County Planning Series
No. 13

Management and Development of State and County Land

This leaflet discusses the growth of public interest in obtaining wise management and development of land owned by counties and States, and points to some of the legislative measures already being taken to this end. Readers wishing a fuller discussion are referred to the chapter issued by the United States Department of Agriculture, Management and Development of State and County Lands in the special report, State Legislation for Better Land Use.

WHEN FARMERS and planning committees take stock of resources in their areas, many of them find that their States and counties own a great many acres of land, some of it managed and developed for long-range purposes, but much of it still subject to uncontrolled use and harmful exploitation.

In the Nation as a whole, county and State governments own about 155 million acres of land. If properly developed and managed, much of it will be a permanent and valuable possession. In some areas, this development and management may be obtainable through controlled sale of land to private owners. In others, public ownership may be the only type of ownership under which the necessary policies of development and management can be obtained. No matter what the type of ownership desirable in the different areas, however, improper development and use of the land will cause continuing expense and trouble for governmental units. In addition, it will fail to provide needed jobs and income to the people and will contribute to such problems as soil erosion, floods, and forest fires. Development of the land in permanently productive uses is of prime importance to the communities, counties, and States involved, as well as to the Nation.

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Some of the State and county land is in parks, forests, and other special uses, for which beneficial practices of management and use are already provided. But other public tracts have little protection against abuse or unwise use, under present policies governing the administration of public land.

Land acquired through tax foreclosures is in this category. Tax-deeded land is often subject to indiscriminate sale, without restriction as to future use, and often is unprotected against damage, even while in public ownership.

The wisdom of uncontrolled sale of land is doubtful, for the purchaser often wastes time and money trying to farm the land, and then turns it back to public ownership. Farming cannot succeed on land not suited to farming. Much of the land that has gone into public ownership because of tax delinquency cannot be used successfully for farming, and attempts to put it to this use frequently result in increased public costs as well as in personal disappointments. In fact, of the 155 million acres now owned by States and counties, 100 million acres came into public ownership because private owners did not pay the taxes.

Furthermore, governmental units cannot hope to sell any great part of the land they have acquired for taxes, even if that were desirable. As a rule, few people are willing to buy land with such low productivity. It is becoming increasingly clear that private owners cannot profitably use more than a small fraction of the land held by counties and States. This conclusion is strengthened by the lack of success which several States have had recently in rather vigorous efforts toward the sale of land.

Continued public ownership of much of this land will probably prove to be not only necessary, but inescapable. If only for this reason, greater emphasis will be needed in the future upon development of adequate protective policies affecting public land.

Where the Problems Are.

State and county landownership is of major proportions in the northern Great Plains and in the Great Lakes cut-over area. It is extensive also in the southern Appalachians; in

southern Illinois, Indiana, and Ohio; in the Ozarks, the Gulf Coastal Plains (including Florida) the cut-over region of the Pacific Northwest, parts of the Inter-Mountain region, and, to a lesser extent, in parts of New York, New Jersey, and northern New England. Conditions vary greatly from area to area but, in general, the land is marked by depleted resources, instability of tenure, and very low production.

In the timbered areas, the chief problems usually came from stripping off the timber, failing to protect cut-over lands from fire, and attempting to develop farms on unsuitable land. In the semiarid regions, the range has been overgrazed or plowed for ill-fated farming enterprises. In both kinds of areas, land prices were too high considering the existing conditions, and property taxation was heavy.

In the Lake States, large-scale lumbering flourished for many years but the "cut out and get out" policy of lumbering, together with forest fires, created large acreages of stump, brush, and wild land. For a while, the people were not alarmed; they believed they could take up farming when the trees were gone. In this many of them were disappointed, because large tracts of the land were not suited to nor needed for agriculture. Widespread economic distress was the result. The burden of providing public services and meeting other costs became too heavy for local governments to support, and State and Federal Governments were called upon for increased aid for schools, roads, and relief.

In northern Minnesota more than 6,000,000 acres have been forfeited for nonpayment of taxes. Estimates are that, even under proper forest management, 30 to 50 years must pass before forestry in parts of this country can adequately support any considerable number of people on a permanent basis. Even so, the forest development and conservation that would make this possible can be obtained only through public ownership and development of the forest resources, because private owners cannot profitably undertake the necessary kinds of programs.

