THE FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976 IN A BROAD HISTORICAL PERSPECTIVE

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A new law is an armistice which temporarily brings to a halt a long continuing political struggle. The armistice is agreed to when the parties involved realize, for the present, that complete victory is impossible and that the continued fight will gain them less than a cessation. It provides time to care for the wounded, to bury the dead, to regroup forces, to bring up reinforcements, and to assemble new supplies. When the struggle is old and basic, there is little reason to expect that the armistice constitutes a final solution, though it may change the conditions for future struggle. When the armistice is a law such as the Federal Land Policy and Management Act of 1976 [FLPMA], the political or ideological struggle is likely to continue in the administration of the law and in efforts at revision.

FLPMA must be seen in a long historical perspective to realize why the law was enacted at this particular time, to understand the issues it sought to deal with, and to form some idea of its long-term relation to other laws and measures dealing with federal lands. The purpose of this Article is to briefly trace some of that historical perspective. It is left for others to analyze the terms of the law and their probable immediate and near future consequences for specific land uses and for particular classes of federal land users.

For 200 years of United States history there have been several continuing policy issues, often strongly ideological in orientation, concerning the public lands. Without attempting a complete catalogue of such

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issues, the following may be identified as major policy matters, each broadly rather than specifically stated:

1. How much land should the national government acquire by conquest, by treaty, and by purchase?

2. Of the land acquired by the federal government, how much should be disposed of to private and other governmental ownership, and how much should be retained in federal ownership, more or less permanently?

3. To whom should the disposals be made? Should such disposals be permanent and complete—*i.e.*, in patent or fee simple? Should some parts of the bundle of land ownership rights, *e.g.* mineral rights, be retained while other rights are disposed of? If the disposal is for temporary use only, to whom should it be made, and how can the return of the use rights to the federal government be assured at the end of the use period?

4. If disposal, either permanent or temporary, is chosen, on what terms shall the federal lands be made available? If a price is to be paid, how shall it be determined—by the law, by an administrator, or by public sale or auction? What terms other than price shall be imposed on the transfer of land from federal to private (or to other governmental) use of control?

5. Where the decision is made to retain permanent title but to permit private use of the federal lands, what conditions as to such use shall be imposed? And how shall they be enforced? Where the decision is to permit no use of the federal lands, or to severely constrain such use, how shall this decision be enforced?

6. How much effort, including how much general governmental funds, shall be exerted to conserve or to preserve the federal lands against erosion, impairment of plant cover, despoliation of aesthetic values, and the like?

7. What shall be the relations between governmental levels (federal, state, and local) in the management of the federal lands? What shall be the relations among governmental units of the same level in federal land management? Included in these relations are financial interrelationships, more specifically, revenue sharing or other fund transfers from one governmental unit to another.

8. Finally, how shall the planning for the use, management, disposal, retention, and other aspects of federal lands be carried on? What are the proper roles of interested users, other members of the public, elected officials in the legislative branches, elected or appointed officials in the executive branch, and the courts? How can each group be required to exercise its responsibilities and yet refrain from overstepping

the boundaries of its responsibilities? How do experts and citizens interact most sensibly and effectively?

This list of questions could easily be extended, spelled out in more detail, combined, or modified. This list is, however, sufficiently comprehensive, explicit, and reasonably organized to serve its purpose for this Article and Symposium. My task is not to analyze each of these issues in detail or try to resolve them, but to examine briefly the history of federal land and its laws in light of these policy issues. Each has existed in some form throughout the long federal land history. Sometimes one issue was dominant, sometimes another, but never was one wholly absent. It remains so today, and will probably continue to remain so indefinitely. The specific terms of each major issue will change, but none is likely to completely depart.[1] The Federal Land Policy and Management Act of 1976 serves merely as an armistice.

MAJOR ERAS IN FEDERAL LAND HISTORY

It is useful to identify five major eras of federal land history: acquisition, disposition, reservation, custodial management, and intensive management.[2] These eras overlap because history never divides into neat and mutually exclusive packages, and there may be differences of opinion as to when some eras ended and others began. But the advantages of generalizing from the massive detail of legislation, governmental action, and private citizen action are great.

