

Y4  
.M 53  
93-6

1021

9-25-74  
M  
W  
F  
10  
4

# GAME MANAGEMENT ON FEDERAL LANDS

## DOCUMENTS

GOVERNMENT

Storage

OCT 3 1973

THE LIBRARY

KANSAS STATE UNIVERSITY

### HEARING

BEFORE THE

SUBCOMMITTEE ON FISHERIES AND WILDLIFE  
CONSERVATION AND THE ENVIRONMENT

OF THE

COMMITTEE ON  
MERCHANT MARINE AND FISHERIES  
HOUSE OF REPRESENTATIVES

NINETY-THIRD CONGRESS

FIRST SESSION

ON

### H.R. 75, H.R. 733

BILLS TO EXTEND AND EXPAND THE AUTHORITY FOR CARRYING  
OUT CONSERVATION AND REHABILITATION PROGRAMS ON MILI-  
TARY RESERVATIONS, AND TO AUTHORIZE THE IMPLEMENTATION  
OF SUCH PROGRAMS ON CERTAIN PUBLIC LANDS

### H.R. 731

A BILL TO ESTABLISH WILDLIFE, FISH, AND GAME CONSERVATION  
AND REHABILITATION PROGRAMS ON CERTAIN LANDS UNDER THE  
JURISDICTION OF THE DEPARTMENT OF THE INTERIOR, THE DE-  
PARTMENT OF AGRICULTURE, THE ATOMIC ENERGY COMMISSION,  
AND THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,  
AND FOR OTHER PURPOSES

### H.R. 4327

A BILL TO EXTEND THE AUTHORIZATION FOR APPROPRIATIONS  
TO CARRY OUT CONSERVATION AND REHABILITATION PROGRAMS  
ON MILITARY RESERVATIONS

MARCH 8, 1973

### Serial No. 93-6

Printed for the use of the Committee on Merchant Marine and Fisheries

U.S. GOVERNMENT PRINTING OFFICE

95-671 O

WASHINGTON : 1973



## COMMITTEE ON MERCHANT MARINE AND FISHERIES

LEONOR K. (MRS. JOHN B.) SULLIVAN, Missouri, *Chairman*

FRANK M. CLARK, Pennsylvania  
 THOMAS L. ASHLEY, Ohio  
 JOHN D. DINGELL, Michigan  
 THOMAS N. DOWNING, Virginia  
 PAUL G. ROGERS, Florida  
 FRANK A. STUBBLEFIELD, Kentucky  
 JOHN M. MURPHY, New York  
 WALTER B. JONES, North Carolina  
 ROBERT L. LEGGETT, California  
 MARIO BIAGGI, New York  
 GLENN M. ANDERSON, California  
 E (Kika) DE LA GARZA, Texas  
 PETER N. KYROS, Maine  
 RALPH H. METCALFE, Illinois  
 JOHN B. BREAUX, Louisiana  
 FRED B. ROONEY, Pennsylvania  
 BOB ECKHARDT, Texas  
 PAUL S. SARBANES, Maryland  
 BO GINN, Georgia  
 GERRY E. STUDDS, Massachusetts  
 DAVID R. BOWEN, Mississippi

JAMES R. GROVER, JR., New York  
 WILLIAM S. MAILLIARD, California  
 CHARLES A. MOSHER, Ohio  
 PHILIP E. RUPPE, Michigan  
 GEORGE A. GOODLING, Pennsylvania  
 PAUL N. McCLOSKEY, JR., California  
 GENE SNYDER, Kentucky  
 ROBERT H. STEELE, Connecticut  
 EDWIN B. FORSYTHE, New Jersey  
 PIERRE S. (PETE) DU PONT, Delaware  
 WILLIAM O. MILLS, Maryland  
 WILLIAM S. COHEN, Maine  
 TRENT LOTT, Mississippi  
 DAVID C. TREEN, Louisiana  
 JOEL PRITCHARD, Washington  
 EDWARD YOUNG, South Carolina

ERNEST J. CORRADO, *Chief Counsel*  
 FRANCES STILL, *Chief Clerk*  
 NED P. EVERETT, *Counsel*  
 FRANK M. POTTER, JR., *Counsel*  
 RICHARD N. SHAROOD, *Minority Counsel*

## SUBCOMMITTEE ON FISHERIES AND WILDLIFE CONSERVATION AND THE ENVIRONMENT

JOHN D. DINGELL, Michigan, *Chairman*

PAUL G. ROGERS, Florida  
 ROBERT L. LEGGETT, California  
 MARIO BIAGGI, New York  
 GLENN M. ANDERSON, California  
 E (Kika) DE LA GARZA, Texas  
 PETER N. KYROS, Maine  
 RALPH H. METCALFE, Illinois  
 JOHN B. BREAUX, Louisiana  
 FRED B. ROONEY, Pennsylvania  
 BOB ECKHARDT, Texas  
 GERRY E. STUDDS, Massachusetts  
 DAVID R. BOWEN, Mississippi

GEORGE A. GOODLING, Pennsylvania  
 PAUL N. McCLOSKEY, JR., California  
 WILLIAM S. MAILLIARD, California  
 PHILIP E. RUPPE, Michigan  
 EDWIN B. FORSYTHE, New Jersey  
 ROBERT H. STEELE, Connecticut  
 WILLIAM O. MILLS, Maryland  
 PIERRE S. (PETE) DU PONT, Delaware  
 WILLIAM S. COHEN, Maine  
 JOEL PRITCHARD, Washington



# CONTENTS

|                                                                                                                                       |        |
|---------------------------------------------------------------------------------------------------------------------------------------|--------|
| Hearing held—                                                                                                                         | Page   |
| March 8, 1973.....                                                                                                                    | 1      |
| Text of—                                                                                                                              |        |
| H.R. 75.....                                                                                                                          | 2      |
| H.R. 731.....                                                                                                                         | 16     |
| H.R. 733.....                                                                                                                         | 23     |
| H.R. 4327.....                                                                                                                        | 37     |
| Reports from—                                                                                                                         |        |
| H.R. 75:                                                                                                                              |        |
| Agriculture Department.....                                                                                                           | 39     |
| Atomic Energy Commission.....                                                                                                         | 38     |
| General Accounting Office.....                                                                                                        | 40     |
| General Services Administration.....                                                                                                  | 41     |
| Interior Department.....                                                                                                              | 42     |
| National Aeronautics and Space Administration.....                                                                                    | 44     |
| Treasury Department.....                                                                                                              | 45     |
| H.R. 731:                                                                                                                             |        |
| General Accounting Office.....                                                                                                        | 40     |
| Interior Department.....                                                                                                              | 42     |
| Justice Department.....                                                                                                               | 43     |
| National Aeronautics and Space Administration.....                                                                                    | 45     |
| Treasury Department.....                                                                                                              | 45     |
| H.R. 733:                                                                                                                             |        |
| Agriculture Department.....                                                                                                           | 39     |
| Atomic Energy Commission.....                                                                                                         | 38     |
| General Accounting Office.....                                                                                                        | 40     |
| General Services Administration.....                                                                                                  | 41     |
| Interior Department.....                                                                                                              | 42     |
| National Aeronautics and Space Administration.....                                                                                    | 44     |
| Treasury Department.....                                                                                                              | 45     |
| H.R. 4327:                                                                                                                            |        |
| General Accounting Office.....                                                                                                        | 41     |
| Interior Department.....                                                                                                              | 42     |
| Treasury Department.....                                                                                                              | 45     |
| Statement of—                                                                                                                         |        |
| Bruch, George D., Office of General Counsel, Department of Defense.....                                                               | 92     |
| Curtin, Maj. Gen. Robert H., U.S. Air Force, (retired), Director of<br>Facilities, National Aeronautics and Space Administration..... | 127    |
| Dauchess, Capt. Edward, U.S. Navy, Office of Legislative Affairs,<br>Department of Defense.....                                       | 92     |
| Deinema, J. W., Associate Deputy Chief of National Forest System,<br>Forest Service, Department of Agriculture.....                   | 117    |
| Doman, Everett R., Director, Division of Wildlife Management, Forest<br>Service, Department of Agriculture.....                       | 103    |
| Fielding, Russell, Office of Legislative Service, Department of the<br>Interior.....                                                  | 47     |
| Linduska, Joseph P., Associate Director, Bureau of Sport Fisheries<br>and Wildlife, Department of the Interior.....                   | 47, 57 |
| Liverman, Dr. James L., Director, Division of Biomedical and Envi-<br>ronmental Research, U.S. Atomic Energy Commission.....          | 84     |
| Mayer, Suzanne, Office of Legislative Service, Department of the<br>Interior.....                                                     | 47     |
| Osburn, William, Assistant Chief of Environmental Sciences Branch,<br>Atomic Energy Commission.....                                   | 84     |



# IV

## Statement of—Continued

|                                                                                                                                                                     |         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| Poole, Daniel A., President, Wildlife Management Institute, Washington, D.C.                                                                                        | Page 98 |
| Powell, John, Departmental Office of Legislation, Department of the Interior                                                                                        | 47      |
| Resler, Rexford A., Associate Chief, Forest Service, Department of Agriculture                                                                                      | 103     |
| Roche, Francis B., Director, Real Property and Natural Resources Division, Office of Assistant Secretary of Defense for Installations and Logistics                 | 92      |
| Sikes, Hon. Robert L. F., a Representative in Congress from the State of Florida                                                                                    | 49      |
| Smith, Joe, Director of AEC Division of Contracts                                                                                                                   | 84      |
| Additional material supplied by—                                                                                                                                    |         |
| Agriculture Department:                                                                                                                                             |         |
| Forest Service environmental statement—Proposed Off-Road Vehicle Regulations and Administrative Instructions                                                        | 120     |
| Use of off-road vehicles                                                                                                                                            | 119     |
| Atomic Energy Commission:                                                                                                                                           |         |
| Administrative costs                                                                                                                                                | 89      |
| Fees for hunting and fishing                                                                                                                                        | 89      |
| Number of hunters and fishermen visiting facilities annually                                                                                                        | 89      |
| Proposed amendments to sections 201 and 202 of H.R. 75 and H.R. 733                                                                                                 | 87      |
| Interior Department:                                                                                                                                                |         |
| Answers to questions submitted in letter of March 14, 1973                                                                                                          | 66      |
| Comparison of off-road vehicle regulations, BSFW and DOD                                                                                                            | 81      |
| Control of off-road vehicle on reclamation lands                                                                                                                    | 78      |
| Executive Order 11644 of February 8, 1972                                                                                                                           | 81      |
| No Mans Land Island                                                                                                                                                 | 63      |
| Operation of Vehicles on national wildlife refuges, from the Federal Register of February 14, 1973                                                                  | 73      |
| Public use and recreation; vehicles and traffic safety, from the Federal Register of February 14, 1973                                                              | 74      |
| Reclamation instructions                                                                                                                                            | 78      |
| Response to questions asked in hearing                                                                                                                              | 83      |
| Status of BSFW programs at Otis AFB, Mass.                                                                                                                          | 64      |
| Use of off-road vehicles on public lands, from the Federal Register of February 14, 1973                                                                            | 69, 80  |
| Poole, Daniel A.: Prepared statement                                                                                                                                | 99      |
| Communications submitted for the record—                                                                                                                            |         |
| Everett, Ned P., letter of March 15, 1973, to Rexford A. Resler, with questions                                                                                     | 113     |
| Grubb, H. Dale, NASA, letter of April 4, 1973, to Ned P. Everett, with questions and answers                                                                        | 130     |
| Kimball, Thomas L., National Wildlife Federation, letter of March 13, 1973, to Hon. John D. Dingell                                                                 | 133     |
| Lenzini, Paul A., letter of April 4, 1973, to Hon. John D. Dingell                                                                                                  | 132     |
| Linduska, J. P., letter of March 19, 1973, to Edward J. Sheridan                                                                                                    | 59      |
| Liverman, James L., letter of April 5, 1973, to Ned P. Everett, with answers to questions submitted                                                                 | 90      |
| Sheridan, Edward J., Deputy Assistant Secretary of Defense, letter of April 9, 1973, with enclosure on public use of San Clemente Island, to Hon. Glenn M. Anderson | 59      |
| Thornton, Philip L., letter of May 21, 1973, to Ned P. Everett, with answers to questions                                                                           | 114     |
| Towell, William E., American Forestry Association, letter of March 8, 1973, to Congressman John D. Dingell                                                          | 131     |



## GAME MANAGEMENT ON FEDERAL LANDS

---

THURSDAY, MARCH 8, 1973

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON FISHERIES AND WILDLIFE  
CONSERVATION AND THE ENVIRONMENT  
OF THE COMMITTEE ON MERCHANT MARINE AND FISHERIES,  
*Washington, D.C.*

The subcommittee met, pursuant to call, at 10:10 a.m., in room 1337, Longworth Office Building, Hon. John D. Dingell (subcommittee chairman) presiding.

Mr. DINGELL. The Subcommittee on Fisheries and Wildlife Conservation and the Environment will please come to order.

This morning the subcommittee will begin hearings on a number of wildlife, fish and game conservation and rehabilitation program bills which were the subject of hearings by the subcommittee in the 92d Congress.

The bills to be heard are H.R. 75, by my good friend and a dedicated conservationist, Congressman Sikes, and the present occupant of the chair; H.R. 731 and H.R. 733, by one of the distinguished ranking minority members of our Committee on Merchant Marine and Fisheries, Mr. Mailliard; and H.R. 4327, also by Congressman Sikes.

Briefly explained, H.R. 4327 would extend what is commonly known as the Sikes Act for an additional 5 years and increase the authorized level of funding from \$500,000 to \$1.5 million per year.

