

MINUTE ITEM

25. WESTERN STATES LAND COMMISSIONERS ASSOCIATION - DESIGNATION OF REPRESENTATIVE IN WASHINGTON, D.C. - W.O. 1093.

Following presentation of Calendar Item 22 attached, Commissioner Cranston asked for deferment of consideration of the recommendation of the staff, to allow time for further policy review.

It was suggested by the Executive Officer that this matter be referred to the office of the Attorney General for an opinion as to its legality.

UPON MOTION DULY MADE AND UNANIMOUSLY CARRIED, A RESOLUTION WAS ADOPTED, DEFERRING ACTION ON THE RECOMMENDATION OF THE STAFF THAT APPROVAL BE GIVEN TO THE PLAN OF ESTABLISHING A REPRESENTATIVE OF THE WESTERN STATES LAND COMMISSIONERS ASSOCIATION IN WASHINGTON, D.C.; AND DIRECTING THE EXECUTIVE OFFICER TO REFER THE MATTER TO THE OFFICE OF THE ATTORNEY GENERAL FOR A REVIEW AS TO ITS LEGALITY, AND THE POSSIBLE NEED FOR LEGISLATION TO AUTHORIZE THE EXPENDITURE FOR AND THE PARTICIPATION OF THE STATE LANDS COMMISSION IN SUCH FUNCTIONS.

Attachment

Calendar Item 22 (8 pages)

CALENDAR ITEM

22.

WESTERN STATES LAND COMMISSIONERS ASSOCIATION - DESIGNATION OF REPRESENTATIVE
IN WASHINGTON, D. C. - W.O. 1093.

The Western States Land Commissioners Association, of which California is a member, comprised of the principal Public Land Commissioners of eighteen Western States including Alaska and Hawaii, is giving serious consideration to the establishment of a representative of the Association in Washington, D. C., to maintain liaison with the United States Bureau of Land Management, Office of the Secretary of Interior, and other federal agencies with which the public land states deal. It is felt this representation will have the effect of keeping the states more fully informed of federal legislation, and, in particular, of Association-sponsored legislation having a vital effect on land matters of the Western States, and, in addition, that it will assist materially with the problems concerning State indemnity selection and exchange applications, which must, of necessity, be resolved by the Washington office of the Bureau of Land Management as well as the Secretary of the Interior. It is felt that a tremendous advantage will be accorded the states by having a specific representative who can follow matters through the federal agencies at the request of the states, rather than by transacting such business through the mails or by telegram as has been the necessary practice in the past. This is particularly true with respect to legislation, for, as has happened in the past, bills adversely affecting certain member states were introduced and passed without the states being aware of such legislation until after adoption. Furthermore, the State Lands Commission has numerous indemnity selection and exchange applications currently pending appeal, both to the Director of the United States Bureau of Land Management and to the Secretary of Interior, which could be followed closely by the proposed representative. Representation, as suggested, would permit the Commission and its staff to be kept more fully informed as to progress and the problems under consideration with respect to its pending applications and appeals. In many instances it is advantageous to the State to know in advance the criteria upon which a decision is being based, whereupon additional supporting or factual data may be submitted.

This entire plan of the Western States Land Commissioners Association was outlined on September 25, 1959, by Mr. Murray E. Morgan, Land Commissioner of the State of New Mexico, and President of the Western States Land Commissioners Association, to the Conference of Governors of the Western States held in Sun Valley, Idaho. A copy of Mr. Morgan's report to the Conference is attached, which spells out in further detail the advantages of the establishment of an Association representative in Washington. Also attached is a resolution which was introduced at the Conference by Governor Burroughs of New Mexico in support of the proposal. The Governors deferred action on the resolution, and proposed to study it for sixty days and take action by mail within ninety days. This plan was outlined at the Conference of Governors in view of the fact that the Governors of several Western States are members of their respective Lands Commission.

CALENDAR ITEM 22. (CONTD.)

The matter of cost is outlined in Mr. Morgan's report, and, as stated, is proposed to be apportioned among the participating member states. It is estimated that the cost to each state will be from \$5,000. to \$6,000 annually. This sum appears reasonable in view of the advantages which could result from the proposed program.

