

SAGEBRUSH REBELLION: IMPACTS ON ENERGY AND MINERALS

SATURDAY, NOVEMBER 22, 1980

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON MINES AND MINING,
COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
Salt Lake City, Utah.

The subcommittee met, pursuant to notice, at 10:35 a.m., in the ballroom of the Little America Hotel, 500 South Main Street, Salt Lake City, Utah, Hon. Jim Santini presiding.

Mr. SANTINI. The Subcommittee on Mines and Mining will commence the first in a series of hearings examining the questions of impact of minerals, energy, and general public use, and the proposed Sagebrush Rebellion legislation.

"Count me in as a rebel"—a quote from now President-elect Ronald Reagan during a July visit to Salt Lake City—represents a responsive chord to many public land users States. I believe the proposals contained in the so-called Sagebrush Rebellion legislation have graduated from an angry, nebulous, impromptu idea into a substantial legislative consideration.

All of the hard workers and perpetual believers will have an opportunity to participate in the Sagebrush Rebellion decisionmaking. Obviously this is not a decision that is self-executing or implementing, but there is a great deal more ammunition today to be fired onto the battlefield on this issue than has ever existed before.

In the past year, groundwork was laid for an organized and systematic approach for return of the Bureau of Land Management Western lands to the Western States. Our time and attention next year will be toward the education of the people of the United States.

The credibility of the Sagebrush Rebellion will be challenged. Those of us who support the proposition must be prepared to present the programmatic dimensions of the problem with fact and figure responses. I want to congratulate the League for the Advancement of States Equal Rights for their excellent conference. The participation and tremendous attendance here are an indication of the total and consummate devotion of those who feel that we are entitled to States equality on the basic issue of land management. It is a step in the educational process. If we continue to increase our momentum and to work together, we can succeed in reaching our desired goal.

I introduced H.R. 7837 this year, which was designed to provide a mechanism for the orderly restoration of the BLM lands to the impacted States. It is also designed to serve as a vehicle for discussion and examination of the basic Sagebrush issues. The bill was

referred to the Public Lands Subcommittee, where it has received preliminary attention. I regret that Chairman John Seiberling is not here today, but he has already asked for and will receive a complete copy of every transcribed word of our meeting today.

In 1981, be fully advised, I intend to offer the legislative proposition of the last Congress in this next Congress.

I believe that the inherent appeal of the Sagebrush legislative reform is grounded in two fundamental premises: First, equity, basic fairness. The State of Nevada is 87 percent Federal land. We are faced with asking the Bureau of Land Management permission when making local decisions to expand a town, graze a cow, add a sewerline or put in an electrical light. The citizens of Nevada I believe are capable of executing these profound decisions.

My second conviction relates to my chairmanship of the Mines and Mining Subcommittee. I believe it is indisputably evident that in the cycle of Federal land impact decisionmaking since 1968 that the entire swing and orientation of the Federal decisionmaking pendulum has been to exclude, restrict, or limit use, as opposed to a perpetuation of multiple use.

In part, that is an extension of legislative mandates that they felt obliged to comply with, but in far more significant part it is an extension of what I believe to be a sincere, albeit but nonetheless, premeditated decision to limit, restrict, or confine use of the public lands.

Federally controlled lands are estimated to contain 85 percent of the Nation's oil, 37 percent of its natural gas, 72 percent of its shale, 37 percent of its uranium resources; and to contribute 23 percent of the Nation's nonfuel mineral production. Notwithstanding this potential, we import 6 million barrels of oil a day and import over 50 percent of our needs of 19 minerals. I believe that the basic assumption that only the Federal Government is capable of exercising decisions on expansion or development of these basic resources is challengeable.

From 1973 to 1978 the imports of nonfuel minerals for raw and processed materials increased from \$9 billion to \$21 billion deficit addition, and the accessibility of the lands for mineral exploration has decreased. In 1968, with 17 percent of those lands excluded, de facto or de jure, from mineral exploration and recovery, we have seen the statistic grow to 68 percent, in one Government agency's assessment, to somewhere between 45 and 65 percent in another Government agency's assessment.

It would be difficult for any State to do a more inadequate job of balanced management of the public land resources than has been done over all since 1968 with respect to the development or exploration, and accessibility of these resources, not with regard to the protection of the environment or the preservation or the conservation of that resource.

We cannot permit misinformation and confusion to cloud the minds of the American jurors on the question of the merit or demerit of the Sagebrush proposal. The facts must speak for themselves. They will be interpreted, and the slant of interpretation can obviously influence the conclusion, but I believe that the effort that we initiate here today—and it is merely the first, in information gathering—will lay the foundation for all prospective points of

view and facts and figures to sort themselves out through the legislative mill to what I hope will inevitably be a legislative product that rectifies the gross inequity of Federal land dominance in the West.

