Must Conservation Be a Government Monopoly?

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You men, by your choice of careers, have enlisted in the army for conservation of the natural resources, and it is a proud and honorable career before you. But times do not stay the same, new problems rise, new demands, new methods, new public attitudes. You are challenged by these changes in a way that not even the best of your teachers in the classrooms and in the field can completely prepare you to meet unless you know the stakes for which we play.

These are changing times on all fronts. The world is in turmoil. The United States is harassed by pressing issues. Pressures have built up from compression of our rising population and gigantically expanded economy, and from the rise of divergent philosophies in the world. Because of that turmoil and because of the tremendous momentum of the American industrial might, the need for natural resources now and in the future has become a great issue and their preservation has become an even greater crusade. Unfortunately, the issues that look so clear in theory often are insoluble in practice.

We are today forced to take stock and decide whether we must give precedence to present use or to maintenance of reserves for the future; or whether the two can be reconciled. Even more important, the nation must decide what method or methods shall be used—private enterprise, government control, or government regulation of private enterprise? The trends of the past are beginning to collide. Reconciliation is required.

EARLY POLICY

In the early days, because the frontiers stretched on and on, and population was small, and the industrial developments were still but a hint of the tremendous activities of today, preservation of land resources was not much of a private problem. Land resources were plentiful, preservation was an unknown problem—wasn’t there plenty for all, forever? But there was a basic trend of using the public lands to incite permanent development rather than to encourage temporary exploitation alone. Soon the trend was toward settlement. We had great new areas within the national boundaries; they had to be settled and developed to be held. The general Preemption Act of 1841 allowed actual settlers to “squat” on 160 acres and later get title. But the settlement era really began with the Homestead Law signed by President Lincoln in 1862. In the year that followed, other settlement and development laws found their way into the books; the Desert-Land Act of 1877 and the mining laws of 1866 and 1872.

But a new era was fast approaching. Preservation of certain areas was recognized as a need, and so the “conservation era” arrived with the setting aside of the Yellowstone National Park in 1872. The incentive-to-develop trend was not altered, but parallel to it, and applied to different lands, the new line of thinking was developing—preservation. The word “conservation”, synonymous by dictionary definition with “preservation”, had not
yet acquired its overtones to imply managed use.

**CONSERVATION TRENDS**

The possibility that timber supplies might some day be exhausted caused forest reserve withdrawals of 1891—but the management of timber as a renewable resource is really marked by the establishment of the Forest Service in 1905. Gifford Pinchot in his book, *Breaking New Ground*, outlines how first private interests, then government agencies pioneered sustained-yield practices in this country. One development must not be missed. The original Forest Reserve Act (1891) provides for reserves of timber lands only. By June 4, 1897, not only timber but "favorable conditions of water flows" were the objectives. By March 1, 1911, and June 7, 1934, acts of those dates placed "stream flow protection" ahead of timber.

In 1906 the Congress empowered the President to reserve as national monuments public lands containing objects of historic and scientific interest. The National Park Service was established in 1916 to administer the system of parks already coming into existence. Other preservation withdrawals included those for dam and power sites and for water. These withdrawals were made to preserve the sites for future use against interfering conflicting claims, rather than to provide current management.

Even with the rising tide of the preservation trend, the incentive to develop land remained strong. Mineral lands continued to be sold (1847 to 1920). The Timber and Stone Acts of 1878 allowed sale of public lands valuable for such purposes but unfit for cultivation. There were other settlement, or "incentive to develop", acts—the reclamation homesteads of 1906, the forest homesteads (1906 and 1911) when lands in national forests were suitable for agriculture, the enlarged homestead (1909).

We cannot talk about the developments of the early twentieth century without paying our respects to the Reclamation Law of 1902. Often called one of our great conservation laws—and with justification—it is not only a preservation law but also a great development law. The Newlands project of Nevada pioneered; others followed—Roosevelt and Coolidge dams in Arizona—and new mammoth structures in ever-increasing number throughout the entire arid West. The "conservation" label on the Reclamation Act describes but a part of that law—it is an "incentive to develop" law in its finest sense. By its passage, Congress acknowledged that some developments are too big for private individuals to handle. The act recognized that development of our nation requires federal aid to help citizens pioneer an area that without water is doomed to long delay in development.

By 1933 the pressures for land and its proper use had begun to make themselves felt in a new direction. No longer could a farmer mine his fields and move on to new lands. There were no new lands available and adequate.

