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STUDY BY THE STAFF OF THE U.S.

# General Accounting Office

## Land Use Issues

The Federal Government plays a major role in land-use planning even though no national land-use planning program exists. The Federal involvement in land use results from its large land holdings and from programs such as housing, highways, airports, mass transit, flood insurance, agriculture subsidies, water resource projects, and open space.

This study examines the issues relating to the Federal Government's involvement in land-use planning, management, and control and represents the perspective used to organize GAO audit efforts.



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## FOREWORD

The realization that land and its resources are limited has resulted in a shift in the approach to planning for and management of land use. In the past land could be used for any purpose unless its use was prohibited by regulation or local zoning laws. This traditional approach often resulted in widespread abuse and waste. Urban sprawl, soil erosion, unrestored strip mined areas, and the destruction of historic, cultural, and esthetic sites are but a few examples of the traditional approach. Today, more and more government entities use comprehensive planning to resolve the problems of managing the Nation's land and related resources.

Major problems still exist, however, over how best to use the land. The continuing controversy between those who would develop the land and those who would conserve the land highlights the need for proper planning and utilization of this finite resource. The quantity and quality of lands in agriculture production to meet our food needs, the continuing need for land for timber and mineral production, and the continuing need to conserve land for recreation opportunities and open spaces are a few examples of the social and economic areas that land-use decisions affect.

Energy conservation and energy availability and development can significantly affect future land-use planning and management decisions. Energy conservation could influence future sitings of industrial and other facilities and where people live, work, and recreate. Energy availability and development could influence how land containing certain mineral deposits is used.

As part of GAO's continuing reassessment of areas of national concern and interest and as an aid to focus our work, we have identified problems and issues within land-use planning, management, and control that merit attention. Questions regarding the study should be directed to Bill Martino, Issue Area Planning Director/Land Use, (202) 275-5834.

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ABBREVIATIONS

BLM	Bureau of Labor Management
GAO	General Accounting Office

CHAPTER 1  
PERSPECTIVE

The land-use planning, management, and control area attempts to deal with all aspects of how land is used and centers around the interplay between development and social control processes. On the one hand, pressure exists to develop our land and natural resources for the benefit of all (or in some cases a few) while at the same time, counterforces are engaged in activities to conserve the land and natural resources for the public's benefit. Determining which course to follow, and to what extent, has never been an easy task and still is not.

The quantity of land and related resources is fixed, and demand for use of the land is continuously increasing. Supporters of energy and material independence; housing, recreation, and open spaces; and wilderness, cultural, and historical preservation will continue to work--at times in concert but frequently in conflict. This continuously increasing demand for a fixed asset will necessitate more comprehensive program planning at all levels of Government in the future.

Land use cannot be considered a single entity since it permeates throughout many other areas--for example, energy, food, and transportation. Further, land-use planning, management, and control affects and is affected by Federal, State, and local governments. Thus, the area must be looked upon in the broadest perspective to measure the complexity and interrelationship of conflicting views.

Our approach to land-use planning is based primarily on our experience with congressional committees, agency personnel, and the prior plan. We also contacted and obtained data from our regional offices and divisions and other groups concerned with land development and/or conservation.

ISSUES MERITING PRIORITY ATTENTION

We identified the following issues we believe merit priority attention.

- How effective is land-use planning on a national, regional, and local basis?
- Are public lands managed in a manner that will optimize public benefits?
- How effective are programs designed to promote and regulate the development, rehabilitation, conservation and preservation of nonpublic lands and related resources?
- How effective are Federal efforts to meet the outdoor recreation needs of Americans?

Anticipated congressional interest and concern is the primary reason we selected these issues. We considered pending and recently enacted legislation, congressional hearings and reports, and views of congressional staff. We also considered the extent and amount of media coverage and views of executive agencies and other public groups involved in land activities. Chapter 2 discusses these issues further.

#### ALASKA--A SPECIAL SITUATION

The Congress is currently considering one of the most important and controversial land conservation issues it has ever faced. That issue is how much of the Federal Government's vast land holdings in Alaska should be placed under the protection of national parks, forests, wildlife refuges, and wild and scenic rivers. This proposed legislation has generated a classic confrontation between conservationists and developers. Major issues include how much land should be protected, which Federal agencies should manage the land, and what land-use activities will be allowed. For the second consecutive year the legislation faces problems in the Senate and passage remains uncertain.

The amount of Federal land holdings in Alaska, the national benefit from development of its resources and preservation of its natural wonders, the need to develop a viable land transportation system, the need for Federal agencies to develop new techniques and programs to manage the land and to carry out new and existing programs that will protect Alaska's natural resources are some of the reasons why Alaska has been designated a special situation. Land management decisions made now will affect Alaska's

fragile land for decades to come. We can play a vital role by helping to assure that Federal agencies are effectively meeting their land management responsibilities.

We recognize that some aspects of the issues meriting priority attention will be duplicated. We believe, however, that land use in Alaska is significant and should be given special attention. Most of Alaska's land is in an unspoiled, natural state--an ideal environment for land preservation or conservation--and also contains significant natural resources--an ideal environment for development. Accordingly, we plan to give this issue priority attention once the Congress enacts the legislation. See chapter 3 for additional information.

