
Less than a week hence the Public Land Law Review Commission will transmit to the Congress and to the President a final report reflecting the results of more than five years' intensive study of federal public land management.

As one who played a modest part in persuading the legislative and executive branches of the government that this effort should be undertaken, I await the delivery of the result with anticipatory curiosity. Having participated in numerous joint meetings with the Commission as a member of its Advisory Council--along with Bert Curtis, Lloyd Haight, Gordon Trombley, and the late Don Theophilus, as monitors of Idaho's interests--I can attest to the arduous labors that have attended this impending delivery.

In a way, it is like waiting for one's first child. After so long a gestation period, however, I think that all of us not directly involved in the Commission's final deliberations may be preserving our options with regard to acknowledgement of the offspring.

Five years ago I made a speech to a conference very much like this one--the Arizona Town Hall. I admonished
to avoid set patterns of thought and preconceived positions on the public land policy issues to be reviewed by the Commission. In that direction, I insisted, lie only confrontation and stalemate when objectivity and careful analysis are the needs of the day.

That advice seems in retrospect to have been sound. I hope it is equally sound, because I offer it once again as we await the report and its recommendations. In large measure, the work of the Commission has been conducted in an atmosphere of free and open investigation and discussion. Every conceivable point of view has been exposed on the full spectrum of subjects under study.

A major difference in climate has come in these five years, sharply in contrast to that which then prevailed. Last April the country observed a new calendar event called Earth Day. Its focus was on environment and ecology, words that had only limited currency in 1965.

An essential fact for us to comprehend is that the Public Land Law Review Commission Report will inevitably be swept into the very vortex of the environmental maelstrom. How will it emerge? Has the Commission fully and accurately reflected the public and national attitudes
on this subject, so that the environmentalists will look upon it and see it good? Or, contrariwise, will it seem to be restrictive and unrealistic to those whose duty it is to assure that this country continues to have the energy, the metals and organic minerals of the earth, the food which depends on soil productivity, and the cellulose of our timberlands, in adequate quantities to meet the demands of our growing population?

The Report will be reviewed and evaluated in the context of deepening public concern over the quality of those basic resources which sustain life--air, water and land--and over the continued ability to maintain such vital functions as supplying electric energy to meet growing demands.

The era of confrontation is far from over; it is upon us with unprecedented intensity.

It is difficult to achieve a perspective on the implication of the dialogue now going on. The ecologist can advise us in advance of the likely consequences of certain courses of action. And we must certainly heed his warnings. But the ecologist cannot, in the usual case, tell us how to avoid undesirable or even tragic results other than to advise abandonment of the proposed
action. In many instances this alternative may not be acceptable to a society that has become dependent upon the abundance made possible by our productive capacity.

Adequate solutions may lie deep in complex technologies. Those who would pit the ecological and other life sciences against the engineers and other resource developers, risk making a fatal misjudgment. Our scientific and technological competence is clearly needed at this moment and for the future, in teamwork in a complementary and concerted attack on the phenomena which give rise to ecological disorientation.

I have been recently more closely involved in the problems thus posed in the electric utility industry, in general and in connection with its uses of nuclear energy for electric generation. What is happening there is merely symptomatic of the crisis. Man's presence itself has an impact on the delicate balance that exists in the natural regime. The problems are enormously multiplied by man's mastery of minerals and energy, enabling him to increase crop production by the use of chemical fertilizers, and insecticides; to save work by using cleansing compounds; to fuel his automobile and to be so affluent that he piles up, unused, domestic, industrial
and other solid wastes which would be valuable raw materials in poorer societies. Mineral extraction processes are so highly efficient that our wealth has been increased; but we've now become aware that to an extent we've been consuming capital, and postponing costs. The piper must now be paid.

The electric utility industry is a conspicuous target for criticism because it is subject to economic regulation. Activities of electric utilities generally require approval at some governmental level under procedures that permit or invite public participation. The stage thus set for confrontation has been fully occupied by the confronters and the confronted.

This visibility requires particular effort on the part of the electric industry to solve the technological problems that label it as a polluter.

Electric power occupies a dual position in our complex energy picture. As it reaches the consumer or is put to end use, it is a form of energy itself. According to recent estimates, by the end of this century almost 50 percent of all the energy directly applied to the comfort, convenience and productive work of the country will be in the form of electric power. Secondly,
however, electric power generation is a user of more basic forms of energy; it is a conversion process by which the energy of a prime mover is applied to a given purpose.

At the Interior Department, where I served long and occasionally happily, the dilemma of development covered a very broad range of activities, whereas at the Federal Power Commission, I and my colleagues struggle with the environmental problems associated with the secondary energy source, electric power, and the primary energy source, natural gas. These are immensely challenging, but it is to the broader context of my earlier activities that I want to return tonight.