Another problem was the vacant, unappropriated, and unreserved public domain—the public land that had not been wanted either by the great conservation agencies, such as the Forest Service and National Park Service, or by the development agencies, such as the Reclamation Bureau, or by the homesteader or the miner. In 1934 there were 180,000,000 acres of vacant, unappropriated public domain in western states used by stockmen to graze their stock; but in many cases 64 or more acres were required to feed one steer. Here too the pressures were beginning to be felt—competition for available land was intense, and in addition, the conservation practices of
the Forest Service were squeezing stock from the high watershed country. Either stockmen were faced with number reductions or they had to overload their private lands or go onto the public domain. Stockmen must be conservationists of their private lands (and they are if they are to stay in business), so the choice was obvious. They went on the public domain rather than reduce their herds or overgraze their own lands. But there was no security—a man who tried to graze public domain moderately found a neighbor or a transient sheepman harvesting the crop down to the roots. What incentive was there for conservation measures? The effects of overgrazing on vacant public lands began to be apparent. There was no safety valve. The conservation measures on some public and private land helped those lands but created a greater problem on the unregulated public domain. Conservation itself was breeding misuse of part of our nation's natural resources.

The nation moved to meet the two problems. First in 1933 it acted to help the farmer help himself. The Soil Conservation Act was passed which, by making it economic for a farmer to practice sound conservation measures, allowed him to conserve his land and still earn a living. The act harnessed the profit motive of individuals to save the soil.

Congress also recognized the second problem. In 1934 the Taylor Grazing Act was passed, putting the vacant, unappropriated, and unreserved public lands under administration and providing for grazing use until the land had been classified for entry for some higher use. All of the public land now was placed under some administration. The act was one for conservation—it gave protection through management and other methods to lands that until then were uncontrolled. But the Taylor Grazing Act was also an "incentive to develop" act. The current users of the land were recognized and the dependent livestock industry was stabilized. Here, as in the Soil Conservation Act, stabilization of private use was employed as one of the greatest forces for conservation. He who used the land wisely would reap the benefits. How well such an approach can work is shown by the stockmen who, from funds available to them, have paid for over half of the costs of range improvements and their maintenance on public lands in grazing districts in the past 16 years. This shows the innate desire of stockmen to use sound range management practices and conserve our land resources if they can get their share of the returns. What greater policing force can there be than self interest?

There was another great conservation act passed in 1920—the Mineral Leasing Act. This act withdrew certain lands from entry under mining laws, and provided for leasing of the public lands for extraction of oil and gas, coal, and certain other minerals. Even as this law was being passed to prevent wasteful production of oil, oil men were developing for themselves methods of extracting oil and gas with minimum waste—call it conservation, it was also profitable. The leasing act allowed unitizing of an oil structure so that joint effort could extract the oil at the optimum rate. No conservation measure has stronger support from private citizens than the unit system of developing an oil field has from the oil producers themselves.

But even as the pressures for avoiding abuse and waste of our natural resources—both privately and publicly owned—caused new laws to be placed on the statute books, no pressures were great enough to cause revision of the basic principles in the mining laws of 1872. Minerals were and are of such a nature that even today mining claims are in
general given first right and the highest priority on the public lands. Even so, where a mining use is found to conflict with a higher value to the public, special provisions have been made to meet the situation. For example, national parks are closed to mineral development, but they can be opened if necessity dictates. Another special law is that of May 29, 1950, which authorizes the Secretary of Agriculture, with the agreement of the municipality, to close Forest Service lands within a municipal watershed to all forms of entry, including mineral.

And so, we have seen three great eras in the public-land program of the United States: (1) revenue producing, (2) settlement and development with the "incentive to develop" emphasis, and (3) prevention of waste and maintenance of reserves with the "conservation" emphasis. None of these has ended, they all still exist today; only the emphasis in the public mind has changed—changed as conditions and needs changed.

A Fourth Great Era?

Today, the pressures for proper handling of our natural resources are on us with even greater vigor. The limitless lands are running out—except possibly in Alaska. The two trends of "incentive to develop" and "conservation" can no longer operate independently of one another. An example is the recent head-on clash between two great forces—the park and reclamation forces—over the Echo Park damsite and the Dinosaur National Monument of Utah and Colorado.

We are today in a fourth great period of our natural resource problem—the era of reconciliation of our need for development and our need to avoid waste and maintain reserves. The problem is not: shall we have conservation; but instead is: by what method are we to accomplish it?