The first step in federal land history began when the federal government acquired lands.[3] This occurred even before independence was won and the Constitution adopted. The new States, such as New Jersey, without claims to "western" lands demanded that older States, such as Virginia and Connecticut, with such land claims surrender to the new national government their claims to land outside of their natural or historic boundaries. By this means the areas now included in Ohio, Indiana, Illinois, Michigan, and Wisconsin all became federally owned. The Northwest Ordinances of 1785 and 1787, providing for land transfer to national ownership, set the political precedent that new

1. There is extensive literature about the history of the federal lands. *See generally* V. CARSTENSEN, THE PUBLIC LANDS: STUDIES IN THE HISTORY OF THE PUBLIC DOMAIN (1963); S. DANA, FOREST AND RANGE POLICY, ITS DEVELOPMENT IN THE UNITED STATES (1956); P. GATES, HISTORY OF PUBLIC LAND LAW DEVELOPMENT (1968) (with a chapter by Robert W. Swenson); B. HIBBARD, A HISTORY OF THE PUBLIC LAND POLICIES (1965); J. ISE, OUR NATIONAL PARK POLICY: A CRITICAL HISTORY (1961); J. ISE, THE UNITED STATES FOREST POLICY (1920); E. PEFFER, THE CLOSING OF THE PUBLIC DOMAIN: DISPOSAL AND RESERVATION POLICIES, 1900-1950 (1951); R. ROBBINS, OUR LANDED HERITAGE: THE PUBLIC DOMAIN, 1776-1970 (2d ed. 1976); M. ROHRBOUGH, THE LAND OFFICE BUSINESS: THE SETTLEMENT AND ADMINISTRATION OF AMERICAN PUBLIC LANDS, 1789-1837 (1968).

2. M. CLAWSON & B. HELD, THE FEDERAL LANDS: THEIR USE AND MANAGEMENT (1957).

3. M. CLAWSON, THE BUREAU OF LAND MANAGEMENT 3-8 (1971); M. CLAWSON, UNCLE SAM'S ACRES 18-41 (1951).

states should be created from such lands and that the new states would in every respect be the equal of the original states. Federal land acquisition proceeded with the Louisiana Purchase, the purchase of Florida, the acquisition of the Southwest and the Pacific Northwest, the Gadsden Purchase, the purchase of Alaska, and numerous other ways that brought smaller amounts of land into federal ownership. In each case, all valid private land claims that had vested earlier were recognized. As the territorial boundaries of the United States expanded, so did the ownership of federal lands. The one great exception to this generalization was Texas; it had been an independent republic after its revolt from Mexico, and when it joined the Union it retained its lands. When Hawaii and Puerto Rico were added, the land was essentially all in private ownership and no significant acreage of federal land was created by their coming under United States political jurisdiction.

To this acquisition of federal lands by extension of United States boundaries, two new forms of expansion of federal land ownership have been added in recent times. First, privately owned land has been purchased by the federal government for national forests, parks, and recreation areas.[4] Second, the boundaries of the United States have been pushed out by legislation to include 200 miles of the ocean, creating new federal "land" with important minerals subject to private exploitation under applicable laws.

Disposal of federal lands began immediately after their first acquisition and long before the acquisition process was complete. It now appears that the expectation was that all the federal lands would eventually pass to private ownership. History books often describe the political struggle between Alexander Hamilton, the first Secretary of the Treasury, who wanted to sell the public lands for the maximum revenue in order to bolster the credit of the new but improverished nation, and Thomas Jefferson, who was most concerned with the establishment of an independent yeomanry on the land. The struggle was largely ideological, however, because state owned land was conveniently located and therefore more desirable than federal lands. In fact, few settlers bought federal land until the 1830's.[5]

Over the decades, the processes of land disposal have included outright cash sales, sometimes with credit provisions, gifts to war veterans in payment for their services, grants to states for numerous purposes, grants to railroads and canal companies to encourage the building of railroads and canals, and homesteading in several forms.

4. Some of these purchases were made under authority granted by the Weeks Act, 16 U.S.C. §§ 480, 500, 515-519, 521, 552, 563 (1976).

5. M. CLAWSON & B. HELD, *supra* note 2, at 18-29.

In addition to these major paths for disposal of federal lands, there were many others affecting only some lands, or only some land claimants, or only some uses of the land.

