



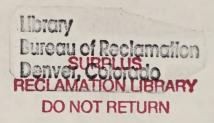
THE SAGEBRUSH REBELLION

INFORMATION PACKET for the "PUBLIC LANDS REFORM ACT of 1981"

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DUCED MAY 20,1981 BY SENATOR ORRIN HATCH & CONGRESSMAN JIM SANTINI



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NEWS

Senator Orrin Hatch

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Congressman Jim Santini

Washington, D.C. -- The Sagebrush Rebellion is alive and well, despite some reports to the contrary.

That's the opinion of Senator Orrin Hatch (R-Utah) and Representative Jim Santini (D-Nevada). The two lawmakers will hold a special press conference Wednesday, May 20, 1981, in the U.S. Capitol to make public their sagebrush bills.

The Hatch and Santini bills will be introduced Wednesday following the press conference. "What the legislation means, simply, is that now the states will be able to determine what to do with the land that is rightfully theirs," Hatch said.

"A procedure would be established by which the 12 continental states west of the 100th meridian (Montana, Wyoming, Colorado, New Mexico, Idaho, Washington, Oregon, Alaska, Arizona, California, Utah, and Nevada) may obtain title to all or part of the unappropriated federal lands within their borders."

Santini pointed out that the land transfers would not be automatic, and the states would be required to enact laws to ensure sound multiple use land management practices. Federal boards would be established to review state applications.

"With me, this is a matter of equity," Santini said. "Five per cent of the eastern states are federally owned, while as much as 97 per cent of some of our counties in Nevada are controlled by Uncle Sam.

"In addition, it only makes sense to return the control of these lands to the people who live on them. We simply don't believe that 'Washington knows best' when it comes to creating a park, expanding a town, drilling for oil, grazing a cow, or saving the tortoises. We strongly believe that the states could do a much better job of managing these lands."

Hatch went on to say claims that the states will mismanage the lands are totally unfounded. "Charges that the states will turn the land over to private ownership, selling it off, are pure bunk," Hatch continued.

"In most cases, the states have a better record for balancing the protection of the environment with badly needed development of our natural resources.

"Under the legislation, the states would be allowed to lease the land for energy production, a provision that would benefit everyone, whether they live in Utah or Nevada or New York City.

"The lands eligible for transfer contain enormous reserves of minerals and energy resources such as oil, natural gas, coal. oil shale, tar sands, and uranium ore. Federal ownership has been a roadblock to the development of this much needed energy potential."

Appropriated lands not eligible for transfer include National Parks, National Monuments, federal bird and wildlife refuges, National Recreation Areas, and components of the National Wilderness System and the National Wild and Scenic Rivers System. (The Santini bill also excludes National Forest Lands).

A list of House and Senate co-sponsors is included in the press kit.

SAGEBRUSH REBELLION CO-SPONSORS MAY 20, 1981

U. S. HOUSE OF REPRESENTATIVES JIM SANTINI (D-NEVADA)

DON YOUNG (R-ALASKA)

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ORRIN G. HATCH

411 RUSSELL SENATE OFFICE BUILDING TELEPHONE: (202) 224-5251

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United States Benate

WASHINGTON, D.C. 20510

COMMITTEES:
JUDICIARY

LABOR AND HUMAN
RESOURCES
SMALL BUSINESS
BUDGET

OFFICE OF TECHNOLOGY
ASSESSMENT

May 13, 1981

Dear Colleague:

For over two years a good deal of the debate over federal land management policy has focused on what many have called the "Sagebrush" alternative, the proposition that the only real solution to land use conflicts in the west requires divestiture of federal ownership of national resource lands. Legislation will soon be introduced to provide an orderly and equitable statutory framework for such a transition. A copy of the proposal is attached. Please look it over. I hope you will join me as a co-sponsor.

As you recall, 18 of us joined to sponsor a similar measure in the 96th Congress, the Western Lands Distribution and Regional Equalization Act 1979 (S. $\overline{1680}$). The draft bill I am submitting for your consideration, the Public Lands Reform Act of 1981, is a substantially revised version of that same bill. Also attached is a detailed explanation of the measure to assist your assessment.

