

## LAND USE AND US

The general problem of land use has many faces. It is a national concern, and yet for the most part it is a very local concern. It can be a long-range issue, as when planning a new community, or it can be immediate, as evidenced by the need for new sources of energy. In any sense, it is important. And the need for affirmative action is urgent.

Throughout America's history, land use has had a strong impact on our destiny. In colonial times, land was used to lure colonists, to pay off political debts, and to establish governments. National land policies have provided homesteads for settlers, lands for railroads, and land-grant colleges to work among the Nation's farmers and ranchers. National land policies have also established national forests, parks, and grasslands... and a nationwide soil and water conservation program to protect America's land base.

Today, conflicting demands for land resources are placing severe strains on economic, social, and political institutions. And current land use decisions are making a lasting impact on the natural environment.

No area of the country is free from land use problems, though the shape of these problems often differs from region to region.

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Material for remarks by Norman A. Berg, Associate Administrator, Soil Conservation Service, at a Land Use Conference--Geography and Planning, Indiana State University, Center for Urban Regional Studies, Terre Haute, Indiana, March 20-21, 1975.

Therefore, your desire to stress the theme, Land Use, in this meeting is most appropriate and timely.

"Pete" Barton suggested I focus on 1) the availability of information through the SCS related to land use problems and 2) the role of SCS personnel in assisting planners at the local level as 3) a keynote address. The first two suggestions are easier to obey than the third! SCS does have useful available land use information and we think a key role in ~~helping~~ <sup>helping</sup> planners at all levels--especially at the grass roots. However, Webster says, "a keynote speech is designed to present the issues of primary interest to an assembly and often to arouse unity and enthusiasm." And on that assignment I may well falter==especially on arousing unity.

For land use is increasingly a major factor affecting many national concerns: the quality of the environment, the cost and availability of housing for families in different income and racial groups, the adequacy of public services and facilities and the tax burdens associated with their provision. The fuel crisis accentuated the relationship of land use to energy consumption, and has underscored the wasteful aspects of policies that encourage widely dispersed location patterns, low-density residential development, and massive reliance on private automobile transportation. There is also a growing concern about the long-term, adverse effects which urban growth might have on the supply of prime agricultural land, the health of the agricultural sector of the economy, and the availability and price of food, both for ourselves and around the world.

Discussions about land use proceed as if there were one set of widely accepted and understood land use goals. No such agreement is apparent. Citizens group into distinct but polarized camps. Increasingly we see the "I-Got-Mine" property owners concerned with protecting their own interests while pretending to work for the good of all. There are the builders, out to pillage and ravage the land, and the environmentalists who prefer wildlife to people.

Many who urge new land use regulation, for example, suggest that access to land should be viewed not as a private right but rather as a public entitlement that accompanies citizenship. They would remove land from the market sector, where it is apportioned according to people's ability and willingness to pay. Instead, they would distribute land services according to public needs. At the other end of the spectrum are those who maintain that the land should be treated like any other privately held commodity, essentially as private property with a minimum of public direction or interference.

Between these poles are those who take the position that private property rights in land exist alongside public entitlements to land, and that a proper weight to the latter requires far more limitations on the former than now exist.

A still different fundamental position emerges from the perspective of some planners who would apportion land uses to particular parcels and regions without reference to the economics of land markets but would rely on such criteria as esthetics, convenience, urban design, and ecology.

In short, economists, planners, public officials, the business community, conservationists, the courts and the legal profession, and citizens generally seem to be traveling markedly different routes in their approach to the role of land in society. These differences naturally lead to sharply divergent views on the purposes and nature of land use planning and implementation.

Control of the Nation's private land use system is overwhelmingly exercised by local jurisdictions. Much criticism over land policies has been directed --right or wrong--at several aspects of this localism: (1) narrowness of focus, to the neglect of rights and needs of adjacent jurisdictions, the metropolis as a whole, the region, the state, and the national interest, (2) ineptness and conflicts of interests, among officials managing local land use controls, and (3) the absence of sufficient participation by citizens in land use decisions that vitally affect their lives.