Typically, several of the major disposal methods have been operative at the same time, despite some incongruities among them. The process of federal land disposal, especially during the latter half of the nineteenth century when it was particularly rapid, was headlong, and even headless. There was a strong ideological belief among the citizenry and in the Congress that the United States should expand its settlement to fill the whole midcontinent of North America and that the transfer of land from federal to private (or in some cases to state) ownership was an essential part of this process. There was much tolerance for fraud in land disposal since the amount of land to be transferred was enormous. Before getting too critical about this process, recall that until only a few years before the United States annexed the Pacific Southwest, the Russians had what seemed then like a permanent settlement on the northern California coast, as well as settlements in Alaska. The process of western migration and of land settlement, with its attendant disposal of federal lands, may have been rough and crude, but it built the nation as we know it today.

Throughout the eighteenth and ninteenth centuries, the federal land disposal philosophy reigned. But by the latter quarter of the nineteenth century, many persons were seriously disturbed by this philosophy and its excesses, including the denudation of both privately owned forest land and publicly owned forest land harvested in trespass. The reservation era of federal land history resulted, often regarded as having begun with the establishment of Yellowstone National Park in 1872, but perhaps more properly begun as a system of federal lands in permanent ownership with the passage of the Forest Reserve Act in 1891. Many millions of acres of public domain have been set aside, under one act or another, in the decades since those first major withdrawals. The Taylor Grazing Act in 1934 effectively ended large-scale disposal and provided the means for the last major kind of federal reservations, the grazing districts. Others concerned with the phrase in the Taylor Grazing Act, "pending its final disposal" as applied to the public domain, have argued that the federal lands within grazing districts were not finally withdrawn from disposal, for permanent federal ownership, but rather were in some sort of temporary status. As Mr. Wheatly's article in this Symposium makes clear, FLPMA does constitute a national policy of permanent federal ownership of nearly all of these lands, though some provisions for minor disposals remain.

When the federal lands were first withdrawn into permanent fed-

eral ownership, there was no provision for their management. There were no laws governing management or use of forest reserves (now national forests) by private individuals from 1891, when the withdrawal act was first passed, until 1897 when basic legislation for their management was passed.[6] But the passage of laws was only the first step in management of these lands. For a long time, funds for management of national forests and national parks were scarce indeed, manpower for their management was limited and often not highly competent, and public use was only a small fraction of what we know today. For some years, the United States Army was the effective administrator of Yellowstone National Park because the Congress was unwilling to appropriate funds to provide a civilian staff adequate to control the extensive poaching.[7] The early management of the national forests was largely to keep trespass to the lowest possible level, to control fires as far as possible, and to serve primarily as custodians rather than as managers. There simply was not then the demand for the timber, recreation, and other services of the forests which so dominate management today, and hence custodial management was wholly appropriate. The same general situation existed for national parks, federal wildlife refuges, and other federal lands—except the remaining public domain where the grazing was under no real management of any kind until the passage of the Taylor Grazing Act in 1934.

There is obviously no sharp dividing line between "custodial" and "intensive" management of the federal lands. As demands for the use of the various kinds of land rose, and as their importance became more evident, management naturally had to respond—with substantial lags as federal agencies pled for more funds and/or greater authority. I have chosen 1952 to mark the transition from custodial to intensive management, partly because in that year the cash receipts from all federal lands for the first time exceeded the cash costs of management of all federal lands.[8] The public domain, or the Bureau of Land Management [BLM] and its predecessors, had long had a surplus of cash revenue over cash expenditures from the sale of public lands and from mineral lease revenues; but the other forms of federal land management had deficits of cash revenues compared with cash outlays. This shift from a net cash deficit to a net cash surplus, however, was only one manifestation, although the most specific, of the growing public demand for the use of the federal lands—use of nearly all kinds, from recreation, to timber harvest, to grazing, and many others.

6. Act of June 4, 1897, 30 Stat. 11, 34 (1897).
7. J. ISE, OUR NATIONAL PARK POLICY, *supra* note 1, at 23-25.
8. M. CLAWSON & B. HELD, *supra* note 2, at 29-36.

This shift from custodial (or no) management to intensive management has been more dramatic for the lands under BLM control than for any other federal lands. The land disposal and land reservation processes were selective; that is, individuals seeking federal land naturally chose the best tracts that they knew about, given the levels of knowledge at the time and given such economic factors as transportation routes and markets. But the reservation process was selective also; Gifford Pinchot and the other early Forest Service men naturally chose the best forests or the most important watersheds; those promoting national parks or federal wildlife refuges naturally chose the public domain best suited to their needs, and so on. The public domain remaining after this selective disposal process seemed less attractive to those making the private or public selections at the time. Thus, when a land status map shows small scattered tracts of federal land remaining in an area largely transferred to private ownership, one does not have to set foot onto the land to know that it is steep, rocky, especially dry, has thin soils, or is otherwise not suitable for most private uses.