The topic I have chosen to discuss here in my own State is the way Idaho and other public land states might act or react to the Report, constructively and with the objective of keeping the psychology of confrontation within reasonable bounds. In my opinion, no challenge to the leadership and dedication of statewide elected officials in the coming years is likely to be tougher or more important than the challenge of assuring sound management of our land and water resources.

The challenge is not confined to those in the Review
Commission's Report. State leadership in land and water matters is challenged in many other ways.

Some of you, for example, may be familiar with a bill introduced by Senator Henry M. Jackson, Chairman of the Senate Committee on Interior and Insular Affairs, S. 3354, to create a Federal Land and Water Resources Planning Council, as an extension of the authority of the already existing Water Resources Council. That bill, which has already been the subject of some very interesting and constructive hearings, looks toward a system of public action for a better quality of land-use decisions in this country. A central feature is that a dominant role is assigned to the States, but the proposed bill most meticulously deals with how the states must organize the land-use planning function, and specifies the contents of a Statewide Land Use Plan. Such a plan would cover all the land area of a state, except possibly for cities which already have plans; states would be required to classify land, including identification of areas where ecological, environmental, geological, and physical conditions dictate that certain types of land use activities are undesirable. States would be required to provide in their own laws for land acquisitions authority
necessary to implement the plan and to delegate police power authority to conform with special use areas. Conforming with the federal standards would qualify a state for federal grant money, additional to that which it might be eligible for in any other federal program. Finally, a system of penalties would be imposed for failure to conform with the program, once started, which penalties include in one draft of the bill the possibility of being denied issuance of any right-of-way permit or other permits available under the public land laws and other federal laws to use or to cross the public domain or other Federal lands within that State, until the State gets in compliance."

Senator Jackson emphasized that his bill was for discussion, and to promote a dialogue on the critical land-use conflicts we have in this country.

There are pending, in various stages of preliminary discussion, other land use proposals apart from those related to implementing the Report of the Public Land Law Review Commission. Almost all of them are oriented toward giving power to one or another kind of agency or office with responsibility for protecting the environment. One of them, discussed in a House hearing by the Chairman
of my own Commission, would deal with siting of electric generating plants in advance of their need. Some states have set up authorities of their own to overcome the serious problems incident to facilities siting. Discussion has taken place at staff levels of a bill which supposedly would supply an incentive to states to improve their procedures to get these controversies settled, but would also put them on notice that if they failed to act, the federal authority would supervene--a sort of "use-it-or-lose-it" philosophy of states' rights.

The point I am making is that the pressure upon the states comes from a number of sources, and in a variety of ways. The states have several problems in connection with these pressures.

One of these is that proposals for new federal legislation in land use matters is proliferating at a great rate. Just keeping up with these proposals is a big job.

Another is that national standards made applicable to federal activities may tend to bring an inordinate amount of pressure upon similar activities which are not subject to federal regulation. The simplest and oldest example could be described by the state land board in terms of pressure upon state grazing lands or forests related to
federal policies for their grazing lands and forests.

A third is that many of the new regulations and controls are being written in such a way as to virtually paralyze on-going activities, because of the uncertainty—or certainty—that later developed standards will be retroactively applied in a manner which they cannot economically absorb. Or, to take another example, federal administrators at the local level are being asked to certify or prove negative propositions—that there is no alternative to the proposed action. There is an alternative to almost every kind of land action, and such regulations put a heavy premium on the administering officer doing nothing at all. This places an onerous burden upon the states, who feel the pressures to get these issues resolved, and upon stand land administering officials who cannot plan their own programs in such a climate of indecision.

It may seem from the make-up of this conference, and from some of the things which have been said, that the state itself has only a subordinate role in the matter. If the Forest Service, the Bureau of Land Management, the Corps of Engineers, the Federal Aviation Agency, the General Services Administration—I could go on and on—
have the managerial control over two-thirds of our land area, is the state government really important?

The Public Land Law Review Commission's Report has been awaited, perhaps, with the unconscious expectation that this effort would float the answer we've been seeking, the magic formula to resolve all our differences and eliminate all future controversy.

The Report will solve no problem at all. By itself, it will change no statute, rule or regulation, nor accomplish any governmental reorganization. The Forest Service will still be in the Agriculture Department the day after the Report is issued, the Desert Land Act will remain on the books, the agencies' rules on grazing permits, on leasing, on access and on recreational use will be unchanged.

This is not to say that the Report will not carry great weight, because certainly it will. Its recommendations will have had the attention of six members each of the Committees of the two Houses of Congress which will have the largest role in the processing of implementing legislation. The Governors' representatives, The Federal agency advisory council members, and the non-federal council members represent a cross-section of
the land and water management "establishment," nationwide, and their participation in the work of the Commission will have given them the background to recommend or advise on state, regional, and federal actions consistent with the spirit or letter of the recommendations of the Report.

