Mr. Chairman and Members of the Commission:

The direction in Public Law 88-606 that the head of each Federal Department or independent agency which has an interest in or responsibility with respect to the retention, management, or disposition of the public lands appoint a liaison officer to work closely with the Commission, leaves no doubt that Interior is subject to it.

Our interest and responsibility probably transcends that of any Department.

Two statutory instructions are given to me—to "work closely with the Commission" and to "advise and counsel" the Commission.

Today I have been requested to set forth the relationship of my responsibilities and the responsibilities of the Department to the work of the Commission, and to make a factual presentation of the Department's responsibility relative to the lands included in the study. The task is expository, and the Chairman's use of the word "factual" seems to call for basic matters.

First, let me say a little about our Federal public domain as a proportion of our total land and inland water area. For our continental mass, excluding Alaska and Hawaii, this figure is just short of two billion acres. Of this, 476 million acres were in private or other non-Federal ownership upon coming under American control. Thus, nearly 1-1/2 billion acres have held public domain status at one time or another since 1785. Today, the residual Federal ownership over original public domain amounts to 352 million acres, or less than a fourth of our common land heritage. The balance has been disbursed to settlers, as a dowry to newly created States, as grants to subsidize a railroad network, as a homeland for the displaced native Indian population and through other devices.

An even smaller land area remains in technical public domain status, that is, the vacant and unreserved land base not allocated on a permanent basis to any other Federal use. Out of the 352 million acres remaining in Federal ownership more than half, 179 million acres, has been set aside for national forest purposes, national parks and wildlife refuges, defense installations, reclamation projects and a variety of highly intensive governmental uses (hospitals, prisons, test areas, navigational facilities and the like).
So when we talk about the public domain in its technical legal sense, or in the realistic sense of that which can be made available without particular consideration for an existing special use, we are really concerned with about 173 million acres. In sum, this is perhaps one-ninth of the original landed birthright of the Nation. Stated in the reverse, we have either conveyed away or allocated to other specific public uses eight-ninths of the land that was once thought by Jefferson, for example, to be growing room for a future of thousands of years.

Putting Alaska back into the statistics, we find that the Federal Government inventories its land, among other ways by how it got the land—as a part of the public domain, or by some other form of acquisition, such as purchase or donation.

In these terms, the figures maintained by GSA show 718 million acres in the "public domain" category, and 52 million acres by acquisition. This does not match the jurisdiction of the Commission, owing primarily to return of O & C acreage in the GSA report. Seven major departments and several independent agencies have primary responsibility for Federal land which is carried in this public domain category. Of these agencies, the largest Federal land manager other than Interior is Agriculture, whose Forest Service has 160 million acres in this category. Defense has sixteen million acres on its military side, and a little less than one million on its civil side principally flood control under the Corps of Engineers. Atomic Energy has a million and a third acres of public domain land in its reservations.

Smaller reservations of public domain land serve the needs of agricultural research, soil conservation, weather bureau, prison, international water commission uses, coast guard uses such as lighthouses, Federal aviation uses, and the like.

Of course the largest acreage is in the Interior Department, which succeeded to the functions of the Old General Land Office, is the bookkeeper of the public lands, as well as the nominal manager or custodian of lands "pending disposition", to use the term in the Taylor Grazing Act.

But the Department is also responsible for various programs which are authorized to "draw upon" the Federal lands in public domain status in about the same way as the various other programs I've listed above.

Thus, we find that 18 million acres of public domain land are now in national park status; twenty-four million in wildlife refuge or similar status (including 9 million in the Arctic Wildlife Range); four million held for the benefit of Indians; a few thousand for the Alaska Railroad and the Bureau of Mines, and less than a hundred for the Geological Survey; and seven and a half million in reclamation withdrawn status.

This leaves almost five hundred million in the nominal custody of the Bureau of Land Management. Deducting Alaska, the BLM would list this figure as about 170 million acres in the lower forty-eight States.
This explanation of the acreages in the several programs, however, can be misleading until it is remembered that considerable precision is necessary at any given time to specify the "management" responsibility which is being discussed. For example, oil and gas leasing on public domain-derived national forest land and the wildlife refuges and reserves is under the BLM; and the Forest Service itself asks the BLM for permission to set aside national forest land for administrative, recreational, or other purposes so as to cut off the rights of prospectors to enter the forest land under the provisions of the mining laws.

Reclamation withdrawals have a similar effect—they make the withdrawn land unavailable for entry under other agricultural entry laws, such as the desert land law. In other words, the seven million plus acres in reclamation withdrawn status represents, generally speaking, determinations made over the past half century or so of lands potentially suitable for reclamation projects. Revocation of these withdrawals is a very significant resultant of a continuing review of withdrawals which is a part of the Bureau of Land Management's responsibilities.

One of the most important things to understand about the Federal Government's ownership and management of public lands is the pattern of ownership. This requires mention of some of the laws by which the original billion and a half acres passed into private ownership.

For example, consider the pock-marking of landownership patterns by these types of dispositions:

a. Beginning with the Northwest Ordinance of 1785, the practice of reserving two or four sections per township of 36 sections for the support of schools has found the orderly grid of the rectangular survey shaded in sections 16 and 36, or sections 2, 16, 32, and 36, as State lands. If reservations for forest or other purposes predated survey, States had the option generally of selecting equivalent land in the unreserved public lands. Some States are still exercising this right.