The Sikes Act authorizes the Secretary of Defense, in conjunction with the Secretary of the Interior and the appropriate State agencies, to carry out a wildlife, fish and game conservation and rehabilitation program on military reservations throughout the United States.

H.R. 75, H.R. 731, and H.R. 733, similar bills, would also extend the Sikes Act at an increased level of funding and, in addition, would extend the concept of the military reservation programs to lands under the jurisdiction of the Atomic Energy Commission, the National Aeronautics and Space Administration, the Department of Agriculture, and certain lands under the jurisdiction of the Department of the Interior, primarily Bureau of Land Management lands.

All of the bills are designed to assist in meeting our recreational needs by providing millions of man hunting-and-fishing days annually throughout the Nation.

Let the bills and departmental reports appear in the record at this point.

[The bills together with departmental reports, follow:]



93D CONGRESS  
1ST SESSION

# H. R. 75

---

## IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 1973

Mr. SIKES (for himself and Mr. DINGELL) introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

---

## A BILL

To extend and expand the authority for carrying out conservation and rehabilitation programs on military reservations, and to authorize the implementation of such programs on certain public lands.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That the Act entitled "An Act to promote effectual planning,  
4       development, maintenance, and coordination of wildlife, fish  
5       and game conservation, and rehabilitation in military reserva-  
6       tions", approved September 15, 1960 (16 U.S.C. 670a-f) is  
7       amended—

8               (1) by inserting immediately after the first sentence  
9       of the first section thereof the following new sentence:

★I—O.



1 "Such cooperative plan shall provide for (1) fish and wild-  
2 life habitat improvements or modifications, including con-  
3 trolled burning upon such reservations, (2) range rehabili-  
4 tion where necessary for support of wildlife, and (3) con-  
5 trol of all-terrain vehicular traffic, including snowmo-  
6 biles."; and

7 (2) by amending section 6 (b) thereof—

8 (A) by amending the first sentence thereof by  
9 inserting immediately after "July 1, 1971," the fol-  
10 lowing: "and not to exceed \$1,500,000 for the fiscal  
11 year beginning July 1, 1972, and for each of the  
12 next four fiscal years thereafter,"; and

13 (B) by inserting immediately before the last  
14 sentence thereof the following new sentence: "There  
15 is authorized to be appropriated to the Secretary  
16 of the Interior not to exceed \$1,000,000 for the fiscal  
17 year beginning July 1, 1972, and for each of the  
18 next four fiscal years thereafter to enable the  
19 Secretary to carry out such functions and responsi-  
20 bilities as he may have under cooperative plans to  
21 which he is a party under this title."

22 SEC. 2. Such Act of September 15, 1960, is further  
23 amended by adding at the end thereof the following:



1     "TITLE II—CONSERVATION PROGRAMS ON  
2                     CERTAIN PUBLIC LAND

3             "SEC. 201. (a) The Secretary of the Interior and the  
4 Secretary of Agriculture shall each, in cooperation with the  
5 State agencies and in accordance with comprehensive plans  
6 developed pursuant to section 202 of this title, plan, develop,  
7 maintain, and coordinate programs for the conservation and  
8 rehabilitation of wildlife, fish, and game. Such conservation  
9 and rehabilitation programs shall include, but not be limited  
10 to, specific habitat improvement projects and related  
11 activities.

12            "(b) The Secretary of the Interior shall implement the  
13 conservation and rehabilitation programs required under sub-  
14 section (a) of this section on public land under his jurisdic-  
15 tion and on public land under the respective jurisdiction of  
16 the Chairman and the Administrator. The Secretary of Agri-  
17 culture shall implement such conservation and rehabilitation  
18 programs on public land under his jurisdiction.

19            "SEC. 202. (a) (1) The Secretary of the Interior shall  
20 develop, in consultation with the State agencies, a comprehen-  
21 sive plan for conservation and rehabilitation programs to be  
22 implemented on public land under his jurisdiction and the  
23 Secretary of Agriculture shall do the same in connection with  
24 public land under his jurisdiction.



1       “(2) The Secretary of the Interior shall, after consulta-  
2       tion with the Chairman, develop a comprehensive plan for  
3       conservation and rehabilitation programs to be implemented  
4       on public land under the jurisdiction of the Chairman and,  
5       after consultation with the Administrator, develop a compre-  
6       hensive plan for such programs to be implemented on public  
7       land under the jurisdiction of the Administrator. Each such  
8       plan shall be developed after the Secretary of the Interior  
9       makes, in cooperation with the Chairman or the Administra-  
10      tor, as the case may be, and in consultation with the State  
11      agencies, necessary studies and surveys of the land con-  
12      cerned to determine where conservation and rehabilitation  
13      programs are most needed.

14      “(b) Each comprehensive plan developed pursuant to  
15      this section shall be consistent with any overall land use and  
16      management plans for the lands involved. In any case in  
17      which hunting, trapping, or fishing (or any combination  
18      thereof) of resident fish and wildlife is to be permitted on  
19      public land under a comprehensive plan, such hunting,  
20      trapping, and fishing shall be conducted in accordance with  
21      applicable laws and regulations of the State in which such  
22      land is located.

23      “(c) (1) Each State agency may enter into a coopera-  
24      tive agreement with—

25           “(A) the Secretary of the Interior with respect to



1       those conservation and rehabilitation programs to be  
2       implemented under this title within the State on public  
3       land which is under his jurisdiction;

4       “(B) the Secretary of Agriculture with respect to  
5       those conservation and rehabilitation programs to be  
6       implemented under this title within the State on public  
7       land which is under his jurisdiction; and

8       “(C) the Secretary of the Interior and the Chair-  
9       man or the Administrator, as the case may be, with  
10      respect to those conservation and rehabilitation pro-  
11      grams to be implemented under this title within the  
12      State on public land under the jurisdiction of the  
13      Chairman or the Administrator.

14     No conservation or rehabilitation program, nor any recom-  
15     mendation in any preliminary study or survey undertaken  
16     with respect to any such program, may be implemented  
17     under this title unless it is included within a cooperative  
18     agreement.

19       “(2) Any conservation and rehabilitation program in-  
20     cluded within a cooperative agreement entered into under  
21     this subsection may be modified in a manner mutually  
22     agreeable to the State agency and the Secretary concerned  
23     (and the Chairman or the Administrator, as the case may  
24     be, if public land under his jurisdiction is involved).



1       “(3) Each cooperative agreement entered into under  
2 this subsection shall—

3           “(A) specify those areas of public land within  
4 the State on which conservation and rehabilitation pro-  
5 grams will be implemented;

6           “(B) provide for fish and wildlife habitat im-  
7 provements or modifications, or both, including con-  
8 trolled burning on public land;

9           “(C) provide for range rehabilitation where neces-  
10 sary for support of wildlife;

11           “(D) require the control of all-terrain vehicular  
12 traffic, including snowmobiles;

13           “(E) if the issuance of public land area manage-  
14 ment stamps is agreed to pursuant to section 203 (a) of  
15 this title—

16               “(i) contain such terms and conditions as are  
17 required under section 203 (b) of this title;

18               “(ii) require the maintenance of accurate rec-  
19 ords and the filing of annual reports by the State  
20 agency to the Secretary of the Interior or the  
21 Secretary of Agriculture, or both, as the case may  
22 be, setting forth the amount and disposition of the  
23 fees collected for such stamps, and

24               “(iii) authorize the Secretary concerned and the  
25 Comptroller General of the United States, or their



1 authorized representatives, to have access to such  
2 records for purposes of audit and examination; and  
3 “(F) contain such other terms and conditions as the  
4 Secretary concerned and the State agency deem neces-  
5 sary and appropriate to carry out the purposes of this  
6 title.

7 A cooperative agreement may also provide for arrangements  
8 under which the Secretary concerned may authorize officers  
9 and employees of the State agency to enforce, or to assist in  
10 the enforcement of, section 204 (a) of this title.

11 “(4) Except where limited under a comprehensive plan  
12 or pursuant to cooperative agreement, hunting, fishing, and  
13 trapping shall be permitted on public land which is the sub-  
14 ject of a conservation and rehabilitation program implemen-  
15 ted under this title.

16 “(5) The Secretary of the Interior and the Secretary  
17 of Agriculture, as the case may be, shall prescribe such regu-  
18 lations as are deemed necessary to control, in a manner con-  
19 sistent with the applicable comprehensive plan and coopera-  
20 tive agreement, the public use of public land which is the  
21 subject of any conservation and rehabilitation program  
22 implemented by him under this title.

23 “SEC. 203. (a) Any State agency may agree with the  
24 Secretary of the Interior and the Secretary of Agriculture  
25 (or with the Secretary of the Interior or the Secretary of



1 Agriculture, as the case may be, if within the State con-  
2 cerned all conservation and rehabilitation programs under  
3 this title will be implemented by him) that no individual  
4 will be permitted to hunt, trap, or fish on any public land  
5 within the State which is subject to a conservation and  
6 rehabilitation program implemented under this title unless  
7 at the time such individual is engaged in such activity he  
8 has on his person a valid public land management area stamp  
9 issued pursuant to this section.

10 “(b) Any agreement made pursuant to subsection (a)  
11 of this section to require the issuance of public land man-  
12 agement area stamps shall be subject to the following  
13 conditions:

14 “(1) Such stamps shall be issued, sold, and the fees  
15 therefore collected, by the State agency or by the author-  
16 ized agents of such agency.

17 “(2) Except for expenses incurred in the printing,  
18 issuing, or selling of such stamps, the fees collected for  
19 such stamps by the State agency shall be utilized in carry-  
20 ing out conservation and rehabilitation programs imple-  
21 mented under this title in the State concerned and for no  
22 other purpose. If such programs are implemented by both  
23 the Secretary of the Interior and the Secretary of Agri-  
24 culture in the State, the Secretaries shall mutually agree,  
25 on such basis as they deem reasonable, on the proportion



1 of such fees that shall be applied by the State agency to  
2 their respective programs.

3 “(3) The purchase of any such stamp shall entitle  
4 the purchaser thereof to hunt, trap, and fish on any pub-  
5 lic land within such State which is the subject of a con-  
6 servation or rehabilitation program implemented under  
7 this title except to the extent that the public use of such  
8 land is limited pursuant to a comprehensive plan or  
9 cooperative agreement; but the purchase of any such  
10 stamp shall not be construed as (A) eliminating the  
11 requirement for the purchase of a migratory bird hunting  
12 stamp as set forth in the first section of the Act of  
13 March 16, 1934, commonly referred to as the Migratory  
14 Bird Hunting Stamp Act (16 U.S.C. 718a), or (B)  
15 relieving the purchaser from compliance with any appli-  
16 cable State game and fish laws and regulations.

17 “(4) The amount of the fee to be charged for such  
18 stamps, the age at which an individual is required to  
19 acquire such a stamp, and the expiration date for such  
20 stamps shall be mutually agreed upon by the State  
21 agency and the Secretary or Secretaries concerned; ex-  
22 cept that each such stamp shall be void not later than  
23 one year after the date of issuance.

24 “(5) Each such stamp must be validated by the



1 purchaser thereof by signing his name across the face  
2 of the stamp.

3 “(6) Any individual to whom a stamp is sold  
4 pursuant to this section shall upon request exhibit such  
5 stamp for inspection to any officer or employee of the  
6 Department of the Interior or the Department of Agri-  
7 culture, or to any other person, who is authorized to en-  
8 force section 204 (a) of this title.

9 “SEC. 204. (a) Any person who—

10 “(1) hunts, traps, or fishes on any public land  
11 which is subject to a conservation and rehabilitation pro-  
12 gram implemented under this title without having on his  
13 person a valid public land management area stamp, if  
14 the possession of such a stamp is required; or

15 “(2) violates or fails to comply with any regula-  
16 tion prescribed under section 202 (c) (5) of this title;  
17 shall be fined not more than \$1,000, or imprisoned for not  
18 more than six months, or both.

19 “(b) (1) The Secretary of the Interior and the Secre-  
20 tary of Agriculture may designate and authorize officers  
21 and employees of their respective departments to enforce  
22 subsection (a) of this section. Such officers and employees,  
23 and any State officers or employees authorized under a co-  
24 operative agreement to enforce such subsection (a) are  
25 authorized—



1           “(A) with or without warrant or other process, to  
2       arrest any person committing in his presence or view  
3       an offense under subsection (a) of this section;

4           “(B) to execute any warrant or process issued  
5       by an officer or court of competent jurisdiction for the  
6       arrest of any person charged with the commission of  
7       any such offense; and

8           “(C) with or without a warrant, as authorized by  
9       law, to search any place.

10          “(2) Upon the sworn information by a competent per-  
11       son, any United States magistrate or court of competent  
12       jurisdiction may issue process for the arrest of any person  
13       charged with committing any offense under subsection (a)  
14       of this section.

15          “(3) Any person charged with committing any offense  
16       under subsection (a) of this section may be tried and sen-  
17       tenced by any United States magistrate designated for  
18       that purpose by the court by which he was appointed, in  
19       the same manner and subject to the same conditions as pro-  
20       vided for in section 3401 of title 18, United States Code.

21          “(c) All guns, traps, nets, and other equipment, ves-  
22       sels, vehicles, and other means of transportation used by  
23       any person when engaged in committing an offense under  
24       subsection (a) of this section shall be subject to forfeiture  
25       to the United States and may be seized and held pending



1 the prosecution of any person arrested for committing such  
2 offense. Upon conviction for such offense, such forfeiture  
3 shall be adjudicated as a penalty in addition to any other  
4 provided for committing such offense.