Arguments on conservation seldom touch the fundamental question. We do not discuss how we can reconcile present use and establishment of a sound economy with the avoidance of waste and maintenance of reserves. Usually, at the first mention of conservation, the talk turns to denouncement of so-called predatory interests—the stockmen are exhibit A, but once it was timber interests, and tomorrow it may be the mining industry. Read almost any national magazine of the last four years—Harpers, Collier’s, and others; read the voices of doom—Fairfield Osborne’s Our Plundered Planet, and William Vogt’s The Road to Survival. You will find denunciatory articles that almost lead you to believe that anyone who wants to control some natural resource for his business is un-American. Who is against conservation of our natural resources? I cannot believe any thinking American can be. But this agreement is obscured by the uproar over methods to be used. You in this army for proper use of our natural resources will not have simple questions to answer. You will find fights within fights; reclamation conservationists versus park conservationists; timber conservationists favoring regular harvesting versus conservationists who want untouched wilderness areas; sheepmen versus cattlemen; wildlife versus livestock; farmer versus ranchers; miner versus soil savers; timber versus minerals; and on and on. Just when you are convinced that every power site should have a dam on it, someone mentions atomic energy. Just when you are convinced we are a have not nation in petroleum because we have used so much, someone tells you that you can mine oil from the shale of western Colorado to the extent of some 400,000,000,000 barrels. Just when you conclude swamp lands should be drained, someone wants to flood adjacent lands for a wildlife refuge.
Multiple use is the obvious answer—where uses can be reconciled—but with which use must other uses be reconciled? On the municipal watershed of major cities other uses must be subordinated to water supply. Do you believe that uranium deposits will be left undeveloped even if development disturbs a wild bird refuge for whooping cranes or condors? But must Colorado slopes be closed to development because activities on them, including uranium development, might affect the water supply of Los Angeles? If producing 1,000,000 barrels of oil a day from oil shale puts an industry and a population of 500,000 in western Colorado, how much water will there be left for farming and other uses? Would that perhaps force California to perfect a method of getting water from the sea? When you need water no price is too great to pay. The questions for resolution are ones of degree and of specifics not of generalities and blind service of one cause.

**How Private Efforts Have Worked**

Before coming to any conclusion on the question "Must Conservation be a Government Monopoly?" look at a few problems and what was done. First, in Little Cottonwood Canyon of the Wasatch Range, just outside of Salt Lake City, is a fine ski resort—Alta. But the site is a long-time mining area and was privately owned. Today that resort, located in the watershed of Salt Lake City, is run by the Forest Service and is one of the finest in the country. How did it happen? It happened because mining men, recognizing the need for recreation, and for protection of water-sheds, turned over the surface to the federal government.

Another example is found near Silverton, Colorado. The area is as ruggedly beautiful as any in a state of beautiful mountains. Mines are everywhere. There are beautiful clear streams, crying for a fisherman's attention, but there are no fish. Today, Colorado has legislation requiring avoidance of stream pollution. Fishing is coming back; the mines are still working.

Near Bisbee and Douglas, Arizona, the sulphur fumes from the smelters killed vegetation for miles around. Damage suits were brought. Today, the smelting companies capture the fumes, remove the sulphur and other minerals, and their profits from this reclamation and protection far exceed the cost. Farming continues.

In Wyoming and other states 2 years ago, seismograph crews were ruining water holes and roads as they explored the area. The land looked worthless to them, but not to stockmen. A federal land manager got the oil companies together; they adopted a voluntary code of ethics, and today they police their own people against the abuse of lands. It works throughout the entire Rocky Mountain area.

The famous soil conservation program of Davis County watershed in Utah is known to all of us. Principally private land in 1932, it produced floods that threatened foothill towns. The communities, cooperating with the Forest Service, bought up most of the area and turned it over to the United States government. The watershed was ditch-contoured; today it produces no floods. But did you know that in the middle of the once bad area is a tract of privately owned land that did not have to be contoured? and that that land has been grazed since 1850? However, today new owners indicate a tendency to overuse the area; fear of flood raises its head, and the community is trying to condemn the area. Certainly the court will, if the case is not compromised, recognize the public interest that precludes risking the damage
that all punitive action later could not repair.

In the State of Washington the state law requires proper forestry practices on privately owned lands used for commercial timber operations. The United States Supreme Court upheld that law as constitutional, recognizing public interests.

One other case is found in California's San Fernando Valley, just outside of Los Angeles. The land is privately owned, but almost every tree has a sign placed by county officials that says "No smoking except in private dwellings"; and no one obeys. The country is too dry, the fire danger too great. Put a sign like that up in Logan, and all you non-smokers would take up the habit just to strike matches on the sign! That's the American way.