Nevertheless, a long and arduous road will have to be traversed before the work-product of the Commission becomes the controlling policy of the United States. Some parts of it will never make it; some parts of it ought not make it, if I can prejudge some of its contracts. The State of Idaho (or any public land state) will have time to consider well its proper course of action after the Report is exposed to general view.

I think the State of Idaho, and each public land state, would be well advised to "tool up" for the post-Report phase of the great public debate on public land matters in quite broad terms. It would be inappropriate for me to be too specific in my recommendations, but speaking generally, I believe the State of Idaho has demonstrated already a sound understanding of the key points.

-- It is better, for example, to speak on pending
legislation and pending proposals affecting land use, in a governmental voice, rather than in a chorus, after a dissonant one, of private interest voices.

-- The State's position can be expressed in many ways, including legislative enactments, legislative memorials and resolutions, statements by the governor, and decisions or instructions by constitutional officials or boards made up by them. Each of these ways is appropriate, but there are areas of activity where the strength of the state's position will depend on the procedures which underlie its formulation and the depth of inquiry and public discussion behind them. In this, the Idaho Commission on Federal Land Laws is a good example: besides being legislatively created, and broadly representative, it insures careful consideration of all kinds of interests and viewpoints.

-- If an organization like the Commission of the Federal Land Laws is given this role, the lines of communication must be open and good to the governor, the legislature, and to the constitutional and statutory officers and boards concerned with land matters. This means an able staff, and strong staff leadership.

-- Pooling of effort with other states is also
important. There are organizations in existence which foster this, but more specialization in the land area may be indicated.

Finally, and as important as anything else, the states must recognize that the United States Congress has an overriding interest in this subject; it is mentioned in the Constitution itself. Congressmen individually don't want to downgrade their states, or any states. They tend to see the states' interest with greater clarity than do the more nationally minded federal administrators. The lesson is obvious—work more directly with your Senators and Congressmen on the policy questions. You have been too prone to discuss policy with the administrators, and individual problems with Congressmen. It ought to be the other way around.

I cannot end this discussion without making a few observations on the role of private enterprise, of the businesses large and small which are so often the scapegoats in the confrontations on environmental matters which occur with such frequency.

A utility executive of the New England area, Mr. Lelan F. Sillin, delivered the Steinmetz Memorial Lecture at Union College, Schenectady, just one week ago. He
stated some basic truths so cogently that I am going to quote several passages to you:

"Society must understand, that in making a major change of direction and incorporating a new factor in its order of priorities, it will have to go through a period of transition and adjustment. A lack of appreciation of the necessity for such adjustment can result in severe dislocation of resources and give rise to a real threat to the national health and well-being. Thus to impose unattainable air and water quality standards can paradoxically be of serious consequence to public health and safety. To impose standards that may give rise to abrupt economic and resource dislocation can seriously handicap the nation's ability to deal effectively with other problems high among our short and long term national priorities. The industry is being called upon to reconcile a traditional pricing and economic policy based on lowest possible cost with a yet undefined component reflecting environmental considerations without being assured that those who regulate it and the customers who must bear the cost are willing to accept the full consequence of broad environmental improvements. We do not have a clear consensus on how to resolve environmental and economic trade-offs nor do we have fully supportable standards by which to determine the degree to which environmental intrusion is acceptable. Unfortunately, our ability to determine such standards has been unduly handicapped because of broad indictments and exaggerated prophecies made by so many in the name of environmental quality. Unless the environmental leadership acts with greater restraint serious threats are posed to the nation's ability to supply the needs of a population of over 200 million people. The threat posed to our national environment certainly is one that must be dealt with. In dealing with this threat, however, we must avoid the rash moves which could jeopardize the nation's ability to provide the shelter, food, transportation and essential services of a restless society with a still undefined level of expectation."

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"The sooner all of us accept the idea that an individual placed in a position of responsibility—for example, to meet power supply needs—is just as interested in the quality of the environment of the world as a legislator, author, reporter, lawyer or student, the sooner we can understand that our problem is one of interconnecting various issues and that their successful resolution depends on society's ability to relate one issue to another in a rational manner.

"There is a parallel to other issues of society. The leadership of the conservation movement, so often representative of affluent America, must refrain from using the very procedures—emotionalism, absolutism and rhetoric—that at the same time are being condemned as irresponsible when exercised by the young or by minorities. The conservation and environmental leadership have the opportunity to demonstrate to other segments of society how critical problems can be resolved through cooperation."

It is my experience that sensitivity and awareness of the kinds of problems we face, in reconciling our concern with the environment with the necessity of continuing to supply the raw materials, manufactures, and services demanded by our consumers, is present in the business community in about the same proportion as in the government community, the academic community, or the journalistic world. There is good and there is bad, but overall the issue is now generally accepted as a national priority.

What a risk we take, then, in oversimplifying the issue by blaming our troubles on corporations, as some do;
on the capitalistic system, as some do; on greed and prejudice, as some do. The risk is that we will turn away the skills and commitment and resources necessary to solutions.

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