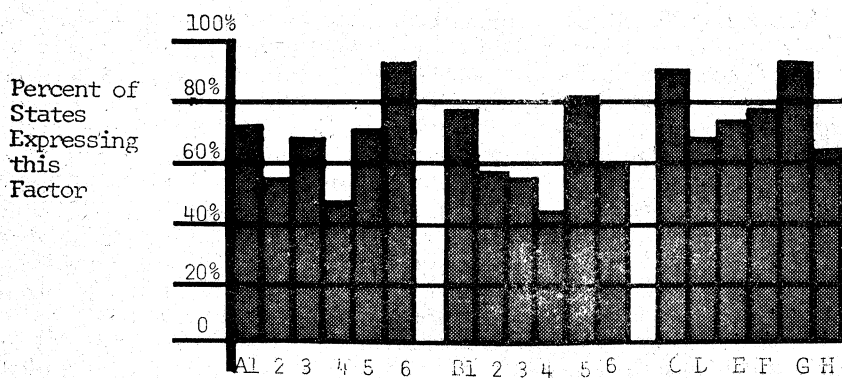
Highlights of these and other reports are given below.

Rubino-Wagner Report: This survey, conducted in August 1971 to determine the extent of State interest in land management, concluded that "the States appear to be in the process of embarking on a *movement* toward assuming greater responsibility for land resource management." On the basis of questionnaire-responses from thirty-eight States, the authors identified (in a supplement to the report) the following problem areas which were generating a need for an increased State role in land planning:

TABLE III

FACTORS GENERATING A NEED
FOR STATE LAND RESOURCE MANAGEMENT ACTION

(by percent of States responding to factor) 1971



- A. Lack of adequate provision for future land needs of;
 1. agriculture,
 2. forestry,
 3. industry,
 4. business,
 5. residential communities,
 6. recreation.
- B. Inadequate protection of;
 1. water supplies,
 2. wildlife,
 3. estuarine and marine fisheries,
 4. dispoilation caused by poor mining practices,
 5. scenic areas,
 6. historical areas.
- C. Rapid uncoordinated and piecemeal development.
- D. To provide for proper development of "new towns".
- E. Lack of resources for adequate planning and zoning at the local level.
- F. Parochial planning and zoning practices at the local level.
- G. Lack of unified criteria upon which to measure developments proposed for critical areas.
- H. Adverse development contiguous to key public improvements and facilities.

The status of land use planning was summarized as follows:

Seven of the thirty-eight respondents claims to have state-wide land use plans in existence. Hawaii, in 1961, was the first to complete a State land use plan, whereas the land use plans in the six other States and territories (Alabama, Delaware, New York, Rhode Island, Puerto Rico, and Guam) were completed in more recent years. Sixteen other respondents indicated that they were currently developing some kind of a State land use plan.

Table 1 of the report presents several examples of recent innovative State Legislation in the field of land use.

TABLE IV.—EXAMPLES OF INNOVATIVE ACTION IN STATE LAND USE MANAGEMENT (1961-71)

State and program description	Reference	First enacted	Administered by	Category ¹
COLORADO				
Colorado Land Use Act. Provides temporary emergency power over land development activities and authorizes model resolutions.	Ch. 106-4, C.R.S. 1963.	1971	Colorado Land Use Commission.	A
Authorizes State to prepare subdivision regulations in counties where no regulations exist.	Ch. 106-2, C.R.S. 1963.	1971	Colorado Land Use Commission.	D
DELAWARE				
Coastal Zone Act. State management of shore zone industrial development.	Ch. 70, T. 7.....	1971	State Planning Office.	C
HAWAII				
Land use law. State management of land by broad categorical districts.	Ch. 205.....	1961	State Land Use Commission.	A
MAINE				
State management of all lands in unorganized or deorganized townships.	Title 12, s. 681-689..	1969	Land Use Regulation Commission.	C
Approval of large-site industrial or commercial developments, potential polluters, and residential sites over 20 acres.	Ch. 3, s. 481-88.....	1970	Environmental Improvement Commission.	B
"Critical area" program to provide for management of all shoreland areas 250 feet from high water mark.	Ch. 424, s. 481-4814.	1971	Environmental Improvement Commission.	C
MASSACHUSETTS				
"Critical area" program for protection of coastal and inland wetlands.	Ch. 130, s. 27A, 105 and Ch. 131, s. 40, 40A.	1963	Department of Natural Resources.	C
Zoning Appeals Act. To insure dispersion of low-income housing.	Ch. 774, s. 1-2.....	1969	Department of Community Affairs.	B
MICHIGAN				
Shorelands Management and Protection Act.....	Act No. 245, Public Acts of 1970.	1970	Department of Natural Resources.	C
OREGON				
Governor shall prepare land use plans and enforce zoning on all areas not subject to local regulation.	S. 10, 1969.....	1969	Governor.....	D
VERMONT				
Approval of site development in accordance with state land use plan.	Ch. 151, 6001.....	1970	Environmental Board.	A
Shoreline Zoning Act. Zoning to prohibit construction within 500 feet of shoreline at all bodies of water larger than 20 acres.	Act 281.....	1970	Department of Water Resources.	C
WISCONSIN				
Shoreline zoning law. "Critical area" program for management of lands around lakes and waterways.	Ch. 614-8588.....	1965	Department of Natural Resources.	C

¹ A—Management of general land uses within the State; B—Approval of land use development within the State in accordance with functional criteria (e.g., environmental, housing); C—Management of land uses within geographically specified critical areas (e.g., wetlands, shorelines, scenic highways); D—State enactment of zoning or subdivision authority in the absence of a local ordinance or regulation without reference to statewide plan or standards.

Note: This chart presents examples of recent State action and does not pretend to be inclusive of all such action.

Bosselman-Callies Report: In contrast to the "movement" concept of the Rubino-Wagner report, this study suggests that we are actually in the midst of a *revolution* in State land planning.

It is a peaceful revolution, conducted entirely within the law, and its supporters include both conservatives and liberals. It is a disorganized revolution, with no central cadre of leaders, but it is a revolution nonetheless. The *ancien regime* being overthrown is the feudal system under which the entire pattern of land development has been controlled by thousands of individual local governments, each seeking to maximize its tax base and minimize its social problems, and caring less what happens to all the others. The tools of the revolution are new laws taking a wide variety of forms but each sharing a common theme—the need to provide some degree of State or Regional participation in the major decisions that affect the use of our increasingly limited supply of land.

The body of the report provides detailed descriptions of the experience of recent land control legislation in Hawaii (Land Use Act of 1970), Vermont (Environmental Control Law of 1970), San Francisco (San Francisco Bay Conservation and Development Commission Act of 1965), Twin Cities of Minnesota (Metropolitan Council Act of 1967), Massachusetts (Zoning Appeals Law of 1971; Wetlands Protection Program of 1963), Maine (Site Location Law of 1970), Wisconsin (Shoreline Protection Program established under the Water Resources Act of 1966), and New England River Basins Commission (created under the authority of the federal Water Resources Planning Act of 1965).

On the basis of their description of recent land use regulation, the authors isolate certain key issues involved in the regulatory and planning processes.

First, the authors conclude that there is a conceptual change underway. Land is no longer viewed solely as a commodity. There is a drawing away from the nineteenth-century notion that the only function of land is to enable its owner to make money. A new trend is developing which views land as a resource which may serve a variety of purposes. This conceptual change coincides with an increasing awareness of the scarcity of land, and the realization that the land resource must be managed in an ecological framework of multiple needs.

While existing systems of land use regulation still focus on the commodity aspect of land, much recent state and local action in this area attempts to encourage a non-commodity orientation. The authors cite provisions for common open space and requirements that low-income housing be included in new housing developments as indicative of the changing attitude.

The authors maintain that in the long-run, the appreciation of land as both a resource and a commodity will enhance land values more than would a system based primarily on the desire to increase immediate salability.

The role of the state in land use regulation is also viewed as a key issue. All of the states engaging in land planning have used some method of concentrating their energies on a limited number of important development decisions. The authors conclude that this is done so as to avoid diffusing the state regulatory policy too widely. The

states of Vermont and Maine, for example, limit their land use regulation according to scale of development. Only developments of a certain size need to be cleared by the state regulatory agency. Twin Cities regulation, on the other hand, focuses on the type of development proposed. Major capital improvements, such as airports and sewers, are subject to regulation while other types of development are not.

It is clear the authors state, that the state's role in land-use regulation must itself be regulated in some way, since another key issue involves the role of local government in land planning efforts.

Local regulation of land use exists primarily in urban areas. It is crucial that for these areas there is some coordination between state and local regulation systems. Otherwise there is unnecessary duplication, delay, or contradiction in land use questions. Local systems of zoning and land regulation tend to encourage development, while much of the newly-enacted state legislation discourages it. Thus the authors discover continuing necessity to find a balanced approach which takes into consideration both local needs and state goals. The balancing of conflicting or competing demands on land is itself a central issue.

State and local governments must also deal with the Constitutional question of the inviolability of property. Excessive regulation may be challenged in the courts as being unconstitutional. According to the authors comprehensive statewide land use plans ought, therefore, to be cognizant of the question of "taking".

The States have not followed a uniform policy in selecting entities to administer land use regulation and planning. The authors discover three alternatives in the newly-enacted legislation. The task of developing and administering land use programs at the State level have been assigned to existing or newly formed line agencies, State commissions and State-created regional commissions. The authors conclude that it is still uncertain as to which alternative yields the most productive results in terms of a successful state land use program.

Haskell report.—This survey deals primarily with organizational changes initiated by nine state governments, for the purpose of improving their environmental management capabilities. While the focus is on organizational and institutional design over the entire range of environmental problems, the report also covers some of the techniques used for various specific areas of environmental management, including land management and regulation.

The report finds that States perceive themselves as occupying a strategic level of government in environmental protection. They are closer to their land use problems than is the federal government, and so are able to structure their attack in a more precise manner.

Furthermore, the report finds that States have certain inherent and assigned powers which are vital legal tools with which to cope with destructive uses of the environment. Among these is the police power which allows the state to restrict uses of privately owned land through such techniques as zoning (although this power has typically been delegated to local governments). Some state officials were found to consider Federal environmental policies based on nationwide problems, not to be tough enough to suit their own serious or unique problems.

Vis-à-vis local government, many state governments contended that local government lacks legal authority and may have too narrow a geographical perspective to view land use and environmental problems. The state governments view themselves as being in a unique position to take advantage of "economies of scale" in land use regulation, unshared by local governments.

The report finds that many of the new powers which states are beginning to assume in this area have been shifted entirely or in part from local governments. The usual strategy has been to first set up a state-local partnership. For example, Vermont and Maine now share with local governments control of large land developments, and in Maryland a state-local partnership is established for waste treatment and disposal.

A first tool used by some states to strengthen their land planning effort is the generation of an adequate data base, and the development of analytical capabilities needed to make effective use of such data. Illinois and Minnesota, for example, are gathering and computerizing scattered data on land use in order, among other things, to facilitate eventual state land use planning efforts.

Other specific tools being applied by the States to regulate or control land problems include:

- (1) Tax incentives to preserve open spaces.
- (2) State criteria which local zoning authorities must follow.
- (3) State controls over endangered areas or particular problem sources.
- (4) State controls over land above a minimum acreage.
- (5) Statewide land use planning and zoning.

Reorganization itself was perceived as a strategy at the state level for creating a more effective land use policy. New York sought a stronger regulatory effort through the creation of a new, more visible, and politically powerful super-department. Consolidated environmental departments have also been instituted in Illinois, Minnesota, Washington, and Wisconsin.

Examples of state governments with land-use management agencies include Vermont and Maine. The state of Maine has an Environmental Improvement Commission with new power to regulate land use on a state-wide basis. Both the Vermont and Maine systems are designed to control and mold the physical growth of the state.

Vermont is also an example of the new interest in linking land use planning to a control system, through permits. In some states, the report finds, the focus is not so much on the land planning process, but on particular control techniques to immediately protect endangered resources, or control particularly difficult sources of problems.

Miss Haskell recently summarized the land planning approaches in Vermont and Maine as follows:¹

The Vermont and Maine land use control systems are examples of many states' increasing interest in land use plan-

¹ "State Governments Tackle Pollution" *Environmental Science and Technology*, November 1971.

ning and controls to prevent environmental damage. In 1970, both Vermont and Maine established state permit systems to control large commercial, industrial, and housing developments. In Vermont, anyone, including a state agency, planning a development over one acre or a subdivision of more than 10 units must first have a permit from the state. If there is a permanent local zoning, the state's permit is required for developments over 10 acres, giving the localities an incentive to adopt local controls. In Maine, the state controls all developments over 20 acres or 60,000 ft² of industrial floor space.

The Vermont statute specifically requires the state to draft land use plans, based on economic, social, and, particularly, environmental values. The permits will implement these planned objectives.

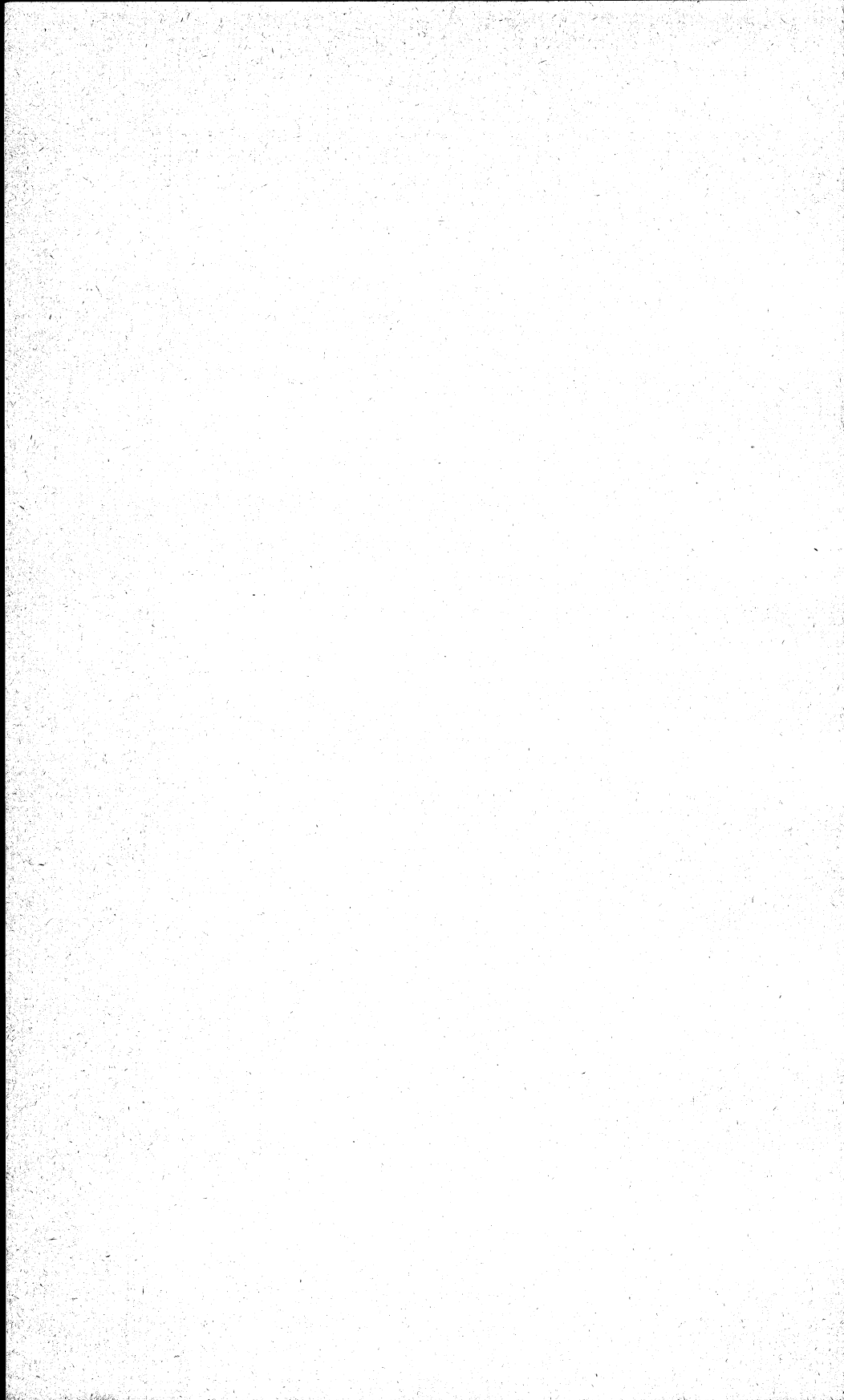
The Maine law has no such specific requirement for land use planning. Permits for land development in Maine must consider four statutory criteria: financial capacity of the developer, traffic movement, effect on the natural environment, and soil conditions.

Vermont created a statewide Environmental Board that sets policy, is responsible for the land use plans, and has a quasijudicial review role over permits, and nine district commissions which administer the permit system on a daily basis. The Vermont Board is exclusively a land use agency, and is located in Vermont's superdepartment, the Agency of Environmental Conservation.

Maine's institutional structure is not regionalized in this way. Its Environmental Improvement Commission formulates all policy, carries out the operational jobs of reviewing and issuing permits, and also administers air and water pollution laws.

Other Studies. In addition to the three above reports, both the National Commission on Urban Problems and the Advisory Commission on Intergovernmental Affairs have issued reports recommending that States assume land-use responsibilities by creating active State planning and review agencies. A draft Model Land Development Code has been circulated by the American Law Institute. Tentative Draft No. 3¹ deals with: (i) State Land Development Regulation; (ii) State Land Development Planning, and, (iii) Judicial Review. (See p. 30 of this Print for a summary of the provisions of the Tentative Draft No. 3.) A Task Force on Environmental Quality of the Urban Land Institute issued in 1971 a statement entitled "Environment and the Land Developer" which recommends that State Governments develop basic land use control standards and supervise their observance through local authorities. (The Appendix contains additional citations to recent studies and reports).

¹American Law Institute, "Tentative Draft No. 3" (April 22, 1971) of "A Model Land Development Code" (Philadelphia, 4025 Chestnut Street).



APPENDIX A

RECENT WRITINGS ON LAND USE

The following annotated listing of selected articles, legal writings and other materials, arranged under eight *subject headings* (land use policy, critical land use problems, implementation of land use controls, federal land control, urban growth, rural lands, public lands, conceptual studies) and two *functional groupings* (legal commentary, bibliography of bibliographies), covering the period July 1969 through December 1971, was compiled through the use of the computer-stored data base of the Congressional Research Service:

LAND USE POLICY—GENERAL

Barnes, Peter. Land reform—I: the great American land grab. *New Republic*, v. 164, June 5, 1971: 19-23.

Takes a look at our landholding patterns, because land is still the cradle of great poverty and injustice. There is a growing recognition that many nagging social problems have their roots in the lack of access to productive land ownership by groups who now make up much of the urban poor. First of a series.

Blumenfeld, Yorick. Protection of the countryside. [Washington, Editorial Research Reports] 1971. 543-563 p. (Editorial research reports, 1971, v. 2, no. 3)

Contents.—Disappearance of unspoiled landscape.—Land development of American continent.—British success in preserving countryside.

Campbell, Louise. Urbanization, *City*, v. 3, Dec. 1969: 12-20, 25-26.

Can Hawaii, and its land-use law, survive the onslaught of progress?

Clawson, Marion. Public acquisition of land is vital for orderly growth. *Nation's cities*, v. 7, Dec. 1969: 29-30.

Public acquisition, development, and disposal by sale or lease to private owners of land within metropolitan areas, particularly in suburban areas, is a prime field for cooperative intergovernmental action.

Coke, James G. Gargan, John J. Fragmentation in land-use planning and control. Washington, U.S. National Commission on Urban Problems, for sale by the Supt. of Docs., U.S. Govt. Print. Off, 1969. 91 p.

The land-use report analyzes current land use controls and finds that "fragmented land-use controls have contributed to unwholesome competition between parts of urban areas." The report also says that single-function Federal and State programs also contribute to the "splintering" of urban communities and declares that "excesses of localism" can be brought under control with new governmental and fiscal arrangements supported by both State and Federal Governments.

Curtis, Virginia, ed. Land-use policies. [Chicago, American Society of Planning Officials, 1971] 74 p.

Papers presented at the land-use policies short course held at the 1970 ASPC National Planning Conference.

Edwards, Gordon. Land, people & policy. West Trenton, N.J., Chandler-Davis Publishing [c1969] 159 p.

This book proposed a practical and realistic method of using governmental powers of eminent domain, combined with private capital and managerial skills to help solve the urban crisis, conserve our shrinking resources and build a better urban America.

Fellow Americans keep out! *Forbes*, v. 107, June 15, 1971: 22X24, 26, 29-30.

Discusses the trend toward environmental concern at the local and state level which is resulting in industry and land development being kept away either through direct banning or through restrictive legislation.
Galantowicz, Richard E. Space preservation, taxes, planning . . . and talking: the crunch. *American forests*, v. 76, Oct. 1970: 36-38, 75.

Discusses the need for far-sighted open space planning and well organized preservation action programs.
The Greening of public policy: planning the natural environment, *Journal of the American Institute of Planners*, v. 37, July 1971: 209-286.

This issue explores planning and public policy aspects of the newly minted national consensus on the natural environment.

Partial contents.—Interpretation insights into pollution, by R. L. Meier.—Ecology and planning, by S. C. Holling and M. A. Goldberg.—Environmental quality as a policy and planning objective, by M. M. Hufschmidt.—New directions in state environmental planning, by E. Haskell.—Three fronts of Federal environmental policy, by R. N. Andrews.—Planning literature and the environmental crisis: a content analysis, by T. D. Galloway and R. J. Huelster.

Howells, David H. Land use function in water quality management. *Water resources bulletin*, v. 7, Feb. 1971: 162-170.

The dependency of water quality on land use points to the fallacy of attempting to provide for comprehensive water pollution control outside the context of comprehensive land-water resource planning and management.

Immel, Richard A. Ralph Nader's Shoddy Product. *Wall Street Journal*, Nov. 2, 1971: 13.

Power and Land in California, a 1200 page "Nader Raiders" report, is criticized as biased, unoriginal, and often inaccurate. The study scrutinizes almost every aspect of California land use and ownership: the 2 million acre holdings of the Southern Pacific Railroad, the state's largest private landowner; big agriculture's use of irrigation, pesticides, and subsidies; state regulatory boards and agencies; open space control; forestry regulations; tax and assessment programs that encourage urban sprawl; and state transportation policy which is partial to freeway building. The report's strong points include instances of institutionalized conflicts of interest in state regulatory bodies and a discussion of partially enforced or misused laws.

Jackson, Donald. This land is our land. *Life*, v. 70, Jan. 8, 1971: 32-43.

"We abuse the land," the great naturalist Aldo Leopold wrote in 1948, "because we regard it as a commodity belonging to us. When we see land as a community to which we belong, we may begin to use it with love and respect. There is no other way for land to survive the impact of mechanized man." The problem was serious then, when we had no overall land policy and few alarms. It is even more serious today, paradoxically, because we do have a policy. Its outlines were charted by the Public Land Law Review Commission in a report released six months ago.

Massachusetts Institute of Technology. Papers on national land use policy issues. Prepared for the Committee on Interior and Insular Affairs, United States Senate, by Massachusetts Institute of Technology, Woods Hole Oceanographic Institution [and] Boston University. Washington, U.S. Govt. Print. Off., 1971. 214 p.

At head of title: 92d Cong., 1st sess. Senate.