A broad array of public and semipublic organizations and agencies can become involved in land use decisions. Many problems go beyond political boundaries, and improved technology enlarges potential service areas. But most local governments have not yet expanded geographically to the point where they can provide such area service. They may possess the technical potential, but their machinery for decision-making and coordination may not have kept pace with such potential.

When we think of land as a resource, there appear to be three basic options for using it. One option is to utilize land to satisfy current needs, regardless of whether such use exhausts the resource at the expense of future generations. This use of land is commodity--and profit-oriented;

the rate at which the resource is expended depends on consumer demand and on competitive use of other resources.

Another option is to conserve land by using it in a way that maintains or renews the resource, thus giving future generations more options when their turn comes for making land use decisions. Conservation implies managed land use.

A third option is to preserve the land by leaving it in its natural state, so that future generations may decide whether to exploit, conserve, or preserve land based on their values and needs. The preservation of marshes, wetlands, virgin timber and prairie, and wilderness areas has strong support as public policy.

Some combination of these options is another possibility--and may be the answer in many instances.

Land use planning is neither good nor bad! What it should do is combine technical facts and human preferences into a political process for making important local decisions. The challenge is to work toward a new and more adequate planning process that will reduce community problems while avoiding the injustices of the past. Future problems--environmental, economic, or social--are likely to be more difficult to deal with than those of the past. So any new process that is developed had better be a good one.

### Problems in the Indiana University Area

Here in this area, you are dealing with many of these questions and possible answers.

Rapid urbanization, here as elsewhere, poses an immediate threat to thousands of acres of prime agricultural land. USDA is very concerned with the competition for land around urban growth centers such as Chicago, since this process often fragments land holdings and causes some farmers to give up agriculture completely. The result is a gradual shrinkage in the total acreage devoted to farming.

Many other American communities share this problem. Some of the most productive and valuable agricultural land is located in rural areas adjacent to major cities. Taking these lands out of farming can't help but lower America's future food producing potential.

#### Assistance from USDA

At USDA, we are extremely concerned about these and other land-use decisions. Secretary's Memorandum 1827 outlines the Department's policy on land use. It states, among other things, that the Department will:

- \* Adapt present pertinent programs to help enhance and preserve prime agricultural, range, and forest lands for those uses;
- \* Promote and help influence the management of rural lands to assure adequate sources of high-quality water;
- \* Help protect rare and endangered plant and animal species and their ecological systems, as well as historic, cultural, scientific, and natural systems; and
- \* Help conserve and develop significant waterfowl habitat.

We place our emphasis on providing help to local and state governments in solving or preventing land use problems. In this respect, the "Department recognizes that major responsibility for land-use... planning and regulation rests with local and state governments. The Department also recognizes the rights and responsibilities of landowners and users in making land use decisions within this framework."

The Secretary's Memorandum notes that:

"Public interest in...land, water, and air calls for an effective planning and decision-making mechanism that complements local governments' responsibilities...."

The need for such a mechanism is clear. In 1975, we are finding that 1974's problems not only are still with us, but also are daily growing more severe.

We need housing to accommodate the estimated 50,000 new households being formed each week. Economic forces have brought a stalemate to the construction industry, setting the stage for a pent-up demand that must be satisfied later on. When moves to correct this situation pick up steam, will local governments be ready with plans and processes that meet housing demands rapidly, economically, and effectively?

We need to increase food production, <sup>this</sup> ~~which~~ means keeping prime farmlands in production. Are our land use planning and control mechanisms working to help attain this important goal?

National legislation to help bring about such mechanisms may be in the offing. But it will meet only a small part of the total problem. The real action will come out here -- in the States and communities. And this points to another important aspect of the Department's policy.

From the time it was conceived, USDA has been a people-oriented department, as well as a land-oriented department. We have many programs that strongly influence how private individuals choose to manage their land. The Forest Service manages public lands, and this management can be very important and can influence all kinds of private and local decisions. We also have agencies which grant or loan money to help build things like watershed projects or rural housing, and these activities can complement local programs.