#### OTHER ISSUES

The following issues were also considered in developing the land-use program plan:

- How can land-use planning help solve environmental problems?
- How can urban land-use planning be more effective.
- How can Federal land occupancy, use, and trespass and disputed title problems be resolved?
- What are the effects of the Federal Government's tax immunity on land use?
- How can the problem of land grants to States be resolved?
- Are Federal land acquisition, disposal and exchange laws, policies, and procedures effective in meeting their established goals?

Chapter 4 contains further details on the above issues.

## CHAPTER 2

### ISSUES MERITING PRIORITY ATTENTION

#### HOW EFFECTIVE IS LAND USE PLANNING ON A NATIONAL, REGIONAL, AND LOCAL BASIS?

The Federal Government's attitude toward land-use planning on private lands has traditionally been to leave it to the State or local government or private enterprise. To a large extent State governments have also adopted the same attitude and, as a result, most planning and control activities were delegated to local governments. Local governments controlled the use of land primarily through zoning and subdivision regulations.

In recent years, however, all levels of government have become aware that many land-use decisions have impacts which are of greater than local concern. The Federal Government's interest in land use has been revived because of problems such as energy development and air and water pollution which transcend State boundaries. State governments argue that the Federal Government's involvement in many land-use decisions is an infringement on States' rights and that land-use problems are more easily solved at the State level. At the same time local governments jealously guard their traditional powers of land-use control and argue that the majority of land-use decisions concern only the localities and are best handled at the local level. State governments recent attempts to exert control over the use of lands within their boundaries by establishing standards and criteria for local governments, and more recently regional planning authorities, have had mixed results.

Despite a feeling among some people and groups that a national land-use planning program would be desirable, attempts to get congressional legislation established for such a program have failed. There is no national land-use planning program. The Federal Government, however, plays a major role in land-use planning through the control of Federal lands and through assistance in providing infrastructure investments.

Regarding Federal lands, the Government has a responsibility to plan for the use of its land and can directly control the planning and use of about one-third of the Nation's land resources. The significance of this responsibility is

further increased because the decisions applicable to Federal lands impact on contiguous non-Federal lands. For example, under the Forest and Rangeland Renewable Resources Planning Act of 1974, the U.S. Forest Service is required to plan not only the future use of federally owned land but also to develop programs for the improvement of 1.6 billion acres of forest and range lands, regardless of ownership. The planning programs and activities of other Federal land management agencies will also have impacts on non-Federal lands. Thus, as the demand for energy fuels and other minerals, timber, forage, water, fish and wildlife, and other resources increase, the Federal responsibility to plan for the proper use of its land resources will take on added significance and importance.

The Federal Government plays a significant role in land-use decisions by providing assistance for infrastructure investments. Federal programs in areas such as housing, highways, airports, mass transit, flood insurance, sewer and water grants, open space, agricultural subsidies, and water resource projects--as well as the location of Federal facilities--affect land use by State and local governments and private owners. The link between these investments and land use is well recognized but little has been done to control their location.

Through its many programs and activities, the Federal Government has the opportunity to help protect valuable land resources for future generations and demonstrate that "good" land-use planning can be beneficial in terms of avoiding or mitigating incompatible land uses and saving millions of dollars in rectifying the results of improper land-use decisions. Existing Federal programs also offer the opportunity to demonstrate to the public and Federal, State, and local officials that land-use planning is not the outcast it is often characterized as. The success or failure of such programs may well determine whether new Federal initiatives in planning for land use are needed.

Recent legislation authorizes up to \$4 billion over the next 11 years for land purchases and assures that Federal agencies will continue to enlarge their land holdings. There is growing concern over this issue in States west of the Rockies, where the Federal Government owns about 60 percent of the land. The so-called sagebrush rebellion has already started in Nevada (which has promised a lawsuit challenging Federal title to 49 million acres in the State)

and is gaining momentum elsewhere. Legislators in Utah, Colorado, Wyoming, California, Oregon, Alaska, and New Mexico are already mapping plans to challenge Federal control of vast acreages in their States as well. Utah's Senator, Orrin Hatch, has introduced a bill (S.1680) which would divest the public domain lands and turn them over to the Western States (Senator Hatch maintains that these States have shown they can manage the land better and cheaper).

If existing Federal programs with land-use requirements are to be successful, they must be properly implemented, coordinated, and managed. Planning cannot take place in a vacuum. Many interrelationships between various land uses exist and, these interrelationships must be given appropriate consideration in the planning process. Planners and public officials must recognize that issues such as transportation, housing, water and sewer, and economic development have both direct and indirect land-use impacts which need to be considered before such activities are undertaken. Also, once land-use plans are developed, they must be implemented and enforced; otherwise, the planning phase is only an exercise in futility.

The following questions need to be addressed to determine whether new Federal initiatives are needed and whether land-use planning should be done on a more comprehensive basis.

1. How much and what type of land should the United States plan to own or control? Is there a limit to the amount of land Federal agencies can manage effectively?
2. What has been the impact of Federal programs and plans for land use at the local, State, or regional level? Are such programs coordinated and do they consider all potential resource uses of the lands? Do Federal programs consider regional, State and local needs and desires as well as national needs? Are these programs compatible with well designed State or local land-use programs?
3. What are the problems associated with implementing and enforcing land-use plans under existing Federal assistance programs?