I next turn to my good friend and colleague and Utahian Dan Marriott, for any preliminary remarks you might have, Dan.

Mr. MARIOTT. Thank you, Mr. Chairman. I welcome this committee to the State of Utah, and all who are here to take part in today's hearing.

Mr. Chairman, I congratulate you for taking the time from your busy schedule to hold these hearings regarding the Sagebrush Rebellion. I want to make it perfectly clear that these hearings are in fact congressional hearings, and not an extension of the LASER meetings that went before. This hearing could not have occurred at a more significant moment than today, little less than 3 weeks following the overwhelming victory of Gov. Ronald Reagan of California. It is a moment of some significance because it truly was the West that suffered under the Carter administration on their so-called "war" on the West.

Beginning with the 1977 water project hit list, the 1977 Reclamation Act regulations, the National Water Policy and its mandatory Federal conservation program, the 1979 Solicitor's opinion giving the Federal Government the right to seize Western water without observing State laws, the numerous opinions from the Solicitor of the Department of the Interior effectively invalidating and unbalancing carefully constructed legislative statutes, the continued destruction of the Nation's as yet unborn Federal coal program, the reluctance to move forward with oil shale development, the roadblocks and administrative hurdles continually erected in the face of geothermal steam development, and finally, in order to conclude the recitation, but certainly not the list of injustices—the appeal by the Department of Justice and the Department of the Interior of two Federal court decisions which upheld the right of the State of Utah to claim the lands which are its due.

That appeal, as Utahans well know, resulted in a 5 to 4 decision by the U.S. Supreme Court that Utah had no such right to lands of its own choosing. You will be happy to know that Senator Hatch and I have sponsored legislation to deal with that particular issue.

There can be little doubt in the face of this overwhelming evidence that there was indeed war on the West that began on election day 1976 and continued through election night 1980. Yet, just as surely as there was a war on the West, that war will come to an end, in my opinion, on Inauguration Day 1981. The American public, with the unanimous assistance of the West, has elected to the Presidency not just a man from the West, but a man of the West. The burden thus becomes for westerners to seek a legislative solution to the administrative problems which we as westerners face as the result of massive land holdings by the Federal Government throughout the West.

One-third of the Nation's land is Federal land, but two-thirds of Western land is Federal land. As a result of that ownership, no action on a State or local or regional level can ever be undertaken without the approval of the Federal Government; and regardless of the orientation of the President and his top officials, there will

Joint Statement of:

NATIONAL CATTLEMEN'S ASSOCIATION
PUBLIC LANDS COUNCIL
NATIONAL WOOL GROWERS ASSOCIATION

Before the:

SUBCOMMITTEE ON MINES AND MINING

of the

HOUSE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Regarding:

THE "SAGEBRUSH REBELLION"

Presented by:

Joe Lane
Chairman, Public Lands Committee,
National Cattlemen's Association

Salt Lake City, Utah

November 22, 1980

Mr. Chairman:

My name is Joe Lane. I am chairman of the Public Lands Committee of the National Cattlemen's Association and I also am a member of the Arizona State Legislature.

I am here today to present the joint views of three livestock organizations: the National Cattlemen's Association, the National Wool Growers Association, and the Public Lands Council. We support the concepts embodied in national and state legislation popularly referred to as the "Sagebrush Rebellion."

We note that Secretary of the Interior Cecil Andrus has termed the Sagebrush Rebellion as "political rhetoric." That is a curious statement in view of Mr. Andrus' further comments on why 50% of the Western states should remain under control of the federal government.

He and Bureau of Land Management Director Frank Gregg attribute the Sagebrush Rebellion to the growing urbanization of the West. They may be correct but not in the way they describe it. They said that the movement arises out of a conflict between urban and rural interests...that the Sagebrush Rebellion is a rural reaction to urban people who are interested in the public lands for so-called nontraditional uses.

That is ironical because it is the urban-dominated western state legislatures that have passed Sagebrush Rebellion bills. The state legislators from urban areas overwhelmingly supported state Sagebrush Rebellion legislation. They are convinced that present federal management of these lands do not serve the interests of their urban constituents.

For example, Nevada, where the first state Sagebrush Rebellion was passed, has a population that is more urbanized than Pennsylvania. Practically all Nevada legislators are from urban areas and the legislature adopted the Sagebrush Rebellion bill with only minimal opposition. In my own state--Arizona--there was so much support from urban areas that we overrode the Governor's veto of a Sagebrush Rebellion bill.

So far, seven western states have enacted Sagebrush Rebellion bills and additional states are now considering bills. Mr. Andrus' and Mr. Gregg's characterization of the nature of these bills casts some light on why federal management is so misdirected. They simply do not understand that present Federal mismanagement not only does not serve the interests of rural residents but it does not serve the recreation and other interests of urban dwellers.