Alaska was granted, not sections in place, but the right to select an aggregate of 100 million plus acres. This constitutes a sort of floating option, for the State is limited in its right of selection only by withdrawals already made—and these are few.

b. The railroad grants created a far worse situation, for on a band of land forty miles wide, the railroads were given alternate sections—a checkerboard pattern of ownership which still exists in all the arid areas where, until recently, there has been no economic incentive to get the retained Federal sections into private ownership.

c. Homesteads and patented mining claims, naturally, were located where, respectively, the arable land and water were found, or in the mineralized zones. Particularly the latter has caused great confusion of ownership patterns, because the peculiarities of the mining laws caused the land to go into private ownership on a basis almost totally unrelated to the rectangular surveys. The result has been the necessity for very expensive surveys, and this responsibility subsists.
Having in mind the proliferation of Federal agencies which may be involved, and the pattern of ownership, we are then in a position of understanding another often-used statistic—the percentage of federally owned land in the western, or public land, States. Alaska is 98 percent Federal, Nevada 85 percent, Utah 66 percent, Idaho 63 percent, Oregon 52 percent, Wyoming 48 percent, California 44 percent, etc.

These statistics are not really meaningful as aggregates. Some counties and some Congressional Districts may be almost entirely Federal, and others have almost no Federal lands, even in the States which are over fifty percent in Federal ownership.

But the relationships have to be understood if we are to grapple successfully with questions involving sharing of the revenues from the disposition of lease of public resources to States or counties, or consideration of the real meaning of public land when it comes to its usefulness to support expansion of cities, growth of industry, or continued use for grazing or other commercial purposes.

The land demands of our maturing society dictate that the totality of Federal holdings be subjected to close scrutiny.

The "Outer Continental Shelf Lands Act", P. L. 83-212, provides for the jurisdiction of the United States over the submerged lands of the outer continental shelf, and authorizes the Secretary of the Interior to lease such lands for certain purposes.

It has been estimated that the outer continental shelf of conterminous United States covers an area of 775,000 square statute miles, or about three-tenths of the land area of the United States. The total area of the entire U.S. continental shelf (low water to 100 fathoms) is approximately 300,000 square statute miles, of which the Atlantic Coast has 140,000; the Gulf Coast, 135,000; and the Pacific Coast, 25,000. The amount of this area within the 3-nautical mile limit is approximately 23,000 square statute miles, of which the Atlantic Coast has 10,000; the Gulf Coast, 8,000; and the Pacific Coast, 5,000. The continental shelf of Alaska (low water to 100 fathoms) has been computed to be approximately 550,000 square statute miles.

The Department of the Interior's organization for working with the Commission, beyond the assignment of the liaison function to the Under Secretary, has not been formalized. In order to keep the liaison function as close as possible to the line operations of the principal land management bureaus of our Department, I asked Mr. Frederick Fishman, a member of the staff of the Assistant Secretary of the Interior for Land Management, to act as my assistant in this function.

Since I served in this Assistant Secretary position myself for four years, and since I was intimately involved in the efforts to get the legislation, I feel that there will be no problem in achieving a close and effective working relationship.
The different bureaus of the Department bring different objectives to their involvement in public land questions. From the vantage point of the position of Under Secretary, I feel that we can assure that all these elements will have an adequate input into the Commission's deliberations.

The Department hits public land questions from several different points of view.

One subject which illustrates this point is oil shale. The Bureau of Mines' work on the technology for mining and beneficiation of oil shales, including in situ methods; the complex and challenging tangle of administrative and procedural questions involving pre-1920 claims which was presented for untangling by the Solicitor and the courts; basic questions about the relative role of the Federal Government and private enterprise in research and development of resources found on public lands which must be decided by the Secretary or the Congress; and the interaction of the various kinds of geological probing in the same area, as for oil and gas, for shale, and for sodium which the Geological Survey must deal with; environmental considerations like use of water, land for spent shale, and the like which BLM worries about; and energy policy questions—these illustrate that there can be no single point in Interior to get answers. The best that can be done is identify as best we can all the facts. This we will try to do.

The "planning-programming-budgeting" system arranges the Department's activities into "program categories." Some of these will certainly furnish useful information to the Commission.

The bureaus concerned with the public lands, directly or indirectly, are carrying out studies which will be made available to the Commission to the fullest extent practicable. These will cover such matters as the "agricultural public land laws," minerals leasing policies, grazing fee policies, and the like.

New dimensions in natural resource objectives have re-emphasized long-standing needs for improved coordination of Federal management services.

Proper understanding of the various proposals advanced for coordination requires an understanding of the land management roles to be coordinated and the objectives which are sought.

President Johnson has asked for a "new conservation" which would deal with the problems of urbanization and growth which already have deprived too many Americans of the privilege of living in decent surroundings. The challenge he has given is to build a "Great Society," a society of quality.

The thrust of the new conservation is creativity. It assumes a common purpose. It recognizes that the profit motive is properly on the conservation team. It sees the necessity of Government regulation, but gives attention also to Government-sponsored research. It particularly emphasizes the role of industry in research and development.
Creativity and the highest order of statesmanship are essential if we are to meet the demands upon our inelastic land and resource base--not just that under the jurisdiction of the Federal Government, but the entire natural resource on which our economy and society depend.

The President's articulation of national goals does not rest on simply assuring an adequate supply of food, fiber, and fuel; he has added a concern for the quality of our life, and concern for the total environment.

This means that an even wider choice of alternative decisions will be available. For this "creativity" the Commission itself will be a major instrumentality.

"The solution to these problems," the President said at Ann Arbor, "does not rest on a massive program in Washington, nor can it rely solely on the strained resource of local authority. They require us to create new concepts of cooperation, a creative federalism, between the national capital and the leaders of local communities."

The Public Land Law Review Commission will foster mutual trust and confidence between the two branches of Government, and between the people and their Government, and we pledge our cooperation to this end.