Partial contents.—Guidelines for state involvement in the development of new communities in Massachusetts.—The crisis in shoreline recreation.—Pricing policies for public recreation lands.—Ecological problems of coastal land use.—Powerplant siting in coastal areas.

Miller, James Nathan. Bad scene at Mike Horse Mine. *Reader's digest*, v. 98, Feb. 1971: 75-79.

In the mid-1960s, copper-mining Anaconda Company sent prospecting parties to the vicinity of an old abandoned shaft called the Mike Horse Mine in Helena National Forest. What happened here between the "developers" and the "environmentalists" is cited as an example of the need for the United States to establish a new set of priorities for the use of its land. Condensed from *Empire* [Denver Post] Jan. 10, 1971.

National Research Council. Committee on Agricultural Land Use and Wildlife Resources. *Land Use and Wildlife Resources*. Washington, National Academy of Sciences, 1970, 262 p.

An "assessment of the impact of current agricultural practices on wildlife resources," which focuses on two general objectives: "to evaluate the interrelations of agricultural land use and the protection and production of wildlife and other natural resources. To examine areas of apparent conflict between the objectives of agriculture and wildlife management, with a view to what might be done through cooperative research, education, extension, and regulatory programs toward their resolution."

Ripley, Anthony. Urban population pressures spur new land rush in the West. *New York Times*, Jan. 25, 1971, p. 1, 16.

Spengler, Joseph J. Population control: multidimensional task. *Vanderbilt law review*, v. 24, Apr. 1971: 525-542.

Of two potential population threats, too many people and too many people concentrated at points in space, the former is very likely to be resolved in the near future. The second problem, however, is being intensified. Even given full reliance upon incentives and disincentives incident upon individuals and firms, an optimum distribution cannot be achieved. Large-scale planning and collective intervention are required . . .

Ticer, Wilmer B. Legal methods of eliminating certain undesirable byproducts of the air transportation industry. *Natural resources journal*, v. 11, Jan. 1971: 177-194.

. . . to describe and analyze certain public and private legal methods available to those outside the industry who wish to rid society of these unwanted by-products. . . . it is suggested that at least air pollution, noise, and the burden placed on the use of land adjacent to airports be examined. The latter by-product include air traffic control and air-generated ground traffic.

Werheim, John. Paradise lost? *Ecologist*, v. 1, Apr. 1971: 4-8.

Hawaii is the epitome of the tourist paradise, with its promise of blue skies, white sand, splendid scenery and a warm welcome from the islanders. Now this promise has been broken by greed and stupidity, so that air and water are befouled, flora and fauna endangered if not destroyed, and the welcome soured by an alien ethos of puritanism plus profit.

CRITICAL LAND USE PROBLEMS

Airports

Brennan, David. Jetport: stimulus for solving new problems in environmental control. *University of Florida law review*, v. 23, winter 1971: 376-401.

The jetport case is representative of a wide range of ecological problems; it involves questions of air and water pollution, protection of wildlife, and preservation of wilderness areas. . . . This note will trace the development and resolution of the jetport controversy and survey the present means to combat such problems, recommending improvements in existing procedure where appropriate.

Gottlieb, Adrienne. Land use controls for airport planning. *Urban lawyer*, v. 3, spring 1971: 266-276.

McGrath, Dorn C., Jr. Multidisciplinary environmental analysis: Jamaica Bay and Kennedy Airport. *Journal of the American Institute of Planners*, v. 37, July 1971: 243-252.

The new classes of environmental problems often call for innovative approaches crossing disciplinary lines. Dorn McGrath describes the working of one such multidisciplinary team tackling a problem where competing demands on the environment from air transportation, housing, recreation, and natural open space all collide around the waters of Jamaica Bay.

Roeseler, W. G. Airport development districts: the Kansas City experience. *Urban lawyer*, v. 3, spring 1971: 254-262.

. . . it is of utmost urgency that the Federal Government give serious consideration to substantial financial participation in advance acquisition of airport land and development easements.

U.S. Dept. of Housing and Urban Development. Environmental Planning Division. *Airport environs: land use controls*. [Washington] 1970. 35 p. (U.S. Dept. of Housing and Urban Development. Environmental planning paper)

First in a series of Environmental Planning Papers, by Dept. of Housing and Urban Development.

Winchester, James H. [Airport expansion] *Christian Science monitor*, Apr. 21, 1971, p. 10; Apr. 22, p. 16; Apr. 24, p. 14.

Series of three articles on airport expansion, financing problems, and compatible land use.

Power Plant Siting

Clark, Timothy B. Legislation on power plant siting seeks to speed resolution of environmental disputes. *National Journal*, v. 3, Aug. 28, 1971: 1785-1795.

This is the first of two reports on proposed changes in Federal law to balance the need for bigger power facilities to meet the Nation's demand for electricity against a growing concern over the environmental impact of generating and transmitting facilities.

Heylin, Michael. Plant site selection proving difficult. *Chemical & engineering news*, v. 49, Aug. 16, 1971: 44-48.

Formerly sites were selected on a dollars-and-cents basis, but no longer as attitudes, pollution control standards, and laws change." C&EN has analyzed the location of domestic capacity of 56 big-volume chemical items. Included are most of the big-dollar products turned out by the basic chemical industry. The comprehensive sample is made up of 26 organics, 19 inorganics, six man-made fibers, and five plastics resins.

New York (City.) Environmental Protection Administration. *Toward a rational power policy: reconciling needs for energy and environmental protection.* [New York] 1971. 292 p.

Highways

Franklin, William D. The highway "interchange complex" and economic development. *Traffic quarterly*, v. 24, Jan. 1970: 77-89.

Investigation of the land uses involved in these land-value changes reveals that the amount of the value influence depends primarily on the type of land use of the property prior to highway construction, and the proximity of the property to the highway interchange.

Issacson, Larry, Peterson, Barry L. Park and recreational facilities; their consideration as an environmental factor influencing the location and design of a highway. [Washington] U.S. Federal Highway Administration, Office of Environmental Administration, Environmental Development Division [for sale by the Supt. of Docs., U.S. Govt. Print. Off., 1971] 48 p.

U.S. Bureau of Public Roads. Environmental Development Division. *Highway joint development and multiple use.* [Washington, For sale by the Supt. of Docs., U.S. Govt. Print. Off., 1970] 126 p.

Cover title.

This report is the second in a series of status reports on joint development projects and updates the issue of September 1968.

Strip Mining

Caudill, Harry M. Orphans of greed. *Ecology today*, v. 1, Mar. 1971: 14-16.

Strip mining—our unnoticed ecological disaster.

Caudill, Harry M. Strip mining—coast to coast. *Nation*, v. 212, Apr. 19, 1971: 488-490.

Franklin, Ben A. Coal rush is on as strip mining spreads into West. *New York Times*, Aug. 22, 1971, p. 1, 49.

... portions of six Western states—Arizona, Colorado, Montana, New Mexico, North Dakota and Wyoming—face a topographic and environmental upheaval. It is being brought on by the nation's apparently insatiable demand for energy, by the air pollution crisis in urban centers, by new technology in the conversion of coal to clean fuels, and by the economies of bulldozing rather than tunneling for coal that are available in the West.

Peeling back the land for coal. *Newsweek*, v. 77, June 28, 1971: 69-72.

An account of the increasing use of strip mining for coal production and of the ecological havoc wrought by these operations. Brief mention of legislative attempts to stiffen rules for reclamation.

Coastal Zone and Wetlands

The battle for America's crowded coastlines. *U.S. news & world report*, v. 69, Aug. 10, 1970: 44-47.

Burby, Raymond, III. The role of reservoir owner policies in guiding reservoir land development. Raleigh, Water Resources Research Institute, University of North Carolina, 1969, 56 l. (North Carolina. University. Water Resources Research Institute. Report no. 29).

A preliminary report of the multipurpose reservoirs and urban development project.

Burby, Raymond J., III. Weiss, Shirley F. Public policy and shoreline landowner behavior. [Raleigh, North Carolina State University] 1970. 126 p. (North Carolina State University, Raleigh. Water Resources Research Institute. Report no. 38).

At head of title: A research monograph of the Multipurpose Reservoirs and Urban Development Project.

Goldstein, Jon H. Competition for wetlands in the midwest: an economic analysis. [Washington] Resources for the Future, distributed by the Johns Hopkins Press [c1971] 105 p.

U.S. Dept. of the Interior. The National Estuarine Pollution Study: report of the Secretary of the Interior to the United States Congress pursuant to Public Law 89-753, the Clean Water Restoration Act of 1966. Washington, U.S. Govt. Print. Off., 1970. 633 p. (91st Cong., 2d sess. Senate. Document no. 91-58).

A Seminar on proposed coastal zone management, May 7-8, 1971. [Arcata, Calif.,?] Marine Advisory Extension Service, Sea Grant Program, Humboldt State College [1971] 87 l.

Sorensen, Jens C. A framework for identification & control of resource degradation & conflict in the multiple use of the coastal zone. Berkeley, College of Environmental Design. University of California, 1971. 71 l.

Includes a 11-page bibliography.

U.S. Environmental Protection Agency. Water Quality Office. The economic and social importance of estuaries. [Washington, For sale by the Supt. of Docs., U.S. Govt. Print. Off.] 1971. 1 v. (various pagings). (U.S. Environmental Protection Agency, Estuarine pollution study series, 2).

As one of several concurrent efforts to assemble information for the Department of Interior's study of the United States Estuarine Zone, this report examines the literature and state of the art describing the economic and social importance of these estuaries. The main report is a summary of seven appendices analyzing the following social and economic activities: (1) recreation, (2) commercial fishing, (3) wildlife habitation, (4) extractive industries, (5) waste assimilation, (6) land reclamation, and (7) transportation. Additional appendices were prepared on the Chesapeake Bay region, and an annotated bibliography of estuarine economics literature.

Recreational Developments

Fialka, John. Merchandising the dream. Washington Star, Aug. 1, 1971, p. A1, A18; Aug. 2, p. A1, A4; Aug. 3, p. A1, A4; Aug. 4, p. A6.

Series of four articles on the promotion and selling of recreation lands in the Washington area.

Lebo, Hank. A day at the last private lake in California. Clear creek, no. 6, Sept. 1971: 8-10.

Describes the sales techniques in use in one privately owned recreation area.

Martin, Wendell H. Remote land: development or exploitation? Urban land, v. 30, Feb. 1971: 3-10.

A national phenomenon in recent years has been the development of large tracts of remote land for recreational projects.

Shah, Diane. Buy now! Washingtonian, v. 6, July 1971: 57-59, 69-73, 75-78.

An investigation of the area's booming second-home communities and their high-pressure sales techniques, plus some down to earth advice on what to look for before you buy recreation land.

Taylor, Ron. Subdividing the wilderness. Sierra Club bulletin, v. 56, Jan. 1971: 4-9.

Too many of the recreational subdividers create a paradox: they either convert open lands to a use that is non-use, developing promotional subdivisions that stand virtually empty, or they turn woodland retreats like Lake Tahoe into neon jungles, into resorts filled with condominiums, night clubs, gas stations and hot dog stands.

Case Studies

Bauer, Erwin A. Michigan's choice: oil or wilderness. Sports Afeld, v. 165, June 1971: 10, 12-14.

The Pigeon River State Forest's wild elk will be only one of the species that are lost to the oil well if drilling is allowed. Also threatened are deer, game fish, sharp-tailed grouse and songbirds.

Bronson, William. It's about too late for Tahoe. Audubon, v. 73, May 1971: 46-80.

The national interest in preserving the extraordinary natural beauty of Tahoe is immense, but its future is in the hands of men of little vision who dance to the pipe of corporate land developers, Nevada gamblers, and the Yahoo chambers of commerce of the cities and counties which control the Tahoe Basin.

Dayton, Stan. Profile of a hearing on mineral entry. *Engineering and mining journal*, v. 172, Oct. 1971: 75-84.

Reports on the hearings held by the Senate Subcommittee on Minerals, Materials and Fuels on Aug. 17 and 18 at Billings, Mont. The hearings dealt largely with the impact of exploration activities on Montana's Stillwater complex located within the Custer and Gallatin National Forests.

Farrell, William E. Adirondack State Park residents await development agency with mixed feelings. *New York Times*, Aug. 24, 1971, p. 39, 75.

Felter, Fraser D. Witness to outrage; digging a ditch to disaster. *Sports Afield*, v. 165, May 1971: 12, 16, 170, 172, 174.

The Peripheral Canal will route water around the Sacramento-San Joaquin Delta and deliver it to the northern end of the California Aqueduct. It is feared that the waterways of the Delta and San Francisco Bay would be ruined for water-contact recreation such as swimming and water skiing and for sport fishing. By furnishing Southern California with more water the complex problems of that metropolitan area will be intensified with the opening of more land and the arrival of more people.

Fischer, Virilis. Storm signals over the Sawtooth. *American forests*, v. 77, Jan. 1971: 32-35, 56-60.

Discusses the battle over a national park vs. a national recreation area in the Sawtooth Mountains, spurred on by the announced discovery of a large molybdenum deposit near the base of Castle Peak in the White Cloud Mountains—the next range east of the Sawtooths.

Galphin, Bruce. Conservationists battle industrialists in Hilton Head, S.C. *Washington Post*, Dec. 15, 1969, p. A3.

The lush seaside forests and golf courses in South Carolina's resort area are threatened by industrial promoters. Concerns plan of BASF, a subsidiary of the German firm BASF AG to build a chemical plant (3 miles from Hilton Head, South Carolina).

LaFrenz, Robert L. Explosive excavation: current trends. *Military engineer*, v. 63, May-June 1971: 176-178.

Argues for the use and acceptance of high explosives for excavation, especially nuclear explosives.

McAuliffe, Robert D. Planning for an ecological industrial complex. *Professional engineer*, Jan. 1971: 22-25.

Describes an industrial complex being designed near Philadelphia by Landtech Corp., a consortium of planning and other organizations organized around the concept of a non-polluting, esthetically pleasing end product.

Marx, Wesley. Island wilderness up for grabs. *Audubon*, v. 73, Nov. 1971: 22-33.

Of the eight Channel Islands, only Santa Barbara and Anacapa have National Park Service protection.

Mitchell, John G. The bitter struggle for a national park. *American Heritage*, v. 21, Apr. 1970: 97-109.

... Everglades National Park itself is being crushed in its 1.4-million-acre entirety and may soon be a terminal case.

Sax, Joseph. A little sturm und drang at Hunting Creek. *Esquire*, v. 75, Feb. 1971: 118-120, 122-124.

Reviews the events in the controversy over a landfill and housing development on submerged lands at the confluence of Hunting Creek and the Potomac River near Mount Vernon.

Simon, Arthur. Battle of Beaufort. *New Republic*, May 23, 1970: 11-15.

Discusses the conflict between the anti-pollution and the anti-poverty forces over the building of a dyestuffs plant and a styrene polymer (plastics) plant on the bluffs overlooking Port Royal Sound in Beaufort County.

The Sprawl of the wild. *Mosaic*, v. 2, winter 1971: 2-13.

Two research groups in California and Montana are searching for ways to promote harmony between man and nature. One group is investigating environmental decision-making in the Lake Tahoe Basin. The other group is

- investigating the impact of a large recreational development on a semi-primitive environment—refers to the Big Sky Recreational Development in Montana.
- Vaughan, Roger. The tempting of a small town. *Life*, v. 71, July 30, 1971: 50-57. Describes the slow process by which Tiverton, R.I., decided not to allow an oil refinery to be built in town.
- Ward, Fred. The imperiled Everglades. *National Geographic*, v. 141, Jan. 1972: 1-27.
- Florida's worst drought spawned some 500 fires that charred more than half a million acres. "Last year's devastation gave harsh warning that man's pell-mell development of south Florida threatens its ecological collapse, not only as habitat for its unique wildlife but also for human beings."

IMPLEMENTATION OF LAND USE CONTROLS

General and Case Studies

- Chang, Samuel B. K. Chun, Bina M. The land use law revisited: land uses other than urban. [Honolulu] Legislative Reference Bureau, University of Hawaii, 1970. 62 1. "B-7781"
- Curry, David. Irvine; the case for a new kind of planning. *Cry California*, v. 6, winter 1970-71: 18-39.
- This report reviews the land-use decision-making processes at Irvine and their relation to some broad environmental concerns; analyzes the forces now at work at Irvine; and suggests alternative courses of action for the future.
- Hamane, Charles K. Ground leases in Hawaii. *Urban land*, v. 30, Jan. 1971: 3-8.
- "To understand the popularity of Hawaii's ground leases, and to relate their appreciation to the rest of the U.S., a review of some background information about the physical limitations, land use laws, and land ownership in the state of Hawaii is necessary."
- Leopold, Luna B. Let's sing "Auld Lang Syne" for the Upper Brandywine. *Natural history*, v. 79, June-July 1970: 4-6, 8-10, 12, 14, 16-17.
- Article describes efforts of the author and others to offer people of the Brandywine Creek area a plan to preserve forever the natural qualities of their region from the inevitable urbanization. Plan would need to be based on law that protects water resources.
- Raney, Don. Mantolesky, Chet. The world: love it or leave it. *Progressive architecture*, v. 51, June 1970: 178-185.
- Cites the Brandywine Plan, as a project for demonstrating an approach to open space preservation through regulations and the purchase of easement.
- Slavin, Richard H. Toward a state land-use policy; harmonizing development and conservation. *State government*, v. 44, winter 1971: 2-11.
- Author concludes that the state government should "develop urbanization policies and programs that take into account both people's and nature's needs for the purpose of minimizing the areas of conflict and discovering and enhancing the areas of harmony."
- Timmons, John F. Cormack, J. M. Managing natural resources through land tenure structures. *Journal of soil and water conservation*, v. 26, Jan.-Feb. 1971: 4-10.
- "As we face the challenge of reversing the trends toward land resource exploitation and pollution, we suggest serious consideration be given to basic changes in land tenure structures as foundations for future action. The proposed Resource Development and Environmental Control Districts would develop rules for using the specific land resource—soil, water, air, vegetation, wildlife, and minerals—within the districts."
- Wallace, David A. McDonnell, William C. Diary of a plan. *Journal of the American Institute of Planners*, v. 37, Jan. 1971: 11-25.
- Describes the trials of the private, non-profit landowner planning council attempting, in the Plan for the Valleys (a seventy-square mile sector of largely undeveloped countryside northwest of Baltimore, Md., prepared for the Green Spring and Worthington Valley Planning Council, Ind.), to rely on the power of a good idea.

Taxation

Ashley, Thomas J. New communities and property taxation. *Journal of soil and water conservation*, v. 25, July-Aug. 1970: 132-136.

To encourage a new community builder to develop his property in ways compatible with highest and best use criteria, a new technique for rating the value of undeveloped land must be instituted. Present property tax approaches are ill-suited to helping better planned new communities materialize.

Hady, Thomas F. Differential assessment of farmland on the rural-urban fringe. *American journal of agricultural economics*, v. 52, Feb. 1970: 25-32.

Land value taxation: pro and con. *Tax policy*, v. 37, Sept.-Dec., 1970: whole issue.

Contents.—Equity of heavier reliance on land taxation (location value) and less on improvements, by C. Harriss.—Arguments for changing the real estate tax to a land value tax, by A. Becker.—Some uncertainties about the desirability of site value taxation, by A. Schaaf.—Differential taxation of urban site values—no. by M. Gottlieb.—Bibliography.

Martin, Larry R. G. The examination of real property tax exemptions: an example of land use planning for fiscal gain. Monticello, Ill., 1971.34 1. (Council of Planning Librarians. Exchange bibliography 172)

The Painful squeeze of property taxes. *Savings & loan news*, Oct. 1971: 39-41, 43-46.

Most local taxation systems . . . are poorly administered, regressive in nature and inequitably applied . . . High real estate taxes also have proved a serious deterrent to home sales, mortgage subsidy programs, and inner-city housing construction and rehabilitation.

Schechter, Henry B. Gale, Terrie J. Property taxation: effects on land use and local government revenues; a background study. Prepared by the Congressional Research Service for the Subcommittee on Intergovernmental Relations of the Committee on Government Operations, United States Senate. Washington, U.S. Govt. Print. Off., 1971. 65 p.

At head of title: 92d Cong., 1st sess. Committee print.

Walker, Mabel. Some observations on land value taxation. *Tax policy*, v. 38, nos. 6-7, June-July 1971: whole issue.

Author suggests four major considerations in evaluating the land value tax reform proposal: control of speculation; recapture of socially created values; expediency and the "highest and best use"; and equity, including the burden upon homeowners.

Wolf, Carole E. Landis, Judson R. Dr. Irene Hickman and tax reform in Sacramento County, Calif. *American journal of economics and sociology*, v. 28, Oct. 1969: 409-421.

Zoning

The Attack on snob zoning. *Savings and loan news*, v. 91, Nov. 1970: 30-36.

Government forces move against land use controls that shut out the less affluent, thwart builders already hard-pressed to meet housing demand.

Kucera, Daniel J. Special use zoning for public utility company facilities: vari-
ance the spice of life. *Illinois Bar journal*, v. 59, Aug. 1971: 986-992.

In seeking zoning approval for installation of facilities, public utility companies have received particular consideration as against various objections because of the unique public interest nature of their service.

Maryland. Maryland-National Capital Park and Planning Commission. Rural, agricultural and conservation zoning: an examination of the potential of rural area zoning for application in the bi-county region. [Silver Spring, Md.] 1969. 46 p.

Bibliography: p. 42-46.

Natoli, Salvatore J. Zoning and the development of urban land use patterns. *Economic geography*, v. 47, Apr. 1971: 171-184.

This study analyzes and assesses the effects of large area and spot rezoning on the development and arrangement of desired urban land use patterns in Worcester, Massachusetts.

Shipler, David K. The moral dilemma of zoning. *Nation*, v. 211, Aug. 3, 1970: 80-83.

The zoning issue has been called the new frontier of the civil rights movement. Most of the constitutional challenges now pending in the Federal

courts attack restrictive zoning on the ground that it violates the Fourteenth Amendment's guarantee of equal protection for all citizens under the law . . .

Planned Unit Developments

Fialka, John. Falkland: a proposed superdevelopment. *Washington Star*, Jan. 31, 1971, p. A1, A12; Feb. 1, p. A1, A10; Feb. 2, p. A1, A5.

Series of three articles on a proposed superdevelopment in Silver Spring, Md. and its implications for the people and communities involved.

Logical land use comes to the fore. *Savings and loan news*, v. 92, Sept. 1971: 50-55.

"Housing's wonder child, the planned unit development, delivers benefits to lenders, tax collectors, conservationists and salesmen by paying attention to natural and man-made systems."

Sussna, Stephen. Blending housing and open space; the case for planned unit development. *Current municipal problems*, v. 13, Nov. 1971: 203-210.

Flood Plain, Coastal Zone, and Parks

Bangs, Herbert P., Jr. Mahler, Stuart. Users of local parks. *Journal of the American Institute of Planners*, v. 36, Sept. 1970: 330-334.

In 1963, Baltimore County, Maryland, passed a law requiring developers to set aside a portion of their subdivision for small local parks. Four years later, eighty-seven such parks were in various stages of acquisition and development.

Fairchild, Warren D. Unwilling host to an unwanted guest. *Water spectrum*, v. 2, winter 1970: 24-29.

In the fall of 1967 the Nebraska Legislature forged into law a flood plain regulation program intended to supplement structural flood control methods. Moore, J. Jamison. Political pollution and coastal zone management. *Undersea technology*, v. 12, Aug. 1971: 17-19.

