

Statement of Commissioner John A. Carver, Jr., Member of the Advisory Council, Public Land Law Review Commission, before a hearing of the Commission in Washington, D. C., April 5, 1968

FEDERAL POWER COMMISSION

The statement presented by John Mason to the Public Land Law Review Commission on March 24, 1966, describes the responsibility and functions of the Federal Power Commission related to the public lands of the United States. However, Mr. Mason's comments were of a general nature and did not elaborate on specific problems arising from existing public land laws, regulations, policies and practices.

The basic major problem existing today is the very large amount of public lands that are reserved for power development purposes which have never had, or no longer have, power values.

Listed below are some of the more frequently encountered problems created by existing public land laws and agency regulations. Also listed are possible solutions or suggested avenues to investigate to diminish or eliminate the effects of these problems.

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1. **PROBLEM:** Withdrawals made pursuant to the filing of an application for a preliminary permit or license, whether the proposed project proves to be feasible or not, remain of record pending specific action by the Commission or by Congress. Since the establishment of this Commission, 2,650 applications for preliminary permits or licenses for proposed and constructed projects have been filed. We have not broken this figure down by state, but our staff believes that roughly half would involve public lands; put another way, a very high percentage of the applications in the public land states involve public lands.

Only about 600 power projects are under FPC license. Making allowances for previous project vacations these figures show the magnitude of the problem.

As a fraction of the total "withdrawal problem", this is not significant. To some extent, these segregative orders have preserved land in public ownership where it might have gone into private ownership contrary to good land-use principles. But, again speaking generally, most of the withdrawals pursuant to this part of the Federal Power

The above-cited problems and causes are not intended to cover all existing problems but it is believed that investigations along these lines will reveal the majority of the more serious ones.

It is suggested that appropriate legislation be enacted to vacate or restore all power withdrawals affecting lands which have not been given consideration for power development within the past 20 years. Consideration should be given in future legislation to prevent multiple power withdrawals except upon lands which are actually occupied by facilities of two or more licensed projects. Because of this situation (multiple withdrawals) the reported total acreage figure is far greater than the total acres of land reserved for power development purposes.

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