The northern Great Plains area has public-land problems, too. When weather was favorable and grain prices were

good, new settlers rushed in, and planted grain on former range land. Droughts, low prices, and soil erosion have since brought great losses to farmers and local governments alike.

To aid the farmers, States set up agencies to make mortgage loans on farm land. Many of these mortgages were eventually foreclosed. In North and South Dakota, for example, State and county agencies now own more than 4 million acres acquired through credit operations. In five States—North and South Dakota, Wyoming, Montana, and Nebraska—about 7½ million acres have become public property through nonpayment of taxes. Other land in these States, although remaining in private hands, is subject to tax foreclosures.

Problems here differ somewhat from those in the Lake States, because much of the public land in the northern Great Plains is suitable for some kind of farm or ranch use, under proper management practices.

In parts of the Pacific Northwest, the southern Appalachians, the Ozarks, the hill lands along the Ohio River, and the southern Coastal Plains, the decline of the timber industry has created a need for the development and management of tax-deeded land. Here, as in the Lake States, large areas of cut-over land should be held in public ownership, so that forest resources can be restored and properly managed.

Development of State Land Laws.

Until the early part of this century there were few laws dealing with the administration of public land by State and local Governments. These laws usually provided for the sale of State lands, especially those acquired by grant from the Federal Government. Most of the tax set-up, dealing with tax delinquency, permitted the sale of tax-deeded land to private buyers, without regard to why the land became tax delinquent, or to whether the land was suitable for private use. State laws generally reflected the view that public land ownership was temporary, and that the land should go back into private hands as quickly as possible.

Problems of public land policy could be disregarded during

the years when good land was to be had at frontier prices. But the problems existed, nevertheless, and they continued to grow in both extent and seriousness. With the depression of the 1930's they had reached the point where action was imperative. Taxes went unpaid. Rural relief costs mounted. Floods and droughts came. Rural employment and income, which many areas had enjoyed because of timber operations, disappeared along with the trees. The great increase in unproductive cut-over forest land, eroded farm land, and depleted range acreage brought into sharp focus the need for conservation measures. Financial distress among farm people and their local units of government intensified the need for adjustments.

Meanwhile, a great total acreage of privately owned land went into public ownership for nonpayment of taxes. One of the natural results of this shift in ownership was a marked change in public attitude toward State and county landownership and management. The land's lack of appeal to private owners, coupled with its inability to yield satisfactory returns under private operation, frequently forced public agencies into a position of trusteeship and of responsibility for its use. Since 1930, therefore, landownership and management has been gaining increased recognition as a permanent function of government.

With this change, State land laws also began to change. One of the early forerunners of State changes in land laws was a series of conferences in Michigan in 1919, at which public officials and others met to talk over the problem of tax delinquency. They made plans to inventory and classify tax-delinquent land, to help guide farmers to land best suited for agriculture, and to guide reforestation in other areas. Michigan later adopted a policy which put a large part of its public land under the control of the State Conservation Commission. The Commission was given power to withhold from sale land which is best suited for forests, game preserves, and parks and recreational grounds, and to make payments to local governments in the place of the taxes which might otherwise have been paid.

Another northern State facing the problems associated with idle cut-over land was Wisconsin. In 1927 its counties were authorized to develop county forests under the supervision of the State Conservation Commission. In 1931 the State began to pay part of the costs of reforesting tax-deeded land that was to be used as county forests. It also began helping to support local public services in the counties, during the years required for forest restoration. Rural-zoning procedures were worked out to prevent further agricultural settlement on submarginal land.

In the northern Great Plains, programs for public-land administration came somewhat later. Tax delinquency increased, from 1920 to 1930, only to grow still further after 1930, stimulated by repeated droughts and low prices. By that time, much tax-delinquent land either had gone back to public ownership or was subject to tax deed. Sale of the land was difficult. Leasing was tried, but even this did not work well. To private operators, the lease terms offered little hope of permanence, and from the viewpoint of the public agencies, the returns were too small. Relatively little land was leased, some lay idle, and much was used as "free land."

Out of this tangle grew legislation like the Montana State Conservation Act of 1934, since amended. The act created a State Grass Conservation Commission, which supervises the organization and operation of grazing districts incorporated under the act. Under this plan, groups of ranchers may organize a grazing district, buy or lease grazing lands in common, and sublease grazing privileges to individual members. Grazing associations may acquire control over range lands from any landowners, public or private. These associations usually deal directly with State and county agencies that own land.