5 “(d) All provisions of law relating to the seizure,  
6 forfeiture, and condemnation of a vessel for violation of  
7 the customs laws, the disposition of such vessel or the  
8 proceeds from the sale thereof, and the remission or miti-  
9 gation of such forfeitures, shall apply to the seizures and  
10 forfeitures incurred, or alleged to have been incurred, under  
11 the provisions of this section, insofar as such provisions  
12 of law are applicable and not inconsistent with the provi-  
13 sions of this section; except that all powers, rights, and  
14 duties conferred or imposed by the customs laws upon  
15 any officer or employee of the Department of the Treasury  
16 shall, for the purposes of this section, be exercised or per-  
17 formed by the Secretary of the Interior or the Secretary  
18 of Agriculture, as the case may be, or by such persons as  
19 he may designate.

20 “SEC. 205. As used in this title—

21 “(1) The term ‘Administrator’ means the Admin-  
22 istrator of the National Aeronautics and Space  
23 Administration.

24 “(2) The term ‘Chairman’ means the Chairman  
25 of the Atomic Energy Commission.



1       “(3) The term ‘public land’ means all lands under  
2       the respective jurisdiction of the Secretary of the Interior,  
3       the Secretary of Agriculture, the Chairman, and  
4       the Administrator, except land which is, or hereafter  
5       may be, within or designated as—

6               “(A) a military reservation;

7               “(B) a national park or monument; or

8               “(C) an area within the national wildlife refuge  
9       system.

10       “(4) The term ‘State agency’ means the agency of  
11       a State responsible for the administration of the fish  
12       and game laws of the State.

13       “SEC. 206. (a) There is authorized to be appropriated  
14       the sum of \$7,500,000 for the fiscal year ending June 30,  
15       1973, and for each of the next four fiscal years thereafter  
16       to enable the Department of the Interior to carry out its  
17       functions and responsibilities under this title.

18       “(b) There is authorized to be appropriated the sum of  
19       \$7,000,000 for the fiscal year ending June 30, 1973, and  
20       for each of the next four fiscal years thereafter to enable the  
21       Department of Agriculture to carry out its functions and  
22       responsibilities under this title.”

23       SEC. 3. Such Act of September 15, 1960, is further  
24       amended—



1 (1) by redesignating the first section and sections  
2 2 through 6 as sections 101 through 106, respectively;

3 (2) by striking out "That the Secretary of Defense"  
4 in section 101 (as so redesignated) and inserting in lieu  
5 thereof the following:

6 "TITLE I—CONSERVATION PROGRAMS ON  
7 MILITARY RESERVATIONS

8 "SEC. 101. The Secretary of Defense";

9 (3) by striking out "Act" the first time it appears  
10 in the proviso to section 102 (as so redesignated) and  
11 inserting in lieu thereof "title";

12 (4) by striking out "Act" each place it appears  
13 in sections 104 and 106 (as so redesignated) and insert-  
14 ing in lieu thereof "title"; and

15 (5) by striking out "sections 1 and 2" in section  
16 106 (as so redesignated) and inserting in lieu thereof  
17 "sections 101 and 102".



93D CONGRESS  
1ST SESSION

# H. R. 731

---

## IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 1973

Mr. MAILLIARD introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

---

## A BILL

To establish wildlife, fish, and game conservation and rehabilitation programs on certain lands under the jurisdiction of the Department of the Interior, the Department of Agriculture, the Atomic Energy Commission, and the National Aeronautics and Space Administration, and for other purposes.

- 1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That the Secretary of the Interior and the Secretary of Agri-  
4       culture are authorized and directed, in cooperation with  
5       State fish and game departments, to carry out in accordance  
6       with comprehensive plans developed pursuant to section 2  
7       of this Act, the planning, development, maintenance, and  
8       coordination of wildlife, fish, and game conservation and



1 rehabilitation programs on public land administered respec-  
2 tively by the Secretary of the Interior and by the Secretary  
3 of Agriculture, and the Secretary of the Interior is authorized  
4 and directed, in cooperation with State fish and game depart-  
5 ments, to carry out such plans and programs on public land  
6 administered respectively by the Chairman of the Atomic  
7 Energy Commission, and the Administrator of the National  
8 Aeronautics and Space Administration. Such conservation  
9 and rehabilitation programs shall include specific habitat  
10 improvement projects and related activities.

11 SEC. 2. (a) The Secretary of the Interior shall—

12 (1) develop, in consultation with State fish and  
13 game departments, a comprehensive plan for conserva-  
14 tion and rehabilitation programs to be implemented on  
15 public and under his jurisdiction, and the Secretary of  
16 Agriculture shall do the same in connection with public  
17 land under his jurisdiction, and

18 (2) in consultation with the Chairman of the  
19 Atomic Energy Commission, and the Administrator of  
20 the National Aeronautics and Space Administration,  
21 shall develop comprehensive plans for such programs  
22 to be implemented on public land under their respective  
23 jurisdictions after making, with their cooperation and  
24 in consultation with State fish and game departments,



1        necessary studies and surveys of such land to determine  
2        where such programs are most needed.

3        (b) Each comprehensive plan developed under this  
4        section shall be consistent with any overall land use and  
5        management plans for the lands involved and shall specify  
6        those regulations deemed necessary and appropriate with  
7        respect to public use of the public land on which a con-  
8        servation or rehabilitation program will be implemented;  
9        except that where hunting, trapping, or fishing, or any  
10       combination thereof of resident fish and wildlife, is per-  
11       mitted under the plan, such hunting, trapping, and fishing  
12       shall be conducted in accordance with applicable laws and  
13       regulations of the State in which such land is located.

14       (c) No conservation or rehabilitation program, nor any  
15       recommendation in any preliminary study or survey under-  
16       taken with respect to such program, may be implemented  
17       under this Act unless it is included in a cooperative agree-  
18       ment entered into between the Secretary of the Interior  
19       or the Secretary of Agriculture and the appropriate State  
20       agency designated by the State in which such program is  
21       to be carried out, and the Chairman of the Atomic Energy  
22       Commission or the Administrator of the National Aeronau-  
23       tics and Space Administration, when public land under  
24       the jurisdiction of either such agency is involved. Any pro-



1 gram provided for in a cooperative agreement entered into  
2 under this Act may be modified in a manner mutually agree-  
3 able to the Secretary of the Interior or the Secretary of Agri-  
4 culture, the appropriate State agency, and the Chairman of  
5 the Atomic Energy Commission or the Administrator of the  
6 National Aeronautics and Space Administration, as the case  
7 may be, if, in the judgment of the Secretary of the Interior  
8 or the Secretary of Agriculture such modifications are not  
9 inconsistent with the purposes of this Act. Among other  
10 provisions, such cooperative agreements shall provide (1)  
11 for fish and wildlife habitat improvements or modifications  
12 including controlled burning upon such lands and for range  
13 rehabilitation where necessary for support of wildlife; and  
14 (2) for control of all-terrain vehicular traffic including snow-  
15 mobiles. Such cooperative agreements may also require that  
16 no individual may hunt, trap, or fish on public land which  
17 is the subject of a conservation or rehabilitation program  
18 under this Act unless at the time such individual engages  
19 in any such activity on such land he has an unexpired public  
20 land management area stamp on his person validated by his  
21 signature written across the face of the stamp. Such stamp,  
22 if required pursuant to cooperative agreement, shall be is-  
23 sued and sold by the State fish and game department of the  
24 State in which such land is located or agents of such depart-  
25 ment. The purchase of such stamp, in addition to compliance



1 with other State laws and regulations, shall entitle the pur-  
2 chaser to hunt, trap, and fish on any public lands within such  
3 State which are the subject of a program under this Act,  
4 except to the extent that public use of such lands is limited  
5 pursuant to the comprehensive plan. A fee shall be charged  
6 for such stamp in an amount determined and set forth in the  
7 cooperative agreement; except that nothing contained in this  
8 Act shall be construed as eliminating the requirement for  
9 possession of a migratory bird hunting stamp as set forth  
10 in the first section of the Act of March 16, 1934, commonly  
11 referred to as the Migratory Bird Hunting Stamp Act (16  
12 U.S.C. 718a). The age at which an individual shall be  
13 required to possess a public land management area stamp and  
14 the date of expiration of such stamp shall be set forth in the  
15 cooperative agreement, except that such stamp shall expire  
16 and be void not later than one year after date of issuance.

17 SEC. 3. Except for expenses incurred in printing, issu-  
18 ing, and selling stamps, such stamp fees as may be col-  
19 lected by the appropriate State agency shall be utilized  
20 in carrying out conservation or rehabilitation programs  
21 under this Act and for no other purpose. The cooperative  
22 agreement referred to in section 2 (c) shall also provide for  
23 the maintenance of accurate records and the filing of annual  
24 reports by the State agency to the Secretary of the Interior  
25 or the Secretary of Agriculture, as the case may be, setting



1 forth the amount and disposition of such fees: *Provided*,  
2 That such agreement shall authorize the respective Secre-  
3 taries and the Comptroller General of the United States or  
4 their duly authorized representatives to have access to such  
5 records for the purpose of audit and examination.

6 SEC. 4. Except where limited pursuant to cooperative  
7 agreement, hunting, fishing, and trapping shall be permitted  
8 on public land which is the subject of a conservation or reha-  
9 bilitation program.

10 SEC. 5. Any person who fails to possess a public land  
11 management area stamp as provided for in section 2 (c) or  
12 who violates or fails to comply with a regulation issued under  
13 section 2 (b) of this Act shall be fined not more than \$1,000  
14 or imprisoned for not more than six months, or both.

15 SEC. 6. As used in this Act, the term "public land"  
16 means all lands administered by the Secretary of the Interior,  
17 the Secretary of Agriculture, the Chairman of the Atomic  
18 Energy Commission, and the Administrator of the National  
19 Aeronautics and Space Administration, except such term  
20 does not include land which is, or hereafter may be within,  
21 or designated as, a military reservation or land which is,  
22 or hereafter may be, within, or designated as, a national  
23 park or monument or land which is, or hereafter may be,  
24 within, or designated as, an area of the National Wildlife  
25 Refuge System.



- 1        SEC. 7. There are authorized to be appropriated such
- 2        sums as may be necessary to carry out the purposes of this
- 3        Act.



93D CONGRESS  
1ST SESSION

# H. R. 733

---

## IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 1973

Mr. MAILLIARD introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

---

## A BILL

To extend and expand the authority for carrying out conservation and rehabilitation programs on military reservations, and to authorize the implementation of such programs on certain public lands.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That the Act entitled "An Act to promote effectual plan-  
4       ning, development, maintenance, and coordination of wild-  
5       life, fish and game conservation, and rehabilitation in military  
6       reservations", approved September 15, 1960 (16 U.S.C.  
7       670a-f) is amended—

8               (1) by inserting immediately after the first sen-  
9       tence of the first section thereof the following new sen-

I



1       tence: "Such cooperative plan shall provide for (1) fish  
2       and wildlife habitat improvements or modifications, in-  
3       cluding controlled burning upon such reservations, (2)  
4       range rehabilitation where necessary for support of wild-  
5       life, and (3) control of all-terrain vehicular traffic, in-  
6       cluding snowmobiles."; and

7       (2) by amending section 6 (b) thereof—

8               (A) by amending the first sentence thereof by  
9       inserting immediately after "July 1, 1971," the fol-  
10      lowing: "and not to exceed \$1,500,000 for the fiscal  
11      year beginning July 1, 1973, and for each of the  
12      next four fiscal years thereafter,"; and

13              (B) by inserting immediately before the last  
14      sentence thereof the following new sentence: "There  
15      is authorized to be appropriated to the Secretary  
16      of the Interior not to exceed \$1,000,000 for the fiscal  
17      year beginning July 1, 1973, and for each of the  
18      next four fiscal years thereafter to enable the  
19      Secretary to carry out such functions and responsi-  
20      bilities as he may have under cooperative plans to  
21      which he is a party under this title."

22      SEC. 2. Such Act of September 15, 1960, is further  
23      amended by adding at the end thereof the following:



1       “TITLE II—CONSERVATION PROGRAMS ON  
2                               CERTAIN PUBLIC LAND

3       “SEC. 201. (a) The Secretary of the Interior and the  
4 Secretary of Agriculture shall each, in cooperation with the  
5 State agencies and in accordance with comprehensive plans  
6 developed pursuant to section 202 of this title, plan, develop,  
7 maintain, and coordinate programs for the conservation and  
8 rehabilitation of wildlife, fish, and game. Such conservation  
9 and rehabilitation programs shall include, but not be limited  
10 to, specific habitat improvement projects and related  
11 activities.

12       “(b) The Secretary of the Interior shall implement the  
13 conservation and rehabilitation programs required under sub-  
14 section (a) of this section on public lands under his jurisdic-  
15 tion and on public land under the respective jurisdiction of  
16 the Chairman and the Administrator. The Secretary of Agri-  
17 culture shall implement such conservation and rehabilitation  
18 programs on public land under his jurisdiction.

19       “SEC. 202. (a) (1) The Secretary of the Interior shall  
20 develop, in consultation with the State agencies, a comprehen-  
21 sive plan for conservation and rehabilitation programs to be  
22 implemented on public land under his jurisdiction and the  
23 Secretary of Agriculture shall do the same in connection with  
24 public land under his jurisdiction.



1       “(2) The Secretary of the Interior shall, after consulta-  
2       tion with the Chairman, develop a comprehensive plan for  
3       conservation and rehabilitation programs to be implemented  
4       on public land under the jurisdiction of the Chairman and,  
5       after consultation with the Administrator, develop a compre-  
6       hensive plan for such programs to be implemented on public  
7       land under the jurisdiction of the Administrator. Each such  
8       plan shall be developed after the Secretary of the Interior  
9       makes, in cooperation with the Chairman or the Administra-  
10      tor, as the case may be, and in consultation with the State  
11      agencies, necessary studies and surveys of the land concerned  
12      to determine where conservation and rehabilitation programs  
13      are most needed.