I would like to call your attention to what I consider to be the most significant feature of the new bill. Most of the criticism of S. 1680 was focused on the allegation that it was "little more than a giant land grab" by development barons who wanted to see the public lands in private ownership. I was confident then, as I am now, that the states would generally retain ownership of the public lands once they acquired them from the federal government simply because it would clearly be in their own best economic interest to do so. However, the bill's critics seemed to want assurances. Title IV of the new bill would apply to the states, after they assume ownership, the same restriction currently governing federal land managers' authority to sell lands to private interest; in addition Title IV stipulates that should a state attempt any subsequent transfer in violation of those restrictions, the transaction would be null and void under the terms of federal law.

I am confident that this change, and numerous technical refinements to the previous legislation, provide for important public land reforms which recognize an overriding public interest in maintaining unrestricted public access to the surface of these lands through continued public (state) ownership; at the same time,

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the bill deals positively with the inherent incompatibility of effectively running our economy with federal ownership of vast tracts holding great quantities of natural resources which are crucial to the economic well-being of our society.

Thank you for your consideration of these thoughts. It is my intent to introduce the new bill on May 19, 1981. Please call Jim Black or Lynn Sharp at 224-9848 for further information or to join in original co-sponsorship of the measure.

Sincerely,

Orrin G. Hatch

United States Senator

OGH: jw

JIM SANTINI NEVADA

WASHINGTON OFFICE:
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WASHINGTON, D.C. 20515
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Congress of the United States House of Representatives

Washington, D.C. 20515

May 8, 1981

THE SAGEBRUSH REBELLION

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PUBLIC LANDS AND NATIONAL PARKS

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SELECT COMMITTEE ON AGING

SUBCOMMITTEE:

HOUSING AND CONSUMER INTERESTS

U.S. CONGRESSIONAL TRAVEL AND TOURISM CAUCUS, CHAIRMAN

Dear Colleague:

You have probably heard the term "Sagebrush Rebellion" in recent months and wondered just what is going on in the wild west these days, since even the President has stated he is a "Sagebrush Rebel." Contrary to popular belief, this is not an uprising of a few disgruntled cowboys. The Sagebrush Rebellion is a growing movement which stands for the return of certain western lands to the people who live there. We simply don't believe that "Washington knows best" when it comes to expanding a town, drilling for oil, or grazing a cow.

While western states welcome the short-term relief of Secretary of Interior Watt's "good neighbor policy," we still have the long-term problem of Uncle Sam controlling too much land in the West. We cannot count on the good will of changing administrations for responsive land management.

In contrast to Eastern states where federal land ownership averages about 5 percent, the federal government controls more than 63 percent of all lands west of the 100th meridian. In some counties in the state of Nevada, for example, Uncle Sam owns 97 percent of the acreage. The Sagebrush Rebellion is a grass roots call for equity for the Western states.

I am introducing a "Sagebrush Rebellion" bill which will establish a mechanism to transfer approximately 460 million acres of land in the West from the Bureau of Land Management to the states. The bill I propose would establish federal boards to review state applications for land returns. Land transfers would not be automatic, and states would be required to enact laws to ensure sound management practices. National parks, forest lands, wildlife sanctuaries, Indian reservations and military installations would remain in federal control and could not be placed in state ownership.

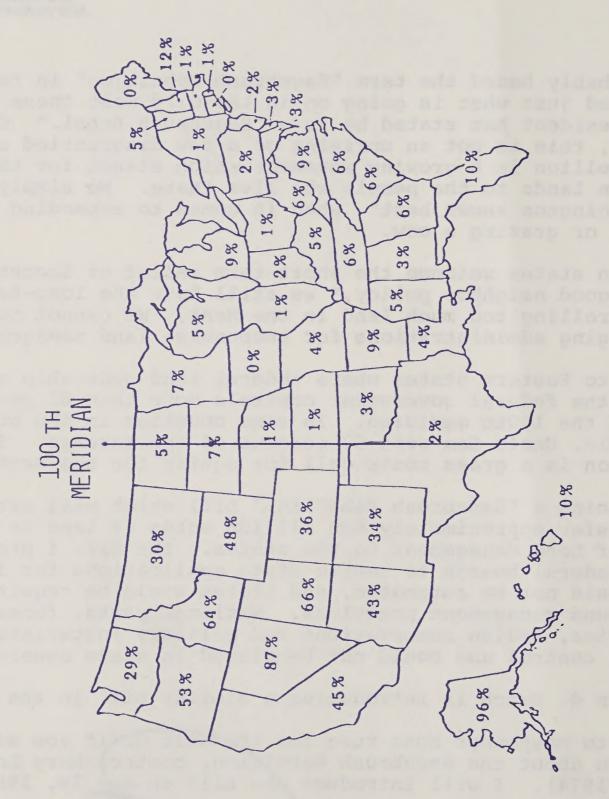
Senator Orrin G. Hatch is introducing a similar bill in the Senate.