As late as the end of World War II, the grazing district lands were managed at a very low level. The *Nicholson Report* prepared in 1946 recommended a level of resource management in grazing districts of three professional men in Class I districts, two men in Class II districts, and one man in Class III districts—and it meant "men," not persons, although each district was to have a woman in her proper place, as secretary and general office worker. This recommended level of staffing was substantially above the level of staffing which had previously existed at the district office level. In the spring of 1953, the BLM's total appropriations were in the general order of fifteen million dollars annually and total revenue collections in the general order of seventy-five million dollars. Even if one multiplies these figures by ten, to take account of general inflation and salary escalation, the result is still a far cry from the levels of administration in BLM today. A rising volume of public demand for the many services and goods of the BLM lands has required a level of management vastly greater than twenty-five years ago. BLM today has—and needs—professional workers of many kinds, such as archeologists and landscape architects, and also has many women in professional positions.

LAWS IN OPERATION

Every citizen, and surely every lawyer, should realize that laws in actual operation are often different than their sponsors or those who voted for them expected. This is as true for public land laws as for laws generally. A complete account of the divergences between land laws in

operation and land laws in their language and apparent intent is beyond the scope of this Article. But a few brief explanations and illustrations may be helpful.

First, many laws are intentionally fuzzy in wording; it is only the fuzziness that enables the assembly of sufficient consensus to get the laws passed. Each supporter believes, or hopes, that the law means what he wants it to mean. John Hall has said, with respect to the National Forest Management Act of 1976, that when he, the spokesman for the Sierra Club, and the Chief of the Forest Service all say the Act is generally reasonable and workable, they must be reading different Acts.[9] Laws often contain words, such as "reasonable" or "appropriate," whose meanings to different persons are likely to be quite different. Or there may be many sections or paragraphs to an act, some of which may be interpreted to mean something different than other sections of the same law. The Congress (or the state legislature) passes and the President (or the governor) signs a law, ignoring the potential for varying interpretations because there seem to be major gains from the passage of an unclear law, as compared with no law at all; and all hope that the officials in the executive branch can interpret it in a way that will avoid conflicts. Many an armistice is accepted only because its terms are vague or fuzzy.

Sometimes, indeed, the legislative branch does not mean what it says; the wording of the law may be fairly clear, but woe unto the administrator who tries to carry out the law fully. That is, he has legal powers greater than his political powers; a court would agree on his powers, but the legislative branch will not permit him to exercise those powers to the full or in all situations. If he tries to do so, his appropriations are cut, or the law is repealed, or he is out of a job. The law as actually applied is thus different from the law as written.

All laws depend, in their initial or on-the-spot application, on an administrator of some kind, whatever his title may be. He has the opportunity and the duty of applying the law in practice, but that application may be selective. He may make a good deal of one provision of a public land law, whereas some other administrator with the same law would have emphasized other provisions of the law. Land laws often give administrators substantial latitude for independent judgment and discretionary action; it is desirable that laws do this, but it does mean that the law in practice and in operation will depend in part, perhaps in large part, on who the administrators are.

Finally, the public, by its actions, may thwart, impede, or amend

9. Hall, *National Forest Timber Obligation*, in CRISIS IN FEDERAL FOREST MANAGEMENT (D. LeMaster & L. Popovich eds. 1977).

the fairly clear language of a statute. For example, under the Prohibition laws of the 1920s and early 1930s, fully half of the population was in willful disobediance and perhaps ninety percent of the population was sympathetic with them. Repeal was the only answer. The traffic laws serve as another illustration: when everyone travels forty miles an hour in a twenty-five mile an hour zone, the law or ordinance has been amended in practice. There are always law violators, of course, but when they become too numerous or come to have the substantial sympathy of the supposed law enforcers, the law has been effectively changed.