14      “(b) Each comprehensive plan developed pursuant to  
15      this section shall be consistent with any overall land use and  
16      management plans for the lands involved. In any case in  
17      which hunting, trapping, or fishing (or any combination  
18      thereof) of resident fish and wildlife is to be permitted on pub-  
19      lic land under a comprehensive plan, such hunting, trapping,  
20      and fishing shall be conducted in accordance with applicable  
21      laws and regulations of the State in which such land is located.

22      “(c) (1) Each State agency may enter into a coopera-  
23      tive agreement with—

24               “(1) the Secretary of the Interior with respect to  
25               those conservation and rehabilitation programs to be im-



1       plemented under this title within the State on public  
2       land which is under his jurisdiction;

3       “(2) the Secretary of Agriculture with respect to  
4       those conservation and rehabilitation programs to be  
5       implemented under this title within the State on public  
6       land which is under his jurisdiction; and

7       “(3) the Secretary of the Interior and the Chair-  
8       man or the Administrator, as the case may be, with re-  
9       spect to those conservation and rehabilitation programs  
10      to be implemented under this title within the State on  
11      public land under the jurisdiction of the Chairman or  
12      the Administrator.

13     No conservation or rehabilitation program, nor any recom-  
14     mendation in any preliminary study or survey undertaken  
15     with respect to any such program, may be implemented  
16     under this title unless it is included within a cooperative  
17     agreement.

18     “(2) Any conservation and rehabilitation program in-  
19     cluded within a cooperative agreement entered into under  
20     this subsection may be modified in a manner mutually agree-  
21     able to the State agency and the Secretary concerned (and  
22     the Chairman or the Administrator, as the case may be, if  
23     public land under his jurisdiction is involved).

24     “(3) Each cooperative agreement entered into under  
25     this subsection shall—



1           “(A) specify those areas of public land within the  
2 State on which conservation and rehabilitation programs  
3 will be implemented;

4           “(B) provide for fish and wildlife habitat improve-  
5 ments or modifications, or both, including controlled  
6 burning on public land;

7           “(C) provide for range rehabilitation where nec-  
8 essary for support of wildlife;

9           “(D) require the control of all-terrain vehicular  
10 traffic, including snowmobiles;

11           “(E) if the issuance of public land area manage-  
12 ment stamps is agreed to pursuant to section 203 (a) of  
13 this title—

14               “(i) contain such terms and conditions as are  
15 required under section 203 (b) of this title;

16               “(ii) require the maintenance of accurate rec-  
17 ords and the filing of annual reports by the State  
18 agency to the Secretary of the Interior or the Secre-  
19 tary of Agriculture, or both, as the case may be, set-  
20 ting forth the amount and disposition of the fees  
21 collected for such stamps, and

22               “(iii) authorize the Secretary concerned and  
23 the Comptroller General of the United States, or  
24 their authorized representatives, to have access to



1           such records for purposes of audit and examination;

2           and

3           “(F) contain such other terms and conditions as  
4       the Secretary concerned and the State agency deem  
5       necessary and appropriate to carry out the purposes of  
6       this title.

7   A cooperative agreement may also provide for arrangements  
8   under which the Secretary concerned may authorize officers  
9   and employees of the State agency to enforce, or to assist in  
10  the enforcement of, section 204 (a) of this title.

11       “(4) Except where limited under a comprehensive plan  
12   or pursuant to cooperative agreement, hunting, fishing, and  
13   trapping shall be permitted on public land which is the sub-  
14   ject of a conservation and rehabilitation program imple-  
15   mented under this title.

16       “(5) The Secretary of the Interior and the Secretary  
17   of Agriculture, as the case may be, shall prescribe such regu-  
18   lations as are deemed necessary to control, in a manner con-  
19   sistent with the applicable comprehensive plan and coopera-  
20   tive agreement, the public use of public land which is the  
21   subject of any conservation and rehabilitation program im-  
22   plemented by him under this title.

23       “SEC. 203. (a) Any State agency may agree with the  
24   Secretary of the Interior and the Secretary of Agriculture



1 (or with the Secretary of the Interior or the Secretary of  
2 Agriculture, as the case may be, if within the State concerned  
3 all conservation and rehabilitation programs under this title  
4 will be implemented by him) that no individual will be per-  
5 mitted to hunt, trap, or fish on any public land within the  
6 State which is subject to a conservation and rehabilitation  
7 program implemented under this title unless at the time such  
8 individual is engaged in such activity he has on his person  
9 a valid public land management area stamp issued pursuant  
10 to this section.

11 “(b) Any agreement made pursuant to subsection (a)  
12 of this section to require the issuance of public land manage-  
13 ment area stamps shall be subject to the following conditions:

14 “(1) Such stamps shall be issued, sold, and the fees  
15 therefor collected, by the State agency or by the author-  
16 ized agents of such agency.

17 “(2) Except for expenses incurred in the printing,  
18 issuing, or selling of such stamps, the fees collected for  
19 such stamp by the State agency shall be utilized in carry-  
20 ing out conservation and rehabilitation programs imple-  
21 mented under this title in the State concerned and for no  
22 other purpose. If such programs are implemented by both  
23 the Secretary of the Interior and the Secretary of Agri-  
24 culture in the State, the Secretaries shall mutually agree,



1 on such basis as they deem reasonable, on the proportion  
2 of such fees that shall be applied by the State agency to  
3 their respective programs.

4 “(3) The purchase of any such stamp shall entitle  
5 the purchaser thereof to hunt, trap, and fish on any pub-  
6 lic land within such State which is the subject of a con-  
7 servation or rehabilitation program implemented under  
8 this title except to the extent that the public use of such  
9 land is limited pursuant to a comprehensive plan or co-  
10 operative agreement; but the purchase of any such stamp  
11 shall not be construed as (A) eliminating the require-  
12 ment for the purchase of a migratory bird hunting stamp  
13 as set forth in the first section of the Act of March 16,  
14 1934, commonly referred to as the Migratory Bird  
15 Hunting Stamp Act (16 U.S.C. 718a), or (B) relieving  
16 the purchaser from compliance with any applicable State  
17 game and fish laws and regulations.

18 “(4) The amount of the fee to be charged for such  
19 stamps, the age at which an individual is required to  
20 acquire such a stamp, and the expiration date for such  
21 stamps shall be mutually agreed upon by the State  
22 agency and the Secretary or Secretaries concerned; ex-  
23 cept that each such stamp shall be void not later than  
24 one year after the date of issuance.



1           “(5) Each such stamp must be validated by the  
2 purchaser thereof by signing his name across the face  
3 of the stamp.

4           “(6) Any individual to whom a stamp is sold  
5 pursuant to this section shall upon request exhibit such  
6 stamp for inspection to any officer or employee of the  
7 Department of the Interior or the Department of Agri-  
8 culture, or to any other person, who is authorized to en-  
9 force section 204 (a) of this title.

10          “SEC. 204. (a) Any person who—

11           “(1) hunts, traps, or fishes on any public land  
12 which is subject to a conservation and rehabilitation pro-  
13 gram implemented under this title without having on his  
14 person a valid public land management area stamp, if  
15 the possession of such a stamp is required; or

16           “(2) violates or fails to comply with any regula-  
17 tion prescribed under section 202 (c) (5) of this title;  
18 shall be fined not more than \$1,000, or imprisoned for not  
19 more than six months, or both.

20          “(b) (1) The Secretary of the Interior and the Secre-  
21 tary of Agriculture may designate and authorize officers  
22 and employees of their respective departments to enforce  
23 subsection (a) of this section. Such officers and employees,  
24 and any State officers or employees authorized under a co-



1 operative agreement to enforce such subsection (a) are  
2 authorized—

3 “(A) with or without warrant or other process, to  
4 arrest any person committing in his presence or view an  
5 offense under subsection (a) of this section; and

6 “(B) to execute any warrant or process issued by  
7 an officer or court of competent jurisdiction for the arrest  
8 of any person charged with the commission of any such  
9 offense.

10 “(2) Upon the sworn information by a competent per-  
11 son, any United States magistrate or court of competent  
12 jurisdiction may issue process for the arrest of any person  
13 charged with committing any offense under subsection (a) of  
14 this section.

15 “(3) Any person charged with committing any offense  
16 under subsection (a) of this section may be tried and sen-  
17 tenced by any United States magistrate designated for that  
18 purpose by the court by which he was appointed, in the same  
19 manner and subject to the same conditions as provided for  
20 in section 3401 of title 18, United States Code.

21 “(c) All guns, traps, nets, and other equipment, vessels,  
22 vehicles, and other means of transportation used by any  
23 person when engaged in committing an offense under sub-  
24 section (a) of this section shall be forfeited to the United



1 States and may be seized and held pending the prosecution  
2 of any person arrested for committing such offense. Upon  
3 conviction for such offense, such forfeiture shall be adjudi-  
4 cated as a penalty in addition to any other provided for  
5 committing such offense. Such forfeited property shall be  
6 disposed of and accounted for by, and under the authority  
7 of, the Secretary of the Interior or the Secretary of Agri-  
8 culture, as the case may be.

9 "SEC. 205. As used in this title—

10 " (1) The term 'Administrator' means the Adminis-  
11 trator of the National Aeronautics and Space Adminis-  
12 tration.

13 " (2) The term 'Chairman' means the Chairman of  
14 the Atomic Energy Commission.

15 " (3) The term 'public land' means all lands under  
16 the respective jurisdiction of the Secretary of the Interior,  
17 the Secretary of Agriculture, the Chairman, and the Ad-  
18 ministrator, except land which is, or hereafter may be,  
19 within or designated as—

20 " (A) a military reservation;

21 " (B) a national park or monument; or

22 " (C) an area within the national wildlife ref-  
23 uge system.

24 " (4) The term 'State agency' means the agency of a



1 State responsible for the administration of the fish and  
2 game laws of the State.

3 "SEC. 206. (a) There is authorized to be appropriated  
4 the sum of \$7,500,000 for the fiscal year ending June 30,  
5 1974, and for each of the next four fiscal years thereafter  
6 to enable the Department of the Interior to carry out its  
7 functions and responsibilities under this title.

8 "(b) There is authorized to be appropriated the sum of  
9 \$7,000,000 for the fiscal year ending June 30, 1974, and  
10 for each of the next four fiscal years thereafter to enable the  
11 Department of Agriculture to carry out its functions and re-  
12 sponsibilities under this title."

13 SEC. 3. Such Act of September 15, 1960, is further  
14 amended—

15 (1) by redesignating the first section and sections  
16 2 through 6 as sections 101 through 106, respectively;

17 (2) by striking out "That the Secretary of Defense"  
18 in section 101 (as so redesignated) and inserting in lieu  
19 thereof the following:

20 "TITLE I—CONSERVATION PROGRAMS ON  
21 MILITARY RESERVATIONS

22 "SEC. 101. The Secretary of Defense";

23 (3) by striking out "Act" the first time it appears  
24 in the proviso to section 102 (as so redesignated) and  
25 inserting in lieu thereof "title";



1           (4) by striking out "Act" each place it appears  
2           in sections 104 and 106 (as so redesignated) and insert-  
3           ing in lieu thereof "title"; and

4           (5) by striking out "sections 1 and 2" in section  
5           106 (as so redesignated) and inserting in lieu thereof  
6           "sections 101 and 102".



93D CONGRESS  
1ST SESSION

# H. R. 4327

---

## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 19, 1973

Mr. SIKES introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

---

## A BILL

To extend the authorization for appropriations to carry out conservation and rehabilitation programs on military reservations.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That section 6 (b) of the Act entitled "An Act to promote  
4       effectual planning, development, maintenance, and coordina-  
5       tion of wildlife, fish and game conservation, and rehabilita-  
6       tion in military reservations", approved September 15,  
7       1960 (16 U.S.C. 670f (b)) is amended by inserting im-  
8       mediately after "July 1, 1971," the following: "and not  
9       to exceed \$1,500,000 for the fiscal year beginning July 1,  
10      1972, and for each of the next four fiscal years thereafter,".



U.S. ATOMIC ENERGY COMMISSION,  
Washington, D.C., March 8, 1973.

HON. LEONOR K. SULLIVAN,  
*Chairman, Committee on Merchant Marine and Fisheries,*  
*House of Representatives.*

DEAR MRS. SULLIVAN: Thank you for the opportunity to express our views on H.R. 75 and H.R. 733, bills "[t]o extend and expand the authority for carrying out conservation and rehabilitation programs on military reservations and to authorize the implementation of such programs on certain public lands under the jurisdiction of the Department of the Interior, the Department of Agriculture, the Atomic Energy Commission, and the National Aeronautics and Space Administration, and for other purposes."

Although the Commission supports the basic objective of the proposed legislation to protect and conserve wildlife, fish and game resources on the public lands, we believe that Federal-state cooperation in this area can be effectively achieved administratively and without the need for additional statutory requirements. Accordingly, we would be opposed to enactment of H.R. 75 or H.R. 733 at this time.

The Atomic Energy Commission administers approximately 2.1 million acres of public lands. AEC's use of these lands is primarily related to production, research and test activities which involve both security and health and safety considerations. As an incident to its management and control of these lands, AEC has permitted hunting, fishing, and trapping where such activities would be consistent with AEC programmatic, security, and health and safety considerations and with applicable regulations issued by Federal, state, or local authorities.