In South Dakota, another approach to dealing with land-management problems was taken through passage of the South Dakota Land Administration and Management Act of 1939. This State law was designed to encourage a stable leasing policy, instead of the sales program formerly stressed. It provided for (1) classification of county land into two groups—

land to be placed under a long-term lease program, and land to be returned to private ownership when possible; (2) a method of leasing and management to regulate grazing, conserve soil resources, and help stabilize farm and ranch operations; (3) exchange of public land for private land where needed for consolidation of county-owned tracts into large blocks, or for other purposes; and (4) improvements in leasing arrangements.

Different areas, of course, have different problems and conditions which require varying types of remedial measures. Those suitable for the cut-over areas of the Great Lakes, for instance, are not necessarily adapted to conditions in the Great Plains. Even between States in the same region, the needed land policies may differ widely. Wise administration of public lands in each area must be shaped to meet the particular problems of the area. For that reason, States that are considering adoption of land-administration laws used in other States should study these laws with great care, and make modifications to fit their own conditions.

Public Land Laws.

The examples cited show how a few States are attempting to solve the problems of developing and managing public land. Many other examples could be given. About one-third of the States have laws relating to the management of State land not in parks and special public uses, and the rest have none. In a few cases, such State land is open to unrestricted sale or homesteading.

In about one-fifth of the States, the only legal provision for management of tax-deeded land relates to its sale. In two-thirds, the sale of tax-deeded land is permitted without consideration as to whether it should be kept in public ownership. In some States, such land is available for public use only after it has been found impossible to do anything else with it.

Twelve States provide for classifying public land that has not been acquired for parks or other specific purposes but in only two or three States are the provisions comprehensive.

In fact, land classifications sometimes seem to have aimed at speeding up sales. In only four or five States do laws protect land from unwise use after it has passed into private ownership.

In step with popular demand, several States have made progress toward solving the problems of public-land administration. As widespread interest in public land and its administration is a comparatively new thing, the laws thus far adopted are encouraging signs. Many laws relating to State and county land management probably need to be adjusted to meet present conditions. New laws also may be needed in some States, to permit maximum public benefit from the use of county and State-owned land.

Land use planning committees in a number of States have made important contributions to programs of improvement in the use of State and county land. Tax-foreclosure proceedings were modernized in New Jersey after land use planning committees pointed out that new laws were needed. In North Dakota and in South Dakota, committees are working with county officials on programs for block-leasing of county-owned range land. In Arkansas, county planning committees are helping the State Government to classify tax-forfeited land so as to learn which land is suitable for resale to private owners and which is best suited to public management.

MAJOR TYPES OF ADMINISTRATION OF STATE AND COUNTY LANDS

(1) *Centralized State agency.*—In some States, a single State agency has authority over all State and county land, except that already held by administrative branches of the State government for specific uses such as forests, parks, and game preserves. Examples: The Michigan Department of Conservation, and the Office of the State Land Commissioner in Arkansas.

(2) *Functional or jurisdictional land agencies.*—In contrast to administration by a single State authority, programs for public-land management and development are often administered through several independent agencies

with each having specific duties or operating within specific jurisdictions. Thus, a State Forestry Department, State Park Commission, and State Wildlife Administration, each has particular activities relating to State-owned land.

(3) *County land agencies with State cooperation.*—Under this type of organization, county governments are the administrative units for public-land holdings, with State cooperation or supervision. Example: Cooperation under Wisconsin's Forest Crop Law.

(4) *County administration without State control.*—In some States, a great deal of public land is managed directly by the county governments without State control other than that provided by general legislation. Example: The Administration of county land in South Dakota.

(5) *Quasi-public agencies.*—In some instances, responsibility for the administration of public lands is turned over to nongovernmental agencies under some degree of public control as in case of the State grazing districts in Montana.

(6) *Soil conservation districts.*—Under the soil conservation district laws of 38 States, soil conservation districts have power to acquire land by purchase or lease. Through these districts, publicly owned lands can be placed under constructive management. This has already been done, to some extent at least, in Colorado, North Dakota, Utah, and New Mexico.

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