A great many illustrations of the foregoing general points could be made about the federal land laws, but a few may suffice. Various land laws for a long time, especially in the first half of the nineteenth century, required the sale of land at public auction. Rohrbough has fully documented how prospective or potential competitors for public land would agree not to bid more than the minimum price specified in the law.[10] Bogue has shown how settlers claim associations operated in the same way, to limit bidding for public land at auctions.[11] There was a long history of the General Land Office trying to prevent timber cutting in trespass on public lands; Clepper has documented how such efforts often resulted in the Land Office employee losing his job.[12] Swenson has detailed how the attempt at leasing lead mines failed in the first half of the nineteenth century, largely because of the determined opposition of the miners and other local people.[13] There has often been a "gentleman's agreement" in operation in many mining districts, backed up with enough force to keep deviants in line, to prevent one individual from "jumping" the mining claim of another, even when the assessment and other requirements of the law had not been complied with. Presently, BLM is striving desperately to reduce the activities of off-the-road vehicles in areas closed to such use, with only modest success. In the latter nineteenth century and early twentieth century, ranchers, especially on the Great Plains, would illegally fence in large areas of public domain, keeping other ranchers and farmers off "their" land. Suspicions and in some instances proven cases of collusion in bidding for natural forest or other public timber have arisen. One could go on, citing examples of laws not operating as those who wrote the laws expected or hoped they would operate. The significant point is not that this has happened in the past and on a substantial scale, but that it may

10. M. ROHRBOUGH, *supra* note 1, at 46.

11. Bogue, *The Iowa Claim Clubs: Symbol and Substance*, in V. CARSTENSEN, *supra* note 1, at 51, 64-65.

12. H. CLEPPER, PROFESSIONAL FORESTRY IN THE UNITED STATES (1971).

13. Swenson, *Legal Aspects of Mineral Resources Exploitation*, in P. GATES, *supra* note 1, at 702-06.

well happen in the future probably less blatantly, more subtly, and perhaps less seriously, but almost surely to some degree.

ORIGINS OF THE FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976

What are the origins of the 1976 Act? To what does it owe its passage? To use the wording at the beginning of this Article, why was an armistice signed?

I do not intend to trace the legislative history of the Act; that is the subject for another paper in this Symposium. I intend to look at its passage in a longer and perhaps broader time frame, to consider the basic political and other forces which led to its ultimate passage.

First of all, I should note that in my judgment the Act was long overdue. When I was in the Bureau of Land Management from 1948 to 1953, we tried repeatedly, and vainly for the most part, to get the repeal or modification of a number of old laws, largely dead or seriously out of step but still on the books. In those days, public and congressional interest in public land laws was at such a low ebb that it was impossible to get interested debate and considered action on the floor of the Congress; the only possibility of passing laws was by unanimous consent, and that clearly meant nothing significant passed. I never had in mind the possibility of one major "wholesale" revision of the land laws, such as the 1976 Act, although a few farsighted Congressmen with whom I discussed the matter did suggest something of the kind. The public land law of twenty-five years ago, and even of five years ago, was a tremendous collection of detailed statutes, many badly outdated, but with a serious lack of constructive overall national policy for the federal lands.

Looked at in a long historical perspective, the "proximate" origin of the 1976 Act was the report of the Public Land Law Review Commission. It is true that its final report antedated the passage of the 1976 Act by six years, and some persons may reasonably argue that this is not proximate, but in the longer context it is. Great credit must be given to the members of that Commission, and more particularly to its chairman, Congressman Wayne N. Aspinall, for a constructive report and for the Act which has finally passed.[14] The report of the Commission and the reports of its study groups and consultants, especially those by Gates and Swenson, are major documents in a professional or scholarly sense. Achievement of such degree of agreement as the report included, while "in principle" and not in detail in many cases, is a trib-

14. PUBLIC LAND LAW REVIEW COMMISSION, ONE THIRD OF THE NATION'S LAND (1970).

ute to the remarkable political skills of the chairman. Some of the main conclusions of the report, such as that the day of large scale disposal of public land was ended, have been stated by many of us some years earlier, but the makeup of the Commission gave official weight and stature to what were otherwise individual judgments.

One can reasonably argue that for 200 years all federal land legislation has been late, often after the need for new laws or the revision of old ones was clearly apparent to informed observers. It is undeniable that nearly all major legislation took more than one Congress to get enacted. The experience with the Public Land Law Review Commission's report is thus not unusual. It is also true that almost all major federal land laws as enacted differed considerably from the first bills on the subject introduced in either house of the Congress, and again the 1976 Act is not unusual in this respect. There are many "might have beens" in the history of the 1976 Act, especially if one goes back to its remoter origins, and there is no need to pursue any of them here. The Public Land Law Review Commission certainly played a major role, and one need not attempt to define it more precisely than that.