The AEC has also, consonant with its programmatic functions, initiated a program of multiple land use which, we believe, does and will contribute significantly to an understanding of the environment and steps necessary to its conservation and enhancement.

The bills, as we understand them, would, among other things, authorize and direct the Secretary of the Interior, in cooperation with state fish and game departments, to carry out the planning, development, maintenance, and coordination of wildlife, fish and game conservation and rehabilitation programs on public lands administered by the Atomic Energy Commission and the National Aeronautics and Space Administration. These programs would be carried out in accordance with comprehensive plans developed by the Secretary in consultation with AEC and NASA. Such plans would regulate the public use of the public lands on which a conservation or rehabilitation program would be implemented, except that where hunting, trapping, or fishing is permitted under the plan, such activity would be conducted in accordance with applicable laws and regulations of the state in which the lands are located.

No program would be implemented unless it is included in a cooperative agreement entered into between the Secretary and the appropriate state agency. The Atomic Energy Commission or the National Aeronautics and Space Administration would be a party to those agreements involving public land under the jurisdiction of such agency. Programs could be modified by agreement of the Secretary, the state, and AEC or NASA, as the case may be, unless the Secretary considers such modification to be inconsistent with the purposes of this proposed legislation. Such agreements may require that persons seeking to hunt, trap, or fish have an unexpired annual public land management area stamp issued by the state for a fee as set forth in the cooperative agreement. The stamp fees would be used to defray the costs of administering the conservation or rehabilitation program. Failure to obtain the stamp or violation of a plan's regulations would be punishable as a misdemeanor.

Should the Committee conclude legislation desirable, the bills should be amended in order to clearly reflect that any conservation program to be put into effect on lands under the jurisdiction of AEC have the specific agreement of AEC in order that we may be assured that such program is compatible with AEC programmatic uses and needs, including health and safety considerations.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

R. E. HOLLINGSWORTH,  
*General Manager.*



DEPARTMENT OF AGRICULTURE,  
OFFICE OF THE SECRETARY,  
Washington, D.C., March 9, 1973.

HON. LEONOR K. SULLIVAN,  
*Chairman, Committee on Merchant Marine and Fisheries,  
House of Representatives.*

DEAR MADAM CHAIRMAN: This is in reply to your request for a report on H.R. 75 and H.R. 733, bills "To extend and expand the authority for carrying out conservation and rehabilitation programs on military reservations, and to authorize the implementation of such programs on certain lands."

This Department recommends that the bills not be enacted.

The bills would in part direct the Secretary of the Interior and the Secretary of Agriculture to develop and implement programs for the conservation and rehabilitation of wildlife, fish, and game on public land under their respective jurisdictions. Such programs would be conducted in accordance with a comprehensive plan developed in consultation with State agencies responsible for the administration of the fish and game laws. No program under Title II of the bills could be implemented on public lands by the Secretaries unless it were included within a cooperative agreement entered into with the State agencies. Cooperative agreements would stipulate, for example, the areas of public land within the State where programs will be implemented, and could provide for the issuance of public land management area stamps.

If the issuance of stamps was provided under a cooperative agreement, no individual would be permitted to hunt, trap, or fish on public land unless he had purchased a stamp. Proceeds from sale of the stamps could be utilized only to further the wildlife and fish conservation programs on public lands, as defined in the bills, within the States where collected. Penalties would be provided for persons hunting, trapping, or fishing without a valid stamp where required, and the Secretaries would be authorized to enforce provisions of the bill.

The Department of Agriculture fully endorses the general objectives of the bills to improve the management of wildlife and fish habitat on public land. However, the Secretary of Agriculture now has sufficient authority to develop and implement programs for the conservation of wildlife and fish on public lands under his jurisdiction. The Multiple Use-Sustained Yield Act of 1960 (74 Stat. 215), for instance, clearly establishes that the National Forests are established and are to be administered for wildlife and fish purposes.

We recognize the need for cooperation and coordination between States, which have responsibilities for wildlife and fish on Federal lands, and the Federal agencies, which have custody of the land and habitat upon which the animals are dependent. The Forest Service of this Department now has cooperative wildlife management agreements or memoranda of understanding with State fish and game agencies in each State which contains a significant acreage of National Forest System lands. The results of these mutual administrative efforts and the objectives of the comprehensive plan contemplated by the bills are nearly the same.

We expect strong Federal-State cooperation to continue under existing authorities, with a continued improvement of the wildlife and fish resources on the National Forest System and adjacent private lands. In 1971, the States contributed approximately one million dollars to wildlife and fish habitat improvement programs on National Forest lands. In addition to the cooperative agreements or memoranda of understanding, nine States now charge a special State fee for hunting or fishing on certain intensively managed National Forest System areas.

We are concerned with some of the new and mandatory authorities that the bills would provide. As we interpret section 202(c) of the bills, no wildlife or fish conservation or rehabilitation project could be undertaken by this Department on lands under its jurisdiction unless the project were included in a "cooperative agreement." Such a provision could seriously interfere with a range of authorized management activities on the National Forests which can have an impact on wildlife habitat. Further, section 202(c) would require that each "cooperative agreement" shall provide for controlled burning and control of all-terrain vehicular traffic. Options should be kept open on the use or non-use of controlled burning. We have adequate authority to control all-terrain vehicles, and along with the Department of the Interior, have recently proposed specific off-road vehicle regulations which could be applied whenever and wherever needed.



In view of adequate existing authority, and the possible imposition of requirements that would conflict with the overall responsibilities of this Department, we would prefer to continue existing arrangements and cooperative programs in lieu of those which would be provided by H.R. 75 and H.R. 733.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

J. PHIL CAMPBELL,  
*Under Secretary.*

---

COMPTROLLER GENERAL OF THE UNITED STATES,  
*Washington, D.C., April 4, 1973.*

HON. LEONOR K. SULLIVAN,  
*Chairman, Committee on Merchant Marine and Fisheries,  
House of Representatives.*

DEAR MADAM CHAIRMAN: Your letter of February 2, 1973, requested our views on H.R. 75, 93d Congress, entitled: "A BILL To extend and expand the authority for carrying out conservation and rehabilitation programs on military reservations, and to authorize the implementation of such programs on certain public lands."

The bill would impose limitations on the use of stamp fees collected by the States, but it does not include provisions for determining or enforcing compliance with those limitations. We recommend that the committee consider incorporating into the bill appropriate measures of enforcement to insure compliance with the limitations.

We have no other comments on the proposed legislation.

Sincerely yours,

PAUL G. DEMBLING,  
*Acting Comptroller General of the United States.*

---

COMPTROLLER GENERAL OF THE UNITED STATES,  
*Washington, D.C., February 20, 1973.*

B-167695.

HON. LEONOR K. SULLIVAN,  
*Chairman, Committee on Merchant Marine and Fisheries,  
House of Representatives.*

DEAR MADAM CHAIRMAN: This is in reply to your letter of February 2, 1973, requesting our comments on H.R. 731, 93d Congress, entitled: "A BILL To establish wildlife, fish, and game conservation and rehabilitation programs on certain lands under the jurisdiction of the Department of the Interior, the Department of Agriculture, the Atomic Energy Commission, and the National Aeronautics and Space Administration, and for other purposes."

While the bill imposes limitations on the use of stamp fees collected by the States, it does not prescribe the actions to be taken by the Government in cases where stamp fees are not used pursuant to those limitations. We recommend therefore that this matter be given consideration by the Committee.

We have no other comments on the bill.

Sincerely yours,

PAUL G. DEMBLING,  
(For the Comptroller General of the United States).

---

COMPTROLLER GENERAL OF THE UNITED STATES,  
*Washington, D.C., April 11, 1973.*

HON. LEONOR K. SULLIVAN,  
*Chairman, Committee on Merchant Marine and Fisheries,  
House of Representatives.*

DEAR MADAM CHAIRMAN: Your letter of February 2, 1973, requested our views on H.R. 733, 93d Congress, entitled: "A BILL To extend and expand the author-



ity for carrying out conservation and rehabilitation programs on military reservations, and to authorize the implementation of such programs on certain public lands."

We have no comments to offer on this bill.

Sincerely yours,

PAUL G. DEMBLING,  
(For the Comptroller General of the United States).

---

COMPTROLLER GENERAL OF THE UNITED STATES,  
*Washington, D.C., April 11, 1973.*

HON. LEONOR K. SULLIVAN,  
*Chairman, Committee on Merchant Marine and Fisheries,  
House of Representatives.*

DEAR MADAM CHAIRMAN: With respect to your letter of February 21, 1973, requesting our views on H.R. 4327, 93d Congress, "A BILL To extend the authorization for appropriations to carry out conservation and rehabilitation programs on military reservations," this is to advise that we have no comments to offer.

Sincerely yours,

PAUL G. DEMBLING,  
(For the Comptroller General of the United States).

---

GENERAL SERVICES ADMINISTRATION,  
*Washington, D.C., March 9, 1973.*

HON. LEONOR K. SULLIVAN,  
*Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.*

DEAR MADAM CHAIRMAN: Your letter of February 2, 1973, requested the views of the General Services Administration on H.R. 75 and H.R. 733, 93rd Congress, similar bills "To extend and expand the authority for carrying out conservation and rehabilitation programs on military reservations, and to authorize the implementation of such programs on certain public lands."

The bills provide for (1) the expansion of the existing Department of Defense program for the planning, development, maintenance and coordination of wildlife, fish and game conservation and rehabilitation in military reservations (including hunting and fishing regulation) in cooperation with the Department of the Interior and the appropriate State agency involved as authorized by the Act of September 15, 1960, (16 U.S.C. 670a-f); and (2) the establishment of a program similar to the conservation and rehabilitation program now authorized for the Department of Defense which would be applicable to the lands under the jurisdiction of the Department of Agriculture, the Department of the Interior, the Atomic Energy Commission, and the National Aeronautics and Space Administration.

Inasmuch as the wildlife, fish, and game conservation and rehabilitation programs relate to the management of lands in active use under the jurisdiction of the agencies concerned and would not involve disposition of such lands pursuant to the Federal Property and Administrative Services Act of 1949, as amended, the functions and responsibilities of GSA would not be affected by either bill.

Accordingly, we defer on the merits of the bill to the agencies directly concerned.

The Office of Management and Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of this report to your Committee.

Sincerely,

ALLAN G. KAUPINEN,  
*Assistant Administrator.*



U.S. DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
Washington, D.C., March 7, 1973.

HON. LEONOR K. (Mrs. JOHN B.) SULLIVAN,  
*Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.*

DEAR MADAM CHAIRMAN: Your Committee has requested that views of this Department on the following:

H.R. 75, a bill "To extend and expand the authority for carrying out conservation and rehabilitation programs on military reservations, and to authorize the implementation of such programs on certain public lands";

H.R. 731, a bill "To establish wildlife, fish, and game conservation and rehabilitation programs on certain lands under the jurisdiction of the Department of the Interior, the Department of Agriculture, the Atomic Energy Commission, and the National Aeronautics and Space Administration, and for other purposes";

H.R. 733, a bill "To extend and expand the authority for carrying out conservation and rehabilitation programs on military reservations, and to authorize the implementation of such programs on certain public lands"; and

H.R. 4327, a bill "To extend the authorization for appropriations to carry out conservation and rehabilitation programs on military reservations".

We recommend in favor of enactment of H.R. 4327, and against the enactment of H.R. 75, H.R. 731, and H.R. 733.

Each of these bill would amend, in some way, the Act of September 15, 1960, as amended (16 U.S.C. 670a-f). This Act provides for participation by the Department of the Interior and Defense and State agencies in planning, development and maintenance of fish and wildlife resources on military reservations throughout the United States, and authorizes a cooperative migratory game bird management program on such reservations. The Act was amended in 1968 to authorize a program for development of and maintenance of outdoor recreation resources and annual appropriations of \$500,000 to the Defense Department in fiscal years 1969, 1970 and 1971.

H.R. 75 and H.R. 733 would extend the appropriations authorized in section 6(b) of the Act of September 15, 1960, for an additional five years, July 1972 through July 1, 1976. In addition, they would authorize an annual appropriation of \$1.5 million, an increase of \$1 million over the previous authorized annual funding level, to the Department of Defense. A new appropriation is included for the Secretary of the Interior of \$1 million annually. In addition, both bills would amend section 1 of the Act of September 15, 1960, by adding new language specifying the activities to be included in the required cooperative management plans.

H.R. 4327 also amends the Act of September 15, 1960, by extending the Department of Defense annual appropriation to July 1, 1976. The bill provides for an increase in Department of Defense funding not to exceed \$1.5 million.

H.R. 75, 731 and 733 include an amendment to the Act of September 15, 1960, which would add a new title providing for conservation and rehabilitation of wildlife, fish and game on certain public lands under the jurisdiction of the Department of the Interior, the Department of Agriculture, the AEC and NASA.

Considerable military land contains habitat important to the management and preservation of migratory birds, while other areas are or could be essential for the survival of this Nation's endangered animals. Furthermore, military installations which have active programs under the Act of September 15, 1960, support over 1.5 million man-days of fishing and considerable hunting. With adequate technical assistance this high-demand wildlife related outdoor recreation activity could be easily doubled.

Requests from military installations for technical advice and assistance and to implement cooperative plans are far in excess of our ability to respond. Our fish and wildlife specialists are able to provide only minimal assistance. A total of 241 cooperative agreements covering approximately 19 million of the total 26 million acres of land controlled by the Department of Defense are currently in effect.

In fiscal year 1972 we were able to provide 3 man-years of effort to this program. This meant that some 25,000 acres of water, seven hundred miles of streams or several thousand acres of land can be given only a quick check. In fiscal year 1973 the number of man-years of effort we can provide will be about the same.