Discusses the progress of the State of California in developing its coastal zone programs and the efforts of environmentalists to impose a commission form of government to regulate and control coastal zone activity.

Phippen, George R. A new course to Ararat. *Water spectrum*, v. 3, summer 1971: 8-15.

The planning, implementation, and operation and maintenance of a program providing appropriate flood plain use combines management of both land and water into a single effort: flood plain management.

Stern, Nina. Regional parks. *Sierra Club bulletin*, v. 56, June 1971: 18-21.

In the early thirties, citizens of Alameda County sought to acquire the land which is now Tilden Regional Park for public recreational use, and authorized the creation of the East Bay Regional Park District as the administering body in the fall of 1934.

Rights of Way, Air Rights

Barrett, Steve. Transmission ROW: multiple use pays dividends! *Electric light and power*, Aug. 1971: 59, 61-62.

Suggests trails, parks etc. as possible uses of Right-of-Way (ROW) which should create goodwill for the power company concerned.

Cook, Tom Layden. The nature and use of airspace. *Appraisal journal*, v. 39, July 1971: 346-361.

Hanchett, Paul E. On the monopoly bias in airspace appraisal. *Appraisal journal*, v. 39, July 1971: 362-368.

Papamarcos, John. Sharing rights-of-way. *Power engineering*, v. 74, June 1970: 26-33.

Utility cooperation increases; recreational use multiplies; utilidors get increased attention; but sharing with highways remains a major point of controversy.

Sackman, Julius L. Air rights—a developing prospect. *Urban lawyer*, v. 3, spring 1971: 238-253.

U.S. Congress, Senate. Committee on the District of Columbia. District of Columbia Freeway Airspace Utilization Act; report to accompany S. 1367. [Washington, U.S. Govt. Print. Off.] 1971. 6 p. (92d Cong., 1st sess. Senate. Report No. 92-511).

FEDERAL ROLE IN LAND USE CONTROL

Corrigan, Richard. Interior Department finesses HUD in scramble over land use program. *National Journal*, v. 3, Mar. 20, 1971: 597-607.

The Nixon Administration has proposed two major bills relating to land use, in addition to the National Land Use Policy Act, as part of its 1971 environmental package. The two bills—the Mined Area Protection Act and the Power Plant Siting Act—would give the Federal Government specific authority to impose its own regulations in the absence of state action. The land policy bill (S. 912, H.R. 4332) does not authorize Federal regulation. How shall we plan for our land? *Current focus*, Dec. 1971: 1-16.

[This current focus will look at the national land-use legislation now before Congress and some of the issues that are emerging in the discussion of that proposed legislation. It will also describe a number of more specific land-use proposals, special cases which illustrate the need for a better formulated national land-use policy. Finally, it will report on the importance of our Federal lands, the Public Land Law Review Commission, and new legislative proposals calling for a public land-use policy.]

Lear, John. Land: making room for tomorrow. *Saturday review*, v. 54, Mar. 6, 1971: 45-48.

Discusses President Nixon's proposals for a land use policy.

Ridgeway, James. Para-real estate: the handing out of resources. *Ramparts*, v. 8, May 1970: 2933.

The Department of the Interior has two often conflicting tasks—to act as real estate agent for industrial interests, and to serve conservations by protecting the environment.

Seastone, Don. Implications of the regional dependency effect for Federal land use and program planning. *Land economics*, v. 47, May 1971: 158-167.

The purpose of this paper is to analyze methods by which the impact of the regional dependency effect of Federal land ownership on Federal-land-intensive regions can be systematically considered in land use and program planning.

U.S. General Accounting Office. Controls needed over the leasing of land acquired under the open-space land program, Department of Housing and Urban Development; report to the Congress by the Comptroller General of the United States. [Washington] 1971. 21 p.

B-168174, June 16, 1971.

U.S. President, 1969- (Nixon). The President's 1971 environmental program: toward more rational use of the land. [Washington, For sale by the Supt. of Docs., U.S. Govt. Print. Off., 1971] 12 p.

Reform/renewal for the 70's.

Book two of a three-part series contains the legislative proposals on land use, including a National Land Use Policy, a greatly expanded "Parks to the People" program and new wilderness proposals, initiatives for power plant siting and mined area controls, and new approaches to encourage historical and architectural protection.

URBAN GROWTH AND HOUSING PROBLEMS

Bacon, Edmund N. Seven principles for an urban land policy. *Urban land*, v. 30, Apr. 1971: 3-8.

Author presents seven principles for efficient land use, sewage limitations, rebuilding the central city, etc. as an effective urban land policy necessary for the U.S. to fight against urban chaos.

Belser, Karl. The making of suburban America. *Cry California*, v. 5, fall 1970: 1-19.

A story about ". . . the flagrant ruination of the Santa Clara Valley, one of the most remarkably unique agricultural areas in the world, and the substitution of a completely irrelevant urban development of massive size and questionable quality that could have been placed almost anywhere else . . ."

Berliner, Harold. Plaque on the land: a story of California's omnivorous promotional subdividers. *CRY California*, v. 5, summer 1970: 1-11.

"Nevada County is but one of many California counties afflicted with galloping subdivision, but it's as good an example of the problems which accompany the overcommitment of land as 'recreational' lots as any other county in the state."

Contini, Edgardo. The American city—a forecast. *Urban land*, v. 30, Oct. 1971: 3-12.

Public ownership of land (with private leasing and improvement subject to comprehensive planning); regional governments instead of "home rule"; transportation systems planned not to serve existing cities but to shape their rebuilding; and urban renewal or "recycling" as a continuous process—are trends of the future, author predicts.

Fisher, Martha. Cemeteries becoming critical factor in land-use planning as urban areas grow. *Journal of housing*, v. 27, Nov. 23, 1970: 527-529.

Author focuses on a graveyard in Pulaski, Tenn., as a factor of land-use planning in a demonstration project aimed at finding new open space uses for cemeteries.

Gardner, Wayland D., ed. *America's cities: five lectures on economic policy*. Ann Arbor, Bureau of Business Research, Graduate School of Business Administration, University of Michigan [c1970] 56 p. (Michigan. University. Bureau of Business Research. Michigan business papers, no. 54)

Contents.—The process of metropolitan development: American experience, by W. Thompson. Industrial location and land use in metropolitan areas, by H. Nourse.—The economics of slum housing, by R. Muth.—Urban government finance and urban development, by D. Netzer.—The urban challenge to governments, by W. Hirsch.

Given at Western Michigan University under the sponsorship of the Department of Economics Winter Semester, 1969.

Housing innovations. *Atlanta economic review*, v. 20, Oct. 1970: 14-32.

Contents.—Some technological solutions to housing ills, by J. Hamaker.—Significant innovations in the design of housing sites, by C. Robbins.—Housing innovation—its labor, legal, and land use barriers, by T. Love.—Housing crisis—innovations in finance, by G. Waterfall.

Klutznick, Philip M. Needed: a sensible and sane national urban growth policy. *Mortgage banker*, v. 31, Nov. 1970: 58, 62, 64, 66, 68.

Lawson, Simpson F., ed. *Workshop on urban open space*. Washington, U.S. Dept. of Housing and Urban Development [1971] 47 p.

Report of workshop discussions held in Washington, D.C., March 28-30, 1969 sponsored by American Society of Landscape Architects Foundation. Northam, Ray M. Vacant urban land in the American city. *Land economics*, v. 47, Nov. 1971: 345-355.

The objectives of this paper are (1) to determine the approximate amount of vacant land in the American city and variations in the amount with city size and location, (2) to estimate the share of vacant urban land that might be considered "buildable," and (3) to estimate the monetary value of buildable vacant land.

Revolution in suburbia? *Forbes*, v. 105, Apr. 1, 1970: 24-26, 31-32.

Talk all you will about modular housing, there is no real solution to the looming U.S. housing crisis without a new approach to land utilization.

Rosenthal, Jack, and others. Development of land in New York City's suburbs. *New York Times*, Aug. 16, 1971, p. 1, 35; Aug. 17, p. 1, 39; Aug. 18, p. 1, 47; Aug. 19, p. 1, 26.

Series of four articles on the power and attitudes that affect control over the development of land in New York City's suburbs.

Schneider, Kenneth R. The destruction of urban space. *Traffic quarterly*, v. 24, Jan. 1970: 59-76.

When considering urban space, it is particularly the dynamic third dimension that is most critical to understand—not merely its use, but its use as a principle of organization.

Shomon, Joseph J. More greenspace for urban America. *Conservationist*, v. 26, Dec.-Jan. 1971: 14-17.

The biological and social sciences are discovering that a vital correlation exists between adequate greenspace and the quality of life.

The Urbanization game. *Journal of the American Institute of Planners*, v. 36, Jan. 1970: whole issue.

This issue is about public policy and fringe area development. By looking at key aspects in the process of extending the urban edge, it tries to discover the extent to which suburban growth can be guided toward public objectives.

U.S. Congress. House. Committee on Banking and Currency. Subcommittee on Housing. Papers submitted to Subcommittee on Housing panels on housing production, housing demand, and developing a suitable living environment. Part 1. 92d Cong., 1st sess. Washington, U.S. Govt. Print. Off., 1971. 412 p.

At head of title: Committee print.

U.S. Dept. of Housing and Urban Development. Office of International Affairs. Urban land policy; selected aspects of European experience. [Washington]. For sale by the Supt. of Docs., U.S. Govt. Print. Off., 1970. 219 p.

Reprint of 1969 report.

Surveys certain facets of European urban land policy.

Bibliography: p. 214-219.

RURAL LANDS

Bracey, H. E. Conservation and rural development in Great Britain. *Agricultural science review*, v. 9, 2d quarter 1971: 1-9.

Explains what conservation means to Great Britain and something about the statutory aids to conservation.

Frome, Michael. Threats to southern Appalachia. *National parks & conservation magazine*, v. 45, July 1971: 6-9.

Appalachia is in trouble. In places where forest cover should be carefully protected, the mountains are being exploited through construction of resorts, second-home subdivisions, condominiums, golf courses and chair lifts, projects that benefit only a few and shut off access to the many. Questions projects supported by the Forest Service, National Park Service, and the TVA.

Harley, Ron. A valley weeps. *Farm quarterly*, v. 26, May-June 1971: 10-13.

Explains how unmanaged urbanization has devoured the Santa Clara Valley, one of California's most noted agricultural areas.

The Land squeeze in California. *Farm index*, v. 9, Dec. 1970: 4-6.

Though a land shortage is not imminent, some of the bastions of California's agriculture will have to make room for more people needing places to live and work.

Lanier, Ray. A census of arable lands. *Current history*, v. 58, June 1970: 337-342.

Evaluating the nation's arable lands, this specialist notes that "there appears to be sufficient arable land in the United States to meet food and fiber requirements for the next 40 to 50 years."

Prestbo, John A. Shrinking farmlands. *Wall Street Journal*, July 20, 1971, p. 1, 23.

Nationally, about 1.5 million acres of farmland a year are being gobbled up by housing subdivisions, factories, highways and other forms of urban sprawl, the U.S. Department of Agriculture estimates. A sizable chunk of the Nation's most fertile farmland lies directly in the path of expanding exurbia. About 20% of all U.S. farms are within what the Government considers urban areas.

PUBLIC LANDS

Barnes, Peter. Water, water for the wealthy. *New republic*, v. 164, May 8, 1971: 9-10, 13.

Describes the actions of large landowners in the Imperial Valley of California in avoiding the 160-acre limitations of the Reclamation Act.

Caldwell, Lynton K. The ecosystem as a criterion for public land policy. *Natural resources journal*, v. 10, Apr. 1970: 203-221.

A public lands policy restricted to lands in governmental ownership has been politically expedient but ecologically unrealistic . . . A policy for the protection and ecologically intelligent management of ecosystems could, by the establishment of standards and guidelines, reduce the confusion, conflict, and uncertainty that characterizes land use policy throughout the United States.

Daniel, Mann, Johnson & Mendenhall. Federal public land laws and policies relating to use and occupancy. Volume IV: appendixes. Prepared for the Public Land Law Review Commission. [n.p., available from the National Technical Information Service] 1970. 1 v. (various pagings).

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Contents.—Statistical data on disposed and retained lands.—Vacation home questionnaire.—Case studies of land values for vacation home sites.—Statistical data regarding natural areas.—Case studies related to alternatives presented in chapter XVIII.—Additional alternatives to the existing system.—State legal systems.

Frome, Michael. Cross-purposes in the environmental crusade. *Field & Stream*, v. 75, May 1970: 42, 47-48.

The nation needs to develop a more coordinated system of planning the use of public lands.

Gilmour, Robert S. Private interest and public lands. *Current history*, v. 59, July 1970: 36-42, 52.

The Great land: boom or doom. *Time*, v. 96, July 27, 1970: 44-50.

. . . Alaska is not so much the last frontier as the new frontier: the place to prove that Americans can live in harmony with the environment, not abuse it.

Seastone, Don. Revenue sharing or payments in lieu of taxes on Federal lands? *Land economics*, v. 47, Nov. 1971: 373-381.

Wagner, James R. Interior subcommittees move slowly on legislation to reform public lands policy. *National Journal*, v. 3, Aug. 21, 1971: 1768-1773.

The Public Land Law Review Commission's study has stimulated interest in the administration of federally owned lands. Changes in land laws could mean shifts in Federal policy in areas such as wilderness preservation and could profoundly affect many powerful economic interests, including miners, timber suppliers and oilmen. The administration has also proposed legislation that would affect use of privately owned lands. Furtherest along is the power facilities bill.

Alaska

Alaska; special issue. *National parks & conservation magazine*, v. 44, Nov. 1970: 2-34.

Contents.—Oil, Alaska & the national interest.—Oil & the Arctic tundra, by J. Reed.—Alaska's economic resources & environmental quality, by G. Rogers.—Alaskan wilderness: going, going—gone? by C. Hunter.—Unsolved problems of Alaska's north slope, by R. Belous.—Map: Alaska, 1970.—The Alaskan dream, by D. Lambert.—Alaskan natives: time of crisis, by Jane Pender.—Wildlife in Alaska.—NPCA at work.

Barnes, Peter. Unfreezing Alaska: the potential for rational land use. *New republic*, v. 165, Sept. 11, 1971: 15-71.

Author notes that Alaska is on the verge of economic take-off. Fears that, unless immediate steps are taken, it faces ill-advised giveaway of public lands to speculators and other special interests, with little regard for social or environmental consequences. Feels this has not yet happened because of objections to the Prudhoe Bay-Valdez pipeline and the land freeze.

Laycock, George. Kiss the North Slope good-by? It's oil country now! *Audubon*, v. 72, Sept. 1970: 58-75.

Weeden, Robert B. Hauling and pulling in the Arctic. *Living wilderness*, v. 34, summer 1970: 8-16.

TAPS wants to construct an oil pipeline haul road in Alaska. The Department of the Interior and conservationists say no.

CONCEPTUAL STUDIES AND INFORMATION NEEDS

Blase, Melvin G., Staub, William J. Real property taxes in the rural-urban fringe. *Land economics*, v. 47, May 1971: 168-174.

Using a growing fringe area of seven Missouri counties near Kansas City as example, the authors present an "analysis to determine the degree to which urbanization affects that property tax in terms of the ability to pay the tax and changes in benefits received relative to changes in the tax over time.

Colwell, Robert N. Taking inventory of croplands and woodlands. *Science teacher*, v. 37, Apr. 1970: 42-47.

Aerial and space photography can be useful in making inventory land yield potential.

Doxiadis, Constantinos A. Ekistics, the science of human settlements. *Science*, v. 170, Oct. 23, 1970: 393-404.

An exposition on ekistics written by the creator of this planning system.

- Goldberg, Michael. Intrametropolitan industrial location: plant size and the theory of production. Berkeley, Center for Real Estate and Urban Economics, Institute of Urban and Regional Development, University of California, 1969. 242 p. (California. University. Center for Real Estate and Urban Economics. Technical report no. 2)
- Mathematical analysis.
- Goldberg, Michael A. Transportation, urban land values, and rents: a synthesis. *Land economics*, v. 46, May 1970: 153-162.
- "The present study investigates the relationship between transportation, land values, rents and price elasticities of demand."
- Ingmire, Thomas J. Patri, Tito. An early warning system for regional planning. *Journal of the American Institute of Planners*, v. 37, Nov. 1971: 403-410.
- Study of increased metropolitan growth pressure on the Santa Cruz Mountain range, a valuable and relatively undeveloped open space resource in the San Francisco Bay region, led to development of the Early Warning System, a model which can be used by planners for predicting future conflicts between land development and ecological processes.
- Kamm, Sylvan. Curbing inflation in residential land prices. *Urban land*, v. 30, Sept. 1971: 3-16.
- Part I of this paper examines the question of the adequacy of the land supply in urban areas, the trends in land prices, and the major factors which appear to affect price levels. Part II examines a range of public policies which might affect land prices and availability and suggests a series of actions which might be undertaken by the Federal Government to deal with these.
- Kracht, Jams B. The application of models to the planning process with special emphasis on land use. Monticello, Ill., 1971. 18 l. (Council of Planning Librarians. Exchange bibliography 194)
- Lansing, John B. Marans, Robert W. Zehner, Robert B. Planned residential environments. Ann Arbor, Survey Research Center, Institute for Social Research, University of Michigan, 1970. 269 p.
- A report prepared for the U.S. Department of Transportation, Bureau of Public Roads.
- Bibliography: p. 265-269.
- Mantell, Edmund H. Economic biases in urban transportation planning and implementation. *Traffic quarterly*, v. 25, Jan. 1971: 117-130.
- Under-valuation of land and other costs and greater availability of Federal funds for highways than for other forms of transportation are among the factors pointed out.
- Odum, Eugene P. Optimum population and environment: a Georgian microcosm. *Current history*, v. 58, June 1970: 355-359, 365-366.
- The optimum population for a highly-developed, industrialized nation with a high per capita G.N.P. (gross national product) is very much lower than the population that can be supported at a subsistence level in an undeveloped nation, because the per capita consumption of resources and the production of wastes are so much greater in the developed countries.
- Perspectives on urban spatial systems. *Economic geography*, v. 47, Jan. 1971: 1-90.
- Partial contents.—Physical adjustment processes and land use succession: a conceptual review and central city example, by L. Bourne.—Equilibrium land values and population densities in an urban setting, by E. Casetti.—The spatial components of urban voting response surfaces, by K. Cox.—Interdependencies of commuting, migration, and job site relocation, by L. Yapa, M. Polese, and J. Wolpert.
- Rapkin, Chester. Economic patterns of urban land use. *Appraisal journal*, v. 38, Apr. 1970: 227-239.
- Contents.—Land use defined.—The role of urban planning.
- Stocker, Frederick D. Effects of taxation on urban land use. *Appraisal journal*, v. 39, Jan. 1971: 57-69.
- Federal income tax has generally operated to stimulate construction and development, though not in direction of greatest need: the property tax, however, tends to discourage investment, especially in older urban areas.
- Stuart, Darwin G., Teska, Robert B. Who pays for what: a cost-revenue analysis of suburban land use alternatives. *Urban land*, v. 30, Mar. 1971: 3-16.

Using a Chicago suburb (Barrington, Ill.) as a real-life example, authors develop a basic framework for a cost-revenue analysis to determine the real costs of suburban land use alternatives.

Vance, James E., Jr. Land assignment in the precapitalist, capitalist, and post-capitalist city. *Economic geography*, v. 47, Apr. 1971 : 101-120.

"The purpose of this essay has been to call to mind the role in the shaping of the physical build of cities played by land-assignment practices. In such a context it is necessary to conclude on the note that the traditional practices have everywhere been questioned and in some places abandoned, but as yet land assignment with the postcapitalist city operates in an unclear fashion."

White, Gilbert F. Flood damage prevention policies. *Natural resources forum*, v. 1, no. 1, 1971 : 39-45.

"This article begins with a description of the theoretical range of adjustments that can be made to floods, by changing them, by distributing the flood losses, or by arranging land use so as to change the losses; and it discusses the major types of public policies intended to guide the adjustments, together with some underlying assumptions in the formulation of policies by decision-makers."

Yearwood, Richard M. Land subdivision and development: American attitudes on land subdivision and its controls. *American journal of economics and sociology*, v. 29, 1970 : 113-126.

LEGAL COMMENTARY ON LAND PROBLEMS

Anger, Glen A. "Rainbow City"—the need for Federal control in the sale of undeveloped land. *Notre Dame lawyer*, v. 46, summer 1971 : 733-759.

Examines the problems that arise in the interstate sale of subdivided land, the inability of state laws combined with postal and Federal Trade Commission acts to adequately remedy these problems, analogous securities problems, and Federal proposals to eliminate the existing "loopholes." Reviews title XIII of the Interstate Land Sales Act (1968) to evaluate the protection provided for the investor.

Bartke, Richard. Dredging, filling and flood plain regulation in Michigan. *Wayne law review*, v. 17, July-Aug. 1971 : 861-916.

The encroachment of land upon water and water upon land has become a man-made phenomenon. Article reviews the state of the law dealing with dredging and filling on Michigan waters, and also discusses flood plain zoning.

Bell, Christopher J. Controlling residential development on the urban fringe: St. Louis County, Missouri. *Journal of urban law*, v. 48, issue 2, 1971 : 409-447.

St. Louis County is succeeding in "curbing the worst effects of urban sprawl" with the help of several relatively new planning and zoning techniques, especially the "non-urban holding zone" and the "planned environment unit procedure."

Berger, Lawrence. A policy analysis of promises respecting the use of land. *Minnesota law review*, v. 55, Dec. 1970 : 167-234.

This article will attempt to articulate in a new fashion the policies underlying the problem of when the benefit and burden of covenants respecting use of land should run to remote parties.

Coon, James A. Risse, Edward M. The structure of land use planning: a re-appraisal and a program. *Syracuse law review*, v. 21, winter 1969 : 375-389.

Article is part one of "1969 survey of New York law."

Feller, Michael H. Metropolitanization and land-use parochialism—toward a judicial attitude. *Michigan law review*, v. 69, Mar. 1971 : 655-708.

Whether by design or default, the problem of land-use mediation in metropolitan areas will continue for some indefinite time to be a matter of judicial concern. There is good reason to argue that this is exactly as it should be . . . courts can resolve cases while paying particular regard to metropolitan and regional, as well as local, conditions.

Franklin, Herbert M. Federal power and subsidized housing. *Urban lawyer*, v. 3, winter 1971 : 61-77.

Author urges the necessity of exercising direct Federal power, in addition to "passive" loan and grant programs fragmented through local housing authorities, to provide low-income housing. Federal preemption of zoning and standardization of building codes with respect to Federally-assisted housing, creation of a new Federal land banking instrumentality to get con-

trol of urban land in advance of need, and creation of consolidated mortgage banking and community development agencies at state or metropolitan level and a Federally chartered corporation with powers of eminent domain are among his suggestions.

Freilich, Robert H. Bass, G. Allen. Exclusionary zoning: suggested litigation approaches. *Urban lawyer*, v. 3, summer 1971: 344-374.

The past trend has been to allow our fragmented megalopolises to degenerate into suburban bastions resembling feudal principalities. Obviously, unless our maps are to be characterized by rich and poor communities, unless we are to have ghettos bounded by corporate limits instead of neighborhood streets, some means must be quickly provided to mitigate exclusionary practices. Judicial resolution falls close to being simple tinkering. It can, however, point out the inequities and lead to increased public awareness. Perhaps this will lead to bold solutions in legislation.