But to a social scientist, the origins of the 1976 Act are more remote and more basic. They lie in the demographic, economic, social, and political trends of the past twenty-five years or longer. A larger total population, including more older persons in retirement and more younger persons physically and ideologically active, has meant great and different demands on all kinds of natural resources, especially on land as well as on other resources, and especially on the remaining federal lands which had been so often passed over in earlier decades. Increased demand for the products of the land and for services such as recreation on the land were an outgrowth of these demographic trends and of economic developments which resulted in higher real incomes per capita. People had money, they wanted experiences on the land, and a disproportionate amount of this increased demand fell upon the federal lands. The level of education and of political awareness was also higher. However, tastes were also changing. A generation ago anyone who described the Mohave Desert as a popular recreation area would have been led away by two white-coated attendants and locked up for the safety of the public and of himself. The past twenty-five years or so have seen the rise of massive public concern over the environment generally, and much of this has spilled over into a concern about the federal lands. Many people are aroused over erosion on the federal grazing lands, and arguments that such lands were eroding seriously when white men first saw them are unconvincing and unsatisfying to them. Large numbers of people are demanding that the federal

lands be managed differently in the future than they have been in the past, and are exerting substantial political powers to see that their ideas get translated into operation.

These same basic social, economic, and political trends have been responsible for a lot of other federal legislation in the past decade or so. The Wilderness Act, the Wild Rivers Act, the coastal zone management acts, the environmental protection acts, the acts to control indiscriminate use of chemicals, acts relating to management of the national forests, and many others all owe their origin to the same basic social forces. There have been special circumstances in each case, including the Federal Land Policy and Management Act of 1976, of course, but it is highly doubtful that any one of these acts could have passed if social circumstances made passage of the others impossible.

WHAT NEXT?

If passage of the Federal Land Policy and Management Act of 1976 was an armistice in the long policy debates over public lands, what happens next? Is peace about to break out, with all conflicts resolved, and everyone to live happily ever after, secure in his own garden, with everything he or she wants from life? Or will the armistice end, with new policy struggles, perhaps over some new terrain?

I cannot believe that all the policy issues about public lands can be settled forever by the passage of any single law, irrespective of how constructive and farsighted that law may be. I think it more likely that there will be continuing debate on whether or not to acquire more federal land; on whether or not to dispose of some federal land; on who should get to acquire or to use federal land, for what purposes, and on what terms; on who should do the planning for federal lands—in short, debate and continued struggle on all the public land policy issues which have engaged national attention for the past 200 years. The 1976 Act does provide answers or solutions to some of the older questions, at least as they have been phrased in the past, but this may merely shift the locale of the debate to new territory.

A great deal will depend, I think, on how the general public, or at least the public user of federal lands, views the new law. Will those who want to drive their off-road vehicles anywhere and everywhere they choose pay any attention to the new law? Will ranchers, mining interests, the timber industry, and other firms interested in acquiring raw materials from the federal lands really endorse the new law and seek to work cooperatively with each other, with other users, and with the BLM and other public officials? Will interested user groups be willing to work actively and cooperatively with each other and with BLM

in planning for the management of the federal lands, or will each group pursue its special interests selfishly and without regard to others? No one, I think, can be sure of the answers to these questions, but a great deal depends on the actions of the great user public.

How will the Act work out in practice? One may assume that BLM will seek to carry out the Act as effectively and efficiently as it can, but how well will its people succeed? Will they have the appropriations necessary to implement the Act? Will they suffer unreasonable interference from the Congress, or from other parts of the executive branch, or from the general public, each anxious to twist the Act to its own particular objectives? Will time reveal some aspects of the Act which seemed reasonable enough when it was under consideration but which in practice create unexpected problems? Again, I think no one can now answer these questions with certainty. The other papers in this Symposium should go a long way toward providing the best judgments now possible, but the future is always uncertain and many things now undreamt of may happen.

When will the first serious attempts be made to revise the Act? If you take the view I do, then revision is inevitable; the only questions are when, by whose initiative, and on what aspects of the Act? Public land law has been a growing and changing thing in the past, as I have tried to suggest in this Article, and as a perusal of some of the cited references at the beginning will make clear. One should not assume that all change is in the past; the future is likely to be as dynamic and as challenging to its participants as the past was to its actors.

Those of us no longer active in public land management will watch with much interest to see how the Federal Land Policy and Management Act of 1976 works out in practice over the next decade or so. It seems to me this should be an interesting, even an exciting, time to work in federal land management.