4. Is there a need for a new Federal role to influence where people live, recreate, and work to minimize problems such as suburban sprawl? Has the lack of a stronger Federal role contributed to deterioration of our cities?
5. What are the problems State and local governments have with Federal land-use resource information? Is Federal resource information available to non-Federal land-use planning organizations? What problems have States and local governments encountered in attempting to obtain technical assistance from Federal agencies in planning for the use of lands and related resources and in resolving land-use conflicts?
6. How are Federal activities coordinated in the land-use area? What efforts have Federal agencies made to develop coordinating mechanisms for the various planning assistance programs directed to non-Federal lands? Are these mechanisms effective? Do planning activities work at cross purposes despite the coordinating mechanisms?
7. Are the Government's land exchange programs effective and equitable?

Our reports issued from June 1978 to December 1979

"The National Forests--Better Planning Needed to Improve Resource Management" (CED-78-133, 7/12/78).

"Improvements Needed in Administration of the Flood Insurance Program" (CED-79-58, 3/22/79).

"The Federal Drive to Acquire Private Lands Should be Reassessed" (CED-80-14, 12/14/79).

Study in process

--Review of the National Park Service's land acquisition practice.

ARE PUBLIC LANDS MANAGED IN A MANNER  
THAT WILL OPTIMIZE PUBLIC BENEFITS?

The Federal Government owns over one-third of the Nation's land--about 741 million acres of the 2.3 billion acres in the United States. Responsibility for the effective management and administration of much of these lands rests with two agencies. The Department of the Interior's Bureau of Land Management (BLM) is responsible for about 450 million acres (61 percent), and the Department of Agriculture's Forest Service is responsible for about 187 million acres (25 percent). The remainder is administered by the Department of Defense (4 percent), Interior's National Park Service (4 percent) and Fish and Wildlife Service (4 percent), and a number of other agencies which administer comparatively smaller portions.

Our public lands contain many natural and noneconomic resources essential to the Nation's economy, growth, and quality of life: energy and nonenergy minerals, timber, grazing forage for domestic livestock, outdoor recreation, wilderness, fish and wildlife habitat, water and watersheds, scenic beauty, and historic and cultural sites and artifacts. Through various acts the Congress has directed that public lands and related resources be managed in a manner which will best meet the present and future needs of the American people. In broadest terms, this means striking a balance between resource use and development, resource protection and conservation, and environmental protection. It also involves insuring an appropriate balance and diversity among resource uses which are permitted.

Accomplishing this overall goal is innately difficult and complex. It involves balancing competing and usually conflicting subobjectives. Using and developing land and resources is generally not compatible with protecting and conserving them. Use and development also oftentimes adversely impacts on environmental quality. Even deciding among various uses is not easy because using one resource often limits use, development, or protection of others.

The Congress has simplified the choices on certain Federal lands by setting them aside for special purposes. Park Service lands have been reserved primarily for preservation and recreation, and Fish and Wildlife Service lands have been reserved primarily for protecting and enhancing fish and wildlife. It has also set aside other lands primarily for protecting their natural characteristics, most notably the National Wilderness System and the National Wild and Scenic River System.

For the vast majority of Federal lands, however, the Congress has left the decisions up to BLM and the Forest Service by directing them to manage their lands under the multiple use/sustained yield principle. In other words, they are to manage their lands in a manner that will achieve a balance between uses, conservation, and environmental protection. Complying with this directive is becoming increasingly more difficult as proponents of each subobjective, and indeed each resource use, increase pressure to emphasize particular interest. As private natural resources are exhausted, there are increased pressures to use and develop resources on public lands. For example, ranchers are demanding higher grazing allotments on Federal lands and more land is being requested for irrigation projects to increase water and food supplies. The President has directed greater production of Federal coal to lessen our dependence on foreign oil and greater production of Federal timber to help ease the housing shortage. At the same time environmentalists and conservationists are pressuring for more land to be set aside for protection of noneconomic resources--particularly wilderness, fish and wildlife, historic, cultural, and archeological values.

Managing public lands and renewable resources is a difficult process involving trade-offs between the conflicting issues of development and conservation. Some questions that need to be answered when resolving these conflicts include:

1. How much land conservation is enough? Is too much land being protected? Does a need for new criteria exist? Are Federal agencies effectively coordinating programs affecting wildlife?
2. Are public timber resources being effectively managed? Is optimum growth being achieved with a sustained yield? Are the best sales techniques used?
3. Are the Nation's wildlife resources adequately and appropriately protected and enhanced?
4. How well are BLM and the Forest Service implementing recently revised multiple use land management planning procedures and resultant plans? Will the Forest Service's revised national renewable resource assessment and program satisfy the Congress' expectations? Are the procedures, plans, and assessments consistent with the land's capacity?

5. Is research to enhance and protect forest resources effectively planned, conducted, and applied?
6. Can livestock grazing productivity be increased while improving range land resources?
7. How effective is the management of Indian range lands?
8. How well are Federal laws and programs working to protect ecologically sensitive areas?
9. How effective and efficient are the Government's implementation of condemnation procedures for land acquisition?

The issues involved are complex and volatile. Land management planning regulations recently issued by BLM and the Forest Service and their implementation will undoubtedly be the subject of interest over the next few years. Prior and ongoing reviews point to the dilemma managers of public lands face in trying to resolve the problem of choosing between alternatives that appear to be equal in value.