Fuller, James C., Jr. Coastal land use development: a proposal for cumulative area-wide zoning. *North Carolina law review*, v. 49, Aug. 1971: 866-888.

After reviewing other states' coastal zoning laws, proposes state supervision of coastal zoning in North Carolina.

Heyman, Ira Michael. Twiss, Robert H. Environmental management of the public lands. *Ecology law quarterly*, v. 1, winter 1971: 94-141.

Discusses "possible reshaping of legal and administrative systems to consider the environmental implications of actions taken by land management agencies. By focusing on the Forest Service, and particularly its activity of timber harvesting, a methodology is proposed for dealing with the extraordinary complexity of problems that must be faced in order to make environmentally sound planning and management decisions."

Also appears in *California law review*, v. 58, Nov. 1970: 1364-1411.

Hunter, Jerald W. Preserving rural land resources: the California Westside. *Ecology law quarterly*, v. 1, spring 1971: 330-373.

This comment will focus upon state legislation, including subdivision acts, open space and easement legislation, and the Williamson Act, and upon the programs of local government, including planning, zoning, taxing, and structural powers, which can be used as tools to shape land use decisions and patterns.

Institute on Law and Planning, 1st, University of Illinois at Urbana-Champaign, 1968. The private property and public-interest conflict; proceedings. Urbana-Champaign, Bureau of Community Planning, College of Law University of Illinois, 1968. 67 p.

Partial contents—State land development legislation: problems and potentialities, by F. Bosselman.—Social determinants of the public interest, by J. Heikoff.—Planning and land use controls—an illegal relationship, by S. Plager.—Private property strikes back—increasing the area of compensation through inverse condemnation, by C. Forrest, Jr.

Kusler, Jon A. Artificial lakes and land subdivisions. *Wisconsin law review*, v. 1971, no. 2, 1971: 369-448.

This article treats selected legal aspects of regulatory and nonregulatory techniques to minimize short-and long-term lake construction and land subdivision problems. It discusses existing and potential regulatory controls including dam permits, subdivision regulations, shoreland zoning, and surface water zoning.

Level, Edward E. Evaluation of special purpose properties in condemnation proceedings. *Urban lawyer*, v. 3, summer 1971: 428-439.

Levi, Peter S. Model regulations for the control of land subdivision. *Missouri law review*, v. 36, winter 1971: 1-76.

McCloskey, Paul N., Jr. Preservation of America's open spaces: proposal for a National Land-Use Commission. *Michigan law review*, v. 68, May 1970: 1167-1174.

Outlines "... a proposal for the preservation of America's open space through a new national land-use policy." Article in a symposium on control of environmental hazards.

McKeon, Steve A. Public access to beaches *Stanford law review*, v. 22, Feb. 1970: 564-586.

There are, however, two devices that can create public rights in beaches or uplands without the necessity of purchase or condemnation: subdivision control and creation of easements founded on public use. These methods of acquisition are the subject of this Note.

Markham, John J. E., II. Municipalities and the increasing need for low and moderate income housing. *Washington and Lee law review*, v. 28, fall 1971: 408-423.

Author suggests four methods by which a municipality could provide more low and moderate income housing without incurring inordinate cost.

Moore, James D. Public rights in public lands. *Montana law review*, v. 32, winter 1971: 147-160.

The very nature of land management reveals the need for managing bodies, such as the State Board of Land Commissioners, to act in a planning capacity. The responsible administration of state lands requires clear guidelines and comprehensive overviews, aimed at the long range good. Legal machinery is needed to insure that our state lands will be managed to assure maximum present and future productivity.

Muckelston, Sandra. Strip-mining reclamation requirements in Montana—a critique. *Montana law review*, v. 32, winter 1971: 65-79.

In prelude to the following analysis of the basic provisions in some states, it should be noted that the legislation of Kentucky and West Virginia are generally concerned with basic reclamation while Montana, Wyoming and North Dakota appear to speak to rehabilitative programs.

O'Flaherty, Michael A. This land is my land: the doctrine of implied dedication and its application to California beaches. *Southern California law review*, v. 44, summer 1971: 1092-1134.

In *Gion v. City of Santa Cruz*, *Dietz v. King*, the California Supreme Court held that the extended use by the public of private beaches and of the access routes to them created an "implied dedication" of a permanent recreational easement. This article argues that the doctrine of implied dedication was excessively expanded, that private property rights were awarded to the public without the payment of compensation. An alternative solution is suggested.

Olson, James M. The role of "fairness" in establishing a constitutional theory of taking. *Urban lawyer*, v. 3, summer 1971: 440-465.

Reitze, Arnold W., Jr. Old king coal and the merry rapists of Appalachia. *Case Western Reserve law review*, v. 22, June 1971: 650-737.

... presents an exhaustive survey of surface mining in Appalachia. After discussing the ecological and aesthetic devastation resulting from the several methods of surface mining, professor Reitze reviews the state and federal governments' ineffective attempts to control the problems created by the surface-mining industry. The latter part of the article focuses on surface mining in Ohio, with an analysis of, and recommendations for, this state's response to the problem.

Ross, John M. Land use control in metropolitan areas; the failure of zoning and a proposed alternative. *Southern California law review*, v. 45, winter 1972: 335-364.

Schetroma, Russell. Eminent domain: just compensation when the condemnor enters before instituting proceedings. *Dickinson law review*, v. 75, winter 1971: 303-324.

Author examines the problem of compensating a landowner for property which has been invaded by a condemning authority before the institution of proceedings and suggests alternative approach and legislative proposal.

Snadon, Daryl N. Aesthetic regulation and the police power. *Missouri law review*, v. 35, summer 1970: 445-449.

In most states, including Missouri, all cities are vested by statute with authority to enact and enforce zoning ordinances. However, the extent to which a municipality may regulate for aesthetic purposes is far from clear. There is no doubt that the police power may be used to encourage the appropriate use of land within a community.

Snitzer, Edward L. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970—a new era. *Pennsylvania Bar Association quarterly*, v. 43, Oct. 1971: 114-120.

Suburban township zoning ordinance which does not provide for apartments as permissible residential use violates due process. *Alabama law review*, v. 23, fall 1970: 157-168.

In appeal of *Girsh*, the Supreme Court of Pennsylvania ruled that a zoning scheme that makes no provision for apartment buildings as a permissible residential use is arbitrary and unreasonable, and therefore a deprivation of property without due process of law. Article urges state legislatures

- to enact statewide zoning laws to protect the interests of existing developed-but-uncrowded townships.
- Sussna, Stephen. Abatement of non-conforming uses and structures. *Connecticut Bar Journal*, v. 44, Dec. 1970: 589-598.
- Points out that "even though the concept of nonconformance-use abatement has been perverted, the topic will become more important." Reviews briefly the problems and opportunities.
- Land-use and zoning: the State Island experience. *Urban lawyer*, v. 2, fall 1970: 480-494.
- Sussna, Stephen. Kirchoff, Jack. A neglected opportunity: the problem of premature subdivisions. *Urban lawyer*, v. 3, winter 1971: 126-134.
- Tate, Albert, Jr. Legal criteria of damages and benefits—the measurement of taking-caused damages to untaken property. *Louisiana law review*, v. 31, Apr. 1971: 431-450.
- Thornton, Gregory Lee. The growing crisis in New York condemnation law: deficiencies of the present system and recent proposals for its modification and reform. *Syracuse law review*, v. 21, summer 1970: 1193-1208.
- Udall, Morris K. Toward a national land use policy for urban America. *Arizona law review*, v. 12, winter 1970; 733-748.
- Land use policies now in effect are the product of 18th and 19th century America. The author suggests alternative policies more suited to the present day when urban sprawl threatens to destroy our remaining open spaces.
- VanAlstyne, Arvo. Taking or damaging by police power: the search for inverse condemnation criteria. *Southern California law review*, v. 44, fall 1970: 1-73.
- Identifies "the practical criteria and policy elements which characterize exercise of governmental regulatory power for which compensation for resulting economic losses is constitutionally required."
- Waite, G. Graham. Problems of national land use planning. *Catholic University law review*, v. 20, summer 1971: 702-715.
- National land use planning will have the best chance of success if the validity of its detailed provisions is controlled by Federal rather than state law.
- Williams, Norman, Jr. The three systems of land use control (or, exclusionary zoning and revision of the enabling legislation. *Rutgers law review*, v. 25, fall 1970: 80-101.
- The three systems are identified as (1) zoning, (2) the local real property tax system, and (3) location of public facilities.
- Yiannopoulos, A. N. The public use of the banks of navigable rivers in Louisiana. *Louisiana law review*, v. 31, June 1971: 563-585.
- . . . an analysis of the nature, scope, and extent of the public use of the banks of navigable rivers in Louisiana. Attention will be focused on the rights of individual members of the public, of the owners of the banks, and of the public authorities charged with the administration of the public use.

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- Leasher, Evelyn M. Millward, Robert E. Cemeteries and urban land use: a preliminary bibliography. Monticello, Ill., 1971. 13 p. (Council of Planning Librarians. Exchange bibliography 248)
- Mason, Joseph Barry, A selected bibliography on interchange development and land use controls. Monticello, Ill., 1971. 12 1. (Council of Planning Librarians. Exchange bibliography 212)
- Meshenberg, Michael J. Environmental planning: a selected annotated bibliography. [Chicago, American Society of Planning Officials, c1970] 79 p.
- Partial contents.—Environmental planning: concepts and techniques.—Geology: minerals, mining, and land reclamation.—Water resources and

watershed planning.—Air pollution.—Landscape and urban design.—Population.

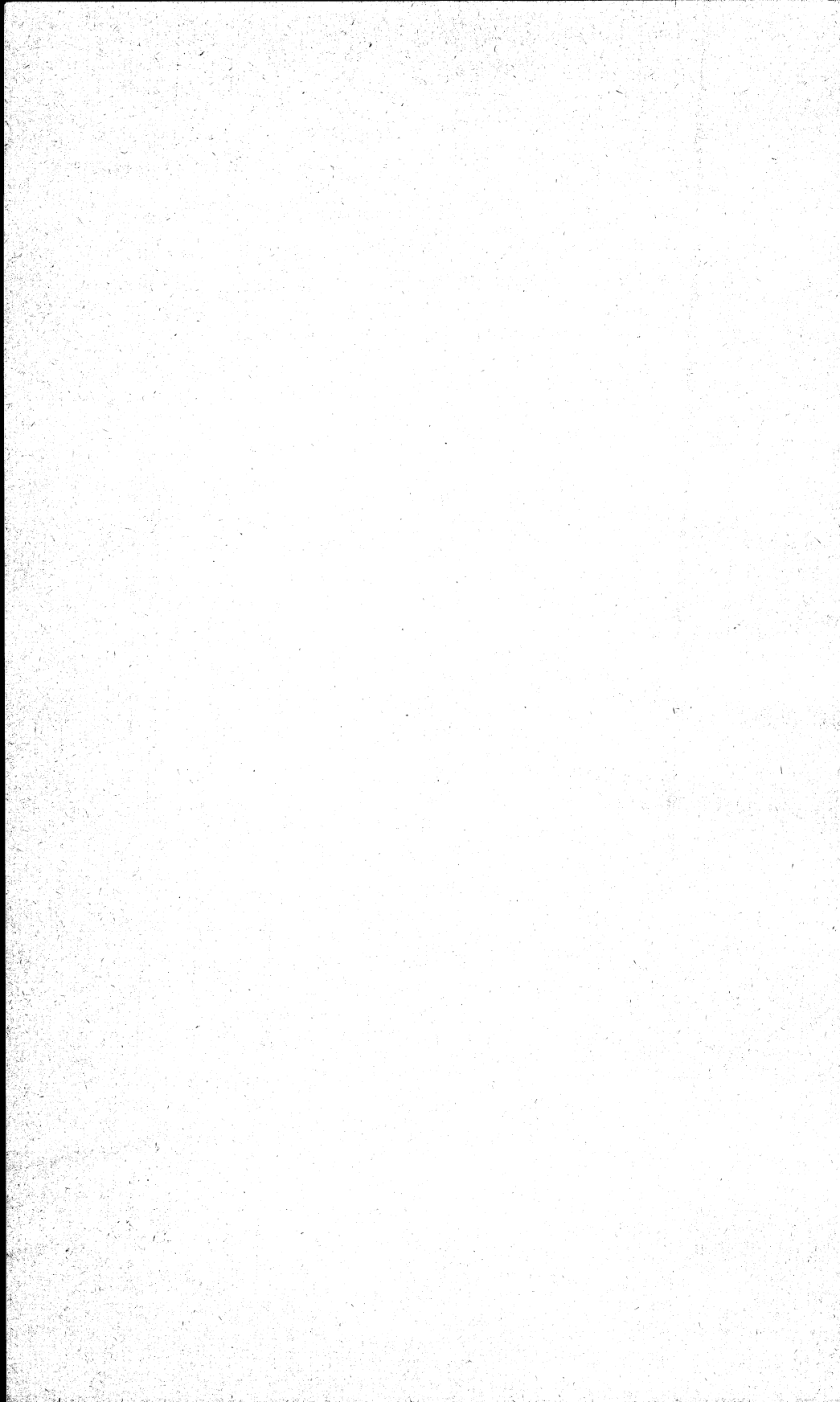
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Schiffman, Irving. The politics of land-use planning and zoning: an annotated bibliography. Davis, Institute of Governmental Affairs, University of California, 1970. 62 p. (California. University, Davis. Institute of Governmental Affairs. Environmental quality series, no. 1)

U.S. Dept. of Housing and Urban Development. Library. Environment and the community: an annotated bibliography. Washington, For sale by the Supt. of Docs., U.S. Govt. Print. Off., 1971. 66 p.

Includes listings of selected films, suggested periodicals, concerned organizations, and publishers' addresses.



APPENDIX B

RECENT HEARINGS ON LEGISLATION AND ISSUES

(92d Congress, 1st Session)

Following is a selected listing of recent hearings on land-oriented issues, problems and proposed legislation organized under thirteen headings: (1) National Land Planning; (2) Housing and Urban Planning; (3) Coastal Zone; (4) Organization and Oversight; (5) Utilities; (6) Power Plant Siting, Industrial Location; (7) Parks, Recreation; (8) Transportation; (9) Public Lands; (10) Regional Planning; (11) Rural Development, Regional Development; (12) Water Pollution and Solid Waste Disposal; and (13) Public Works Projects.

NATIONAL LAND PLANNING

- U.S. Congress. Senate. Committee on Interior and Insular Affairs. National land use policy. Hearings, 92d Cong., 1st sess., on S. 632, S. 992. Part 1. May 18 and June 7, 1971. Washington, U.S. Govt. Print. Off., 1971. 267 p.
- U.S. Congress. House. Committee on Interior and Insular Affairs. Subcommittee on the Environment. National land use planning. Hearings, 92d Cong., 1st sess., on H.R. 4332 and related bills [and] H.R. 2173 and related bills. Washington, U.S. Govt. Print. Off., 1971. 359 p.
- Hearings held Sept. 13 . . . Nov. 9, 1971. "Serial No. 92-22."

HOUSING AND URBAN PLANNING

- U.S. Congress. Senate. Committee on Banking, Housing and Urban Affairs. Subcommittee on Housing and Urban Affairs. Land-use, planning, and management programs. Hearings, 92d Cong., 1st sess., on S.J. Res. 52 and Title II of S. 1618. July 12, 13, and 14, 1971. Washington, U.S. Govt. Print. Off., 1971. 235 p.
- U.S. Congress. Senate. Committee on Banking, Housing and Urban Affairs. Subcommittee on Housing and Urban Affairs. 1971 housing and urban development legislation. Hearings, 92d Cong., 1st Sess. Part 1, Aug. 2 and 3, 1971. Washington, U.S. Govt. Print. Off., 1971. 723 p.
- U.S. Congress. House. Committee on Banking and Currency. Subcommittee on Housing. Housing and urban development legislation—1971. Hearings, 92d Cong., 1st sess., on H.R. 9688, H.R. 9331 [and] H.R. 8853. Part 1. Washington, U.S. Govt. Print. Off., 1971. 492 p. Hearings held Aug. 3 . . . Sept. 8, 1971.
- U.S. Congress. House. Committee on Banking and Currency. Subcommittee on Housing. Housing and urban development legislation—1971. Hearings, 92d Cong., 1st sess., on H.R. 9688, H.R. 9331 [and] H.R. 8853. Parts 2 and 3. Washington, U.S. Govt. Print. Off., 1971. 2 v.
- Hearings held Sept. 9 . . . 17, 1971.

COASTAL ZONE

- U.S. Congress. Senate. Committee on Commerce. Subcommittee on Oceans and Atmosphere. Coastal zone management. Hearings, 92d Cong., 1st sess., on S. 582, S. 632, S. 638, and S. 992. May 5, 6 and 11, 1971. Washington, U.S. Govt. Print. Off., 1971. 807 p.
- "Serial no. 92-15"
- U.S. Congress. Senate. Committee on Government Operations. Subcommittee on Executive Reorganization and Government Research. Preserving the future of Long Island Sound. Hearings, 92d Cong., 1st sess. Oct. 13, 1971. Part 4. Washington, U.S. Govt. Print. Off., 1971. 60 p.

U.S. Congress. Senate. Committee on Interior and Insular Affairs. Subcommittee on Minerals, Materials, and Fuels. Marine sanctuaries in California. Hearings, 92d. Con., 1st sess., on S. 1446 [and] S. 1452 .Nov. 1 and 4, 1971. Washington, U.S. Govt. Print. Off., 1971. 163 p.

ORGANIZATION AND OVERSIGHT

U.S. Congress. Senate. Committee on Government Operations. Executive reorganization proposals. Hearings, 92d Cong., 1st sess., on S. 1430, S. 1431, S. 1432 [and] S. 1433. Part 1. May 25, 26 and June 22, 1971. Washington, U.S. Govt. Print. Off., 1971. 692 p.

U.S. Congress. House. Committee on Government Operations. Legislation and Military Operations Subcommittee. Reorganization of executive departments (part 1—overview). Hearings, 92d Cong., 1st sess., on H.R. 6959, H.R. 6960, 6961, and H.R. 6962. Washington, U.S. Govt. Print. Off., 1971. 862 p.
Hearings held June 2 . . . July 27, 1971.

U.S. Congress. Senate. Committee on the Judiciary. Interstate environment compact. Hearings, 92d Cong., 1st sess., on S. 907. Apr. 19 and 20, 1971. Washington, U.S. Govt. Print. Off., 1971. 144 p.

U.S. Congress. Senate. Committee on Public Works. Subcommittee on Air and Water Pollution. Economic dislocation resulting from environmental controls. Hearings, 92d Cong., 1st sess. May 17, 18, and June 28, 1971. Washington, U.S. Govt. Print. Off., 1971. 331 p.

“Serial no. 92-H19”

U.S. Congress. Senate. Committee on Banking, Housing and Urban Affairs. Subcommittee on Housing and Urban Affairs. Withholding of funds for housing and urban development programs, fiscal year 1971. Hearings, 92d Cong., 1st sess. Mar. 3 and 4, 1971. Washington, U.S. Govt. Print. Off. 1971. 228 p.

U.S. Congress. House. Committee on Merchant Marine and Fisheries. Subcommittee on Fisheries and Wildlife Conservation. Administration of the National Environmental Policy Act, part 1. Hearings, 91st Cong., 2d sess. Washington, U.S. Govt. Print. Off., 1971. 1279 p.

Hearings held Dec. 7-22, 1970.

Serial No. 91-41.

Contains “Draft environmental impact statement for the Trans-Alaska Pipeline, Section 102(2)c. of the National Environmental Policy Act of 1969,” prepared by the Dept. of the Interior.

U.S. Congress. House. Committee on Merchant Marine and Fisheries. Subcommittee on Fisheries and Wildlife Conservation. Administration of the National Environmental Policy Act. Part 2. Appendixes to hearings, 91st Cong., 2d sess. Washington, U.S. Govt. Print. Off., 1971. 822 p.

Serial No. 91-41.

Hearings held Dec. 7-22, 1970.

A compilation of “102 statements”—the environmental impact documents required by section 102(2)(C) of the National Environmental Policy Act of 1969.

U.S. Congress. House. Committee on Public Works. Subcommittee on Investigations and Oversight. Red tape—inquiring into delays and excessive paperwork in administration of public works programs. Hearings 92d Cong., 1st sess. Washington, U.S. Govt. Print. Off., 1971. 790 p.

92-15.

Hearings held June 15-24, 1971.

UTILITIES

U.S. Congress. Senate. Committee on Agriculture and Forestry. Subcommittee on Agricultural Credit and Rural Electrification. Financial needs of rural electric cooperatives. Hearings, 92d Cong., 1st sess. Oct. 26 and 27, 1971. Washington, U.S. Govt. Print. Off., 1972. 432 p.

U.S. Congress. Senate. Committee on Commerce. Natural gas supply for Pacific Northwest. Hearings, 92d Cong., 1st sess., on S. 2404. Oct. 21 and 22, 1971. Part 2. Washington, U.S. Govt. Print. Off., 1971. 1016 p.

Serial no. 92-22

U.S. Congress. House. Committee on Interstate and Foreign Commerce. Subcommittee on Communications and Power. Natural Gas Pipeline Safety Act amend-

ments. Hearing, 92d Cong., 1st sess., on H.R. 5065. Mar. 9, 1971. Washington, U.S. Govt. Print. Off., 1971. 62 p.
Serial no. 92-1.

POWERPLANT SITING, INDUSTRIAL LOCATION

- U.S. Congress. House. Committee on Interstate and Foreign Commerce. Subcommittee on Communications and Power. Powerplant siting and environmental protection. Parts 1-3. Hearings, 92d Cong., 1st sess., on H.R. 5277, H.R. 6970, H.R. 6971, H.R. 6972, H.R. 3338, H.R. 7045, H.R. 1079, and H.R. 1486. Washington, U.S. Govt. Print. Off., 1971. 3 v.
Hearings held May 4-27, 1971.
Serial nos. 92-31-33.
- U.S. Congress. Senate. Committee on Interior and Insular Affairs. National fuels and energy policy. Hearing, 92d Cong., 1st sess., on S. Res. 45. Feb. 25, 1971. Washington, U.S. Govt. Print. Off., 1971. 129 p.
- U.S. Congress. Senate. Committee on Interior and Insular Affairs. Problems of electrical power production in the Southwest. Hearings, 92d Cong., 1st sess. Washington, U.S. Govt. Print. Off., 1971. 4 v.
Hearings held in Las Vegas, Nev., May 25, 1971; Salt Lake City, May 26; Durango, Colo., May 27; Page, Ariz., May 28.
- U.S. Congress. Joint Committee on Atomic Energy. Subcommittee on Legislation. AEC licensing procedure and related legislation. Hearings, 92d Cong., 1st sess. Part 1. Washington, U.S. Govt. Print. Off., 1971. 478 p.
Hearings held June 22-July 14, 1971.
- U.S. Congress. Joint Committee on Atomic Energy. Subcommittee on Legislation. AEC licensing procedure and related legislation. Hearings, 92d Cong., 1st sess. Part 2. Washington, U.S. Govt. Print. Off., 1971. 479-1146 p.
- U.S. Congress. Joint Committee on Atomic Energy. Subcommittee on Legislation. AEC licensing procedure and related legislation. Hearings, 92d Cong., 1st sess. Part 3. Washington, U.S. Govt. Print. Off., 1971. 1147-1634 p.
- U.S. Congress. Joint Committee on Atomic Energy. Subcommittee on Legislation. AEC licensing procedure and related legislation. Hearings, 92d Cong., 1st sess. Part 4. Washington, U.S. Govt. Print. Off., 1971. 1635-2090 p.