IT IS RECOMMENDED THAT THE COMMISSION:

1. INDICATE ITS APPROVAL OF THE PLAN TO ESTABLISH A REPRESENTATIVE OF THE WESTERN STATES LAND COMMISSIONERS ASSOCIATION IN WASHINGTON, D. C.
2. AUTHORIZE THE EXECUTIVE OFFICER TO NOTIFY THE ASSOCIATION OF THE DESIRE OF CALIFORNIA TO PARTICIPATE IN SUCH A PROGRAM.
3. AUTHORIZE THE EXECUTIVE OFFICER TO INCLUDE IN THE ANNUAL BUDGET OF THE COMMISSION A SUM NOT TO EXCEED \$7,500 AS CALIFORNIA'S PARTICIPATION UPON ADOPTION OF A LEGISLATIVE REPRESENTATIVE PLAN BY THE WESTERN STATES LAND COMMISSIONERS ASSOCIATION.

Attachments

Report of Murray E. Morgan
Resolution

GOVERNORS' CONFERENCE

Delivered Friday, September 25, 1959, Sun Valley, Idaho

MR. CHAIRMAN, GOVERNORS OF THE WESTERN STATES, LADIES AND GENTLEMEN:

I come to you today with a plan which I would like to have you, as the chief executives of your states, consider most seriously. This plan has already been discussed by the various land commissioners at their meetings, and it has been the concensus of opinion at these meetings that such a plan would need the backing of the various state governments in order to be successful.

The plan of which I speak, briefly, is the establishment of a year-around office in Washington, where a representative of the Western States would work for passage of land legislation beneficial to the Western States, and work against any legislation inimical to their welfare. Another function of this representative would be to follow through on all land matters with the Government Bureaus in behalf of the member states.

If entered into on a share the cost basis, the cost of such an office should be comparatively small. We have thought of a five or six thousand dollar annual contribution from each of the interested states. I think this amount would be adequate to employ the services of a man who would know his way around Washington and provide for an office and the necessary staff. No one state could do it alone. It is my belief, and I know it is the belief of other land commissioners in the Western states, that such an office would pay handsome dividends to the participating states.

It is difficult to imagine the difficulties we encounter in attempting to get legislation through the Congress, no matter how apparent the justification for such legislation may be. The voice of the West in Washington is not nearly so loud as I am sure it will some day be. Some of the land problems in the West are such that we cannot wait for this happy day. The longer we wait the less chance there seems to be for the states to obtain measures to correct obvious injustices in matters pertaining to the distribution and uses of their lands.

In New Mexico, as in some of the other Western states, we have the problem of military encroachment, where the state is without a remedy in making a proper exchange in protecting the state's interests. In many of the states there are delays and hindrances in making our lieu selections. It is quite important that exchanges sometimes be made between the states and federal agencies. Here again the states work against hindrances and disadvantages.

I believe a land representative in Washington would do much for us in clearing matters with the Washington Bureaus and at the same time help coordinate the efforts of the Western Congressmen and Senators.

At the last meeting of the Western States Land Commissioners' Association, held in Denver, Under-Secretary of Interior, Roger Ernst, a former land commissioner of the state of Arizona, spoke very honestly and very frankly.

He admitted the justice of our complaints against the bureaucratic attitude of the Bureau of Land Management and of his own department, which he said was dominated by "eastern thinking". He also admitted that he was powerless to do much in the way of helping the Western states because of this attitude. He told us that the only way we could hope to get needed legislation through the Congress was to keep hammering at the department for the reports without which Congress will not act.

Out of those statements of Mr. Ernst was born the idea of a Western States Bureau in Washington. The Land Commissioners, who are most conversant with the problems with which the Western states are faced in land matters, are of the belief that financial support of such an office would pay handsome dividends to the states. I also am very strongly of that belief.

As you know there has been for years a growing movement in the west to have Congress cede the remainder of the vacant and unreserved public domain to those states which were in a position to assume administration of these lands. Because of confusion in the east, some of which I am quite sure is deliberately created, the impression seems to be that the Western states are attempting a land grab and that we are after the National Forests and our National Parks. Such, of course, is not the case. Proponents of the land transfer have been careful at all times to point out that the only lands desired are the vacant and unreserved balances of the original public domain, and that we are quite happy with Federal administration of all those lands national in character, which include the forests, parks, national monuments, Indian reservations and lands devoted to the national defense.