Our reports issued from June 1978 to December 1979

"Endangered Species---A Controversial Issue Needing Resolution" (CED-79-65, 7/2/79).

Information concerning acquisition of land in Hawaii (CED-79-6, 11/1/78).

Information concerning the Forest Service's reforestation and timberstand program (CED-79-88, 4/27/79).

"DOD's Commendable Initial Efforts to Solve Land Use Problems Around Airfields" (LCD-78-341, 1/22/79).

Effectiveness of management of two Rhode Island refuges (CED-80-26, 11/23/79).

Studies in process

- Evaluation of the need for and use of special purpose funds for reforestation and timberstand improvements activities.
- Review of the Federal role for conserving, protecting, and enhancing the Nation's wildlife resources and habitat.
- Review of BLM and Forest Service management of public lands for multiple purposes.
- Study of Forest Service/BLM vegetative management practices, including the use of herbicides.
- Review of the Government's procedures of acquiring land through condemnation.

HOW EFFECTIVE ARE PROGRAMS DESIGNED TO PROMOTE  
AND REGULATE THE DEVELOPMENT, REHABILITATION,  
CONSERVATION, AND PRESERVATION OF NONPUBLIC  
LANDS AND RELATED RESOURCES?

As our population expanded and our rate of economic development increased, the demand for land was satisfied through westward expansions and the opening of virgin territories with their seemingly unlimited supply of resources. Today our frontiers have been settled and the supply of new lands for further expansion is very limited, but our demand for resources continues to grow.

Land is not homogeneous. Some lands, because of its soil quality, climate conditions, and geographical location, are especially suited to the production of specific food crops, timber, or forage for livestock. Other lands, because of their particular characteristics, are valuable as watersheds, wetlands, and wildlife habitat. Still other lands are valuable because of their scenic characteristics or the role that they played in the Nation's historic and cultural development. In addition, some lands which have been used and often abused in the past--such as past surface mining activities in Appalachia--would be valuable if returned to their original state or, at a minimum, rehabilitated to a useful state.

Twenty-three Federal departments and agencies administer some 112 programs with land-use policy and/or planning implications. A random sample of some activities and programs shows the degree of Federal involvement in land use.

<u>Agency</u>	<u>Activity or program</u>
Forest Service:	<p>Agreements with States for cooperative fire control programs.</p> <p>Tree seed and seedling planting on State and private forest lands.</p> <p>Cooperative forestry program for technical assistance for private forest landowners.</p>
Soil Conservation Service:	<p>Technical assistance through 300 conservation districts cover almost 2 billion acres of land.</p> <p>Great plains conservation program.</p> <p>Technical assistance for the development of conservation plans and land treatment.</p>
Farmers Home Administration:	<p>Soil and water conservation loans.</p> <p>Resource conservation and development loans.</p>
Army Corps of Engineers:	<p>Protection of shorelines and beaches.</p> <p>Permits for wetland dredge and fill operations.</p>
National Park Service:	<p>Historic preservation grant program.</p>
Department of Housing and Urban Development:	<p>Flood insurance and flood plain management.</p>

<u>Agency</u>	<u>Activity or program</u>
Fish and Wildlife Service:	<p data-bbox="872 229 1339 329">Endangered species protection program on Federal and private lands.</p> <p data-bbox="835 363 1339 427">State fish restoration and management grants.</p> <p data-bbox="835 461 1339 527">State wildlife restoration and project grants.</p>
National Oceanic and Atmospheric Administration:	<p data-bbox="835 559 1339 655">Estuarine sanctuary grants Coastal Zone Management Program.</p>
Office of Surface Mining Reclamation and Enforcement:	<p data-bbox="835 719 1399 983">Program for regulating surface impacts and enforcing reclamation requirements for coal mining operations and the reclaiming and restoring of land damaged in past mining operations.</p>

Traditionally, State and local governments have had the responsibility for preserving private land resources. However, existing State and local efforts are often limited or fragmented and fail to resolve land conservation and development conflicts in a timely and effective manner. Land-use planning is not a panacea for resolving these difficult resource allocations, but it can contribute to rational resolution of many controversies. The Federal Government can play a vital role in land-use planning for nonpublic lands. Currently, the Federal Government helps in land-use planning for nonpublic lands in most of our coastal States through the Coastal Zone Management Program. This program provides financial (\$66 million requested in 1980 budget) and technical assistance to participating States for planning and implementation. States receive additional financial assistance to offset the shoreside impact of drilling for gas and oil on the continental shelf. In effect, the Coastal Zone Management Program is a partnership of the Federal, State, and local governments as well as regional entities.

If we are to have a more coherent land-use resource policy that recognizes the partnership of Federal, State, and local governments, the Federal Government must take steps to coordinate its role and strengthen ways to involve States and communities.

Determining the national interest inherent in land-use decisions is a difficult task. As previously stated, land is not homogeneous and, because it is not, some land is suited for crop and timber production, other land is valuable as wildlife habitats, watersheds or wetlands, still other land is valuable because of its scenic beauty or its historic and cultural nature; and still other land because of the minerals it may contain.