PARKS, RECREATION

- U.S. Congress. Senate. Committee on Interior and Insular Affairs. Subcommittee on Parks and Recreation. Hells Canyon—Snake National River. Hearings, 92d Cong., 1st sess., on S. 717 and S. 448. Sept. 16, 17 and 30, 1971. Washington, U.S. Govt. Print. Off., 1971. 490 p.
The bill, S. 717, would establish a Hells Canyon—Snake National River comprising approximately 125 miles of the Snake River in Oregon and Idaho, 40 miles of the Grande Ronde River in Oregon, 100 miles of the Salmon River in Idaho, and 714,000 acres in private ownership, are located in three major national forests—the Wallowa-Whitman National Forest in Oregon, the Nez Perce and Payette National Forests in Idaho.
- U.S. Congress. House. Committee on Interior and Insular Affairs. Subcommittee on National Parks and Recreation. Sawtooth National Recreation Area. Hearings, 92d Cong., 1st sess., on H.R. 6957. June 7 and 8, 1971. Washington, U.S. Govt. Print. Off., 1971. 246 p.
Serial no. 92-13.
- U.S. Congress. House. Committee on Interior and Insular Affairs. Subcommittee on Parks and Recreation. Oregon Dunes National Recreation Area. Hearing, 92d Cong., 1st sess., on S. 1977. Sept. 14, 1971. Washington, U.S. Govt. Print. Off., 1971. 72 p.
- U.S. Congress. Senate. Committee on Interior and Insular Affairs. Subcommittee on Parks and Recreation. Missouri Breaks Scenic Recreation River. Hearing, 92d Cong., 1st sess., on S. 1405. Aug. 16, 1971. Washington, U.S. Govt. Print. Off., 1971. 123 p.
- U.S. Congress. Senate. Committee on Interior and Insular Affairs. Subcommittee on Minerals, Materials, and Fuels. Three Sisters Wilderness, Oregon. Hearings, 92d Cong., 1st sess., on S. 1784. Sept. 13 and 14, 1971. Washington, U.S. Govt. Print. Off., 1971. 95 p.

U.S. Congress. House. Committee on Interior and Insular Affairs. Subcommittee on National Parks and Recreation. Lincoln Home National Historic Site. Hearings, 92d Cong., 1st sess., on H.R. 3117 and related bills. Washington, U.S. Govt. Print. Off., 1971. 117 p.

Hearings held in Washington, D.C.—Apr. 5, 1971; Springfield, Ill.—June 11, 1971.

Serial no. 92-4.

U.S. Congress. Senate. Committee on Interior and Insular Affairs. Subcommittee on Parks and Recreation. Canyonlands, Glen Canyon, Capitol Reef, and Arches National Park. Hearings, 92d Cong., 1st sess., on S. 26, S. 27, S. 29 [and] S. 30. June 3, 1971. Washington, U.S. Govt. Print. Off., 1971. 84 p.

U.S. Congress. Senate. Committee on Interior and Insular Affairs. Subcommittee on Parks and Recreation. Buffalo National River, Arkansas. Hearing, 92d Cong., 1st sess., on S. 7. Apr. 22, 1971. Washington, U.S. Govt. Print. Off., 1971. 50 p.

U.S. Congress. Senate Committee on Interior and Insular Affairs. Subcommittee on Parks and Recreation. Snowmobiles and other off-road vehicles. Hearing, 92d Cong., 1st sess., May 21, 1971. Washington, U.S. Govt. Print. Off., 1971. 109 p.

U.S. Congress. House. Committee on Interior and Insular Affairs. Subcommittee on National Parks and Recreation. Utah National Park proposals. Hearings, 92d Cong., 1st sess., on H.R. 9053. June 14 and 15, 1971. Washington, U.S. Govt. Print. Off., 1971. 111 p. "Serial no. 92-14"

U.S. Congress. House. Committee on Government Operations. Conservation and Natural Resources Subcommittee. Public access to reservoirs to meet growing recreation demands. Hearing, 92d Cong., 1st sess., June 15, 1971. Washington, U.S. Govt. Print. Off., 1971. 192 p.

U.S. Congress. Senate. Committee on Interior and Insular Affairs. Subcommittee on Parks and Recreation. Gateway National Recreation Area. Hearings, 92d Cong., 1st sess., on S. 1193 and S. 1852. May 12 and 17, 1971. Washington, U.S. Govt. Print. Off., 1971. 203 p.

TRANSPORTATION

U.S. Congress. Senate. Committee on Public Works. Appalachian airports. Hearing, 92d Cong., 1st sess. Mar. 2, 1971. Washington, U.S. Govt. Print. Off., 1971. 45 p.

The development of regional airports for the purpose of improving transportation and passenger safety.

Serial no. 92-H6.

U.S. Congress. Senate. Committee on Appropriations. Civil supersonic aircraft development (SST) for fiscal year 1971. Hearings, 92d Cong., 1st sess. Washington, U.S. Govt. Print. Off., 1971. 557 p.

U.S. Congress. House. Committee on Appropriations. Subcommittee on Dept. of Transportation and Related Agencies. Civil supersonic aircraft development (SST). Hearings, 92d Cong., 1st sess. Washington, U.S. Govt. Print. Off., 1971. 709 p.

U.S. Congress. Senate. Committee on Commerce. Subcommittee on Surface Transportation. Administration's request for additional funding for Amtrak. Hearing, 92d Cong., 1st sess. Oct. 26, 1971. Washington, U.S. Govt. Print. Off., 1971. 864 p.

Serial no. 92-29

U.S. Congress. House. Committee on Public Works. Subcommittee on Public Buildings and Grounds. Heliport for the District of Columbia. Hearing, 92d Cong., 1st sess., on H.R. 9723. Sept. 23, 1971. Washington, U.S. Govt. Print. Off., 1971. 71 p.

U.S. Congress. House. Committee on Interstate and Foreign Commerce. Subcommittee on Transportation and Aeronautics. High-speed ground transportation extension—1971. Hearing, 92d Cong., 1st sess., on H.R. 8107, H.R. 8302, and S. 979. Oct. 13, 1971. Washington, U.S. Govt. Print. Off., 1971. 30 p.

Serial no. 92-39.

U.S. Congress. Senate. Committee on Commerce. Subcommittee on Surface Transportation. Amend the Department of Transportation Act. Hearing, 92d Cong., 1st sess., on S. 728. May 3, 1971. Washington, U.S. Govt. Print. Off., 1971. 22 p.

Serial no. 92-21

U.S. Congress. Senate. Committee on Commerce. Subcommittee on Aviation. Airport and Airway Development and Revenue Acts amendments of 1971. Hearings, 92d Cong., 1st sess., on S. 1437. June 22 and 23, 1971. Washington, U.S. Govt. Print. Off., 1971. 66 p.

Serial no 92-19.

U.S. Congress. House. Committee on Interstate and Foreign Commerce. Subcommittee on Transportation and Aeronautics. Airport and airway trust fund. Hearings, 92d Cong., 1st sess., on H.R. 7072 (and identical bills). June 8 and 9, 1971. Washington, U.S. Govt. Print. Off., 1971 115 p.

Serial no. 92-35.

Bills to amend the Airport and Airway Development and Revenue Acts of 1970 to further clarify the intent of Congress as to priorities for airway modernization and airport development, and for other purposes.

PUBLIC LANDS

U.S. Congress. Senate. Committee on Interior and Insular Affairs. Subcommittee on Public Lands. "Clear-cutting" practices on national timberlands. Hearings, 92d Cong., 1st sess. Washington, U.S. Govt. Print. Off., 1971. 3 v. (1247 p.).

U.S. Congress. House Committee on Interior and Insular Affairs Subcommittee on the Environment. Public Land Policy Act of 1971. Hearings, 92d Cong., 1st sess., on H.R. 7211. Washington, U.S. Govt. Print. Off., 1971. 476 p.

Serial no. 92-20.

Hearings held July 26, 30, 1971

U.S. Congress. Senate. Committee on Interior and Insular Affairs. Subcommittee on Public Lands. Dispute of titles on public lands. Hearing, 92d Cong., 1st sess., on S. 216, S. 579 [and] S. 721. Sept. 30, 1971. Washington, U.S. Govt. Print. Off., 1971, 87 p.

U.S. Congress. Senate. Committee on Interior and Insular Affairs. Subcommittee on Public Lands. Management practices on public lands. Hearings, 92d Cong., 1st sess., on S. 350 [and] S. 1734. Washington, U.S. Govt. Print. Off., 1971. 3 v. Part 1—Atlanta, Ga.—Part 2, Portland, Org.—Part 3, Syracuse, N.Y.

U.S. Congress. Senate. Committee on Interior and Insular Affairs. Subcommittee on Minerals, Materials, and Fuels. Mining activities in the Custer and Gallatin National Forests in Montana. Hearings, 92d Cong., 1st sess. Washington, U.S. Govt. Print. Off., 1971. 144 p.

Hearings held August 18, 1971, Billings, Mont.

U.S. Congress. Senate. Committee on Interior and Insular Affairs. Subcommittee on Indian Affairs. Federal lands in trust for tribes in Minnesota and Wisconsin. Hearing 92d Cong., 1st sess., on S. 1217 [and] S. 1230. Mar. 26, 1971. Washington, U.S. Govt. Print. Off., 1971. 72 p.

U.S. Congress. Senate. Committee on Interior and Insular Affairs. Alaska native land claims. Hearings, 92d Cong., 1st sess., on S. 35, S. 835, and S. 1571. Apr. 29, 1971. Part 2. Washington, U.S. Govt. Print. Off., 1971 389-501 p.

U.S. Congress. Senate. Committee on Interior and Insular Affairs. Alaska native land claims. Hearings, 92d Cong., 1st sess., on S. 35, S. 835 and S. 1571. Washington, U.S. Govt. Print. Off., 1971. 20 p.

Hearings held Feb. 18 . . . Apr. 29, 1971. Part 3—Appendix.

U.S. Congress. House. Committee on Interior and Insular Affairs. Subcommittee on Indian Affairs. Alaska native land claims. Hearings, 92d Cong., 1st sess., on H.R. 3100, H.R. 7039, and H.R. 7432. Washington, U.S. Govt. Print. Off., 1971. 387 p.

Hearings held May 3-7, 1971 Serial no. 92-10.

REGIONAL PLANNING

U.S. Congress. Joint Economic Committee. Subcommittee on Urban Affairs. Regional planning issues. Hearings, 92d Cong., 1st sess. Part 2. Washington, U.S. Govt. Print. Off., 1971 179-299 p.

The papers and comments here reproduced were solicited by the Subcommittee as observations on a Subcommittee proposal to reorganize Federal relations with regional, state, and local bodies through a system of Federal administrative regions exercising near-final authority over planning within their regions. Contributors include John Bebout, Richard Burton, Selma Mushkin, William Shore and others.

U.S. Congress. Joint Economic Committee. Subcommittee on Urban Affairs. Regional planning issues. Hearings, 92d Cong., 1st sess. Part 3. Washington, U.S. Govt. Print. Off., 1971. 301-544 p.

Hearings held May 11 . . . 18, 1971.

RURAL DEVELOPMENT, REGIONAL DEVELOPMENT

U.S. Congress. Senate. Committee on Agriculture and Forestry. Subcommittee on Rural Development. Rural development. Hearing, 92d Cong., 1st sess., on S. 1612. Part 1. Apr. 23, 1971. Washington, U.S. Govt. Print. Off., 1971. 316 p.

U.S. Congress. Senate. Committee on Agriculture and Forestry. Subcommittee on Rural Development. Rural development. Hearings, 92d Cong., 1st sess., on 1. Balanced national growth policy, 2. National rural development program, 3. S. 1612, the Rural Community Development Revenue Sharing Act of 1971, 4. Reorganization of U.S. Department of Agriculture and related agencies. Part II. Washington, U.S. Govt. Print. Off., 1971. 373 p.

Hearings held Apr. 29; June 16 and 17, 1971.

U.S. Congress. Senate. Committee on Agriculture and Forestry. Subcommittee on Rural Development. Rural development. Hearings, 92d Cong., 1st sess. Part III. Washington, U.S. Govt. Print. Off., 1971. 973 p.

Hearings on 1. Balanced national growth policy; 2. National rural development program; 3. S. 1612; 4. Reorganization of U.S. Department of Agriculture and related agencies.

Hearings held May 3, 1971, Sioux City, Iowa; May 4, 1971, Vermillion, S. Dak.; July 8, 1971, Montgomery, Ala.; July 9, Tifton, Ga.

U.S. Congress. Senate. Committee on Agriculture and Forestry. Subcommittee on Rural Development. Rural development. Hearings, 92d Cong., 1st sess., on S. 2223, the Consolidated Farm and Rural Development Act and amendment no. 153 (to S. 1483), to establish the rural community development bank. Part 4. Washington, U.S. Govt. Print. Off., 1971. 677 p.

Hearings held July 23 . . . Sept. 24, 1971.

U.S. Congress. Senate. Committee on Agriculture and Forestry. Subcommittee on Rural Development. Rural development. Hearings, 92d Cong., 1st sess., on 1. Balanced national growth policy; 2. National rural development program; 3. S. 1612, the Rural Community Development Revenue Sharing Act of 1971; 4. Reorganization of U.S. Department of Agriculture and related agencies. Part 5. Washington, U.S. Govt. Print. Off., 1971. 403 p.

Hearings held Sept. 9, 1971, Stillwater, Okla. and Sept. 10, 1971, Lincoln, Nebr.

U.S. Congress. Senate. Committee on Agriculture and Forestry. Subcommittee on Rural Development. Rural development. Hearing, 92d Cong., 1st sess., on S. 1612. Part 6. Sept. 20, 1971. Washington, U.S. Govt. Print. Off., 1971. 121 p.

A bill to establish a revenue-sharing program for rural development.

U.S. Congress. House. Committee on Public Works. Subcommittee on Flood Control and Internal Development. Appalachian Regional Development Act amendments of 1971. Hearings, 92d Cong., 1st sess., on H.R. 5376 and related bills. Title 3. Mar. 15, 16, and 17, 1971. Washington, U.S. Govt. Print. Off., 1971. 271 p.

To extend the Public Works Acceleration Act, the Public Works and Economic Development Act, 1965, and the Appalachian Regional Development Act of 1965.

U.S. Congress. Senate. Committee on Agriculture and Forestry. Subcommittee on Agricultural Credit and Rural Electrification. Farm Credit Act of 1971. Hearings, 92d Cong., 1st sess., on S. 1483. May 17, 18, and 20, 1971. Washington, U.S. Govt. Print. Off., 1971. 464 p.

A bill to further provide for the farmer-owned cooperative system of making credit available to farmers and ranchers and their cooperatives, for rural residences, and to associations and other entities upon which farming operations are dependent, to provide for an adequate and flexible flow of money into rural areas, and to modernize and consolidate existing farm credit law to meet current and future rural credit needs, and for other purposes.

U.S. Congress. Senate. Committee on Government Operations. Revitalization of rural and other economically distressed areas. Hearings, 92d Cong., 1st sess., on S. 10. Part 1. Apr. 27 and 28, 1971. Washington, U.S. Govt. Print. Off., 1971. 197 p.

A bill to establish a national policy relative to the revitalization of rural and other economically distressed areas by providing incentives for a more even and practical geographic distribution of industrial growth and activity and developing manpower training programs to meet the needs of industry, and for other purposes.

U.S. Congress. Senate. Committee on Agriculture and Forestry. Subcommittee on Agricultural Credit and Rural Electrification. Insured FHA operating loans. Hearing, 92d Cong., 1st sess., on S. 290 and S. 578. Mar. 9, 1971. Washington, U.S. Govt. Print. Off., 1971. 41 p.

U.S. Congress. Senate. Committee on Public Works. Subcommittee on Economic Development. Creation of an Upper Missouri River Economic Development Commission. 92d Cong., 1st sess. Feb. 24, 1971. Washington, U.S. Govt. Print. Off., 1971. 69 p.

Serial no. 92-H5

U.S. Congress. Senate. Committee on Public Works. Subcommittee on Economic Development. National economic development program. Part 1. Hearings, 92d Cong., 1st sess., on possible new approaches to economic development legislation. Washington, U.S. Govt. Print. Off., 1971. 708 p.

Hearings held Feb. 19-20, 1971, Raleigh, N.C.; Feb. 26, Wichita, Kans.; Mar. 5-6, Memphis, Tenn.

Serial no. 92-H4

U.S. Congress. Senate. Committee on Public Works. Subcommittee on Economic Development. National economic development program. Part 2. Hearings, 92d Cong., 1st sess. Washington, U.S. Govt. Print. Off., 1971. 705-1559 p.

Serial no. 92-H4

Hearings held Mar. 31, Apr. 1 and 2, 1971, Los Angeles; Apr. 5, Albuquerque, N. Mex.; Apr. 6, Santa Fe, N. Mex.

U.S. Congress, Senate. Committee on Public Works. Subcommittee on Economic Development. National economic development program. Part 3. Hearings, 92d Cong., 1st sess. Washington, U.S. Govt. Print. Off., 1971. 1561-2651 p.

Hearings held Apr. 14 and 15, 1971, Seattle; Apr. 16, Fairbanks, Alaska; Apr. 17, Anchorage, Alaska; Apr. 19, Bethel and Nome, Alaska.

U.S. Congress House Select Committee on Small Business Subcommittee on Small Business Problems in Smaller Towns and Urban Areas. The impact of Federal installations on small business. Hearings, 92d Cong., 1st sess., pursuant to H. Res. 5 and 19. Vol. 2. Washington, U.S. Govt. Print. Off., 1971. 203-530 p.

Hearings held Santa Fe, N. Mex., Aug. 9, 1971; Albuquerque, N. Mex., Aug. 10, 1971; Denver, Colo., Aug. 12 and 13, 1971; Washington, D.C., Sept. 16, 1971.

U.S. Congress. House. Committee on Public Works. Public Works Acceleration Act amendments of 1971 and Public Works and Economic Development Act amendments of 1971. Hearings, 92d Cong., 1st sess., on H.R. 5376 and related bills. Titles I and II. Mar. 15, 16, 17, 18, and 19, 1971. Washington, U.S. Govt. Print. Off., 1971. 489 p.

To extend the Public Works Acceleration Act, the Public Works and Economic Development Act of 1965, and the Appalachian Regional Development Act of 1965.

WATER POLLUTION AND SOLID WASTE DISPOSAL

U.S. Congress. Senate. Committee on Public Works.

Subcommittee on Air and Water Pollution. Water pollution control legislation, part 2. Hearings, 92d Cong., 1st sess., on S. 75, S. 192, S. 280, S. 281, S. 523, S. 573, S. 601, S. 679, S. 927, S. 1011, S. 1012, S. 1013, S. 1014, S. 1015, and S. 1017. Washington, U.S. Govt. Print. Off., 1971. 599-1161 p.

U.S. Congress. Senate. Committee on Public Works.

Subcommittee on Air and Water Pollution. Water pollution control legislation. Parts 3 and 4. Hearings, 92d Cong., 1st sess., on S. 75, S. 192, S. 280, S. 281, S. 523, S. 573, S. 601, S. 679, S. 927, S. 1011, S. 1012, S. 1013, S. 1014, S. 1015, and S. 1017. Washington, U.S. Govt. Print. Off., 1971. 2 v. (1163-1908 p.)

Serial no. 92-H9

General appendix section I, additional statements and materials; section II. comments on draft print of July 2, 1971.

- U.S. Congress. Senate. Committee on Public Works.
 Subcommittee on Air and Water Pollution. Water pollution control legislation: ocean dumping. Part 5. Hearings, 92d Cong., 1st sess., on S. 75, S. 192, S. 280, S. 281, S. 523, S. 573, S. 601, S. 679, S. 927, S. 1011, S. 1012, S. 1013, S. 1014, S. 1015, and S. 1017. Washington, U.S. Govt. Print. Off., 1971: 1909-2514 p.
 Hearings held Mar. 26, 1971, Rehoboth Beach, Del. and June 16, 1971, Washington, D.C.
 Serial no. 92-H10
- U.S. Congress. House. Committee on Government Operations. Conservation and Natural Resources Subcommittee. Mercury pollution and enforcement of the Refuse Act of 1899 (part 1). Hearing, 92d Cong., 1st sess., July 1, 1971. Washington, U.S. Govt. Print. Off., 1971. 1089 p.
 Includes reprints of publication entitled "Mercury" by Katherine and Peter Montague, "Industrial water pollution and the Refuse Act, a second chance for water quality," by William H. Rodgers, Jr., from the University of Pennsylvania Law Review, April 1971, and "Permits for work and structures in, and for discharges or deposits into navigable waters," by the Corps of Engineers, 1971 preliminary edition.
- U.S. Congress. Senate. Committee on Public Works.
 Subcommittee on Air and Water Pollution. Water pollution control legislation, Refuse Act Permit Program. Part 9. Hearings, 92d Cong., 1st sess., on S. 75, S. 192, S. 280, S. 281, S. 523, S. 573, S. 601, S. 679, S. 927, S. 1011, S. 1012, S. 1013, S. 1014, S. 1015, and S. 1017. June 22 and 23, 1971. Washington, U.S. Govt. Print. Off., 1971. 4291-4415 p.
 Serial no. 92-H27
- U.S. Congress. Senate. Committee on Commerce.
 Subcommittee on the Environment. Refuse Act permit program. Hearings, 92d Cong., 1st sess. Feb. 18 and 19, 1971. Washington, U.S. Govt. Print. Off., 1971. 219 p.
 Serial 92-7
- U.S. Congress. House. Committee on Interstate and Foreign Commerce.
 Subcommittee on Public Health and Welfare. Prohibit certain no-deposit, no-return containers. Hearing, 91st Cong., 2d sess., on H.R. 14863 and H.R. 17805; H.R. 18773, H.R. 18988, and H.R. 18999. Sept. 18, 1970. Washington, U.S. Govt. Print. Off., 1971. 61 p.
 Serial no. 91-88
- U.S. Congress. Senate. Committee on Commerce.
 Subcommittee on Oceans and Atmosphere. Ocean waste disposal. Hearings, 92d Cong., 1st sess., on S. 307, S. 1082, S. 1238, and S. 1286. Washington, U.S. Govt. Print. Off., 1971. 340 p.
 Hearings held Mar. 2 . . . Apr. 28, 1971.
 Serial no. 92-11
- U.S. Congress. House. Committee on Merchant Marine and Fisheries. Subcommittee on Fisheries and Wildlife Conservation. Ocean dumping of waste materials. Hearings, 92d Cong., 1st sess., on H.R. 285, H.R. 336, H.R. 337, H.R. 548, H.R. 549, H.R. 805, H.R. 807, H.R. 808, H.R. 983, H.R. 1095, H.R. 1329, H.R. 1381, H.R. 1382, H.R. 1383, H.R. 1661, H.R. 1674, H.R. 2581, H.R. 3662, H.R. 4217, H.R. 4218, H.R. 4247, H.R. 4359, H.R. 4360, H.R. 4361, H.R. 4584, H.R. 4719, H.R. 4723, H.R. 5049, H.R. 5050, H.R. 5239, H.R. 5268, H.R. 5477, H.R. 5705, H.R. 6305, H.R. 6582, H.R. 6610, H.R. 6771, H.R. 7619, and H.R. 8039. Apr. 5, 6, 7, 1971. Washington, U.S. Govt. Print. Off., 1971. 533 p.
 Serial no. 92-2

PUBLIC WORKS PROJECTS

- U.S. Congress. Senate. Committee on Interior and Insular Affairs. Subcommittee on Water and Power Resources. Federal financing and investigations of reclamation projects. Hearing, 92d Cong., 1st sess., on S. 24 [and] S. 1026. June 24, 1971. Washington, U.S. Govt. Print. Off., 1971. 57 p.
- U.S. Congress. Senate. Committee on Public Works. Subcommittee on Flood Control—Rivers and Harbors. Water resources projects of the Corps of Engineers. Hearing, 92d Cong., 1st sess. July 28, 1971. Washington, U.S. Govt. Print. Off., 1971. 43 p.
 Serial no. 92-H25
- U.S. Congress. Senate. Committee on Public Works. Subcommittee on Flood Control—Rivers and Harbors. The effect of channelization on the environment.