If you want to cosponsor home rule for the West or if you want additional information about the Sagebrush Rebellion, contact Mary Lou Cooper of my staff (225-1974). I will introduce the bill on May 19, 1981.

Sincerely

Member of Congress

JDS:mcj



PERCENTAGE OF LAND BY STATE IN FEDERAL OWNERSHIP OR CONTROL

97th CONGRESS 1st Session

PUBLIC LANDS REFORM ACT OF 1981

A BILL

- To provide for the cession and conveyance to the States of federally owned unreserved, unappropriated lands, and to establish policy, methods, procedures, schedules, and criteria for such transfers.
- Be it enacted by the Senate and House of Representatives
- 2 of the United States of America in Congress Assembled.

1	TITLE 1SHORT TITLE; FINDINGS AND DECLARATION OF POLICY;
2	DEFINITIONS
3	SECTION. 101. This Act may be cited as the ''Public Land
4	Reform Act of 1981''.
5	SEC. 102. The Congress hereby finds that
6	(1) equality of political standing and sovereignty
7	is the condition of all States of the United States;
8	(2) new States admitted into the Union subsequent to
9	the original thirteen do so on equal footing with the
0	original thirteen and as such succeed to all the rights
.1	of sovereignty enjoyed by the original thirteen,
.2	including specifically the ownership of unreserved,
.3	unappropriated public lands beneath navigable waters;
4	(3) at the time of their admission into the Union,
.5	Congress retained in the Federal Government, ownership
.6	of substantial territory located within the borders of
.7	various Western States;
8	(4) in the absence of such Federal domain within
9	their borders, the legislative authority of such States
20	would extend over all lands therein to the same extent
21	as over similar property currently in State or private
22	ownership;
23	(5) the Federal Government currently owns and
4	controls approximately one-third of the area of the
2.5	continental United States;

1	(6) historically, Federal Land Management Policies
2	have failed to provide for the timely and effective
3	development of federally owned resources which are
4	critical to the national economy; this failure is

5 institutional in nature; and

25

- (7) it is no longer useful or necessary for the
 United States to hold all unreserved and unappropriated
 public lands in trust for the States in which such lands
 are situated.
- SEC. 103. It is the policy of this Act, in the light of the findings specified in section 102, to place all unreserved and unappropriated public lands presently held in trust for the States in which such lands are situated in State ownership in accordance with the conditions and stipulations of this Act and as expeditously as possible.
- 16 SEC. 104. For the purposes of this Act, the term--
- 17 (1) "Unreserved unappropriated public lands" means 18 all lands and interests therein which are owned or controlled by the United States, including the mineral 19 20 rights on or underlying such lands, and appurtenant water and access rights (including lands underlying 21 22 navigable lakes, streams, and other watercourses) lying within the boundaries of any State wholly west of the 23 one-hundredth meridian, except--24
 - (A) lands within the boundaries of national

1	migrator	y bird	sanctuaries	established	prior	to
2	May 1, 1	981;				

- (B) lawfully designated units of the National Wilderness Preservation System;
 - (C) lands within the boundaries of any military reservations and establishments, and Indian reservations;
 - (D) lands essential to the operation,
 maintenance, and access to United States Corps of
 Engineers and United States Water and Power Resources
 Service projects;
 - (E) lands essential to the operation,
 maintenance, and access to designated United States
 highways;
 - (F) lands necessary to the operation,
 maintenance, and access to shipyards, docks,
 security and defense establishments, magazines,
 arsenals, and buildings to house operations of the
 United States Government;
 - (G) lands selected by Native Corporations
 pursuant to the Alaska Native Claims Settlement Act
 and other applicable law; and
- *(H) lands within the boundaries of any national forest.
- 25 (2) "Established concepts of multiple use" means a