We also have an interest in the minerals occurring in the Western states. As you are aware, in the recent act granting statehood to Alaska, that state was given 90% of its mineral income, with 10% being reserved to cover cost of Federal administration. As you know, our Western states receive only 37½% of this mineral income under the Federal Mineral Leasing Act of 1920. It is our feeling that the claim of the Western states to the natural resources within their borders is as valid, and even more justified, than is the claim of the coastal states to the tidelands. A Washington office could push for legislation giving the Western states at least an equitable position with Alaska in the distribution of receipts from this source. It would be even better if legislation could be passed giving the states themselves administration of these minerals. The record is very plain that the states do a better and a more economical job of administering their lands than does the Federal government.

I do not believe there is a single Western state where the problem of school financing is not a serious one and one which grows increasingly difficult with the growth in population. In New Mexico, where we received grants of some 13 million acres of land for educational and other purposes, the income from the State lands has been an important factor in our school financing. At the present time the school lands in our state are furnishing approximately 17% of the total common schools budget. We have, however, apparently reached the peak of our annual income from these lands at somewhere between 26 and 28 million dollars a year. That means that as our educational load increases the proportion which the trust lands will be able to provide will decrease. Where is this additional revenue coming from?

Certainly not from additional taxes or reduction of governmental services. The tax load is already great and governmental services are increasing, rather than decreasing.

I believe that the logical place for this increase to come from is from a more competent administration of the lands and minerals within our state. That can only be brought about if these are placed under State administration. We all know that Federal administration is both wasteful and extravagant.

Almost since the inception of the Republic the question of public land ownership has been a troublesome one. At Salt Lake City, on August 21, 1919, the governors of 22 of the States in which Federal ownership of land had become a handicap to economic and industrial development, signed a Memorial to Congress asking that ownership and administration of all the unreserved and unappropriated public lands of the United States be ceded to the states wherein such lands were situated.

In August 1929, at a meeting of the governors of the Western states, also held in Salt Lake City, President Herbert Hoover declared that with the exception of certain mineral rights, the remaining public lands should be ceded to the States in which they lay. During his talk to the governors in respect to the land question, President Hoover said: "The Federal government is incapable of the adequate administration of matters which require so large a measure of local understanding. We must seek every opportunity to retard the expansion of Federal bureaucracy and to place our communities in control of their own destinies."

Let us look, very briefly, at how many people are helped by present Federal administration of these minerals and ownership of the public domain. The incomes from minerals, and other sources, as you know, are allocated by law. These receipts are expended in accordance with these laws every year, and not a single cent is put away for the future. Under the present laws 37 $\frac{1}{2}$ % of the mineral receipts from the Federal lands are returned to the states, 10% is set aside for administrative expenses, and the balance of 52 $\frac{1}{2}$ % goes into the Western States Revolving Reclamation Fund. Inasmuch as the 10% reserved for administrative purposes is supplemented by Congressional appropriations it is difficult to estimate just what the cost of administration is. We do know, however, that it is in excess of the 10% allocated by law. By contrast, in the State of New Mexico, we administer our state lands, and there are 13 million acres of them for approximately 2 $\frac{1}{2}$ % of our gross revenues.

I want to give you an example of the cumbersome form of impractical and uneconomic administration of lands which has grown up in the Western states under the Bureau of Land Management. In New Mexico the Bureau of Land Management has jurisdiction over 5,743 separate tracts of vacant and unreserved Public Domain. Of these 5,743 tracts, only 314 are over 5 sections, 3,200 acres, in area. Only 1,126 of these tracts are between 1 and 5 sections in area. There are 4,303 of these tracts administered by the Bureau of Land Management which are less than a single section in area. Many of them are not even 40 acre tracts, but are odd shaped lots dotting the map of the state.

These small tracts are helping no one. They are an administrative liability. They serve no other purpose than to mess up the land pattern of the state and give employment to a few bureau employees who must keep track of them.

I do not believe that we are ever going to overcome the opposition of the Interior Department to an outright grant of the remainder of the vacant and unreserved Public Domain to the states. In spite of the fact that this would be the logical move for Congress to make, in spite of the fact that this would enable the Western states to take care of many of the financial problems for which they must now look to Washington for help, in spite of the fact that this would be a considerable saving to the taxpayers of the entire country, the opposition by the bureaus to such a grant will prove insurmountable.

But, I do believe that every one of the Western states could, by working together, and through the establishment of a competent representative in Washington, go a long way toward correcting some of the inequities and some of the land problems with which we are all faced.

I would like to see a permanent committee, either composed of members of this group, or of Land Commissioners, or possibly a joint group, set up to act as a clearing house for land problems in the Western states and to serve as a control over the activities and projects which would be undertaken by the Washington bureau which I have suggested. I am sure that if the governors of the various states and their land commissioners would work together on these problems we could accomplish a great deal.