Hearing, 92d Cong., 1st sess. July 27, 1971. Washington, U.S. Govt. Print. Off., 1971, 442 p.

Serial no. 92-H24

U.S. Congress. House. Committee on Interior and Insular Affairs. Subcommittee on Irrigation and Reclamation. Water Resources Research Act amendments. Hearing, 92d Cong., 1st sess., on H.R. 1400 and related bills. June 29, 1971. Washington, U.S. Govt. Print. Off., 1971. 181 p.

Serial no. 92-16

U.S. Congress. House. Committee on Interior and Insular Affairs. Subcommittee on Irrigation and Reclamation. Small Reclamation Projects Act of 1956 amendments. Hearing, 92d Cong., 1st sess., on H.R. 7854 and H.R. 8052. July 12, 1971. Washington, U.S. Govt. Print. Off., 1971. 74 p.

Serial no. 92-17

U.S. Congress. House. Committee on Public Works. Subcommittee on Flood Control and Internal Development. River basin monetary authorizations. Disaster Relief Act amendments. Hearing, 92d Cong., 1st sess., on S. 2887, H.R. 6269, H.R. 6834, S. 1237, and H.J. Res. 893. Nov. 10, 1971. Washington, U.S. Govt. Print. Off., 1972. 50 p.

U.S. Congress. House. Committee on Public Works. Subcommittee on Rivers and Harbors. Tybee Island, Georgia, Galveston Harbor, Texas. Hearing, 92d Cong., 1st sess. June 21, 1971. Washington, U.S. Govt. Print. Off., 1971. 19 p.

92-11

Concerns a proposed beach erosion control and hurricane protection project at Savannah Beach in Tybee Island, Georgia, and a Federal navigation project consisting of a channel 36 feet deep and 1200 feet wide extending from the port facilities at Galveston through Galveston Bay to the 40-foot harbor entrance—a distance of about 4 miles.

U.S. Congress. Senate. Committee on Public Works. Subcommittee on Flood Control—Rivers and Harbors. Projects of the Corps of Engineers and the Soil Conservation Service. Hearings, 92d Cong., 1st sess. Washington, U.S. Govt. Print. Off., 1971. 114 p.

Hearings held Apr. 27, 28, and May 25, 1971.

Serial No. 82-H15.

U.S. Congress. House. Committee on Government Operations. Conservation and Natural Resources Subcommittee. Stream channelization (part 1). Hearings, 92d Cong., 1st sess. May 3 and 4, 1971. Washington, U.S. Govt. Print. Off., 1971. 388 p.

U.S. Congress. House. Committee on Government Operations. Conservation and Natural Resources Subcommittee. Stream channelization, (part 2). Hearings, 92d Cong., 1st sess. June 3 and 4, 1971. 389-1272 p.

U.S. Congress. House. Committee on Government Operations. Conservation and Natural Resources Subcommittee. Stream channelization. Hearings, 92d Cong., 1st sess. Part 3 and 4. June 9, 10 and 14, 1971. Washington, U.S. Govt. Print. Off., 1971. 2 v.

Appendix 24, p. 2265-2590, contains "task force reports on Federal facilities and Federal procurement referred to during testimony of Donald M. Mosiman, Asst. Administrator for Media Programs, EPA."

U.S. Congress. House. Committee on Interior and Insular Affairs. Subcommittee on Irrigation and Reclamation. Amend Water Resources Planning Act. Hearing, 92d Cong., 1st sess., on H.R. 6359. Apr. 26, 1971. Washington, U.S. Govt. Print. Off., 1971. 36 p.

U.S. Congress. House. Committee on Interior and Insular Affairs. Subcommittee on Irrigation and Reclamation. Interior Department water and power orientation briefing. Hearings, 92d Cong., 1st sess. Mar. 23 and 24, 1971. Washington, U.S. Govt. Print. Off., 1971. 77 p.

Serial No. 92-2.

U.S. Congress. Senate. Committee on Interior and Insular Affairs. Subcommittee on Water and Power Resources. Water Resources Planning Act. Hearing, 92d Cong., 1st sess., on S. 1398. Apr. 23, 1971. Washington, U.S. Govt. Print. Off., 1971. 92 p.

U.S. Congress. Senate. Committee on Interior and Insular Affairs. Subcommittee on Water and Power Resources. Water resources research. Hearing, 92d Cong., 1st sess., on S. 121, S. 219, and S. 2428. Oct. 13, 1971. Washington, U.S. Govt. Print. Off., 1971. 100 p.

U.S. Congress. House. Committee on Agriculture. Subcommittee on Conservation and Credit. Watershed projects. Hearings, 92d Cong., 1st sess. Washington, U.S. Govt. Print. Off., 1972. 73 p.

Serial No. 92-0.

Hearings held Feb. 19, Sept. 16, and Oct. 5, 1971.

Watershed projects: Clarence Cannon Memorial Watershed, Missouri; Clear Creek, Nebraska; East sector Whitewater River, Kansas; Hargis Creek, Kansas; Kadashan Bottom, Oklahoma; Lovelock Valley, Nevada; Oak-Middle Creek tributaries of Salt Creek, Nebraska; Stone Corral, California; and West Upper Maple River, Michigan.

APPENDIX C

THE NATIONAL LAND USE POLICY PROPOSALS

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
RESEARCH REPORT NO. 1000

IN THE SENATE OF THE UNITED STATES

FEBRUARY 5 (legislative day, JANUARY 26), 1971

Mr. JACKSON (for himself, Mr. ALLOTT, Mr. CHURCH, Mr. GRAVEL, Mr. JORDAN of Idaho, Mr. MOSS, and Mr. STEVENS) introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

A BILL

To amend the Water Resources Planning Act (79 Stat. 244) to include provision for a national land use policy by broadening the authority of the Water Resources Council and river basin commissions, and by providing financial assistance for statewide land use planning.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Water Resources Planning Act (79 Stat. 244),
4 as amended (82 Stat. 935), is further amended by this Act
5 to read as follows:

6 "SECTION 1. This Act may be cited as the 'Land and
7 Water Resources Planning Act of 1971'.

8 "SEC. 2. In order to insure that the Nation's limited land

VII—O

1 resource base is properly planned and managed and in order
2 to meet the Nation's rapidly expanding demands for water,
3 it is hereby declared to be the policy of the Congress to en-
4 courage the conservation, development, and utilization of
5 the land and water resources of the United States on a com-
6 prehensive and coordinated basis by the Federal Govern-
7 ment, States, localities, and private enterprise with the co-
8 operation of all affected Federal agencies, States, local
9 governments, individuals, corporations, business enterprises,
10 and others concerned.

11 "TITLE I—LAND AND WATER RESOURCES

12 COUNCIL

13 "SEC. 101. (a) There is hereby established a Land and
14 Water Resources Council (hereinafter referred to as the
15 'Council').

16 "(b) The Council shall be composed of the Vice Presi-
17 dent; the Secretaries of Agriculture; Commerce; Health,
18 Education, and Welfare; Housing and Urban Development;
19 the Interior; Transportation; and the Army; the Chair-
20 men of the Council on Environmental Quality and the Fed-
21 eral Power Commission; and the Administrator of the En-
22 vironmental Protection Agency.

23 "(c) The Vice President shall be the Chairman of the
24 Council.

25 "(d) The Chairman of the Council shall request the

1 heads of Federal agencies who are not members of the Coun-
2 cil to participate with the Council when matters affecting
3 their responsibilities are considered by the Council.

4 “(e) The Council shall have a Director, who shall be
5 appointed by the President by and with the consent of the
6 Senate. He shall serve at the pleasure of the President and
7 shall be compensated at the rate provided for level IV of the
8 Executive Schedule Pay Rates (5 U.S.C. 5315). The Di-
9 rector shall have such duties and responsibilities as the Chair-
10 man, after consultation with the members of the Council,
11 may assign.

12 “(f) Each member of the Council shall designate a
13 member of his staff to work with the Director in formulating
14 policies for the approval of the Council. These designees
15 shall meet at the call of the Director.

16 “(g) In addition to the designee appointed pursuant to
17 subsection (f), each member of the Council shall appoint one
18 member of his staff as a permanent liaison officer between
19 the Council and the department, council, or commission
20 represented by the member.

21 “SEC. 102. The Council shall—

22 “(a) prepare an inventory and maintain a continu-
23 ing study of the land resources of the United States, and
24 report biennially to the President and the Congress on
25 land resources and uses, projections of development and

1 uses of land, and analyses of current and emerging prob-
2 lems of land use;

3 “(b) maintain a continuing study of the adequacy
4 of administrative and statutory means of the coordina-
5 tion of Federal programs which have an impact upon
6 land use and of the compatibility of such programs with
7 State and local land-use planning and management ac-
8 tivities; it shall appraise the adequacy of existing and
9 proposed Federal policies and programs which affect
10 land use; and it shall make recommendations to the
11 President with respect to such policies and programs;

12 “(c) maintain a continuing study and issue bien-
13 nially or at such less frequent intervals as the Council
14 may determine, an assessment of the adequacy of sup-
15 plies of water necessary to meet the water requirements
16 in each water resource region in the United States and
17 the national interest therein; and

18 “(d) maintain a continuing study of the relation of
19 regional or river basin plans and programs to the re-
20 quirements of larger regions of the Nation and of the
21 adequacy of administrative and statutory means for the
22 coordination of the water and related land resources poli-
23 cies and programs of the several Federal agencies; it
24 shall appraise the adequacy of existing and proposed
25 policies and programs to meet such requirements; and it

1 shall make recommendations to the President with re-
2 spect to Federal policies and programs.

3 "SEC. 103. The Council shall establish, after such con-
4 sultation with other interested entities, both Federal and
5 non-Federal, as the Council may find appropriate, and with
6 the approval of the President, principles, standards, and
7 procedures for Federal participants in the preparation of
8 comprehensive regional or river basin plans and for the
9 formulation and evaluation of Federal water and related land
10 resources projects. Such procedures may include provision
11 for Council revision of plans for Federal projects intended to
12 be proposed in any plan or revision thereof being prepared
13 by a river basin planning commission.

14 "SEC. 104. Upon receipt of a plan or revision thereof
15 from any river basin commission under the provisions of
16 section 204 (c) of this Act, the Council shall review the plan
17 or revision with special regard to—

18 " (a) the efficacy of such plan or revision in achiev-
19 ing optimum use of the land and water resources in the
20 area involved;

21 " (b) the effect of the plan on the achievement of
22 other programs for the development of agricultural,
23 urban, energy, industrial, recreational, fish and wild-
24 life, and other resources of the entire Nation; and

25 " (c) the contributions which such plan or revision

1 will make in obtaining the Nation's economic, social,
2 and environmental goals.

3 Based on such review the Council shall—

4 “(1) formulate such recommendations as it deems
5 desirable in the national interest; and

6 “(2) transmit its recommendations, together with
7 the plan or revision of the river basin commission and
8 the views, comments, and recommendations with respect
9 to such plan or revision submitted by any Federal
10 agency, Governor, interstate commission, or United
11 States section of an international commission, to the
12 President for his review and transmittal to the Congress
13 with his recommendations in regard to authorization of
14 Federal projects.

15 “SEC. 105. The Council shall—

16 “(a) consult with other officials of the Federal
17 Government responsible for the administration of Fed-
18 eral land use planning assistance programs to States,
19 their political subdivisions, and other eligible agencies
20 in order to enhance coordination; and

21 “(b) periodically review (1) provisions of the
22 statewide land use plans, (2) State water resources
23 planning programs, and (3) interstate agency studies
24 and plans, to the extent necessary or desirable for the
25 proper administration of this Act.

1 "FEDERAL PLANNING INFORMATION CENTER

2 "SEC. 106. (a) The Council shall develop and maintain
3 an information and data center, with such regional branches
4 as the Council may deem appropriate, which has on file—

5 " (1) copies of all approved statewide land use
6 plans, including approved modifications and variances;

7 " (2) copies of all federally initiated and federally
8 assisted plans for activities which directly affect or in-
9 volve land use;

10 " (3) to the extent practicable and appropriate, the
11 plans of local government and private enterprise which
12 have more than local significance for land use planning;

13 " (4) statistical data and information on past, pres-
14 ent, and projected land use patterns which are of national
15 significance;

16 " (5) studies pertaining to techniques and methods
17 for the procurement, analysis, and evaluation of infor-
18 mation relating to land use planning and management;

19 " (6) such other information pertaining to land-use
20 planning and management as the Council deems appro-
21 priate.

22 " (b) All Federal agencies are required, as a part of
23 their planning procedures on projects involving a major
24 land-use activity, to consult with the Council for the purpose
25 of determining whether the proposed activity would conflict

1 in any way with the plans of other Federal, State, or local
2 agencies. In the event a conflict is discovered, the matter
3 shall be reported to the Council. If the conflict is not re-
4 solved by the agencies involved within a reasonable period
5 of time, the Council shall investigate the conflict and re-
6 port its findings, along with its recommendation concerning
7 the proper resolution of the issue, to the Congress, the
8 President, the State agency or agencies responsible for land-
9 use planning and enforcement of any approved statewide
10 land use plan in the State concerned, and any other State
11 or local agency involved.

12 “(c) The Council shall make the information main-
13 tained at the center available to Federal, State, and local
14 agencies involved in land use planning and to members of
15 the public, to the extent practicable. The Council may charge
16 reasonable fees to defray the expenses incident to making
17 such information available.

18 “TITLE II—RIVER BASIN COMMISSIONS

19 “CREATION OF COMMISSIONS

20 “SEC. 201. (a) The President is authorized to declare
21 the establishment of a river basin land and water resources
22 commission upon request therefor by the Council, or request
23 addressed to the Council by a State within which all or part
24 of the basin or basins concerned are located if the request by
25 the Council or by a State (1) defines the area, river basin, or

1 group of related river basins for which a commission is re-
2 quested, (2) is made in writing by the Governor or in such
3 manner as State law may provide, or by the Council, and
4 (3) is concurred in by the Council and by not less than one-
5 half of the States within which portions of the basin or basins
6 concerned are located and, in the event the Upper Colorado
7 River Basin is involved, by at least three of the four States
8 of Colorado, New Mexico, Utah, and Wyoming or, in the
9 event the Columbia River Basin is involved, by at least three
10 of the four States of Idaho, Montana, Oregon, and Washing-
11 ton. Such concurrences shall be in writing.

12 “(b) Each such commission for an area, river basin, or
13 group of river basins shall, to the extent consistent with sec-
14 tion 401 of this Act—

15 “(1) serve as the principal agency for the coordi-
16 nation of Federal, State, interstate, local, and nongov-
17 ernment plans for the development of land and water
18 resources in its area, river basin, or group of river basins;

19 “(2) upon written request of the Council and of the
20 Governors of not less than one-half of the participating
21 States, prepare and keep up to date, to the extent
22 practicable, a comprehensive, coordinated joint plan of
23 Federal, regional, State, local, and nongovernmental
24 plans which significantly involve land use or have sig-

1 nificant impacts upon land-use patterns; of zoning and
2 other land-use regulations. The comprehensive plan shall
3 specifically indicate the relation of planned or proposed
4 Federal projects to land-use development in the region;

5 “(3) prepare and keep up to date, to the extent
6 practicable, a comprehensive coordinated joint plan for
7 Federal, regional, State, local, and nongovernmental
8 development of water and related resources. The plan
9 shall include an evaluation of all reasonable alternative
10 means of achieving optimum development of water and
11 related land resources of the area, basin, or basins, and
12 it may be prepared in stages, including recommendations
13 with respect to individual projects;

14 “(4) recommend long-range schedule of priorities
15 for the collection and analysis of basic data and for in-
16 vestigation, planning, and construction of projects; and

17 “(5) foster and undertake such studies of land-use
18 and water resources problems in its area, river basin,
19 or group of river basins as are necessary in the prepa-
20 ration of the plans described in clauses (2) and (3) of
21 this subsection.

22 “(c) River basin commissions established pursuant to
23 the Water Resources Planning Act (79 Stat. 244) prior to
24 the date of enactment of this amendment shall continue to
25 function after its enactment, and shall be governed by its
26 terms.

1 "MEMBERSHIP OF COMMISSIONS

2 "SEC. 202. Each river basin commission shall be com-
3 posed of members appointed as follows:

4 "(a) A chairman appointed by the President who shall
5 also serve as chairman and coordinating officer of the Federal
6 members of the commission and who shall represent the
7 Federal Government in Federal-State relations on the com-
8 mission and who shall not, during the period of his service
9 on the commission, hold any other position as an officer or
10 employee of the United States, except as a retired officer or
11 retired civilian employee of the Federal Government.

12 "(b) One member from each Federal department or
13 independent agency determined by the President to have a
14 substantial interest in the work to be undertaken by the com-
15 mission, such member to be appointed by the head of such
16 department or independent agency and to serve as the repre-
17 sentative of such department or independent agency.

18 "(c) One member from each State which lies wholly or
19 partially within the area, river basin, or group of river basins
20 for which the commission is established, and the appoint-
21 ment of each such member shall be made in accordance with
22 the laws of the State which he represents. In the absence
23 of governing provisions of State law, such State member shall
24 be appointed and serve at the pleasure of the Governor.

25 "(d) One member appointed by any interstate agency

1 created by an interstate compact to which the consent of
2 Congress has been given, and whose jurisdiction extends
3 to the lands or waters of the area, river basin, or group of
4 river basins for which the river basin commission is created.

5 “(e) When deemed appropriate by the President, one
6 member, who shall be appointed by the President, from the
7 United States section of any international commission cre-
8 ated by a treaty to which the consent of the Senate has been
9 given, and whose jurisdiction extends to the waters of the
10 area, river basin, or group of river basins for which the river
11 basin commission is established.

12 “ORGANIZATION OF COMMISSIONS

13 “SEC. 203. (a) Each river basin commission shall orga-
14 nize for the performance of its functions within ninety days
15 after the President shall have declared the establishment of
16 such commission, subject to the availability of funds for
17 carrying on its work. A commission shall terminate upon
18 decision of the Council or agreement of a majority of the
19 States composing the commission. Upon such termination,
20 all property, assets, and records of the commission shall
21 thereafter be turned over to such agencies of the United States
22 and the participating States as shall be appropriate in the
23 circumstances: *Provided*, That studies, data, and other ma-
24 terials useful in land and water resources planning to any

1 of the participants shall be kept freely available to all such
2 participants.

3 “(b) State members of each commission shall elect a
4 vice chairman, who shall serve also as chairman and co-
5 ordinating officer of the State members of the commission
6 and who shall represent the State governments in Federal-
7 State relations on the commission.

8 “(c) Vacancies in a commission shall not affect its
9 powers but shall be filled in the same manner in which
10 the original appointments were made: *Provided*, That the
11 chairman and vice chairman may designate alternates to
12 act for them during temporary absences.

13 “(d) In the work of the commission every reasonable
14 endeavor shall be made to arrive at a consensus of all
15 members on all issues; but failing this, full opportunity
16 shall be afforded each member for the presentation and re-
17 port of individual views: *Provided*, That at any time the
18 commission fails to act by reason of absence of consensus,
19 the position of the chairman, acting in behalf of the Fed-
20 eral members, and the vice chairman, acting upon instruc-
21 tions of the State members, shall be set forth in the
22 record: *Provided further*, That the chairman, in consulta-
23 tion with the vice chairman, shall have the final authority,
24 in the absence of an applicable bylaw adopted by the com-

1 mission or in the absence of a consensus, to fix the times
2 and places for meetings, to set deadlines for the submis-
3 sion of annual and other reports, to establish subcommit-
4 tees, and to decide such other procedural questions as may
5 be necessary for the commission to perform its functions.

6 "DUTIES OF THE COMMISSIONS

7 "SEC. 204. Each river basin commission shall—

8 "(a) engage in such activities and make such
9 studies and investigations as are necessary and desir-
10 able in carrying out the policy set forth in section 2 of
11 this Act and in accomplishing the purposes set forth
12 in section 201 (b) of this Act;

13 "(b) submit to the Council and the Governor of
14 each participating State a report on its work at least
15 once each year. Such report shall be transmitted through
16 the President to the Congress. After such transmission,
17 copies of any such report shall be sent to the heads of
18 such Federal, State, interstate, and international agencies
19 as the President or the Governors of the participating
20 States may direct;

21 "(c) submit to the Council for transmission to the
22 President and by him to the Congress, and the Governors
23 and the legislatures of the participating States a com-
24 prehensive, coordinated, joint plan, or any major portion
25 thereof or necessary revisions thereof, for water and

1 related land resources development in the area, river
2 basin, or group of river basins for which such commission
3 was established. Before the commission submits such a
4 plan or major portion thereof or revision thereof to the
5 Council, it shall transmit the proposed plan or revision
6 to the head of each Federal department or agency, the
7 Governor of each State, and each interstate agency, from
8 which a member of the commission has been appointed,
9 and to the head of the United States section of any inter-
10 national commission if the plan, portion or revision
11 deals with a boundary water or a river crossing a
12 boundary, or any tributary flowing into such boundary
13 water or river, over which the international commis-
14 sion has jurisdiction or for which it has responsibility.
15 Each such department and agency head, Governor,
16 interstate agency, and United States section of an in-
17 ternational commission shall have ninety days from
18 the date of the receipt of the proposed plan, portion,
19 or revision to report its views, comments, and recom-
20 mendations to the commission. The commission may
21 modify the plan, portion, or revision after considering
22 the reports so submitted. The views, comments, and
23 recommendations submitted by each Federal depart-
24 ment or agency head, Governor, interstate agency, and
25 United States section of an international commission

1 shall be transmitted to the Council with the plan, por-
2 tion, or revision;

3 “(d) undertake such studies of regional land use
4 conditions, patterns, and projections as may be requested
5 by the Council and concurred in by the Governors of at
6 least one-half of the States included within the commis-
7 sion’s jurisdiction; and

8 “(e) submit to the Council at the time of submitting
9 the plans and studies required by subsections (c) and
10 (d) of this section any recommendations it may have
11 for continuing the functions of the commission and for
12 implementing the plans or study recommendations, in-
13 cluding means of keeping the plans up to date.”