1	land-management	concept.	which	is	predicated	on	the

- 2 assumption that all lawfully sanctioned uses of the
- 3 lands subject to such management are typically
- 4 compatible and that instances of actual imcompatibility
- of use patterns are atypical and as such, to be dealt
- 6 with as extraordinary circumstances. It is the principal
- objective of multiple use management to cultivate,
- 8 facilitate, and protect the aforementioned compatibility.
- 9 (3) "Federal Land Transfer Board" means any Board
- 10 established pursuant to section 201.
- 11 (4) "State land management agency" means any
- 12 authority, agency, board, or commission established
- pursuant to section 301.
- 14 (5) "Conveyance" means any conveyance or other
- 15 transfer by deed or other appropriate instrument.
- 16 TITLE II--FEDERAL LAND TRANSFER BOARD
- SEC. 201. (a) In any case in which a State determines to
- 18 acquire all or any portion of the unreserved unappropriated
- 19 public lands within its boundaries, the Governor of that
- 20 State shall submit an application to the President of the
- 21 United States requesting the President to establish a
- 22 Federal Land Transfer Board for such State. Such application
- 23 shall be authorized by a law of the States which becomes
- 24 effective on or after the date of the enactment of this Act.
- 25 No application shall be received by the President after the

- l expiration of a ten-year period following the date of the
- 2 enactment of this Act.
- 3 (b)(1) As soon as practicable following the receipt of
- 4 an application under subsection (a), but in no event later
- 5 than the expiration of the ninety-day period following the
- 6 date on which nominees are submitted to him pursuant to this
- 7 subsection, the President shall take such action as may be
- 8 necessary to establish a Federal Land Transfer Board for any
- 9 State submitting such application (unless such a Board is
- 10 already in existence on the basis of a prior application
- 11 from such State). Such Board shall consist of a Chairman to
- 12 be appointed by the President (who shall have no vote except
- 13 in the case of a tie vote), the Secretary of the Interior or
- 14 his designee, the Secretary of Agriculture or his designee,
- 15 the Secretary of Defense or his designee, and three members
- 16 to be appointed by the President from a list of not fewer
- 17 than six nominees submitted to the President by the Governor
- 18 of the applicant State.
- 19 (2) Such members shall serve until all conveyances
- 20 authorized by this Act to the affected State have been
- 21 carried out. Any vacancy on the Federal Land Transfer Board
- 22 shall be filled in the same manner as that provided for the
- 23 original appointment.
- 24 (c) Each Federal Land Transfer Board established for a
- 25 State pursuant to this section shall, in making conveyances

- l to such State under this Act, coordinate its activities with
- 2 the State land management agency established pursuant to
- 3 section 301 of this Act.
- 4 (d) Within thirty days following the establishment of a
- 5 Federal Land Transfer Board for an applicant State under
- 6 this section, the President shall transfer such application,
- 7 and all accompanying papers and documentations, to such
- 8 Board. Following the receipt of such application and after
- 9 notice and opportunity of not more than 90 days for public
- 10 comment, the Federal Land Transfer Board shall determine, by
- ll a majority of the members of the Board, if such application
- 12 is in compliance with the provisions of this Act and if the
- 13 applicant has met the conditions and requirements set forth
- 14 in this Act. If such Federal Land Transfer Board determines
- 15 that the application is in compliance with the provisions of
- 16 this Act and that the applicant has met the conditions and
- 17 requirements set forth in this Act, the Federal Land
- 18 Transfer Board shall convey all right, title, and interest
- 19 of the United States in and to the unreserved unappropriated
- 20 public lands set forth in the application in such manner and
- 21 in accordance with such time schedule or schedules as shall
- 22 be agreed upon between the Federal Land Transfer Board and
- 23 the approprite State management agency, but in no event
- 24 later than twenty-four months following the determination of
- 25 the Federal Land Transfer Board that the application was in