Secretary Andrus said last December that the public lands administered by the Bureau of Land Management "contain more than half of our total Western coal reserves, more than three-quarters of our oil shale, more than three-quarters of our known on-shore oil and gas reserves, and much of our geothermal energy potential." He added that it would be a "disaster" for the United States if the states took over these lands. State control, he said, "would hobble our national energy efforts and obliterate essential environmental programs".

One would surmise from that comment that Mr. Andrus fears that the states would hamstring energy development. However, he then goes on to say in great horror that if the states got their hands on these lands they would open them to development and that's why the federal government must retain these lands. As a matter of fact, he implies that the goal of federal management should be to resist the increasing demands for energy and minerals. It appears he is arguing both ways: the states will not permit energy development & they will permit too much development.

I would suggest that it is the national energy and mineral programs that are disasters. I would suggest that the states' approach to energy and mineral development on public domain lands within their borders would make more sense than the federal government's.

Another argument that Mr. Andrus and other critics offer to counter the Sagebrush Rebellion is that state takeover of these lands would mean the end of the multiple-use concept--the principle that these lands should be open to multiple uses.

I would suggest that state control of these lands would breathe some life into the multiple use concept which has been emancipated, if not obliterated, by federal policies.

The recent history of federal public lands management has been a series of steps to restrict uses. For example, what is multiple-use about Wilderness? You can't manage Wilderness; that's contrary to the concept of Wilderness. You can't extract minerals, cut timber or graze livestock economically in wilderness areas. Most forms of recreation are prohibited in Wilderness and the only type that is permitted must be restricted to a limited number of persons because the Wilderness Act requires "solitude" to be preserved.

Another law that is not conducive to multiple use is the Endangered Species Act. This Act says that certain animals, plants, or bugs take precedent over all other activities no matter how relatively insignificant the species might be.

Federal government policies on coyotes, wild horses, areas of critical environmental concern, etc., etc., all tend to reduce the opportunities for multiple use. In our particular case, BLM's policies regarding livestock grazing on the public lands appear designed to reduce that use.

It has been charged that the state, if it got control of these lands, would sell them off for single purpose use. This suggestion is just plain silly. Do you think that the rancher who needs some of these lands to make economically-viable grazing operations would desire this? Do you think those who are interested in various forms of public land recreation or in just viewing wildlife would stand still for any wholesale sale of these lands?

And as far as environmental protection is concerned, who is more interested in seeing to it that mining and other activities on the public lands are conducted under proper safeguards than those who live in these areas and whose children will live in these areas?

The opposition to the Sagebrush Rebellion boils down to an attitude that the states and the people can't be trusted to manage these lands wisely. The attitude that only the federal bureaucrats know what is best for everyone...

If this is correct then we should abolish our federal system of government or, to insure that other areas benefit equally, the national government should take over 50% or more of the land in all of the states.

In most states of our nation, the states have a great deal of internal autonomy and sovereignty. The states have the right to act in most cases of domestic concern. This shared sovereignty and division of powers helps to fulfill our forefathers' desire to establish a system of government which would prevent excesses and abuses and encourage initiative and experimentation.

In the West, however, the federal lands represent such a vast proportion of the land area and resources and are such a major factor in the economy and welfare of the states, that Western people do not fully control their own destiny. They are dependent on the whims and misconceptions of a federal government that often does not understand or care about local conditions and needs.

In recent months or since the Sagebrush Rebellion started getting publicity, the Bureau of Land Management said it was amending its ways and was increasing its contact with state and local government on public land matters because it said it was finally recognizing that federal land policies were affecting people in the West. This development, even if it turns out to be more than cosmetic, is a poor substitute for the real thing.

A more meaningful and effective "reform" is for the Federal government to fulfill the letter and spirit of the Constitution, as it did in the states east of the 100th Meridian, and dispose of these lands to the Western states.

If this were done, I am sure the states would be pleased to consult with the federal government the same way the federal government now says it is consulting with the states.



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DEAR DEAN PLEASE CONVEY BEST WISHES TO ALL MY FELLOW "SAGEBRUSH REBELS" FROM MY PERSONAL CONTACT WITH YOU AS WELL AS OTHERS ATTENDING THE LASER CONFERENCE, I'M CONFIDENT THE CONFERENCE WILL BE PRODUCTIVE. I RENEW MY PLEDGE TO WORK TOWARD A "SAGEBRUSH SOLUTION". MY ADMINISTRATION WILL WORK TO INSURE THAT THE STATES HAVE AN EQUITABLE SHARE OF PUBLIC LANDS AND THEIR NATURAL RESOURCES. TO ALL GOOD LUCK AND THANKS FOR YOUR SUPPORT

RONALD REAGAN

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