14 “POWERS AND ADMINISTRATIVE PROVISIONS OF THE
15 COMMISSIONS

16 “SEC. 205. (a) For the purpose of carrying out the
17 provisions of this title, each river basin commission may—

18 “(1) hold such hearings, sit and act at such times
19 and places, take such testimony, receive such evidence,
20 and print or otherwise reproduce and distribute so much
21 of its proceedings and reports thereon as it may deem
22 advisable;

23 “(2) acquire, furnish, and equip such office space
24 as is necessary;

25 “(3) use the United States mails in the same man-

1 ner and upon the same conditions as departments and
2 agencies of the United States;

3 “(4) employ and compensate such personnel as it
4 deems advisable, including consultants, at rates not to
5 exceed \$100 per diem, and retain and compensate such
6 professional or technical service firms as it deems ad-
7 visable on a contract basis;

8 “(5) arrange for the services of personnel from
9 any State or the United States, or any subdivision or
10 agency thereof, or any intergovernmental agency;

11 “(6) make arrangements, including contracts, with
12 any participating government, except the United States
13 or the District of Columbia for inclusion in a suitable
14 retirement and employee benefit system of such of its
15 personnel as may not be eligible for or continuing in an-
16 other governmental retirement or employee benefit sys-
17 tem or otherwise provide for such coverage of its
18 personnel;

19 “(7) purchase, hire, operate, and maintain passen-
20 ger motor vehicles; and

21 “(8) incur such necessary expenses and exercise
22 such other powers as are consistent with and reason-
23 ably required to perform its functions under this Act.

24 “(b) The chairman of a river basin commission, or

1 any member of such commission designated by the chair-
2 man thereof for the purpose, is authorized to administer
3 oaths when it is determined by a majority of the commis-
4 sion that testimony shall be taken or evidence received
5 under oath.

6 “(c) To the extent permitted by law, all appropriate
7 records and papers of each river basin commission shall be
8 made available for public inspection during ordinary office
9 hours.

10 “(d) Upon request of the chairman of any river basin
11 commission, or any member or employee of such commis-
12 sion designated by the chairman thereof for the purpose,
13 the head of any Federal department or agency is author-
14 ized (1) to furnish to such commission such information as
15 may be necessary for carrying out its functions and as
16 may be available to or procurable by such department
17 or agency, and (2) to detail to temporary duty with such
18 commission on a reimbursable basis such personnel within
19 his administrative jurisdiction as it may need or believe
20 to be useful for carrying out its functions, each such detail
21 to be without loss of seniority, pay, or other employee status.

22 “(e) The chairman of each river basin commission
23 shall, with the concurrence of the vice chairman, appoint
24 the personnel employed by such commission, and the chair-
25 man shall, in accordance with the general policies of such

1 commission with respect to the work to be accomplished
2 by it and the timing thereof, be responsible for (1) the
3 supervision of personnel employed by such commission, (2)
4 the assignment of duties and responsibilities among such
5 personnel, and (3) the use and expenditure of funds avail-
6 able to such commission.

7 "COMPENSATION OF COMMISSION MEMBERS

8 "SEC. 206. (a) Any member of a river basin commis-
9 sion appointed pursuant to section 202 (b) and (e) of this
10 Act shall receive no additional compensation by virtue of
11 his membership on the commission, but shall continue to
12 receive, from appropriations made for the agency from
13 which he is appointed, the salary of his regular position
14 when engaged in the performance of the duties vested in
15 the commission.

16 "(b) Members of a commission, appointed pursuant to
17 section 202 (c) and (d) of this Act, shall each receive such
18 compensation as may be provided by the State or the inter-
19 state agency, respectively, which they represent.

20 "(c) The per annum compensation of the chairman of
21 each river basin commission shall be determined by the Presi-
22 dent, but when employed on a full-time annual basis shall
23 not exceed the maximum scheduled rate for grade GS-18 of
24 the Classification Act of 1949, as amended; or when engaged
25 in the performance of the commission's duties on an inter-

1 mittent basis such compensation shall be not more than \$100
2 per day and shall not exceed \$12,000 in any year.

3 "SEC. 207. (a) Each commission shall recommend what
4 share of its expenses shall be borne by the Federal Govern-
5 ment, but such share shall be subject to approval by the
6 Council. The remainder of the commission's expenses shall be
7 otherwise apportioned as the commission may determine.
8 Each commission shall prepare a budget annually and trans-
9 mit it to the Council and the States. Estimates of proposed
10 appropriations from the Federal Government shall be in-
11 cluded in the budget estimates submitted by the Council
12 under the Budgeting and Accounting Act of 1921, as
13 amended, and may include an amount for advance to a com-
14 mission against State appropriations for which delay is an-
15 ticipated by reason of later legislative sessions. All sums
16 appropriated to or otherwise received by a commission shall
17 be credited to the commission's account in the Treasury of
18 the United States.

19 " (b) A commission may accept for any of its purposes
20 and functions, appropriations, donations, and grants of
21 money, equipment, supplies, materials, and services from
22 any State or the United States or any subdivision or agency
23 thereof, or intergovernmental agency, and may receive,
24 utilize, and dispose of the same.

25 " (c) The commission shall keep accurate accounts of

1 all receipts and disbursements. The accounts shall be audited
2 at least annually in accordance with generally accepted
3 auditing standards by independent certified or licensed public
4 accountants, certified or licensed by a regulatory authority
5 of a State, and the report of the audit shall be included in
6 and become a part of the annual report of the commission.

7 “(d) The accounts of the commission shall be open at
8 all reasonable times for inspection by representatives of
9 the jurisdictions and agencies which make appropriations,
10 donations, or grants to the commission.

11 “TITLE III—A NATIONAL LAND-USE POLICY
12 AND PROGRAM OF ASSISTANCE TO THE
13 STATES

14 “PART 1—FINDINGS, POLICY, AND PURPOSE

15 “FINDINGS

16 “SEC. 301. (a) The Congress hereby finds that there is
17 a national interest in a more efficient and comprehensive sys-
18 tem of national, regional, statewide, and local land-use plan-
19 ning and decisionmaking and that the rapid and continued
20 growth of the Nation’s population, expanding urban develop-
21 ment, proliferating transportation systems, large-scale indus-
22 trial and economic growth, conflicts in emerging patterns of
23 land use, the fragmentation of governmental entities exercise-
24 ing land-use planning powers, and the increased size, scale,
25 and impact of private actions, have created a situation in

1 which land-use management decisions of national, regional,
2 and statewide concern are often being made on the basis of
3 expediency, tradition, short-term economic considerations,
4 and other factors which are often unrelated to the real con-
5 cerns of a sound national land-use policy.

6 “(b) The Congress further finds that a failure to con-
7 duct competent, ecologically sound land-use planning has, on
8 occasion, required public and private enterprise to delay,
9 litigate, and cancel proposed public utility and industrial
10 and commercial developments because of unresolved land-use
11 questions, thereby causing an unnecessary waste of human
12 and economic resources and a threat to public services and
13 often resulting in decisions to locate utilities and industrial
14 and commercial activities in the area of least public and
15 political resistance, but without regard to relevant ecological
16 and environmental land-use considerations.

17 “(c) The Congress further finds that many Federal
18 agencies are deeply involved in national, regional, State,
19 and local land-use planning and management activities which
20 because of the lack of a consistent policy often result in need-
21 less, undesirable, and costly conflicts between agencies of
22 Federal, State, and local government; that existing Federal
23 land-use planning programs have a significant effect upon the
24 location of population, economic growth, and on the character
25 of industrial, urban, and rural development; that the purposes

1 of such programs are frequently in conflict, thereby subsidiz-
2 ing undesirable and costly patterns of land-use development;
3 and that a concerted effort is necessary to interrelate and
4 coordinate existing and future Federal, State, local and pri-
5 vate decisionmaking within a system of planned develop-
6 ment and established priorities that is in accordance with a
7 national land-use policy.

8 “(d) The Congress further finds that while the primary
9 responsibility and constitutional authority for land-use plan-
10 ning and management of non-Federal lands rests with State
11 and local government under our system of government, it is
12 increasingly evident that the manner in which this responsi-
13 bility is exercised has a tremendous influence upon the
14 utility, the value, and the future of the public domain,
15 the national parks, forests, seashores, lakeshores, recreation,
16 and wilderness areas and other Federal lands; that the in-
17 terest of the public in State and local decisions affecting
18 these areas extends to the citizens of all States; and that the
19 failure to plan and, in some cases, poor land-use planning at
20 the State and local level, pose serious problems of broad
21 national, regional, and public concern and often result in
22 irreparable damage to commonly owned assets of great na-
23 tional importance such as estuaries, ocean beaches, and other
24 areas in public ownership.

25 “(e) The Congress further finds that the land-use de-

1 cisions of the Federal Government often have a tremendous
2 impact upon the ecology, the environment and the patterns
3 of development in local communities; that the substance and
4 the nature of a national land-use policy ought to take into
5 consideration the needs and interests of State, regional, and
6 local government as well as those of the Federal Govern-
7 ment, private groups and individuals; and that Federal land-
8 use decisions require greater participation by State and local
9 government to insure that they are in accord with the highest
10 and best standards of land-use management and the desires
11 and aspirations of State and local government.

12 "DECLARATION OF POLICY

13 "SEC. 302. (a) In order to promote the general welfare
14 and to provide full and wise application of the resources
15 of the Federal Government in strengthening the environ-
16 mental, recreational, economic, and social well-being of the
17 people of the United States, the Congress declares that it is a
18 continuing responsibility of the Federal Government, consist-
19 ent with the responsibility of State and local government for
20 land-use planning and management, to undertake the de-
21 velopment of a national policy, to be known as the national
22 land-use policy, which shall incorporate ecological, environ-
23 mental, esthetic, economic, social, and other appropriate fac-
24 tors. Such policy shall serve as a guide in making specific
25 decisions at the national level which affect the pattern of

1 environmental, recreational, and industrial growth and de-
2 velopment on the Federal lands, and shall provide a frame-
3 work for development of regional, State, and local land-
4 use policy.

5 “(b) The Congress further declares that it is the na-
6 tional land-use policy to—

7 “(1) favor patterns of land-use planning, manage-
8 ment, and development which are in accord with sound
9 ecological principles and which encourage the wise and
10 balanced use of the Nation’s land and water resources;

11 “(2) foster beneficial economic activity and de-
12 velopment in all States and regions of the United States;

13 “(3) favorably influence patterns of population dis-
14 tribution in a manner such that a wide range of scenic,
15 environmental, and cultural amenities are available to
16 the American people;

17 “(4) contribute to the revitalization of existing
18 rural communities and encourage, where appropriate,
19 new communities;

20 “(5) assist State government to assume land-use
21 planning responsibility for activities within their
22 boundaries;

23 “(6) facilitate increased coordination in the ad-
24 ministration of Federal programs so as to encourage
25 desirable patterns of land-use planning; and

1 which meets Federal guidelines and which will be re-
2 sponsive and effective in dealing with the growing
3 pressure of conflicting demands on a finite land resource
4 base;

5 “(c) to establish reasonable and flexible Federal
6 guidelines and requirements to give individual States
7 guidance in the development of statewide land use plans
8 and to condition the distribution of certain Federal funds
9 on the establishment of an adequate statewide land use
10 plan;

11 “(d) establish the authority and responsibility of the
12 Land and Water Resources Council (formerly the Water
13 Resources Council) to administer the Federal grant-in-
14 aid program, to review the statewide land use plans and
15 State water resources programs for conformity to the
16 provisions of this title, and to assist in the coordination
17 of Federal agency activities with statewide land use
18 plans;

19 “(e) to develop and maintain a national policy with
20 respect to federally conducted and federally supported
21 projects having land use implications; and

22 “(f) to coordinate planning and management re-
23 lating to Federal lands with planning and management
24 relating to non-Federal lands.

1 "PART 2—STATEWIDE AND INTERSTATE LAND USE
2 PLANNING GRANTS

3 "SEC. 304. (a) In order to carry out purposes of this
4 title the Council is authorized to make land use planning
5 grants to—

6 "(1) an appropriate single State agency, designated
7 by the Governor of the State or established by law,
8 which has statewide land use planning responsibilities
9 and which meets the guidelines and requirements set out
10 in section 305 of this title; and

11 "(2) any interstate agency which is authorized by
12 Federal law or interstate compact to plan for land use.

13 "(b) The Council is authorized to make land use plan-
14 ning grants in accordance with the provisions of this title
15 to assist and enable eligible State and interstate regional
16 agencies—

17 "(1) to prepare an inventory of the State's or re-
18 gion's land and related resources;

19 "(2) to compile and analyze information and data
20 related to—

21 "(A) population densities and trends;

22 "(B) economic characteristics and projections;

23 "(C) directions and extent of urban and rural
24 growth and changes;

25 "(D) public works, public capital improve-

1 ments, land acquisitions, and economic development
2 programs, projects, and associated activities;

3 “ (E) ecological, environmental, geological, and
4 physical conditions which are of relevance to deci-
5 sions concerning the location of new communities,
6 commercial development, heavy industries, transpor-
7 tation and utility facilities, and other land uses;

8 “ (F) the projected land-use requirements with-
9 in the State or region for agriculture, recreation,
10 urban growth, commerce, transportation, the gen-
11 eration and transmission of energy, and other im-
12 portant uses for at least fifty years in advance;

13 “ (G) governmental organization and financial
14 resources available for land-use planning and man-
15 agement within the State and the political subdivi-
16 sions thereof or within the region; and

17 “ (H) other information necessary to conduct
18 statewide land-use planning in accord with the
19 provisions of this title.

20 “ (3) to provide technical assistance and training
21 programs for appropriate interstate, State, and local
22 agency personnel on the development, implementation,
23 and management of statewide land-use planning pro-
24 grams;

1 “(4) to arrange with Federal agencies for the coop-
2 erative planning of Federal lands located within and
3 near the State’s or region’s boundaries;

4 “(5) to develop, use, and encourage common in-
5 formation and data bases for Federal, regional, State
6 and local land-use planning;

7 “(6) to establish arrangements for the exchange
8 of land-use planning information among State agencies;
9 and among the various governments within each State
10 and their agencies; between the governments and agen-
11 cies of different States; and among States and interstate
12 compact agencies, river basin commissions, and regional
13 commissions;

14 “(7) to establish arrangements for the exchange of
15 information with the Federal Government for use by the
16 Council and the State and interstate agencies in dis-
17 charging their responsibilities under this Act;

18 “(8) to conduct hearings, prepare reports, and
19 solicit comments on reports concerning specific portions
20 of the plans and the plans in their entirety; and

21 “(9) to conduct such other related planning and
22 coordination functions as may be approved by the
23 Council.

1 "FEDERAL GUIDELINES AND REQUIREMENTS FOR STATE-
2 WIDE LAND USE PLANS

3 "SEC. 305. (a) A State agency specified in section
4 304 (a) must meet or give assurances that it will meet the
5 following requirements in the development of a statewide
6 land use plan to be eligible for statewide land use planning
7 grants under this title—

8 " (1) a single State agency, designated by the Gov-
9 ernor or established by law, shall have primary authority
10 and responsibility for the development and administra-
11 tion of the statewide land use plan;

12 " (2) a competent and adequate interdisciplinary
13 professional and technical staff, as well as special con-
14 sultants, will be available to the State agency to develop
15 the statewide land use plan;

16 " (3) to the maximum extent feasible, pertinent
17 local, State, and Federal plans, studies, information, and
18 data on land use planning already available shall be
19 utilized in order to avoid unnecessary repetition of effort
20 and expense.

21 " (b) During the five complete fiscal year period fol-
22 lowing the initial publication of regulations by the Council
23 implementing the provisions of this title, the State agency

1 must, as a condition of continued grant eligibility, develop
2 a statewide land use plan which—

3 “(1) identifies the portions of the State subject to
4 enforcement of the statewide land use plan, which shall
5 include all lands within the boundaries of the State
6 except—

7 “(A) lands the use of which is by law subject
8 solely to the discretion of or which is held in trust
9 by the Federal Government, its officers or agents;
10 and

11 “(B) at the discretion of the State agency, lands
12 located within the boundaries of any incorporated
13 city having a population in excess of two hundred
14 and fifty thousand or in excess of 20 per centum of
15 the State’s total population, which has land use plan-
16 ning and regulation authority;

17 “(2) identifies those areas (within the State, except
18 where otherwise indicated) —

19 “(A) where ecological, environmental, geo-
20 logical, and physical conditions dictate that certain
21 types of land use activities are undesirable;

22 “(B) where the highest and best use, based
23 upon projected local, State, and National needs, on
24 the Statewide Outdoor Recreation Plan required

1 under the Land and Water Conservation Fund Act,
2 and upon other studies, is recreational-oriented use;

3 “(C) which are best suited for agricultural,
4 mineral, industrial, and commercial development;

5 “(D) where transportation and utility facilities
6 are or it appears should, in the future, be located;

7 “(E) which furnish the amenities and the basic
8 essentials to the development of new towns and the
9 revitalization of existing communities;

10 “(F) which, notwithstanding Federal owner-
11 ship or jurisdiction, are important to the State for
12 industrial, commercial, mineral, agricultural, recrea-
13 tional, ecological, or other purposes; and

14 “(G) which although located outside the State,
15 have substantial actual or potential impact upon land
16 use patterns within the State; and

17 “(H) which are of unusual national signifi-
18 cance and value.

19 “(3) includes appropriate provisions designed to
20 insure that projected requirements for material goods,
21 natural resources, energy, housing, recreation, and en-
22 vironmental amenities have been given consideration;

23 “(4) includes provisions designed to insure that the
24 plan is consistent with applicable local, State, regional,

1 and Federal standards relating to the maintenance and
2 enhancement of the quality of the environment and the
3 conservation of public resources;

4 “(5) provides for assuring orderly patterns of land
5 use and development;

6 “(6) includes provisions to insure that transporta-
7 tion and utility facilities do not interfere with Congres-
8 sional policies relating to the status and use of Federal
9 lands, and are established in compliance with regional
10 and State needs, State policies, and policies and goals
11 set forth in other Federal legislation;

12 “(7) provides for measures such as buffer zones,
13 scenic easements, prohibitions against nonconforming
14 uses, and other means of assuring the preservation of
15 aesthetic qualities, to insure that federally designated,
16 financed, and owned areas, including but not limited to
17 elements of the national park system, wilderness areas,
18 and game and wildlife refuges are not damaged or de-
19 graded as a result of inconsistent or incompatible land
20 use patterns in the same immediate geographical region;

21 “(8) provides for flood plain identification and
22 management;

23 “(9) provides for other appropriate factors hav-
24 ing significant land use implications.

25 “(c) To retain eligibility for statewide land use plan-

1 ning grants after the end of five complete fiscal years from
2 the beginning of the first fiscal year after the initial publi-
3 cation of regulations by the Council implementing the pro-
4 visions of this title, the statewide land use plan developed
5 in accordance with subsection (b) of this section and the
6 State land use planning agency must meet the following
7 Federal guidelines and requirements—

8 “(1) the statewide land use plan must be approved
9 by the Council in accordance with section 306;

10 “(2) the agency must have authority to implement
11 the approved plan and enforce its provisions;

12 “(3) the agency’s authority may include the power
13 to acquire interests in real property;

14 “(4) the agency’s authority must include the power
15 to prohibit, under State police powers, the use of any
16 lands in a manner which is inconsistent with the pro-
17 visions of the plan;

18 “(5) the agency must have authority to conduct
19 public hearings, allowing full public participation and
20 granting the right of appeal to aggrieved parties, in con-
21 nection with the dedication of any area of the State as an
22 areas subject to restricted or special use under the state-
23 wide land use plan; and

24 “(6) the agency must have established reasonable
25 procedures for periodic review of the plan for purposes

1 of granting variances from and making modifications of
2 the plan, including public notice and hearings, in order
3 to meet changed future conditions and requirements.

4 “(d) Nothing in this section shall be deemed to pre-
5 clude a State from planning for land use or from imple-
6 menting a statewide land use plan in stages, with respect to
7 either (1) particular geographical areas including but not
8 limited to coastal zones, or (2) particular kinds of uses, as
9 long as the other requirements of this Act are met.

10 “(e) Nothing in this Act shall be deemed to preclude
11 the delegation by the State agency to local governmental en-
12 tities of authority to plan for land use and enforce land use
13 restrictions adopted pursuant to the statewide land use plan,
14 including the assignment of funds authorized by this Act,
15 to the extent available, except that—

16 “(1) the State agency shall have ultimate responsi-
17 bility for approval and coordination of local plans and
18 enforcement procedures;

19 “(2) only the plan submitted by the State agency
20 will be considered by the Council;

21 “(3) the statewide land use plan submitted by the
22 State agency must be consistent with the guidelines estab-
23 lished by this Act; and

24 “(4) the State agency shall be responsible to the
25 Council for the management and control of any Federal

1 funds assigned or delegated to any agency of local gov-
2 ernment within the State concerned.

3 "REVIEW OF STATEWIDE LAND USE PLANS

4 "SEC. 306. (a) Upon completion of each statewide land
5 use plan—

6 " (1) The State agency responsible for the development
7 of the plan shall submit it to the Council.

8 " (2) The Council shall submit the plan for review and
9 comments to those Federal agencies the Council considers to
10 have significant interest in or impact upon land use within
11 the State concerned. A period of ninety days shall be pro-
12 vided for the review.

13 " (3) Upon completion of the review period established
14 by paragraph (2) of this subsection, the Council shall review
15 the plan along with the agency comments and approve the
16 plan if it—

17 " (A) conforms with the policy, guidelines, and re-
18 quirements declared in this title;

19 " (B) is compatible with the plans and proposed
20 plans of other States, so that regional and national land
21 use considerations are accommodated; and

22 " (C) does not conflict with the objectives of Fed-
23 eral programs authorized by the Congress.

24 " (b) A State may at any time make modifications of or
25 grant variances from its statewide land use plan: *Provided,*

1 That such modification or variance does not render the state-
2 wide land use plan inconsistent with the policies, guidelines,
3 and requirements declared in this Act: *And provided further,*
4 That such modification or variance is reported to the Council
5 on or before its effective date. The Council shall approve the
6 modification or variance unless it causes the plan to no
7 longer meet the criteria set forth in subsection (a).

8 “(c) (1) In the event the Council determines that
9 grounds exist for disapproval of a statewide land use plan
10 or, having approved such a plan, subsequently determines
11 that grounds exist for withdrawal of such approval pursuant
12 to section 314, it shall notify the President, who shall order
13 the establishment of an ad hoc hearing board, the member-
14 ship of which shall consist of:

15 “(A) The Governor of a State other than that which
16 submitted the plan, whose State does not have a partic-
17 ular interest in the approval or disapproval of the plan,
18 selected by the President, or such alternate person as the
19 Governor selected by the President may designate;

20 “(B) One knowledgeable, impartial Federal official,
21 selected by the President, who is not a member of or
22 responsible to a member of the Council;

23 “(C) One knowledgeable, impartial private citizen,
24 selected by the other two members: *Provided,* That if the
25 other two members cannot agree upon a third member

1 within twenty days after the appointment of the second
2 member to be appointed, the third member shall be se-
3 lected by the President.

4 “(2) The hearing board shall meet as soon as practi-
5 cable after all three members have been appointed. The Coun-
6 cil shall specify in detail to the hearing board its reasons for
7 considering disapproval or withdrawal of approval of the
8 plan. The hearing board shall hold such hearings and receive
9 such evidence as it deems necessary. The hearing board shall
10 then determine whether disapproval or withdrawal of ap-
11 proval would be reasonable, and set forth in detail the rea-
12 sons for its determination. If the hearing board determines
13 that disapproval would be unreasonable, the Council shall
14 approve the plan.