- 1 compliance with this Act and that the applicant had met the
- 2 conditions and requirements set forth in this Act. Such
- 3 conveyance shall be made without consideration other than
- 4 mutual covenants entered into under this Act. In any case in
- 5 which the Federal Land Transfer Board determines that the
- 6 applicant has not complied with the requirements and
- 7 conditions of this Act, the Federal Land Transfer Board
- 8 shall notify the applicant to that effect within thirty days
- 9 following such determination. Such notice shall contain the
- 10 specific reason or reasons as to why such application failed
- ll to meet such requirements or conditions.
- 12 (e) A State shall not be limited in the number of
- 13 applications which it may submit pursuant to this Act,
- 14 within the ten-year period following the date of the
- 15 enactment of this Act.
- 16 (f) Neither the establishment of a Federal Land Transfer
- 17 Board nor any conveyance authorized by this section shall be
- 18 treated as a major Federal action within the meaning of the
- 19 National Environmental Policy Act of 1969.
- 20 SEC. 202. (a) In any case in which any State,
- 21 corporation, or other public or private entity, or
- 22 individual has any claim or is involved in any dispute
- 23 arising out of or in connection with the implementation of
- 24 this Act, such State, corporation, entity, or individual
- 25 shall have the right to petition the appropriate Federal

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- l Land Transfer Board to hear, consider, and act on such claim
- 2 or dispute. Upon receiving any such petition, the Board
- 3 shall, by majority vote of the members of the Board, make
- 4 such findings and determinations and issue such orders as
- 5 may be necessary to settle such claim or resolve such
- 6 dispute.
- 7 (b) Each Federal Land Transfer Board shall establish
- 8 uniform policies and procedures for receiving such petitions
- 9 and for expeditiously hearing and disposing of such claims
- 10 and disputes.
- 11 SEC. 203. Any State aggrieved by an order or decision of
- 12 a Federal Land Transfer Board under section 201 may apply to
- 13 the Federal Land Transfer Board for a review of such order
- 14 or determination within thirty days following the date of
- 15 such order or determination. Upon the receipt of such
- 16 application, the Federal Land Transfer Board shall cause
- 17 such investigation to be made as the Board may deem
- 18 appropriate. Such investigation shall provide an opportunity
- 19 for a public hearing to enable the State to present
- 20 information or other data. The State shall be given written
- 21 notice of the time and place of the hearing at least ten
- 22 days prior to the hearing. Any such hearing shall be of
- 23 record and shall be subject to section 554 of title 5,
- 24 United States Code. Upon receiving the report of such
- 25 investigation, the Federal Land Transfer Board shall make

- l findings of fact, and shall issue a written decision,
- 2 incorporating therein an order vacating, affirming,
- 3 modifying, or terminating the prior order or determination
- 4 of the Federal Land Transfer Board complained of and
- 5 incorporate its findings therein.
- 6 SEC. 204. (a) Any final order or decision of a Federal
- 7 Land Transfer Board pursuant to section 202 or 203 of this
- 8 Act shall be subject to judicial review by the United States
- 9 Court of Appeals for the circuit in which the affected land
- 10 is located upon the filing in such court within thirty days
- 11 from the date of such final order or decision of a petition
- 12 requesting that the order or decision be modified or set
- 13 aside in whole or in part. A copy of the petition shall
- 14 forthwith be sent by registered or certified mail to the
- 15 Chairman of the Federal Land Transfer Board, and thereupon
- 16 the Chairman shall certify and file in such court the record
- 17 upon which the order or decision complained of was issued,
- 18 as provided in section 2112 of title 28, United States Code.
- 19 (b) The court shall hear such petition on the record
- 20 made before the Federal Land Transfer Board and shall only
- 21 apply the provisions of this Act. The findings of the
- 22 Federal Land Transfer Board, if supported by substantial
- 23 evidence on the record considered as a whole, shall be
- 24 conclusive. The court may only affirm an order or decision
- 25 of the Board or may remand the proceedings to the Federal