The adequacy and effectiveness of Federal efforts to insure that land and resources with important values will be available to benefit future generations need to be assessed. Questions that should be addressed include:

1. Do Federal programs promote good forestry practices to insure a continuing supply of State and private forest products? Have these programs been effective in promoting the conservation, preservation, and reforestation of valuable forest lands?
2. What is the Federal Government doing to assist in protecting and conserving our supply of agricultural land, watershed and wetlands? Are we depleting our supply of these types of land?
3. Are Federal efforts to correct and control adverse mining impacts on the land adequate? How successful will the Government be in regulating surface impacts and enforcing reclamation requirements for current strip mining operations?
4. How effective are Federal efforts to preserve beaches and shorelines from erosion and damage from offshore oilspills?
5. To what extent have habitats been identified? Have the Federal efforts to protect such habitats been effective? What more needs to be done? Are Federal/State wildlife coordination efforts effective?

Our reports issued from July 1978 to December 1979

Alternatives to protect property owners from damage caused by mine subsidence (CED-79-25, 2/14/79).

Issues surrounding the Surface Mining Control and Reclamation Act (CED-79-83, 9/21/79).

"Preserving America's farmland--A goal the Federal Government should support" (CED-79-109, 9/20/79).

Study in Process

--Review of the Coastal Zone Management Program.

HOW EFFECTIVE ARE FEDERAL EFFORTS  
TO MEET THE OUTDOOR RECREATION  
NEEDS OF AMERICANS?

According to the Department of the Interior's 1979 Nationwide Outdoor Recreation Plan, Americans are spending about \$180 billion annually on recreation and leisure activities. The public's desire for greater outdoor recreation has placed great pressure on existing Federal, State, and local recreation areas. Providing adequate outdoor recreation for the Nation has taken on new dimensions. A shorter workweek, more flexible work schedules, more 3-day weekends, coupled with an expanded population and increased family income and mobility, have increased the demand for recreational opportunities.

Over the last 10 years, visits to federally administered recreation areas have increased an average of 5 percent yearly. Between 1950 and 1978, recorded visits to the national forests, national parks, and national wildlife refuges increased more than 600 percent, while attendance at Corps of Engineers' lakes and reservoirs increased more than 2,250 percent.

The Federal Government has a broad influence on recreation. Some 35 Federal agencies have input into recreation, either through direct action or through financial or technical assistance to State and local governments. In fiscal year 1980, Interior will spend about \$2 billion on recreation, including \$456 million in grants to States and local governments. Also the Federal Government through its land management agencies--the National Park Service, the Forest Service, the Bureau of Land Management, the Corps of Engineers, and the Fish and Wildlife Service--owns 741 million acres of land with recreation potential, particularly in Alaska and the 11 Western States.

Metropolitan areas--particularly densely populated, low income, inner cities--have the greatest need for outdoor recreation and facilities. However, these are the same areas that are usually lacking in the availability of such resources. According to the Heritage Conservation and Recreation Service, only about 25 percent of all recreational facilities and only 32 percent of public recreational lands are readily accessible to 75 percent of the people in the United States.

Current and future energy constraints on travel could further compound the problem of distant locations of recreation areas. The Heritage Conservation and Recreation Service has found that three-fourths of outdoor recreation occurs close to home, after school, after work, and on short outings of no more than a day. Anticipated energy shortages could increase the use of urban recreation facilities especially with the increased leisure time now enjoyed in America.

Local government officials have indicated that operating and maintaining recreation facilities is a problem because of the low priority placed on recreation and because park and recreation budgets are usually the first to be cut back when financial problems occur. They generally agree that sufficient funds are not being spent to properly maintain park and recreation areas and that development funds are often unavailable.

A Heritage Conservation and Recreation Service study shows that 30 to 47 percent of the recreation expenditures of several cities were financed through various Federal programs. The recreation budgets of cities and towns in the United States have been estimated from \$22 to \$26 billion. In this context, it is extremely important that available Federal recreation assistance is wisely spent. Federal recreation programs and grants should go to the areas of greatest need and should help ensure that the recreation needs of all user populations are met.

The need to provide recreational opportunity for the young has been called an incontestable social priority. The lack of adequate recreational facilities has been linked with outbreaks of juvenile delinquency and racial problems. Other groups such as retired, elderly, and handicapped citizens have special recreation needs. Yet, many cities are experiencing financial crises; barely have the funds to pay teachers, firemen, and policemen; and do not have funds for investment in recreation facilities. Maximum use of existing recreational facilities in urban areas is necessary to meet these demands. The administration has proposed a one-time 5-year program of \$150 million a year for rehabilitation of urban park facilities. This program grants 70 percent of the cost of renovating urban parks and recreation facilities.

Our national parks are experiencing overcrowding and deterioration of facilities; the effectiveness and adequacy of facilities operated by concessioners are being questioned; and safety programs in parks and recreation areas are under scrutiny. These and other problems if unchecked are expected to reach severe levels in the future.

Closely related to the need to provide recreation facilities is the need to preserve natural and historic landmarks to enhance man's appreciation of his heritage. Accordingly, the Heritage Conservation and Recreation Service sponsors programs to identify and recognize natural and historical landmarks, recover archeological remains, and record significant architectural and engineering works. Landmarks and archeological remains once identified and preserved, become tourist attractions and contribute to the Nation's recreation. The Services effectiveness in implementing of these programs is being questioned by some Members of Congress.