The Department is a source of resource information second to none in the land use field. We have a responsibility for making sure our data are complete and accurate; for interpreting the data correctly and putting them in understandable form; and for getting the data to land use planners who need them for evaluating alternative land use plans.



Our data resources include:

- \* Soil surveys and interpretations
- \* River basin studies
- \* Watershed surveys and investigations, flood hazard studies
- \* Forest and range surveys
- \* Snow surveys and water supply forecasts
- \* Every conceivable sort of agricultural statistic
- \* Conservation Needs Inventory
- \* Aerial photographs, and many types, sizes, and kinds of maps
- \* Information on rural housing and water supplies
- \* and many more.

People who are not generally familiar with our programs and services may be confused at first about where to seek answers to their particular questions. Even farmers, who have known us for years, occasionally get confused by the multiplicity of our programs. So you can imagine the reaction of a county, state, or regional planner having his first experience with our particular brand of alphabet soup!

We are working, through internal arrangements, to provide a more unified kind of service for local people. We have field offices in nearly every county, ready to discuss specific problems and provide data. We try to keep our field people well informed, so that anyone who wants to know about a particular program, agency, or decision can be directed to the proper source.

In addition, each State is establishing a USDA land use committee. These committees will provide a forum for coordinating USDA programs, provide training for USDA field people at all levels, and help State and local planners seed specific information about USDA services.

#### Land Use Legislation

This could be the year that Congressional action on land use may come. There is strong national interest. • But a bill has not yet passed, and this is a signal that there isn't complete agreement on what is needed.

USDA has not been very deeply involved in the bills that have been considered over the past few years. Now it appears timely for us to appraise realistically the kind of legislation that might be desirable, workable, and obtainable for dealing with America's land use problems.

#### State-Local Relationships

The debate on land use legislation has brought new focus on the relationship of State government to local government. A primary objective of recent Federal land use legislation has been to encourage State governments to assume a leadership role that is constitutionally theirs: to participate in land use decisions whenever more than local interests are involved. Most States have operated for many years under laws delegating land use planning and regulation responsibilities to local--primarily urban governments.

Of the thousands of land use decisions made in America every day, ~~most~~ are strictly local in nature. At the same time, land use decisions are often characterized by a lack of coordination between local governments, by special interest pressures on many local officials, and by the absence of State guidelines for local land use decisions and actions. Then, too, many decisions are regional--not local--in nature.

This leads many people to conclude that the States must develop a process that will let them get involved in matters of more than local concern. How can this be done? We in USDA think that present proposals are on the right track, but that improvements should be made if they are to be generally acceptable, especially in rural America.

#### Areas of Significant or Critical State Concern

One of the concepts in past land use bills was that there were special areas within each State where unique resources were of value or interest to larger than local areas. An example might be a significant historical region, an area of especially rich and fertile soil, or a unique environmental area. The basic idea was that, wherever local land use decisions were not reflecting the total public interest involved, the State should have a method for assuring that land use decisions in these areas would, in fact, represent the interests of all the people affected. When a significant Statewide interest in an area clearly makes it important for the State to join with the local government in guiding land use, such an ability should exist.

A major problem, though, is that there has been no general agreement on specifically what should be included in such an area. Past land-use bills referred to "areas of critical environmental concern" -- a misnomer, really, in view of the fact that a State's interest could involve more than simply environmental protection. Instead, the development or non-development of an area is more properly a matter of "significant<sup>or critical</sup>/State concern." It is difficult to see how a formal definition in a Federal law could apply in all 50 States.

#### Large Developments

Another feature in the recent proposals was a requirement that State land use programs consider "Key Facilities," "Developments of Regional Benefit," and "Large Scale Development." This feature would require certain types of developments, because of their size or impact, to come under special guidelines regardless of where in the State they might be proposed.

The effective result would be to divide land use decisions into two general groups: small ones where strictly local controls would prevail, and large developments, where State guidelines would assure that decisionmakers consider the total, rather than just the local, circumstances and effects.