I think when you gentlemen go home and consult with your Land Departments, you will find, as we have found in New Mexico, that there are many tracts of land in your states which, while of no value to the state or to the government, under present administration, would be of considerable value if granted to the states.

An example of this would be the Limited Use or Jones-Bankhead lands which were bought up by the Federal government as marginal during the dust bowl and depression days. In New Mexico these consist of over 600,000 acres of excellent grazing and farm lands, from which the state now receives practically nothing. Last year the 25% of the net which is returned to the counties amounted to less than 10¢ an acre.

We have financing problems. These lands, whether it be through small or large grants or cession of the vacant lands, would help every one of us in solving those problems. In the case of New Mexico it would solve many of our most pressing financial problems.

I have spoken of inequities which we should unite to help erase or correct. One of the most glaring of these is the matter of allocation of the public lands to the various states upon their entry into the Union. The recent statehood act for Alaska has vividly focused attention upon this particular inequity of treatment. For example, New Mexico, Arizona and Utah were the recipients of four sections of land out of each township for the support of their common schools. Other Western states received only two sections. All

of the states, of course, received grants for various other purposes. But in these grants there was no semblance of equity. New Mexico received more than any of the other Western states, with total grants of over 13 million acres. California received 8 million, Colorado only 4 million. Other Western states received total grants ranging from 7 million in Montana down to 3 million in the State of Washington.

Under her statehood act Alaska received 30% of her lands and all rights to the tidelands accorded to other tideland states. This amounted to a total grant of 103,350,000 acres plus all lands previously granted to the Territory of Alaska. Where the Western states were prohibited from selecting lands mineral in character, Alaska will be allowed to select 102,550,000 acres regardless of character and whether or not under mineral lease by the government. To complete her total grant the new state will be allowed to select 400,000 acres from unappropriated lands within the Nation Forests, and another 400,000 acres of land adjacent to established communities or suitable for prospective communities or recreational areas.

There were no restrictions placed upon the use of the proceeds from these lands, as was the case in grants made to the Western states. The Legislature of the new State of Alaska will decide how the money shall be used.

We are happy that our new sister State in the Union has received such generous treatment at the hands of Congress. We do not begrudge Alaska her good fortune. But, we do feel that as a matter of simple justice Congress should take another look at the land problems of the Western states and enact legislation which would wipe out the inequities which now exist and place these lands in the hands of local government where the principles of the greatest good for the greatest number and state sovereignty would be served.

I have brought with me to the meeting today copies of an exhaustive survey which has been made of the land problems in New Mexico. I am sure that you will find much of interest in this report. I would like to point out that the research for the book was made by a non-profit research agency from outside of the state of New Mexico. It is objective and factual and points up many land problems common to all of our states.

In closing I would like to express my appreciation to Governor Burroughs for surrendering his time on this program so that I might give you this pitch from the Western States Land Commissioners' Association, of which I am president this year. I also wish to thank you gentlemen for your attention and consideration. We Land Commissioners are so close to these land problems that we can see their importance to the over-all picture as far as the states are concerned. We know that your field of responsibility, as chief executives of your states, is much broader than ours. It is our hope that you will look upon us as sort of specialists in this field, and give us the support without which we cannot hope to accomplish the goals which we sincerely feel will redound to the welfare of the Western States.

Thank you,

MURRAY E. MORGAN,
COMMISSIONER OF PUBLIC LANDS
STATE OF NEW MEXICO

RESOLUTION

WHEREAS, the federal government has large land holdings in the member states of this Conference; and

WHEREAS, these states have in trust extensive land holdings for various beneficiary institutions of our states; and

WHEREAS, in constantly arising conflicts of interest in land matters, the states are in a position of disadvantage in resolving such conflicts, and it is necessary from time to time that corrective legislation be adopted by the Congress to improve the interests of the states in land matters; also delayed action by the land authorities in Washington lead to serious loss of revenue by the states;

NOW THEREFORE BE IT RESOLVED by this Conference of Western Governors that it be hereby recommended that the public land states form a committee to employ and supervise a land agent in Washington to further the needs of the public land states and to fix the assessments due from each state which will properly defray the expenses of such committee and land agent; and

BE IT FURTHER RESOLVED that such committee be formed at this time in order that full action may be taken at the earliest possible date, and most especially prior to the next meeting of Congress.

Western Governors' Conference

Sun Valley, Idaho
September 25, 1959