We estimate that about \$750,000 would be required to prepare and maintain management plans and provide an adequate level of technical assistance. An equal or larger amount would be required to implement the plans. Initially a small portion of the money can be obtained from revenues generated from charges for hunting and fishing. Eventually, with adequate development, revenues might be sufficient to support most of the program requirements.

While we favor extending the authorization for this program for an additional five years, we do not believe there is a need for additional authority as provided in H.R. 75, H.R. 731 and H.R. 733 for the improvement of fish and wildlife habitat on public lands. Accordingly, we recommend the enactment of H.R. 4327, with the understanding that program funding will be predicated on present and future fiscal conditions and that continued and increased emphasis should be given to the collection of fees.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

JOHN KYL,  
*Assistant Secretary of the Interior.*

---

DEPARTMENT OF JUSTICE,  
*Washington, D.C., May 15, 1973.*

HON. LEONOR K. SULLIVAN,  
*Chairman Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.*

DEAR MADAM CHAIRMAN: This is in response to your request for the views of the Department of Justice on H.R. 731, 93d Congress, a bill to establish wildlife, fish, and game conservation and rehabilitation programs on certain lands under the jurisdiction of several named Federal agencies.

The bill, identical to a November 26, 1971 Committee Print of H.R. 9754, 92d Congress, would authorize and direct the Secretary of the Interior, in consultation with the agency heads involved, to plan, develop, maintain and coordinate such programs, including habitat improvement projects, on "public land" as defined in the bill, under the jurisdiction of the Department of the Interior, the Atomic Energy Commission, and the National Aeronautics and Space Administration. The Secretary of Agriculture would be given similar authority as to land under his jurisdiction.

Subsection 2(a) provides for the development of comprehensive plans for such programs, in consultation with State fish and game departments.

Subsection 2(b) provides that each comprehensive plan so developed shall specify regulations with respect to public use of the land involved, except that where hunting, trapping, or fishing of resident fish and wildlife is permitted under the plan, the laws and regulations of the State would apply.

Subsection 2(c) provides that no conservation or rehabilitation program, nor any recommendation in any preliminary study or survey, may be implemented unless it is included in a cooperative agreement with a State designated agency.

The underlying purpose of this bill does not appear to be that of fostering the conservation and rehabilitation of fish and wildlife resources, but rather that of vesting in State agencies authority over fish and wildlife and their habitat on the major Federal land holdings involved beyond that which are presently vested in them under the Constitution and statutes.

The bill would subordinate Federal fish and wildlife management policies to the management policies of the States where such Federal land happens to be situated. If enacted, these provisions would completely frustrate the development of an overall national program or policy for the conservation and rehabilitation of fish and wildlife resources and would hinder the Federal Government in the performance of its wildlife management as well as other management responsibilities and functions. The extent to which this bill, if enacted would unreasonably burden the several affected Federal agencies in the administration of programs relating to the conservation and rehabilitation of fish and wildlife resources can best be stated by those agencies. However, in the view of the Department of Justice, the obstacles which would be presented to Federal officials in the administration of their programs would not be in the public interest.



It may be noted that this bill is also inconsistent with a basic recommendation with respect to fish and wildlife made by the Public Land Law Review Commission:

Federal officials should be given statutory authority for final land use decisions that affect fish and wildlife habitat or populations on the public lands. But they should not take action inconsistent with state harvesting regulations except on a finding of overriding national need after adequate notice to, and full consultation with, the states. (Recommendation 60, PLLRC Rept. June 1970, p. 158).

It should be noted that appropriate Federal agencies do, to a large extent, require that State laws be complied with in the taking of game and fish from the public lands of the United States where such activities are compatible with the purposes for which the land is administered.

For the reasons indicated, the Department of Justice recommends against enactment of this bill.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

MIKE McKEVITT,  
*Assistant Attorney General.*

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,  
*Washington, D.C., March 7, 1973.*

Hon. LEONOR K. SULLIVAN,  
*Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.*

DEAR MADAM CHAIRMAN: This is in further reply to your request for the comments of the National Aeronautics and Space Administration on the bills H.R. 75 and H.R. 733, both entitled, "To extend and expand the authority for carrying out conservation and rehabilitation programs on military reservations, and to authorize the implementation of such programs on certain public lands."

These bills, which are substantially the same, would extend and expand the authority for carrying out wildlife, fish, and game conservation and rehabilitation programs on military installations, and would authorize the implementation of such programs on lands of the Department of the Interior, the Department of Agriculture, the Atomic Energy Commission, and the National Aeronautics and Space Administration.

With specific regard to the provisions applicable to this agency, H.R. 75 and H.R. 733 provide that the Secretary of the Interior shall, after consultation with the Administrator of NASA, develop a comprehensive plan for such programs as are to be implemented on public lands under the jurisdiction of NASA. Each such plan will be developed after the Secretary, in cooperation with the Administrator, and in consultation with cognizant State agencies, studies and surveys the land to determine where conservation and rehabilitation programs are most needed. Further, each comprehensive plan so developed must be consistent with NASA's over-all land use and management plans for the particular land. No conservation or rehabilitation program may be implemented until it is included within cooperative agreement entered into by the Secretary of the Interior, the Administrator of NASA, and the State agency concerned. The proposed legislation would require the Secretary of the Interior to prescribe regulations for the control, in a manner consistent with the comprehensive plan and cooperative agreement, of the public use of land subject to any conservation and rehabilitation program.

Certain major NASA installations would be excepted by the terms of the bills from inclusion in the above conservation and rehabilitation programs. Kennedy Space Center and Wallops Station would be excepted because, by interagency agreement, they are already within the national wildlife system. The Marshall Space Flight Center and portions of certain other NASA installations would be excepted because they are within the perimeter of a military installation.

It is generally NASA policy to seek multiple use of its lands provided such uses are subservient to the agency's overriding mission, and provided such uses are compatible with NASA current and foreseeable programs. The substantive content of H.R. 75 and H.R. 733 does not conflict with this current NASA policy. However, this agency already possesses adequate authority to enter into plans



and agreements such as are described in the proposed legislation. The aforementioned agreements with the Department of the Interior concerning the Kennedy Space Center and Wallops Station are very satisfactory examples of this.

As stated above, the Department of the Interior would, under the proposed legislation, be the agency responsible for the preparation of any plans involving NASA land. Furthermore, under the legislation, the Department of the Interior would also have responsibility for implementing plans on lands of the Atomic Energy Commission and lands under its own control. The NASA lands constitute only a very small proportion of the acreage involved. Accordingly, NASA defers to the Department of the Interior, as the principal agency involved, for a determination as to the need for and desirability of this legislation.

The Office of Management and Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of this report to the Congress.

Sincerely,

GERALD J. MOSSINGHOFF.

(For H. Dale Grubb, Assistant Administrator for Legislative Affairs).

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,  
Washington, D.C., March 7, 1973.

HON. LEONOR K. SULLIVAN,  
*Chairman, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.*

DEAR MADAM CHAIRMAN: This is in further reply to your request for the comments of the National Aeronautics and Space Administration on the bill H.R. 731, "To establish wildlife, fish, and game conservation and rehabilitation programs on certain lands under the jurisdiction of the Department of the Interior, the Department of Agriculture, the Atomic Energy Commission, and the National Aeronautics and Space Administration, and for other purposes."

H. R. 731 would provide for the establishment of wildlife, fish, and game conservation and rehabilitation programs on certain lands under the jurisdiction of the Department of the Interior, the Department of Agriculture, the Atomic Energy Commission, and the National Aeronautics and Space Administration. The programs developed by the Department of the Interior on NASA or AEC land will be developed in consultation between Interior, the State in which such program is to be carried out, and AEC and NASA. The bill provides that it will be necessary for such programs, before implementation, to be included in a co-operative agreement entered into between Interior, the State, and AEC and NASA when public land under the jurisdiction of either such agency is involved.

Inasmuch as NASA has existing authority to enter into cooperative agreements, we would defer to the Department of the Interior as the principal agency for a determination as to the need for and desirability of this legislation.

The Office of Management and Budget has advised that, from the standpoint of the Administration's program, there is no objection to the submission of this report to the Congress.

Sincerely,

GERALD J. MOSSINGHOFF.

(For H. Dale Grubb, Assistant Administrator for Legislative Affairs).

THE GENERAL COUNCIL OF THE TREASURY,  
Washington, D.C., March 9, 1973.

HON. LEONOR K. SULLIVAN,  
*Chairman, Committee on Merchant Marine and Fisheries,  
House of Representatives, Washington, D.C.*

DEAR MADAM CHAIRMAN: Reference is made to your requests for the views of this Department on H.R. 75 and H.R. 733, similar bills, "To extend and expand the authority for carrying out conservation and rehabilitation programs on military reservations, and to authorize the implementation of such programs on certain public lands", H.R. 731, "To establish wildlife, fish, and game conservation and rehabilitation programs on certain lands under the jurisdiction of the



Department of the Interior, the Department of Agriculture, the Atomic Energy Commission, and the National Aeronautics and Space Administration, and for other purposes", and H.R. 4327, "To extend the authorization for appropriations to carry out conservation and rehabilitation programs on military reservations."

H.R. 75, H.R. 731, and H.R. 733 would authorize the Secretaries of the Interior and Agriculture, in connection with appropriate State agencies, to develop and carry out plans for the development, maintenance, and coordination of wildlife, fish and game conservation and rehabilitation programs on public lands administered by them respectively. The Secretary of the Interior would further be authorized to develop and carry out similar plans for lands administered by the National Aeronautics and Space Administration and the Atomic Energy Commission. The proposed program would be implemented under cooperative agreements entered into by the responsible Federal officials with State agencies. Agreements could provide that no individual be allowed to hunt, trap, or fish on public land on which a conservation or rehabilitation program was being carried out under this legislation without a "public land management area stamp". Any such stamps under such an agreement would be issued by the State, and stamp fees would be earmarked for carrying out conservation or rehabilitation programs in the State. H.R. 731 would require State agencies to file annual reports to the Secretary of the Interior or the Secretary of Agriculture setting forth the amount and disposition of stamp fees, and the respective Secretaries and the Comptroller General of the United States would have access to such records for audit and examination.

Since such stamps would authorize the use of Federal lands, and could not be issued unless required pursuant to cooperative agreements between the State agency and the responsible Federal officials, receipts from the sale of the proposed public land management area stamps should be treated as Federal receipts and should be deposited in the Treasury.

As a general principle of effective budgetary management, Federal receipts should not be earmarked for particular purposes but should be available in the general fund of the Treasury for appropriation by the Congress for current programs and objectives. Legislative enactments setting aside certain receipts for particular expenditure purposes tend to introduce undesirable rigidities into the budget process and to limit the flexibility of the President and the Congress in determining priorities on the basis of their evaluation of current needs. In addition, since expenditures would be authorized other than through appropriation Acts, backdoor financing is involved.

The Act of September 15, 1960, as amended, which contains an authorization of \$500,000 per annum that expired on June 30, 1972, authorized the Secretary of Defense to carry out conservation programs on military reservations in cooperation with the Secretary of the Interior and appropriate State agencies. H.R. 75 and H.R. 733 would authorize appropriations of \$2,500,000 per year and H.R. 4327 would authorize appropriations of \$1,500,000 per year for an additional five years for this program. The financial provisions of this program substantially raise the same problems as those discussed above. Accordingly, the Department would be opposed to its continuation.

In view of the foregoing, the Department would be opposed to the financial provisions of the proposed legislation.

The Department has been advised by the Office of Management and Budget that there is no objection from the standpoint of the Administration's program to the submission of this report to your Committee.

Sincerely yours,

SAMUEL R. PIERCE, Jr.,  
General Counsel.

Mr. DINGELL. Our good friend and colleague, Congressman Robert F. Sikes was to be the first witness but he is detained in an Appropriations subcommittee hearing and asked that he be permitted to appear a little later on.

Consequently, our first witness this morning will be an old friend of the Chair and our very good friend, Dr. Joseph P. Linduska, Associate Director of the Bureau of Sport Fisheries and Wildlife, Department of Interior.



Dr. Linduska, the Chair notes Mr. Fielding is also here. If you would like to have him at the table with you please bring him up. He is a very respected and able individual.

Dr. LINDUSKA. Thank you, Mr. Chairman.

In addition, I have Miss Suzanne Mayer, Bureau of Sport Fisheries and Wildlife Office of Legislative Service and Mr. John Powell of our Departmental Office of Legislation.

Mr. DINGELL. We are certainly happy to welcome you to the committee and you may proceed.

**STATEMENT OF JOSEPH P. LINDUSKA, ASSOCIATE DIRECTOR, BUREAU OF SPORT FISHERIES AND WILDLIFE, DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY RUSSELL FIELDING AND SUZANNE MAYER, OFFICE OF LEGISLATIVE SERVICE; AND JOHN POWELL, DEPARTMENTAL OFFICE OF LEGISLATION**

Dr. LINDUSKA. Mr. Chairman, I am pleased to appear before your subcommittee to testify in support of H.R. 4327. This act would extend the Department of Defense annual appropriation to July 1, 1977, and provide for an increase in Department of Defense funding not to exceed \$1.5 million. I will also comment on H.R. 75 and H.R. 733.

The Department of Defense, with control over approximately 26 million acres of land, has an important role to play in fish and wildlife conservation and wildlife-oriented outdoor recreation.

Cooperative agreements covering fish and wildlife management, developed pursuant to the act of September 15, 1960, are in effect on about 200 military installations covering 19 million acres. Much of this land has tremendous wildlife enhancement potential while other areas are, or could be, important in the preservation of this Nation's threatened and endangered animals. For example, three military installations along the lower California coast, Imperial Beach Naval Air Station, Camp Pendleton, and Point Mugu Naval Air Station, contain important nesting areas for the California least tern and the light-footed clapper rail; both endangered.