- 1 Land Transfer Board for such further action as the court may
- 2 direct.
- 3 SEC. 205. (a) No member of the the Federal Land Transfer
- 4 Board, and no individual who is part of such member's
- 5 immediate family, shall, during his term of office on the
- 6 Board, knowingly receive compensation or any other direct or
- 7 indirect benefit from, hold any official relation with, or
- 8 hold any financial or other pecuniary interest in any person
- 9 which benefits, directly or indirectly, from any land
- 10 transfer carried out pursuant to the provisions of this Act.
- 11 (b) Any individual appointed to the Board shall, within
- 12 60 days after the date of his appointment, file with the
- 13 Secretary of the Interior, in such form and manner as the
- 14 Secretary shall prescribe, a report setting forth the
- 15 official relations previously held by such individual with
- 16 any public or private entity and financial interests held by
- 17 such person in any corporation, partnership or other entity
- 18 during the 5-year period preceding such appointment. During
- 19 the 5 year period following the receipt by the Secretary of
- 20 a report under this subsection, the Secretary shall make
- 21 such report available to the public and shall provide a copy
- 22 of the report to any person upon request.
- 23 (c) During the five year period following the expiration
- 24 of his membership on the Baord, no member of the Board, and
- 25 no individual who is a member of such member's immediate

- 1 family, shall knowlingly receive compensation from, hold
- 2 any official relation with, hold any financial or other
- 3 pecuniary interest in any person which benefits, directly or
- 4 indirectly, from any land transfer carried out pursuant to
- 5 the provisions of this Act.
- 6 (d) Any individual who knowlingly fails to file any
- 7 report required by this section shall be fined not more
- 8 than \$2,500 or imprisoned not more than one year, or both.
- 9 Any individual who violates any provision of subsection (a)
- 10 or (c) shall be fined not more than \$10,000 or imprisoned
- 11 not more than two years, or both.
- (e) Nothing in this section shall be construed to affect
- 13 or impair any other Federal statutory requirments
- 14 respecting conflict of interest or disclosure which may be
- 15 applicable to individuals covered by the provisions of this
- 16 section. In order to avoid duplication and unnecessary filing
- 17 of information, the Secretary shall provide for the
- 18 coordination of the report which any person is required to
- 19 file under subsection (b) with any other report relating to
- 20 the same or similar matters which such person is required to
- 21 file under other provision of law, and in any such case, no
- 22 information which is reported under such other provisions of
- 23 law shall be required to be included in any report filed
- 24 under subsection (b).
- 25 TITLE III--STATE LAND MANAGEMENT AGENCIES

34.7

- 1 SEC. 301. (a) No State seeking the conveyance of
- 2 unreserved unappropriated public lands under this Act shall
- 3 be entitled to such lands unless such State has established
- 4 a State land management agency with powers and obligations
- 5 as set forth in subsection (b) of this section.
- 6 (b) There shall be in effect and applicable to such
- 7 agency laws of the affected State which--
- 8 (1) require the agency to hold and manage, in
- 9 accordance with this Act, unreserved unappropriated
- 10 public lands conveyed pursuant to this Act in trust for
- 11 the ultimate benefit and use of all the people of the
- 12 United States in an orderly, beneficial, and economic
- manner, and to manage such lands in conformity with
- 14 established concepts of multiple use and sustained
- 15 yield;
- 16 (2) recognize and declare that all public lands of
- 17 the State (including lands transferred pursuant to this
- 18 Act), together with mineral and water rights
- 19 appurtenant, not previously reserved or appropriated by
- 20 parties other than the Federal Government, are the
- 21 property of the State and subject to its jurisdiction
- 22 and control;
- 23 (3) provide for the recognition and protection,
- 24 including the issuance of such documents or other
- 25 instruments as may be necessary, of valid non-Federal

- rights, existing on the date of the transfer to the

 State of unreserved unappropriated public lands under

 this Act, and which rights were acquired under or in
- (4) provide for the conduct, in conjunction with the respective boards of county commissioners and county planning commissions and with municipal councils and planning commissions, of an ongoing inventory and study

connection with any applicable law or rule of law;

- 9 of the public lands of the State with a view to
- 10 determining the best methods of utilization and
- 11 management of such lands;

government, as defined in the Act of October 20, 1976 (90 Stat. 2662), would be entitled to receive annual payments under that Act for any land which would be entitlement land within the meaning of that Act if such land were retained in Federal ownership, following conveyance of such land to the State pursuant to this Act, the State will make annual payments to such unit of local government with respect to such land for any year in which the State retains a property interest in such land and that such annual payments will be at least equal to the payments which would have been made to such unit of local government with respect to such land under the Act of October 20, 1976, if such land had remained