Questions that need to be addressed are whether the current and foreseeable availability of outdoor recreation resources are adequate to meet the recreation needs of all Americans; whether the impact of varying energy conditions is considered in outdoor recreation plans, and the effectiveness of allocating Federal resources to meet State and local governments' greatest needs. More specifically:

1. Are federally operated or sponsored facilities meeting the needs of the largest user populations and users with special needs, such as the retired, elderly, and handicapped.
2. How adequate is the Federal Government's response to State and local governments' recreation needs especially with increased demand in urban areas due to more leisure time?
3. Are federally owned and operated recreation areas being effectively planned, developed, and operated?
4. What should be the future role of profit or non-profit organizations in the national recreation area?
5. How effectively has the National Park Service administered concessioner contracts?
6. What are the implications of anticipated energy shortages on recreational facilities?
7. Are user fees in federally administered parks reasonable and serving their intended purpose?

8. Are federally maintained trails being adequately maintained?
9. Are Federal agencies protecting archeological, cultural, and historical landmarks and heritages?

The need for space, privacy, contact with nature, and recreation has always been important to man's well being. Since the early 1950s, factors such as a higher standard of living, increased mobility, and more leisure time have contributed to steady increases in outdoor recreation use. The demand for recreation is expected to continually increase during the 1980s.

Our reports issued from June 1978 to December 1979

Report regarding the feasibility of transferring the National Park Service recreation technical assistance responsibilities to the Heritage Conservation and Recreation Service (CED-79-68, 4/12/79).

Report on propriety of the use of Land and Water Conservation Fund by the City of Portland, Oregon (CED-79-89, 6/4/79).

Report to the Secretary of the Interior Re: "The National Park Service's urban national recreation area program." (CED-79-98; 6/19/79).

Report on uncertainties over Federal Requirements for archeological Preservation at New Melones Dam in California (CED-80-29, 12/21/79).

Studies in process

- Review of recreational development by Federal agencies.
- Review of the control and uses of the Land and Water Conservation Fund.
- Review of effectiveness of National Park Service concession management.
- Review of Federal agencies implementation of archeological salvage laws.
- Review of the Land and Water Conservation Fund grant for a public park on Neville Island, Pennsylvania.

## CHAPTER 3

### ALASKA-A SPECIAL SITUATION

#### HOW EFFECTIVE IS PLANNING, MANAGING, AND COORDINATING LAND USE IN ALASKA?

The Congress is now considering how much of the Federal Government's vast land holdings in Alaska should be placed under the protection of national parks, forests, wildlife refuges, and wild and scenic rivers. This proposed legislation has generated a classic confrontation between conservationists and developers. Major issues in this controversy include how much land should be protected, which Federal agencies should manage the land, and what land-use activities will be allowed, that is, oil and gas development, mining operations, timber cutting, and hunting.

The House has passed legislation to set aside about 128 million acres of the 228 million acres the Federal Government controls, including about 68 million acres designated as wilderness. The Senate bill would set aside about 102 million acres of Federal land, with about 37 million acres under the wilderness designation--31 million fewer acres than under the House bill. For the second consecutive year the legislation faces problems in the Senate and it is uncertain at this time whether the Senate version will pass this year.

The President set aside 56 million acres as national monuments in December 1978 to assure that the most sensitive acres are protected while the Congress acts on the proposed legislation. The set aside is subject to modification by congressional action.

We believe our work in Alaska should be deferred until the Congress has enacted this legislation. After enactment, however, we believe it will be necessary and desirable to renew our surveillance of Federal land management in Alaska. Accordingly, once the Congress has enacted legislation determining how the Federal land will be designated we expect to start work in this area.

Alaska encompasses a land area of over 375 million acres, most of which remains in its natural state. This land contains priceless amounts of coal, oil, gas, timber, and other natural resources. Until passage of the Alaska Statehood Act of 1958 and the Alaska Native Claims Settlement Act of 1971 (ANCSA), 98 percent of the land was owned and managed by the Federal Government. Eighty percent of the land was under the jurisdiction of the Bureau of Land Management. The remaining Federal holdings were divided among the Forest Service, National Park Service, the Fish and Wildlife Service, and the military services.

The Statehood Act, however, authorized the transfer of over 104 million acres of land to the State, and ANCSA provided for a 44 million acre transfer to Alaskan Natives. Also, under ANCSA, millions of acres will be added to the existing 48 million acres of national parks, forests, and wildlife refuges in Alaska, and additional wild and scenic rivers will be preserved. Together these acts have established the land ownership and management patterns of Alaska. When transfers under the acts are completed, the Federal Government will retain control of 60 percent of the land, Alaska Natives, 11 percent, and the State, 28 percent. About 1 percent of Alaska had earlier been conveyed to private ownership under public land laws. At the present time, only about 13.6 million of the 44 million acres has been transferred to Alaskan Natives and about 37 million of the 104 million acres has been transferred to the State.

The major change in ownership and management of Alaskan land has given rise to many complex and varied land management issues that Alaska was not plagued by in the past. Each of the major landowners, as well as environmental groups, have their own ideas as to how these lands should be managed, developed, and preserved. The State is interested in resource development in order to maintain a revenue base for the State. Natives are interested in the income, jobs, and other benefits that come from resource development, as well as protecting subsistence use patterns (the customary and traditional taking of wild, renewable resources for direct personal or family consumption) on Native, Federal, and State lands. The Federal Government is also interested in resource development for needed energy and other natural resources, but also has responsibility to protect a portion of the natural resources for the use and enjoyment of future generations.