With these examples in mind, let us again look at the methods available for reconciling use without waste, reserves for the future, and incentives to create new wealth from our natural resources. The conditions of today are not those of 20 years ago, nor even 5 years ago. The pressures on the Nation are great; the demand for our natural resources is great, but the conditions that have raised new problems have produced an awareness of the problem that now is enlisting the entire public in the cause of wise use of our natural resources. That awareness alone seems to give an answer to our question: "Must conservation be a government monopoly?" It need not be, it has not been.

Can we harness the self interest of individuals to do the conservation job? The advisory boards of the Taylor Grazing Act administration indicate that we can; the soil conservation districts so indicate; the oil industry's actions so indicate.

To my mind there are two strong reasons why we should achieve conservation ends through private means when possible to do so without detriment to the public interest. First, unless this country can develop new resources, new uses for presently known resources, and better techniques of using resources, we face national stagnation. I feel that any unnecessary failure to utilize private interests and energies to meet these problems would be a criminal waste of great national assets—American resourcefulness and willingness to pioneer. With the current attitude toward conservation and the recognition given by courts, I feel that we can today harness a force for conservation that was not available 50 years ago, a force that in the aggregate is greater than any government can ever bring to bear through efforts of government agencies alone. With all respect for the efforts and abilities of government and large business leaders, I feel we must keep the door open for contributions from efforts by those who do not know what is impossible or impractical. The April 1951 issue of Readers' Digest tells of a man who struck gas in Pennsylvania, contrary to the profound forecasts of eminent geologists. I know of wealthy farmers in southeastern Utah who raised pinto beans on land declared unfit for cultivation. I know of men in California who were told their land was worthless, but today they have fine vineyards on that land. No one had thought of grapes as the crop. I also know of many failures. Would it have been better to eliminate the failures if it meant eliminating the winners too?

My second reason for urging full use of private activities is one on which I feel very strongly. If we do not encourage to the maximum, private interests and activities for conservation, I have a great fear for the conservation movement itself. There is so much that government alone can do in maintaining reserves, developing areas, and making use with-
out waste economical, that we cannot afford to spread our efforts to work that private interests can do. There are not enough men, equipment, or tax dollars to do that indefinitely.

I think there must be a strong public reason for restricting from public lands any uses that are economically feasible. I do not think the watershed of any municipality or community should be jeopardized by any conflicting uses, but I think there must be a limit fixed in deciding what lands should be included within a municipal watershed. I think we must stop using the cry of "conservation" to limit unnecessarily the use of lands for private development. Unreasonable extension of public activities can result in a revolt against expenditures and control that will jeopardize the essential government-conducted programs.

OBJECTIVES IN LAND MANAGEMENT

If I were to hazard a brief statement of objectives in developing of our public lands and the natural resources they contain, it would have to include the following: (1) we must have conservation, i.e., use without waste; (2) we must encourage new developments to keep pace with the times; (3) we must harness the most powerful conservation forces in the country, including the self interest of the individual; (4) we must maintain reserves of our natural resources until adequate substitutes are developed; and (5) we must increase the usability of our natural resources. These objectives, I am convinced, can best be obtained if conservation of our natural resources is not a government monopoly. For your consideration, let me suggest this approach, as a counter-approach to the tendency to think that only by public ownership of all possible lands can we have conservation?

Of the three methods of conserving our natural resources we should choose the alternatives in this order: (1) through activity of private interests; (2) through policing private interests who ignore conservation measures; (3) through government ownership when the public interest cannot otherwise be served.

The pressures of the world and within our own nation now are accelerating our progress into a period when we must reconcile development — development without waste—and preservation of our natural resources: land, water, minerals, recreational values. If we fail to meet that challenge, our nation can become bankrupt through exhaustion of our usable resources before adequate replacements are developed; and if we choose the wrong methods of accomplishing our goals, we can become a nation with its natural resources all federally owned and controlled, with their utilization restricted by general political rules and perhaps by historical precedent and the vision of a few, rather than available for creation of new wealth by private enterprise in the American way that has made us great.

There was a great man who said in few words what I have tried to summarize—the late Isaiah Bowman, president of Johns Hopkins University. In 1940, in his address dedicating the Natural Resources Building at Urbana, Illinois, he said: "The goal is a controlling majority doing the right things as a result of intelligent forces at work within, rather than by arbitrary force imposed from without."

That, gentlemen, is your challenge when you fight for America in the army of conservation; it is your challenge to see that in protecting elements of our strength, our natural resources, you do not allow to be destroyed our greatest American resource, a resource that has made America worth fighting for: the right of American men and women to do for themselves to the limit of their ability.