-

unity of local government with respect to such land to the

1	in Federal ownership;
2	(6) provide for transfer to the United States,
3	without consideration, of such easements, rights-of-way
4	permits, and licenses as may be necessary to the conduct
5	of any lawful Federal activity or function upon, over,
6	or under any such land conveyed to the State pursuant to
7	this Act; and
8	(7) provide that such lands acquired pursuant to
9	this Act which, prior to that acquisition, were
10	administered pursuant to an international treaty or
11	interstate compact, shall continue to be administered by
12	the State in conformance with the terms of such treaty
13	or compact.
14	TITLE IVCONVEYANCE FROM STATE OWNERSHIP
15	SEC. 401. The unreserved unappropriated public lands
16	conveyed by a Federal Land Transfer Board pursuant to this
17	title shall not be conveyed by a State unless such
18	conveyance meets the following criteria
19	(1) such tract because of its location or other
20	characteristics is difficult and uneconomic to manage as
21	part of the public lands in State ownership;
22	(2) such tract was acquired for a specific purpose
23	and the tract is no longer required for that or any
24	other public purpose; or
25	(3) disposal of such tract will serve important

- l public objectives, including but not limited to,
- 2 expansion of communities and economic development, which
- 3 cannot be achieved prudently or feasibly on land other
- 4 than public land.
- 5 SEC. 402. In making any conveyance of lands transferred
- 6 to it under this Act, the State shall reserve those easements
- 7 and other property interests necessary to assure public
- 8 access to Federal lands and to other State lands retained
- 9 in State ownership.
- SEC. 403. In the case of land and interests conveyed by
- 11 a Federal Land Transfer Board to a State, any subsequent
- 12 conveyance by a State shall be in compliance with the criteria
- 13 set forth in section 401 of this title. If, upon final
- 14 court adjudication, it is determined that such conveyance is
- 15 not in conformance with section 401 of this title, then
- 16 title shall revert to the State.
- 17 TITLE V--MISCELLANEOUS
- SEC. 50,. (a) Notwithstanding any other provision of
- 19 this Act or any transfer of unreserved unappropriated public
- 20 lands pursuant thereto the United States shall retain
- 21 jurisdiction and control over all oceans, seas, navigable
- 22 rivers, streams, and lakes, and projects and facilities of
- 23 the Corps of Engineers and the Water and Power Resources
- 24 Service which would otherwise be subject to transfer
- 25 pursuant to this Act, except that the retention of such
- 26 jurisdiction and control by the United States shall not
- 27 abrogate or otherwise diminish any rights acquired by any
- 28 State to lands underlying such waters pursuant to transfers

- 1 made in accordance with this Act. In no case, however, shall
- 2 any such State or its successor in title use such underlying
- 3 lands in a manner so as to hamper, interrupt, or otherwise
- 4 impede the United Sates in the exercise of the jurisdiction
- 5 and control reserved to the United States pursuant to this
- 6 section.
- 7 (b) The President of the United States shall take such
- 8 action as may be necessary to modify or amend any treaty or
- 9 other agreement which the United States has with any foreign
- 10 nation, if such modification or amendment is essential to
- 11 the implementation of this Act.
- 12 SEC. 502. Any State receiving a conveyance of land
- 13 pursuant to this Act is authorized to enter into interstate
- 14 compacts with other States in order to carry out actions,
- 15 affecting the lands so received, which can best be carried
- 16 out jointly by such States, such as compacts relating to
- 17 compliance with Federal laws involving water and air
- 18 pollution, the administration of forest lands as a unit, and
- 19 such other compacts as may be necessary relating to land and
- 20 water use activities. The consent of Congress is hereby
- 21 given to any such compact, if such compact has been first
- 22 approved by the appropriate Federal Land Transfer Board or
- 23 Boards.
- SEC. 503. The consent of Congress is hereby given to any
- 25 amendments to the Enabling Act of a State receiving a

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- 1 conveyance of land pursuant to this Act which may be
- 2 necessary to specially revoke any disclaimer to title of
- 3 public lands not granted by the United States to the State.
- 4 SEC. 504. Within 90 days after the date of the enactment
- 5 of this Act, the Secretary of the Interior shall commence a
- 6 study of the relative costs and benefits of Federal and
- 7 State land management activities. Such study shall include
- 8 a detailed analysis of the costs to, and effects on, State
- 9 and local governments and other persons and entities of Federal
- 10 environmental and other legal requirements associated with
- 11 Federal land management. The study under this section shall
- 12 be undertaken with reference to other related studies
- 13 undertaken by the agencies of the United States with respect
- 14 to Federal regulatory burdens. The Secretary shall report
- 15 the results of the study authorized by this section to the
- 16 Congress within 18 months from the date of the enactment of
- 17 this Act.
- SEC. 505. Nothing in this Act shall affect or impair any
- 19 provision of State law or rule of law relating to
- 20 allocation, control or use of water.
- SEC. 506. There are authorized to be appropriated such
- 22 sums as may be necessary to carry out the provision of this
- 23 Act.