Alaska is a unique State, which lies about 1500 miles from America's mainland, and remains primarily in an unspoiled natural state. However, pressure to develop Alaska's vast natural resources is mounting, and Federal, as well as non-Federal land managers, are facing difficult questions. Decisions must be made regarding the extent of resource development; preservation and protection of wilderness and other areas; public access to Federal lands; Native subsistence; wildlife management; and the placement of transportation and utility corridors. Alaska does not have a major ground transportation system and such systems need to be developed if large scale resource development is to occur.

The key to overcoming many of Alaska's land-use problems lies in good planning which is coordinated with other Federal and non-Federal agencies, Natives, and other interested parties. In some cases providing others with the opportunity to participate in the planning process will be desirable.

The significance of Federal land holdings in Alaska, the national benefit from development of its resources and preservation of its natural wonders, the need to develop a viable land transportation system, the need for Federal agencies to develop new techniques and programs to manage the land, and to carry out new and existing programs in a manner that will achieve a balanced use of the lands are the reasons land use in Alaska is so important. Land management decisions made now will affect Alaska's fragile land for decades to come.

If the legislation to protect the 100 plus million acres is enacted, the amount of land managed by the National Park Service and Fish and Wildlife Service will double. The Department of the Interior may need additional funds and resources to effectively manage and preserve these areas, as well as public lands managed by the Bureau of Land Management. The Forest Service may also need additional resources and funds since the proposed legislation would increase their acreage responsibility by 2 to 8 million acres.

Questions that need to be addressed are whether or not Federal agencies have the capacity to meet new land management responsibilities and whether or not Federal land-use planning and management has provided an environment to achieve a satisfactory balance between development and conservation.

Our report issued from June 1978 to December 1979

"How should Alaska's Federal Recreational Lands be Developed?  
Views of Alaska Residents and Visitors" (CED-79-116, 9/27/79).

## CHAPTER 4

### OTHER ISSUES

In addition to the issues meriting priority attention and the special situation of Alaska, six other issues were considered in the development of the program plan.

#### HOW CAN LAND-USE PLANNING HELP SOLVE ENVIRONMENTAL PROBLEMS?

The control of nonpoint sources of water pollution, proper placement of facilities which contribute to air and noise pollution, and proper land disposal of waste materials are important if the Nation is to have a clean, healthy environment. Proper planning for the future use of land resources can help solve these problems.

Under this issue the effectiveness of the land-use aspects of environmental planning programs, such as air, water, and noise should be assessed. These programs are important and land use planning may not be given adequate consideration as a possible solution to the problem.

#### HOW CAN URBAN LAND-USE PLANNING BE MADE MORE EFFECTIVE?

Population growth in the United States has placed increased pressure on urban areas. The result of this pressure has been constantly expanding relatively low density suburban areas, characterized by large portions of idle land as developers "leap frog" across vacant lots to build on the rural-suburban fringes and by large regional shopping centers and longer distances to work areas, which cause traffic problems and air pollution. At the same time, the inner cities are decaying as residents and job opportunities move to the suburbs, tax bases decrease, and transportation facilities and housing deteriorate. Many of these problems have been caused by the lack of forward looking land use planning and the inability of fragmented urban governmental jurisdictions to join together to solve economic, social, environmental programs on a regional basis and by super highways providing easy and quick access to suburbs.

The need for more effective urban land-use planning is very real and should be recognized. However, there is a need for more effective land-use planning in general, not only for urban areas. Rural and undeveloped areas are also facing increased pressures as the need for greater food, timber, energy, and recreation resources mounts. In addition, most of the factors which significantly contribute to urban land-use problems--inadequate planning, fragmented political and special use jurisdictions, failure to implement plans, and ineffective land use control mechanisms--are also prevalent in nonurban areas.

HOW CAN FEDERAL LAND OCCUPANCY, USE,  
AND TRESPASS AND DISPUTED TITLE  
PROBLEMS BE RESOLVED?

Unauthorized use and occupancy of Federal lands has occurred since the beginning of the Nation and continues today. Such actions have often resulted in denial of land use to the public for recreational purposes because of illegal private use, misappropriation of resources, and sometimes damage or destruction of the environment and valuable resources. One of the factors contributing to unauthorized encroachments and trespass action has been the lack of adequate boundary definitions in the absence of an active land survey program. Reportedly, boundaries are undefined on 70 million acres of public lands--excluding Alaska--that have not been surveyed. At the current rate of progress it is said that an 800-year backlog of work exists on boundary definitions.

Under this issue the effectiveness of Federal efforts to control unauthorized uses of Federal land should be addressed, including the difficult task of taking effective enforcement actions because of the lack of legal authority, staff, and funds.

WHAT ARE THE EFFECTS OF THE  
FEDERAL GOVERNMENT'S TAX  
IMMUNITY ON LAND USE?