Defining where these distinctions should be drawn is a problem. It appears to us in USDA that each State should attempt to define the difference between local and larger-than-local developments to fit its own circumstances, abilities, and tradition. Federal law should not try to define it. Not only would that lead to an improper definition for many States, but also to a static definition that couldn't be easily adjusted as experience points out where changes are needed.

This is one of several instances where we should keep in mind that proposals for new types of land use regulation are, for the most part, untested in America. They may sound logical and workable in concept, but until they have been used for a few years, we would be wise to allow ample flexibility for creating workable definitions and guidelines.

#### Local Capability

USDA has been working with local decisionmakers for its entire history, and we have seen how effective local people can be in dealing with resource problems. Our field people work routinely with the governing bodies in most of the 3,000 counties and untold thousands of cities and towns. We find that the limitations these governments have in dealing with land use matters are often caused by a lack of resources to do the job.

Thus, we think it important that any Federal land use legislation consider the needs of local units of government when providing grant money and guidelines for States. Where possible, we would urge States to set up programs that share both responsibility and grant money with local governments. Any balance of sharing ought to be defined in light of a particular State's needs, rather than by any overall standard formula.

#### Federal Actions

Naturally, Federal legislation should not be regarded as any kind of cure-all for land use problems. It can, however, clarify issues and open new avenues toward solutions.

One way it can do this is to develop clearer policy guidelines to assure consistency in the multitude of Federal actions and programs which affect land use across the country.

Of basic concern is the continued conversion of prime agricultural lands to non-farm uses. Our country has no immediate problem in terms of land shortages, but continuation of the conversion process could pose serious problems before the end of this century. To develop a clear policy position on this within the Department, we are planning a Seminar on the Retention of Prime Lands to be held this year. We hope the meeting will provide us with a better perspective on this issue.

As a people's department, we have a fundamental responsibility to farmers and ranchers. We are advocates of good farming practices, and if a particular land-use policy or Federal program is clearly inconsistent with those practices, I think we would fail in our duty if we did not speak out. If a Federal land-use law creates a new Federal forum where all those interested in land use issues can be heard on equal ground, it will help.

There are many other points of view to be heard, and Agriculture will need to recognize and compromise with the viewpoints of those who advocate environmental, urban, energy, transportation, or other needs. Such a forum is essential to provide the kind of policies that will truly reflect the national interest on major land use issues.

Rural America is not convinced that any legislation proposed to date has adequately addressed this issue. Recent bills would place the leadership within the Department of the Interior, with a staff-level advisory board providing input from Agriculture and other Federal agencies.

It is unlikely that this type of administrative structure would allow serious consideration of the difficult and complex questions of national policy.

Passage of a Federal bill without an acceptable coordination and administration mechanism at the Federal level would miss a golden opportunity. States and localities already deal with a confusing array of programs, regulations, and guidelines from Washington. If we are really serious about making their programs more effective, we must try to bring more rationality and coherence into the Federal input. This purpose won't be served by adding one more agency, and one more set of regulations, to the existing situation. It is time to turn from continual patching to discussion of the whole fabric of Federal programs and policies affecting land use.

This presents a great challenge. If a Federal bill sets up a new type of Federal structure to debate land use issues, Agriculture must have an opportunity to be fully involved and effective in those debates. Similarly, if new State and local programs emerge in response to the current pressures, we must be prepared to participate and help there, as well. Universities, agencies such as SCS, and local leaders such as those in conservation districts have a great deal of valuable and needed information and knowledge.

A land use planning process that tries to assemble all the relevant facts and involves everyone with an interest in the subject can't help but come up with a higher percentage of good decisions. If people do get involved, then the new intergovernmental relationships that emerge among Federal, State, and local levels will be of lasting importance.

Besides improving the way in which America uses her resources, these new arrangements may improve the capability of American government at all levels to respond to the needs of people on other issues as well. To the extent that this occurs, it will benefit Americans for generations to come.

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