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SAGEBRUSH REBELLION BILL 1981 - SUMMARY

In general this bill will authorize states west of the 100th meridian to apply for and receive transfers of federal public domain land.

The Act is entitled the "Public Land Reform Act of 1981." Congress makes a number of findings in <u>Title I</u> and, particularly, the "equal footing" concept (wherein all states after the eriginal 13 should have equal rights of sovereignty) described in <u>Section 102</u> is cited as the basis for transfers of public lands to western states. <u>Section 103</u> declares that it is the intent of Congress to place public lands in state ownership as expeditiously as possible.

Section 104 serves as the definition section. Most importantly, it defines "unreserved unappropriated public lands." These unappropriated lands are the lands which may be transferred to state ownership upon state application. National parks, national forest lands*, wildlife sancturaries, Indian reservations, and military installations would remain in federal control and could not be placed in state ownership. Section 104 also defines the phrase "established concepts of multiple use." It emphasizes that incompatibility of land use patterns transgresses the norm and is undesirable. This condition of incompatibility will, therefore, be returned to a condition of compatibility.

*NOTE: The Hatch bill includes national forest lands as lands that would be available for transfer to the states.

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In <u>Title II</u>, <u>Section 201</u>, a Federal Land Transfer Board is described. This Board is to be appointed by the President for each western state whose Governor makes a land transfer application pursuant to the bill. Each Federal Land Transfer Board shall have: one member appointed by the President (who shall serve as chairman but will have no vote unless needed to break a tie); the Secretary of Interior or his designee; the Secretary of Agriculture or his designee; the Secretary of Defense or his designee; and three members appointed by the President from a list of nominees prepared by the Governor. Each state then designates a State Land Management Agency which manages any land which may have been transferred.

Section 202 describes the procedures of petition to the Transfer Board regarding claims and disputes, and Section 203 describes the procedures to appeal decisions made by that Board. In Section 204 the judicial appeal process through the U.S. Court of Appeals is established. Section 205 defines conflict of interest criteria and disclosure requirements for individuals serving as members of any Federal Land Transfer Boards established pursuant to this act.

Title III, Section 301 describes State Land Management Agencies, and declares that each state must have an agency in order to seek conveyance of unreserved, unappropriated public lands.

Each state must have laws which:

- 1. Ensure multiple use management.
- 2. Declare state jurisdiction and control.
- 3. Recognize valid existing rights.
- 4. Provide for state, county, and municipal participation in inventory of public lands in the state.
- 5. Provide for state assumption of payments-in-lieu to local governments.
- 6. Provide for easements to the United States.
- 7. Provide for state assumption of any existing international treaties or compacts relating to public lands conveyed to states.

Title IV, Section 401 establishes criteria for the conveyance of any state lands received pursuant to this act from state ownership. These criteria are patterned after Sec. 203 of the Federal Land Policy and Management Act which prescribes the ways in which the Secretary of Interior may convey lands from federal ownership.

Section 402 provides for public access to federal and other state lands in any conveyance of state lands.

Section 403 is a provision to ensure that state land conveyances will be in compliance with Sec. 401 of this act.

Title V, Section 501 discusses government jurisdiction over water bodies. The federal government would retain control over oceans, seas, navigable waters and projects of the Corps of Engineers and Water and Power Resources Service. Lands beneath such waters may be transferred to states puruant to this bill.

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Section 502 authorizes interstate compacts for joint management efforts.

In <u>Section 503</u>, Congressional consent is given to amend State Enabling Acts to revoke disclaimers to title of public land not previously given to states.

Section 504 requires a study of the relative costs and benefits between state and federal management of public lands.

Section 506 authorizes funds to carry out the act.