Federally owned lands cannot be taxed by State and local governments. The Congress, beginning in 1891, from time to time authorized payment to State and local governments of percentages of sales receipts, principally from timberlands and oil and gas leases. Under this system, however, no payments were made to State and local governments for national parks, military reservations, and reclamation

reservations. Also, possessory interests of Federal land users, such as lessees and permittees and the improvements constructed by them were not always taxed. Payments in some programs undercompensated and in others overcompensated State and local governments. Thus, the revenue sharing programs did not meet the standard of equity and fairness.

On October 20, 1976, the President signed the Payments In Lieu Of Taxes Act (Public Law 94-565) which reforms the system of making payments to local governments to compensate them for the tax immunity of Federal lands. Under the act local governments will receive the greater amount of either (1) \$0.75 per acre for certain Federal national resource lands (national forests, parks, and wilderness areas; Bureau of Land Management administered lands' and water resource lands, such as Corps of Engineers and Bureau of Reclamation projects) less payments from proceeds of timber and mineral sales and grazing fees or (2) \$0.10 per acre in addition to timber, mineral, and grazing receipts. Local governments will also receive an additional payment of 1 percent of the market value of land purchased by the Federal Government for parks and wilderness since 1971. These payments will be made for a period of 5 years to compensate local governments for the sudden tax loss when lands are taken off the tax rolls.

The payments authorized under the Payments In Lieu Of Taxes Act may be used by local governments for any purpose. Previously, timber, mineral, and grazing receipt payments were allowed to be used only for school and road purposes.

Under this issue the equity and fairness of Federal programs to compensate States and local governments for Federal land tax immunity should be addressed. Of particular interest will be the implementation of the provisions of the Payment In Lieu Of Taxes Act.

#### HOW CAN THE PROBLEM OF LAND GRANTS TO STATES BE RESOLVED?

Some of the original land grants to States have remained unsatisfied, principally the States of Arizona and Utah. The unsettled question of which lands will be transferred to the States creates significant problems in planning for the management of Federal lands.

The major concerns of this issue are to determine the status of the land grant situation and the reasons for the delays encountered, progress being made in satisfying land grant obligations, and actions necessary to complete the selection process.

ARE FEDERAL LAND ACQUISITION, DISPOSAL, AND  
EXCHANGE LAWS, POLICIES, AND PROCEDURES  
EFFECTIVE IN MEETING THEIR ESTABLISHED GOALS?

Federal practices in effecting disposals, acquisitions, and exchanges of public lands often have come under criticism as being cumbersome, lacking flexibility, and not in the full and clear interest of the Government. The lack of flexibility to exchange, purchase, or sell lands needed for consolidation of scattered parcels and to correct situations where Federal land is intermingled with private lands in a checkerboard pattern and the disposal of small tracts of public lands. Also, the Congress has expressed its concern over delays in acquisitions which it has authorized for national parks, national forests or wilderness areas, and the increasing cost of such land in connection with ineffective acquisition programs.

Under this issue, the effectiveness of existing public land acquisition, disposal, and exchange authorities should be addressed including adequacy of the appraisal function and changes necessary to improve overall public land management. Of particular concern would be any Federal land acquisition, disposal, or exchange, regardless of the agency involved, which has major implications regarding the use of other lands in the areas of the action.

SIGNIFICANT LEGISLATION AFFECTING LAND USE

The National Parks and Recreation Act of 1978 (Public Law 95-625) extensively affected the National Park System and urban recreation programs nationwide. New wilderness areas, wild and scenic rivers, and national trails were authorized under this \$1.2 billion measure which, because of its broad scope, the press dubbed the "park barrel" bill.

The act made substantial changes in the law authorizing the National System of Wild and Scenic Rivers (Public Law 90-542). The amendments designated 8 new rivers as components of the system; added 17 rivers to the study category so that their suitability for addition to the system might be determined; increased the land acquisition ceiling for 5 rivers already in the system, and made substantive changes in management procedures for the system.

The Public Rangeland Improvement Act of 1978 (Public Law 95-514) charges the Bureau of Land Management and the Forest Service with the responsibility of administering a 20-year, \$360 million program that will use revegetation, stock watering, erosion control fencing, and other projects to upgrade Federal rangeland in 11 Western States. The act also requires the creation of district advisory councils to consult with the Department of the Interior on issues such as land-use planning and land classification, retention and disposal.

Many bills have been introduced but have not as yet been enacted as a result of the administration's study 1/ of 62 million acres of roadless lands in the national forest. A 2.2 million acre area in Idaho known as the River of No Return Wilderness would be the largest wilderness area in the contiguous 48 States.

The most significant land-use bill the Congress is considering but has not enacted, concerns the use of Federal land holdings in Alaska.

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1/ These studies were known as Roadless Area Review and Evaluation.

OTHER AGENCIES' STUDIES ON LAND USECongressional Research Service

Land use and the Corps: land acquisition, relocation, and planning.

Agriculture land bibliography.

Implementing the Federal Consistency provision of the Coastal Zone Management Act.

Review national forest system land and resource planning regulations.

Coastal Zone Management, ongoing.

Office of Technology Assessment

Analysis of laws governing access across Federal lands with options for access in Alaska, ongoing review.

Congressional Budget Office

None

Urban Institute

Management and Control of Growth: issues, techniques, problems, and trends (4 volumes).

Residential erosion and sediment control: objectives, principles, and design considerations.

(995023)











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