On the China Lake Naval Ordnance Test Station, Calif., watering areas have been developed for the rare desert bighorn sheep. This installation also provides habitat for the desert tortoise, classified by the State of California as a fully protected species. Mohave chub, an endangered species, have been stocked in ponds on this base to insure their protection. The Elk Hills Naval Petroleum Reserve, Calif., serves as a refuge for the endangered San Joaquin Kit Fox. Fort Hood and Camp Bullis in Texas have set aside and are protecting habitat for the rare golden-cheeked warbler.

A cooperative agreement between this Bureau and the Air Force Aerial Gunnery Range in South Dakota serves to protect the endangered black-footed ferret. The Okaloosa darter, which is proposed for listing as an endangered species, is found in only five small streams originating on Eglin Air Force Base in Florida.

With the skyrocketing costs of land, it is essential that we maximize other sources for insuring the preservation of the Nation's threatened wildlife. Vast areas of our public lands, administered by the Defense Department, have outstanding potential as wildlife habi-



tat. These areas can be developed and managed for wildlife thereby avoiding the additional costs of new area acquisition. In light of the present restrictions placed on Land and Water Conservation Act funds for land acquisition, it is now more critical that we exploit this opportunity for wildlife preservation.

In addition to the potential habitat provided on military lands for the protection of rare and endangered animals, installations which have active programs for fish and wildlife management support over 1.5 million man-days of fishing and considerable hunting. We do not have statistical data on other recreational activities enjoyed on these lands. Without question, however, use is being made by pleasure boaters, nature photographers, birdwatchers, amateur naturalists, and others in pursuit of high quality outdoor recreation. We know that the demand for this type of wildlife-oriented recreation is increasing at a faster rate than it can be provided.

Military lands in many locations across the country can be developed to supplement existing overtaxed public recreation facilities. With an adequate level of technical advice and assistance, opportunities for hunting, fishing, and other wildlife-related outdoor recreation activities can easily be doubled on military lands.

Requests for technical assistance far exceed our capacity to respond. As a result, many opportunities are lost to the detriment of wildlife as well as the general public even though this program has been in existence for over 20 years.

To emphasize the extent of our minimal ability to respond in fiscal year 1972 we were only able to provide 3 man-years to effort. This means less than one visit annually to each installation served. Three visits each year are essential if we are to provide an adequate level of technical assistance and advice. While this man-year effort will remain roughly the same in fiscal year 1973, we expect it to decline in fiscal year 1974 due to rising costs and funded program priorities. Unless we can be reimbursed for services rendered, it will be virtually impossible to provide anything more than token participation in this program.

We estimate that about \$750,000 would be required to prepare and maintain management plans and provide an adequate level of technical assistance on military lands alone. An equal or larger amount would be required to implement the plans. Part of these costs can be offset by collection of hunting and fishing fees on all areas open for such activity. By supplementing the revenues received from hunting and fishing with appropriated funds more areas can be developed. Eventually, with adequate development, revenues might be sufficient to support most of the program requirements.

Because the Department of Defense has jurisdiction over public lands where military installations are located, we feel that funding would best be authorized to them with transfers or reimbursement to the Department of the Interior or other agencies for technical assistance.

It is partly because of this situation that we do not favor the comprehensive public lands wildlife management programs proposed in H.R. 733 and in title II of H.R. 75. However, even with assurance of adequate funding, we presently have authority to accomplish essentially the same purpose. H.R. 733 and title II of H.R. 75 propose pro-



grams for fish and wildlife conservation on public lands. They direct the Departments of the Interior, and Agriculture, as well as NASA and the AEC to develop comprehensive plans for all public lands within their jurisdictions in consultation with the States.

These plans are not to be implemented unless the land in question is within a State which has entered into a cooperative agreement with the respective Federal land managing agency. The cooperative agreements specify habitat improvements, control the use of off-road vehicles, and state whether a public land area management stamp is required for hunting on those public lands. In addition, these bills authorize \$7.5 million for fiscal year 1972 and \$7 million for the next 4 fiscal years thereafter.

Because we have implemented programs for wildlife management on our public lands in concert with the States, we feel that our emphasis should be in procuring the necessary funding for technical assistance within existing legislative authorities, budgetary constraints and our projected personnel capabilities.

Enactment of H.R. 4327 would provide the necessary impetus to the enhancement of fish and wildlife on military lands for development of high quality wildlife-oriented outdoor recreation.

In our opinion, enactment of H.R. 75 or H.R. 733 would not be advisable at this time.

Thank you, Mr. Chairman.

Now, Mr. Chairman, if you or the committee have any questions we will be glad to respond.

Mr. DINGELL. Dr. Linduska, the committee is grateful to you for your statement. It is always a pleasure to see you as an old friend.

The Chair would like to say that we have new members on the subcommittee in attendance today, Mr. Rooney, Mr. Studds, and Mr. Pritchard. The Chair would like to welcome each of you to this body and I am satisfied you will be valuable members of this particular subcommittee. The other members of the subcommittee who are here this morning have proven themselves to be valuable members and have also proven themselves in the field of conservation and environment; Mr. de la Garza, Mr. Anderson, and Mr. Goodling.

Dr. Linduska, before I turn the matter over to questions for our colleagues perhaps maybe we could hear our colleague Mr. Sikes and then you can come back up to the witness table for questioning.

Would that be acceptable to you, sir?

Dr. LINDUSKA. Certainly.

Mr. DINGELL. If there is no objection from the members of the subcommittee the Chair will welcome our good friend, the Honorable Bob Sikes of Florida, a distinguished conservationist, hunting companion, and a friend of the present occupant of the chair for as long as I can recall, and an outstanding and effective legislator.

#### **STATEMENT OF HON. ROBERT L. F. SIKES, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA**

Mr. SIKES. Mr. Chairman, you are very kind. I do appreciate your courtesy in hearing me and the courtesy of your committee and that of the distinguished witnesses who preceded me in allowing me to proceed at this time. I am needed at a very important reprogramming ses-



sion of the Defense Subcommittee on Appropriations and I had promised to be back there as soon as I can, but the legislation now before you is such an important matter to the Nation that I wanted to appear personally to discuss it.

It gives me great pleasure to appear before this distinguished committee in support of legislation which would provide increased legislative authority and support for the protection of fish and wildlife resources on lands controlled by the Department of Defense and other Government agencies.

This bill would amend the act of September 15, 1960 (16 U.S.C. 670f (b)). One of my bills H.R. 4327 would be a simple extension of a law which expired last year. The other, H.R. 75, which I have co-sponsored with my good and distinguished friend, Mr. Dingell, would considerably broaden the authority and provide additional authority which I feel is very much needed.

It provides in section 1 direction for the development of a cooperation plan and amends the authorization to provide funds to both the Secretary of the Interior and the Secretary of Defense for carrying out the purposes of the act.

The authorization to the Secretary of Defense will not exceed \$1.5 million and for the Secretary of the Interior not to exceed \$1 million for the fiscal year beginning July 1, 1972, and for the next 4 fiscal years.

Section 2 of H.R. 75 provides for the development of comprehensive conservation programs in cooperation with the States on lands administered by the Secretaries of Agriculture and the Interior and the Administrator of NASA and the Chairman of the Atomic Energy Commission.

The collection of fees is authorized pursuant to cooperative agreement and funds are authorized for the Department of Agriculture and the Interior to implement planning and development of cooperative agreements.

I want to focus my attention on Defense lands since I am most familiar with them.

A highly successful conservation program on Eglin Air Force Base, Fla., which is in my district, was the pattern for the act which provided for wildlife conservation programs when feasible on all military reservations. All of us are justifiably proud of the nationally recognized conservation program at Eglin Air Force Base which has made hunting and fishing available to all the citizens. This program is largely self-sustaining as the result of fees charged for hunting and fishing.

This legislation served as a tremendous catalyst and exceptional progress was made in developing fish and wildlife conservation programs on military lands under cooperative agreements and through a variety of means. However, many reservations did not have the wildlife resources necessary to generate development funds through use of fees. Many do not have forestry or other related programs which often produce secondary benefits to fish and wildlife. They require appropriated funds in order to establish programs which may in time become self-sustaining.

To correct this deficiency, the act was amended in 1968 to authorize an appropriation not to exceed \$500,000 per year for fiscal years 1970,



1971, and 1972. Unfortunately the Department failed to take advantage of the authorization.

In this period of environmental concern, this appears to be unpardonable.

The Department of Defense administers 26 million acres of land located in a variety of habitats and capable of supporting an unusual array of fish and wildlife species. Although these lands may produce fish for the creel and game for the bag, they also serve as bastions for endangered species, and as areas for research and reintroduction of depleted species.

Military bases along the South Atlantic gulf coast serve their military mission and also offer protection for the endangered alligator and southern bald eagle. Osprey, a bird which is in some difficulty also finds a refuge. The Okloosa darter which is found only on Eglin Air Force Base is being considered for listing as an endangered species by the Department of the Interior.

Camp Pendleton, Calif., Marine Base contains one of the largest nesting colonies of endangered California least tern. This installation also has an active program for protecting raptors, including the bald eagle and peregrine falcon.

An area of mature cedar has been set aside at Fort Hood to protect the rare golden-cheeked warbler.

The Naval Ammunition Depot at McAllister, Okla. appears to be suitable for the reintroduction of the greater prairie chicken.

These examples point out some of the contributions military lands can and should make to protect unique fish and wildlife species when it does not interfere with their primary mission.

Military lands also serve as breeding, nesting, and feeding areas for our Nation's migratory waterfowl and upland game bird resources. Construction and installation of improvements such as nesting boxes and watering tanks would yield corresponding larger benefits.

I would like to call your attention to one other example of good management and the type of potential we can expect if we properly fund these programs. At Tyndall Air Force Base in my district, and which incidentally has a very outstanding program, national winner in service competition on several occasions, about 16,000 man-days of fishing were supported by several ponds with a surface area of about 100 acres. Many who fished these ponds were young people. Youngsters getting a chance to see conservation in action, learning what ecology is all about.

Title II of H.R. 75 would apply to the Bureau of Land Management, Forest Service, Atomic Energy Commission, and National Aeronautics and Space Administration lands—roughly 500 million acres.

From personal knowledge and from information provided by conservationists, wildlife conservation programs on most of these lands are in their infancy. There are many excellent programs on National Forests which have been developed cooperatively with the States. Even these programs are excellent only by comparison with the underdeveloped areas and there is room for improvement.

Funds for this work could be a joint responsibility of the primary user and the general public—a partnership for the development and protection of the wildlife resources on our public lands. The sports-



man is willing to pay for value received. Fees have provided funds for development of military lands.

The pattern has been established and there is no reason for not charging for the use of other public lands where there are suitable harvestable wildlife population. However, as I have pointed out, development may be needed before significant changes are warranted.

With the emphasis on endangered species and other environmental concerns, I have come to the realization that these programs may never be self-sustaining. The Government has an obligation to exercise wise stewardship. The burden should not rest with the hunter and fisherman alone for others enjoy wildlife also.

The \$500,000 which has been authorized each year since the enactment of the Sikes Act to carry out the provisions of this act which will expire on June 30, 1973 will be extended under H.R. 75 for an additional 5 years beginning with fiscal year 1973.

In addition, \$1 million which is based on last year's estimates will be authorized for the Secretary of the Interior to carry out his responsibilities under this act.

Also, an item in the amount of \$7 million is authorized for the Secretary of Agriculture. Since approximately \$6 million is already being expended by the Department of Agriculture, only \$1 million is actually being authorized. Likewise, the Secretary of the Interior gets \$7.5 million to carry out his responsibilities for AEC, NASA, and BLM lands. Out of this amount, approximately \$4.5 million has been expended in past years.

The money should be made available to the Department of Defense for implementation of its program. Where necessary, transfers can be made to other agencies that might assist in the planning and implementation for the conservation program. Since fiscal year 1973 is almost over, I respectfully request that 1973 be inserted in lieu of 1972 where it appears in line 10 of H.R. 4327. The amendment would then read "and not to exceed \$1.5 million for the fiscal year beginning July 1, 1973 and for each of the next 4 fiscal years thereafter." I would also suggest the same amendment for H.R. 75.

Mr. Chairman, I strongly urge passage of one of these very important measures as evidence of our determination to insure wise stewardship of our public lands. The return will have a positive environmental impact on our conservation effort.

I am happy to be privileged to appear before this committee whose work I respect so highly and I will gladly answer your questions.

Mr. DINGELL. It was a privilege to have you with us, Mr. Sikes.

Mr. Anderson?

Mr. ANDERSON. Thank you, Mr. Chairman.

First, Mr. Sikes, I want to commend you on your leadership in this field of fish and wildlife. I also want to tell you about my little problem and ask you for help.

I noticed you referred to Camp Pendleton. Dr. Linduska mentioned three islands off the southern California coast, but I represent several islands. One of them is the San Clemente Island which is about 40 miles offshore and almost on down to the Mexican border. It is basically a naval base; not actually a base but used by the Navy for various purposes. They have an underwater missile tracking station, a target



practice area, some other underwater activity facilities, and they also have an airfield for takeoff and landing practice.

I have been out there many times.

I might also tell you I have been after the Navy for some time along with the county of Los Angeles, and practically every recreational and fishing group, to utilize it for different limited uses. We have tried to get a harbor of refuge on the island. We feel this can be worked out without endangering or bothering what the Navy is doing there.

I met with Navy leadership back here and they tell me it is just not feasible. I asked them, "Have you ever been to the island?" And their answer was "No." I then asked them, "Have you ever seen the island?" And again, they said "No."