15 “(3) Members of hearing boards who are not regular
16 full-time officers or employees of the United States shall,
17 while carrying out their duties as members, be entitled to
18 receive compensation at a rate fixed by the President, but
19 not exceeding \$150 per diem, including travel time, and
20 while away from their homes or regular places of business
21 they may be allowed travel expenses, including per diem
22 in lieu of subsistence as authorized by law for persons in
23 Government service employed intermittently. Expenses shall
24 be charged to the account of the Executive Office of the
25 President.

1 “(4) Administrative support for hearing boards shall
2 be provided by the Executive Office of the President.

3 “(5) The President may issue such regulations as may
4 be necessary to carry out the provisions of this subsection.

5 “COORDINATION OF FEDERAL PROGRAMS

6 “SEC. 307 (a) All Federal agencies conducting or sup-
7 porting activities involving land use in an area subject to an
8 approved statewide land use plan shall operate in accordance
9 with the plan. In the event that a departure from the plan
10 appears necessary in the national interest, the agency shall
11 submit the matter to the Council. The Council may approve
12 a federally conducted or supported project a portion or por-
13 tions of which may be inconsistent with the plan if it finds
14 that (1) the project is essential to the national interest and
15 (2) there is no reasonable and prudent alternative which
16 would not be inconsistent with an approved statewide land
17 use plan. In the event that the Council fails to approve the
18 project, the project may be undertaken only upon the express
19 approval of the President. The President may approve proj-
20 ects inconsistent with a statewide land use plan only when
21 overriding considerations of national policy require such
22 approval.

23 “(b) State and local governments submitting applica-
24 tions for Federal assistance for activities having signifi-
25 cant land use implications in an area subject to an approved

1 statewide land use plan shall indicate the views of the State
2 land use planning agency as to the consistency of such
3 activities with the plan. Federal agencies shall not approve
4 proposed projects that are inconsistent with the plan.

5 “(c) All Federal agencies responsible for administering
6 grant, loan, or guarantee programs for activities that have
7 a tendency to influence patterns of land use and develop-
8 ment, including but not limited to home mortgage and inter-
9 est subsidy programs and water and sewer facility
10 construction programs, shall take cognizance of approved
11 statewide land use plans and shall administer such programs
12 so as to enable them to support controlled development, rather
13 than administering them so as merely to respond to uncon-
14 trolled growth and change.

15 “(d) Federal agencies conducting or supporting public
16 works activities in areas not subject to an approved state-
17 wide land use plan shall, to the extent practicable, conduct
18 those activities in such a manner as to minimize any ad-
19 verse impact on the environment resulting from decisions con-
20 cerning land use.

21 “(e) Officials of the Federal Government charged with
22 responsibility for the management of federally owned lands
23 shall take cognizance of the planning efforts of State land
24 use planning agencies of States within which and near the
25 boundaries of which such Federal lands are located, and

1 shall coordinate Federal land use planning for those lands
2 with State land use planning to the extent such coordination
3 is practicable and not inconsistent with paramount national
4 policies, programs, and interests.

5 "PART 3—STATE WATER RESOURCES PLANNING GRANTS

6 "SEC. 308. In recognition of the need for increased
7 participation by the States in water resources planning, and
8 to carry out the purposes of this title, the Council is author-
9 ized to make water resources planning grants to an appro-
10 priate single State agency designated by the Governor of the
11 State or established by law to carry out a program which
12 meets the criteria set forth in section 309. The agency may
13 be the same as the one designated pursuant to section 305
14 (a) (1) for administration of the statewide land use plan.

15 "SEC. 309. The Council shall approve any program for
16 comprehensive water and related land resources planning
17 which is submitted by a State, if such program—

18 " (a) provides for comprehensive planning with re-
19 spect to intrastate or interstate water resources, or both,
20 in such State to meet the needs for water and water-
21 related activities, taking into account prospective de-
22 mands for all purposes served through or affected by
23 water and related land resources development, with ade-
24 quate provision for coordination with all Federal, State,

1 and local agencies, and nongovernmental entities having
2 responsibilities in affected fields;

3 “(b) provides, where comprehensive statewide de-
4 velopment planning is being carried on with or with-
5 out assistance under section 701 of the Housing Act of
6 1954, or under the Land and Water Conservation Fund
7 Act of 1965, for full coordination between comprehensive
8 water resources planning and other statewide planning
9 programs and for assurances that such water resources
10 planning will be in conformity with the general develop-
11 ment policy in such State;

12 “(c) designates a State agency to administer the
13 program;

14 “(d) provides that the State agency will make
15 such reports in such form and containing such infor-
16 mation as the Council from time to time reasonably
17 requires to carry out its functions under this title;

18 “(e) sets forth the procedure to be followed in
19 carrying out the State program and in administering
20 such program;

21 “(f) provides such accounting, budgeting, and other
22 fiscal methods and procedures as are necessary for
23 keeping appropriate accountability of the funds and
24 for the proper and efficient administration of the pro-
25 gram; and

1 pose of this title shall increase, and not replace State funds
2 presently available for State land use planning activities.
3 Any grant made pursuant to this title shall be in addition to,
4 and may be used jointly with, grants or other funds available
5 for land use planning surveys, or investigations under other
6 federally assisted programs.

7 “(d) No funds granted pursuant to this Act may be
8 expended for the acquisition of any interest in real property.

9 “SEC. 311: (a) From the sums appropriated pursuant
10 to section 404 of this Act for any fiscal year the Council
11 shall from time to time make allotments to the States for
12 water resources planning, in accordance with its regulations
13 and the provisions of this Act, on the basis of (1) the popu-
14 lation, (2) the land area, (3) the need for comprehensive
15 water and related land resources planning programs, and
16 (4) the financial need of the respective States. For the pur-
17 poses of this section the population of the States shall be
18 determined on the basis of the latest estimates available
19 from the Department of Commerce, and the land area of the
20 States shall be determined on the basis of the official records
21 of the United States Geological Survey.

22 “(b) From each State's allotment under this section
23 for any fiscal year the Council shall pay to such State an
24 amount which is not more than 50 per centum of the cost
25 of carrying out its State program approved under section

1 309, including the cost of training personnel for carry-
2 ing out such program and the cost of administering such
3 program.

4 "PAYMENTS

5 "SEC. 312. The method of computing and paying
6 amounts pursuant to this title shall be as follows:

7 "(1) The Council shall, prior to the beginning of each
8 calendar quarter or other period prescribed by it, esti-
9 mate the amounts to be paid to each State under the pro-
10 visions of this title for such period, such estimate to be
11 based on such records of the State and information fur-
12 nished by it, and such other investigation, as the Council
13 may find necessary.

14 "(2) The Council shall pay to the State, from the allot-
15 ments available therefor, the amounts so estimated by it
16 for any period, reduced or increased, as the case may be,
17 by any sum (not previously adjusted under this para-
18 graph) by which it finds that its estimate of the amount
19 to be paid such State for any prior period under this title
20 was greater or less than the amount which should have
21 been paid to such State for such prior period under this
22 title. Such payments shall be made through the disbursing
23 facilities of the Treasury Department, at such times and
24 in such installments as the Council may determine.

"FINANCIAL RECORDS

1
2 "SEC. 313. (a) Each recipient of a grant under this
3 Act shall keep such records as the Director of the Council
4 shall prescribe, including records which fully disclose the
5 amount and disposition of the funds received under the
6 grant, and the total cost of the project or undertaking in con-
7 nection with which the grant was made and the amount and
8 nature of that portion of the cost of the project or undertak-
9 ing supplied by other sources, and such other records as will
10 facilitate an effective audit.

11 "(b) Such other records shall be kept and made avail-
12 able and such reports and evaluations shall be made as the
13 Director may require regarding the status and application
14 of Federal funds made available under the provisions of this
15 title.

16 "(c) The Director of the Council and the Comptroller
17 General of the United States, or any of their duly authorized
18 representatives, shall have access for the purpose of audit and
19 examination to any books, documents, papers, and records of
20 the recipient of the grant that are pertinent to the determina-
21 tion that funds granted are used in accordance with this Act.

"SANCTIONS FOR NONCOMPLIANCE

22
23 "SEC. 314. (a) The Council shall have authority to ter-
24minate any financial assistance extended to a State agency for

1 land use planning under this title and withdraw its approval
2 of a statewide land use plan, whenever, after the State con-
3 cerned has been given notice of a proposed termination and
4 an opportunity for hearing, the Council finds that—

5 “(1) the designated State land use planning agency
6 has failed to adhere to the guidelines and requirements of
7 this title in the development of the land use plan;

8 “(2) the State has not enacted legislation which
9 allows the State agency to meet the requirements of sub-
10 section (c) of section 305; or

11 “(3) the plan submitted by such State and approved
12 under section 306 has been so changed or so admin-
13 istered that it no longer complies with a requirement
14 of such section.

15 “(b) Whenever the Council after reasonable notice and
16 opportunity for hearing to a State agency finds that—

17 “(1) the program submitted by such State and ap-
18 proved under section 309 has been so changed that it no
19 longer complies with a requirement of such section; or

20 “(2) in the administration of the program there is
21 a failure to comply substantially with such a requirement,
22 the Council shall notify such agency that no further payments
23 will be made to the State under this title until it is satisfied
24 that there will no longer be any such failure. Until the Coun-

1 cil is so satisfied, it shall make no further payments to such
2 State for water resources planning under this title.

3 "SEC. 315. (a) After the end of five fiscal years from
4 the beginning of the first fiscal year after the initial issuance
5 of regulations by the Council implementing the provisions
6 of this title, no Federal agency shall, except with respect to
7 Federal lands, propose or undertake any new action or fi-
8 nancially support any new State-administered action which
9 may have a substantial adverse environmental impact or
10 which would or would tend to irreversibly or irretrievably
11 commit substantial land or water resources in any State which
12 has not prepared and submitted a statewide land use plan
13 in accordance with this Act.

14 "(b) Upon application by the Governor of the State or
15 head of the Federal agency concerned, the President may
16 temporarily suspend the operation of paragraph (a) with
17 respect to any particular action, if he deems such suspension
18 necessary for the public health, safety, or welfare: *Provided,*
19 That no such suspension shall be granted unless the State
20 concerned submits a schedule, acceptable to the Council, for
21 submission of a statewide land use plan: *And provided*
22 *further,* That no subsequent suspension shall be granted un-
23 less the State concerned has exercised due diligence to comply
24 with the terms of that schedule.

1 "TITLE IV—GENERAL

2 "EFFECT ON EXISTING LAWS

3 "SEC. 401. Nothing in this Act shall be construed—

4 "(a) to expand or diminish either Federal or State
5 jurisdiction, responsibility, or rights in the field of land
6 and water resources planning, development, or control;
7 nor to displace, supersede, limit, or modify any inter-
8 state compact or the jurisdiction or responsibility of any
9 legally established joint or common agency of two or
10 more States, or of two or more States and the Federal
11 Government; nor to limit the authority of Congress to
12 authorize and fund projects;

13 "(b) to change or otherwise affect the authority
14 or responsibility of any Federal official in the discharge
15 of the duties of his office except as required to carry
16 out the provisions of this Act;

17 "(c) as superseding, modifying, or repealing exist-
18 ing laws applicable to the various Federal agencies
19 which are authorized to develop or participate in the
20 development of land and water resources or to exercise
21 licensing or regulatory functions in relation thereto,
22 except as required to carry out the provisions of this
23 Act; nor to affect the jurisdiction, powers, or preroga-
24 tives of the International Joint Commission, United
25 States and Canada, the Permanent Engineering Board

1 and the United States operating entity or entities estab-
2 lished pursuant to the Columbia River Basin Treaty,
3 signed at Washington January 17, 1961, or the Inter-
4 national Boundary and Water Commission, United
5 States and Mexico;

6 “(d) as authorizing any entity established or act-
7 ing under the provisions hereof to study, plan, or recom-
8 mend the transfer of waters between areas under the
9 jurisdiction of more than one river basin commission
10 or entity performing the function of a river basin
11 commission.

12 “DEFINITIONS

13 “SEC. 402. For the purposes of this Act—

14 “(a) the term ‘State’ means a State, the Dis-
15 trict of Columbia, the Commonwealth of Puerto Rico,
16 or any territory or possession of the United States;

17 “(b) the term ‘interstate agency’ means any river
18 basin commission or interstate compact agency estab-
19 lished in accordance with Federal law;

20 “(c) the terms ‘basin’ and ‘river basin’ are descrip-
21 tive of geographical areas and have identical meaning;
22 and

23 “(d) the term ‘new action’, as used in section 315,
24 means any action which has not been previously author-
25 ized by the Congress.

1 "AUTHORIZATION OF APPROPRIATIONS

2 "SEC. 403. There are authorized to be appropriated not
3 more than \$16,000,000 annually for the administration of
4 this Act, no more than \$10,000,000 of which may be used
5 for contract studies.

6 "SEC. 404. There are hereby authorized to be appro-
7 priated to the Council for grants to States, river basin com-
8 missions, and interstate agencies not more than \$100,000,-
9 000 annually to carry out the purposes of this Act.

10 "ADMINISTRATIVE PROVISIONS

11 "SEC. 405. (a) For the purpose of carrying out the
12 provisions of this Act, the Director with the concurrence of
13 the Council may: (1) hold such hearings, sit and act at
14 such times and places, take such testimony, receive such
15 evidence, and print or otherwise reproduce and distribute
16 so much of its proceedings and reports thereon as he may
17 deem advisable; (2) acquire, furnish, and equip such office
18 space as is necessary; (3) use the United States mails in
19 the same manner and upon the same conditions as other
20 departments and agencies of the United States; (4) em-
21 ploy and fix the compensation of such personnel as it
22 deems advisable, in accordance with the civil service laws
23 and Classification Act of 1949, as amended; (5) procure
24 services as authorized by section 15 of the Act of August 2,
25 1946 (5 U.S.C. 55a), at rates not to exceed \$100 per diem

1 for individuals; (6) purchase, hire, operate, and maintain
2 passenger motor vehicles; and (7) incur such necessary
3 expenses and exercise such other powers as are consistent
4 with and reasonably required for the performance of its
5 functions under this Act.

6 “(b) Any member of the Council is authorized to ad-
7 minister oaths when it is determined by a majority of the
8 Council that testimony shall be taken or evidence received
9 under oath.

10 “(c) To the extent permitted by law, all appropriate
11 records and papers of the Council may be made available
12 for public inspection during ordinary office hours.

13 “(d) The Council shall be responsible for (1) the
14 appointment and supervision of its personnel, (2) the as-
15 signment of duties and responsibilities among such per-
16 sonnel, and (3) the use and expenditures of funds.

17 “DELEGATION OF FUNCTIONS

18 “SEC. 406. (a) The Council is authorized to delegate
19 to the Director of the Council its administrative functions,
20 including the detailed administration of the grant programs
21 under title III.

22 “(b) The Council may not delegate the responsibilities
23 of a policy nature vested in it by this Act. This restriction
24 applies specifically to, but is not necessarily limited to, the
25 following responsibilities of the Council—

1 “(1) the recommendation function set forth in sub-
2 section (b) of section 106;

3 “(2) the approval and disapproval functions set
4 forth in section 306;

5 “(3) the approval and disapproval functions set
6 forth in section 309;

7 “(4) the approval functions set forth in subsection
8 (b) of section 315; and

9 “(5) the functions set forth in section 410.

10 “UTILIZATION OF PERSONNEL

11 “SEC. 407. (a) The Council may, with the consent of
12 the head of any other department or agency of the United
13 States, utilize such officers and employees of such agency on
14 a reimbursable basis as are necessary to carry out the pro-
15 visions of this Act.

16 “(b) Upon request of the Council, the head of any
17 Federal department or agency is authorized (1) to furnish
18 to the Council such information as may be necessary for
19 carrying out its functions and as may be available to or
20 procurable by such department or agency, and (2) to de-
21 tail to temporary duty with the Council on a reimbursable
22 basis such personnel within his administrative jurisdiction
23 as the Council may need or believe to be useful for carrying
24 out its functions, each such detail to be without loss of senior-
25 ity, pay, or other employee status.

1 "TECHNICAL ASSISTANCE

2 "SEC. 408. The Council may provide technical assist-
3 ance to any eligible State, river basin commission, or inter-
4 state agency to assist it in the performance of its functions
5 under this Act.

6 "STUDIES

7 "SEC. 409. The Council may, by contract or otherwise,
8 make studies and publish information on subjects related to
9 State, regional, and national land use planning and water
10 resources use.

11 "RULES AND REGULATIONS

12 "SEC. 410. The Council, except with respect to subsec-
13 tion (c) of section 306—

14 "(a) shall promulgate rules and regulations for the
15 administration of title III, including the detailed terms
16 and conditions under which grants may be made, and

17 "(b) with the approval of the President, shall pre-
18 scribe such rules, establish such procedures, and make
19 such arrangements and provisions relating to the per-
20 formance of its functions under title III and the use of
21 funds available therefor, as may be necessary in order
22 to assure (1) coordination of the program authorized
23 by this Act with related Federal planning assistance
24 programs, including the program authorized under sec-
25 tion 701 of the Housing Act of 1954 and (2) appro-

1 appropriate utilization of other Federal agencies administering
2 programs which may contribute to achieving the pur-
3 poses of this Act.

4 “(c) shall make such other rules and regulations
5 as it may deem necessary or appropriate for carrying
6 out its duties and responsibilities under the provisions of
7 this Act.”

92^d CONGRESS
1st SESSION

S. 992

IN THE SENATE OF THE UNITED STATES

FEBRUARY 25 (legislative day, FEBRUARY 17), 1971

Mr. BYRD of West Virginia (for Mr. JACKSON) (for himself, Mr. ALLOTT, Mr. BELLMON, Mr. FANNIN, Mr. HATFIELD, Mr. JORDAN of Idaho, and Mr. STEVENS) (by request) introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

A BILL

To establish a national land use policy; to authorize the Secretary of the Interior to make grants to encourage and assist the States to prepare and implement land use programs for the protection of areas of critical environmental concern and the control and direction of growth and development of more than local significance; and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That this Act may be cited as the "National Land Use Policy
- 4 Act of 1971".

II

1 FINDINGS AND DECLARATIONS OF POLICY

2 SEC. 101. (a) The Congress hereby finds and declares
3 that decisions about the use of land significantly influence the
4 quality of the environment, and that present State and local
5 institutional arrangements for planning and regulating land
6 use of more than local impact are inadequate, with the
7 result—

8 (1) that important ecological, cultural, historic, and
9 aesthetic values in areas of critical environmental con-
10 cern which are essential to the well-being of all citizens
11 are being irretrievably damaged or lost;

12 (2) that coastal zones and estuaries, flood plains,
13 shorelands, and other lands near or under major bodies
14 or courses of water which possess special natural and
15 scenic characteristics are being damaged by ill-planned
16 development that threaten these values;

17 (3) that key facilities such as major airports, high-
18 way interchanges, and recreational facilities are inducing
19 disorderly development and urbanization of more than
20 local impact;

21 (4) that the implementation of standards for the
22 control of air, water, noise, and other pollution is im-
23 peded;

24 (5) that the selection and development of sites for

1 essential private development of regional benefit has
2 been delayed or prevented;

3 (6) that the usefulness of Federal or federally
4 assisted projects and the administration of Federal pro-
5 grams are being impaired;

6 (7) that large-scale development often creates a
7 significant adverse impact upon the environment.

8 (b) The Congress further finds and declares that there
9 is a national interest in encouraging the States to exercise
10 their full authority over the planning and regulation of non-
11 Federal lands by assisting the States, in cooperation with
12 local governments, in developing land use programs includ-
13 ing unified authorities, policies, criteria, standards, methods,
14 and processes for dealing with land use decisions of more
15 than local significance.

16 DEFINITIONS

17 SEC. 102. For purposes of this Act, (a) "Areas of
18 critical environmental concern" are areas where uncon-
19 trolled development could result in irreversible damage to
20 important historic, cultural, or esthetic values, or natural
21 systems or processes, which are of more than local signifi-
22 cance; or life and safety as a result of natural hazards of
23 more than local significance. Such areas shall include:

24 (1) Coastal zones and estuaries: "Coastal zones"

1 means the land, waters, and lands beneath the waters
2 in close proximity to the coastline (including the Great
3 Lakes) and strongly influenced by each other, and
4 which extend seaward to the outer limit of the United
5 States territorial sea and include areas influenced or
6 affected by water from an estuary such as, but not
7 limited to, salt marshes, coastal and intertidal areas,
8 sounds, embayments, harbors, lagoons, inshore waters,
9 channels, and all other coastal wetlands. "Estuary"
10 means the part of the mouth of a river or stream or
11 other body of water having unimpaired natural connec-
12 tion with the open sea and within which the sea water
13 is measurably diluted with fresh water derived from
14 land drainage.

15 (2) shorelands and flood plains of rivers, lakes, and
16 streams of State importance;

17 (3) rare or valuable ecosystems;

18 (4) scenic or historic areas; and

19 (5) such additional areas of similar valuable or
20 hazardous characteristics which a State determines to
21 be of critical environmental concern.

22 (b) "Key facilities" are public facilities which tend to
23 induce development and urbanization of more than local
24 impact and include the following:

25 (1) any major airport that is used or is designed
26 to be used for instrument landings;

1 (2) interchanges between the Interstate Highway
2 System and frontage access streets or highways; major
3 interchanges between other limited access highways and
4 frontage access streets or highways; and

5 (3) major recreational lands and facilities.

6 (c) "Development and land use of regional benefit"
7 includes land use and private development for which there
8 is a demonstrable need affecting the interests of constituents
9 of more than one local government which outweighs the
10 benefits of any applicable restrictive or exclusionary local
11 regulations.

12 (d) "State" includes the fifty States of the United
13 States, the Commonwealth of Puerto Rico, Guam, American
14 Samoa, and the Virgin Islands.

15 PROGRAM DEVELOPMENT GRANTS

16 SEC. 103. (a) The Secretary of the Interior (herein-
17 after referred to as the "Secretary") is authorized to make
18 not more than two annual grants to each State to assist that
19 State in developing a land use program meeting the require-
20 ments set forth in section 104 of this Act. Such grants shall
21 not exceed 50 per centum of the costs of program develop-
22 ment. Prior to making the first grant, the Secretary shall be
23 satisfied that such grant will be used in development of a
24 land use program meeting the requirements set forth in sec-
25 tion 104. Prior to making a second grant, the Secretary shall

1 be satisfied that the State is adequately and expeditiously
2 proceeding with the development of a land use program
3 meeting the requirements of section 104.

4 (b) States receiving grants pursuant to this section
5 shall submit to the Secretary not later than one year after the
6 date of award of the grant a report on work completed toward
7 the development of a State land use program. A State land
8 use program meeting the requirements of section 104 of this
9 Act shall satisfy the requirements for such a report.

10 (c) The authority to make grants under this section ex-
11 pires three years from date of enactment.

12 PROGRAM MANAGEMENT GRANTS

13 SEC. 104. Following his review of a State's land use pro-
14 gram, the Secretary is authorized to make a grant to that
15 State to assist it in managing the State land use program.
16 Successive grants for this purpose may be made annually to
17 any State resubmitting its land use program for review by
18 the Secretary. Grants made pursuant to this section shall not
19 exceed 50 per centum of the cost of managing the land use
20 program. Grants authorized by this section shall be made by
21 the Secretary only if, in his judgement:

22 (a) the State's land use program includes:
23 (1) a method for inventorying and designating
24 areas of critical environmental concern;