Following that, I was able to get some very high level visits by Navy people out to the island even though it is a remote area. I have been out on the island, talking to the men there, both men in the Navy and the contract civilians. Everyone I have spoken with agrees with me. Of course, you could have harbor refuge and it would in no way bother, and yet, when we come back here we get the same old story, that it is not feasible. Everybody that has been out there knows it is feasible.

My question to you is, How can you help me in what I am trying to do? Perhaps I should go to your committee. What can you do to help me shake the Navy position back here on being a little more cooperative? We just cannot get them to move.

MR. SIKES. I know the area. I have not visited the island. I hope someday that I may. I know that it has an important function in the defense program. I know that it has also a fine wildlife potential and recreational potential. In my opinion, it is feasible to do the things that the distinguished gentleman has suggested.

Let me say that they can be done under the terms of this legislation.

I am sorry to hear that my good friend has had so much difficulty getting his message across.

I, personally, will undertake to help you and I will welcome you before my Subcommittee on Military Construction if you should see fit to appear for further discussions on this subject.

I commend the gentleman for what he is trying to do and I will help to the extent I can.

MR. ANDERSON. Thank you.

MR. DINGELL. Mr. Goodling?

MR. GOODLING. Thank you, Mr. Chairman.

Mr. Sikes, on page 2 of your statement, you say \$500,000 was appropriated for 3 years.

MR. SIKES. Not appropriated, authorized. There never was money appropriated under the authorization.

MR. GOODLING. Then authorized.

MR. SIKES. If I said appropriated, that is a mistake. It is authorized, and no money was ever appropriated under the act. The Department did not ask for it to be appropriated, I am very sorry to say.

MR. GOODLING. Your next statement, then, says the Department failed to take advantage of the authorization.

What department was at fault?



Mr. SIKES. The Department of Defense.

Mr. GOODLING. On page 4 and page 5, you also speak of the Department of Agriculture having spent \$6 million. How was this money spent?

Mr. SIKES. I am not well versed on the details of other programs, but I know that Agriculture has a broad program which includes wildlife conservation.

Your distinguished chairman may be more familiar with that than I because he has dealt broadly in this field. My experience has been primarily with the Department of Defense.

Mr. GOODLING. Well, that statement raises this question in my mind. We are dealing with too many different departments; do you not think so?

Mr. SIKES. I do not think so because each of these departments is charged with responsibility for certain public plans and this bill is intended to be broad enough so the improvement programs can be carried on wherever there are public lands. There are many areas where the programs are not being carried out now in a way that the potential would suggest.

Mr. GOODLING. Well, I only have this question in my mind. In what manner is the Department of Agriculture responsible for what goes on in a military installation?

Mr. SIKES. They are not. That section of the bill applies to land under the control of the Department of Agriculture.

Mr. DINGELL. Would the gentleman yield?

Mr. GOODLING. I yield.

Mr. DINGELL. Last year, we had testimony on this matter with regard to the Forest Service. They hold National Forest and national grazing lands.

Mr. Cliff visited the committee and I asked him how much is spent by the Forest Service on game management programs. I said if you don't have it you can supply it later. Mr. Cliff said "Yes," I have it. Specifically, for wildlife management, our appropriation this year is \$6,185,000. With the habitat management programs in National Forests, in addition, we have the wildlife habitat research program which is funded this year at \$1.88 million. This has been expanding in past years. The States in 1970 contributed \$1.85 million in cooperative funds for wildlife habitat improvement in National Forests. The lands we are referring to in Agriculture are specifically and principally the National Forests.

Mr. GOODLING. That is all, Mr. Chairman.

Mr. DINGELL. Mr. de la Garza?

Mr. DE LA GARZA. Thank you, Mr. Chairman.

I am very happy to have my colleague, Mr. Sikes, with us.

Mr. Sikes, I just want to ask you one question. A quick perusal of the statement of Dr. Linduska and other statements that will be tendered by the AEC and several of the other agencies, they seem to think that no legislation is needed to carry out the intent of this legislation, that it can be done administratively under the present act.

Mr. SIKES. We think that the program of wildlife conservation and improvement of recreational resources could be done more effectively if these agencies were included and were authorized to enter into cooperative agreements with other Government agencies and the States.



Mr. DE LA GARZA. One of the questions seems to indicate that it would tend to yield the authority of the Federal agency over its land management to the State.

Mr. SIKES. This deals primarily with law enforcement.

As my distinguished friend realizes, the Federal Government attempts, where feasible, to yield to the States responsibility for establishment and enforcement of game laws, and this would continue to carry out that relationship.

Mr. DE LA GARZA. Does my friend know how this is handled now, at least in the military installations?

Mr. SIKES. It is usually done under cooperative agreement with the States. The States have the responsibility for game and fish laws.

There are a few instances where a satisfactory working agreement has not been realized and the military exercises its own control, but where feasible, and this includes the vast majority of cases, the State does have jurisdiction over the establishment of hunting and fishing seasons and enforcement of the law.

This may be implemented where necessary by the Federal agency as in the case of Eglin Air Force Base in Florida. The job is so big there that the State cannot provide enough wildlife officers and they are supplemented by the Federal Government, by personnel employed as a result of the fees that are collected.

Mr. DE LA GARZA. That was my next question, Mr. Chairman.

If they have a State game warden, for example, policing the area, would the Federal Government or the agency be responsible for whatever expenses are incurred, his salary, et cetera? Who pays him?

Mr. SIKES. The State official is paid by the State insofar as the State can provide the personnel.

If additional people are required, they are provided by the Federal agency and that agency pays their salary.

Mr. DE LA GARZA. Thank you, Mr. Chairman.

Mr. SIKES. It is paid out of the fees that are collected.

Mr. DE LA GARZA. The fees are used for the program regardless of where the officer or the worker comes from, either from the State or from the Federal Government. If he is used to implement this program, by and large, he would be paid from the fees collected.

Mr. SIKES. That is correct for Federal employees and for supplemental personnel provided by the State on a reimbursable basis. Some State personnel are paid from State funds.

Mr. DE LA GARZA. That is, fees collected under this program.

Mr. SIKES. That is correct.

Mr. DE LA GARZA. Thank you, Mr. Chairman.

Mr. DINGELL. Mr. Ruppe?

Mr. RUPPE. Thank you, Mr. Chairman.

Mr. SIKES. I certainly appreciate your comments regarding this legislation.

On the air bases you mentioned in your testimony, hunting and fishing, then, is available to the general public?

Mr. SIKES. Yes.

Mr. RUPPE. Is that true on most military installations?

Mr. SIKES. Yes.



Mr. RUPPE. I have reference to Quantico, Va. As I recall, it has a very extensive deer herd; I am not aware that those facilities are available to the public.

Mr. SIKES. They are available to the public. As far as I know, there are no restrictions on who may hunt there.

There may be a limit on the number of permits that are issued, but, if so, I must assume that it is done on a first come, first served, basis.

I know, personally, a number of people who hunt there who are not military personnel and who are not stationed there.

Mr. RUPPE. Thank you, very much.

Mr. SIKES. As a matter of fact, I have hunted there myself and I have encountered people from various parts of the country who are enjoying that program.

Mr. RUPPE. Thank you, Mr. Chairman.

Mr. DINGELL. Mr. Eckhardt?

Mr. ECKHARDT. No questions. Thank you, Mr. Chairman.

Mr. DINGELL. Mr. Mills?

Mr. MILLS. Yes, thank you, Mr. Chairman.

I was very interested in your comment about the public, in general, being able to hunt.

I have several military bases in my district and this is a frequent complaint from the public in general, that is, that they are excluded from hunting on the bases, and their complaint is that we are contributing to making it a private game preserve.

Mr. SIKES. I would not be a part of making military reservations a private game preserve.

Where those situations exist, I would assume that there has been no implementation of the game management program which can be carried out under the basic law, possibly because they have not had the money to do it, and the amount of hunting and fishing is limited.

I am not familiar with the reservations the gentleman is referring to, but in my State it is true that anyone can hunt on a military reservation on payment of a fee, which is a reasonable fee. I think this should be true everywhere.

Mr. MILLS. I would agree with that. I am interested in hearing what the overall policy should be.

Mr. SIKES. It is my understanding that the overall policy is for these areas to be open where the assets are sufficient for people to be allowed to hunt and fish.

Mr. MILLS. I might mention as a side comment that the deer herd from Aberdeen Proving Ground multiplied to such an extent that they were trapped and placed in other parts of the State and now we have deer hunting in areas where previously there was no hunting. It had a pretty definite advantage to the entire State.

Mr. SIKES. That is correct. That Aberdeen herd was really an exciting thing to see, but the reservation became overpopulated and the solution was to trap them and redistribute them in areas of scarcity and they have done very well. There also was an increase in the amount of hunting.

Mr. MILLS. Thank you, Mr. Chairman.

Mr. DINGELL. Mr. Studds?

Mr. STUDDS. I have no questions, Congressman Sikes.



I am always delighted with your leadership, sir. I have some specific questions and hopes of extending the program in areas we have it in and I will save them for the appropriate witnesses.

Thank you, Mr. Chairman.

Mr. DINGELL. Mr. Pritchard?

Mr. PRITCHARD. I have no questions, Mr. Chairman.

Mr. DINGELL. Mr. Sikes, we thank you for your most helpful testimony.

Mr. SIKES. Thank you, Mr. Chairman.

Again, I strongly urge the passage of this legislation. It can be of great advantage when America is becoming more and more recreation minded and more conscious of the need to protect the environment. Both can be done under this legislation.

Mr. DINGELL. Thank you, again.

Now, the Chair will recall to the witness stand Dr. Linduska.

The Chair will recognize, first, our colleague and good friend, Mr. Goodling.

Mr. GOODLING. Thank you, Mr. Chairman.

I have just one question, Dr. Linduska.

You say you estimate about \$750 million will be required to prepare a management plan.

Will additional personnel be needed to prepare these plans?

#### STATEMENT OF JOSEPH P. LINDUSKA—Resumed

Dr. LINDUSKA. The estimate is \$750,000. At the moment we are providing about 3 man-years of effort as far as military lands are concerned. This is adequate to provide about one visitation a year to each of the areas with which we have cooperative arrangements.

We feel that we would have to triple that to provide for three visits a year in order to give them adequate guidance and provide for a proper level of technical assistance. That figure would just about accommodate our participation.

Mr. GOODLING. Can we be assured that once these plans are made, they will be implemented? I have seen too many Government plans that are made and then they just collect dust.

Dr. LINDUSKA. I cannot argue with your observation. This does appear to occur in the military from time to time, mainly in the context that some base commanders are very much interested in conservation, while others are not interested in developing the resource.

We see this up close in connection with Fort Meade, Md., which is just across from our Patuxent Wildlife Research Center. The conservation effort at that installation is up and down, depending on the base commander. I imagine similar situations occur in other military installations.

There is something to be said in connection with your observation. It is variable. There is a possibility that plans could be made in good faith and in cooperation with one commander, and then either not have them implemented or not carried through as aggressively as we would like to see by some of the subsequent commanders.

Mr. GOODLING. You, first of all, get permission from base commanders before you do anything, is that correct?



Dr. LINDUSKA. Yes. That is what is required to enter into the initial negotiation and arrangements.

Beyond that, I suppose part of the trouble is that base commanders view the military area in a slightly different light. Some see it almost totally as a military installation, and nothing more. Others do see room for fish and wildlife enhancement and recreational opportunities.

Mr. GOODLING. Most base commanders do cooperate, is that correct?

Dr. LINDUSKA. Yes, our history of cooperation has been extremely good. I was referring to the exception rather than the general rule.

Mr. GOODLING. I have three military installations in my district, but I do not believe any of them permit any hunting or any fishing.

That is all, Mr. Chairman.

Mr. DINGELL. Mr. Anderson?

Mr. ANDERSON. Thank you, Mr. Chairman.

Dr. Linduska, you heard my discussion with Mr. Sikes a moment ago, and in your previous remarks you referred to three islands off the California coast.

Were you talking about San Clemente Island in one of those instances?

Dr. LINDUSKA. The three I mentioned, Mr. Anderson, were Imperial Beach Naval Air Station, Camp Pendleton, and Point Mugu.

Mr. ANDERSON. I am talking about San Clemente Island about 40 miles out from Camp Pendleton. Are you familiar with it?

Dr. LINDUSKA. I am sorry I am not acquainted with it.

Mr. ANDERSON. I represent several islands. I also represent Santa Catalina. However the only one that really would be affected by this legislation, would be San Clemente. If you are not familiar with it, then I will not ask you any specific questions. However, I would like to have you look into this for me.

San Clemente is an island which is about 40 miles offshore. It is very, very close to the Mexican border.

It is the last island in the Pacific until you cross the border. It is an island where oftentimes, when there is bad weather and the recreational boats are out, they make it a harbor of refuge, even though they are not supposed to. They pull in there because it is the last stop. We cannot see why we have not been able to have some of the very natural harbors out there, at least one of them, utilized, even though the county of Los Angeles, through its recreation department, has officially requested this of the Navy.

We have contacted everyone to try to get the Navy to release it. We know it is an important island, but we are not suggesting taking anything away from the Navy. We are just suggesting the possible dual use, as indicated in this legislation.

I would like to have you look into this and give me whatever support you can.

Dr. LINDUSKA. We will be happy to. I should say, for the most part, our relationships with the Navy have been happy ones, and we found them extremely cooperative. Particularly in recent years, with the emphasis on environmental matters, they have been extremely cooperative.

You may recall the meetings last year on Seal Beach Naval Station at which time we superimposed a refuge status on that area. On



that occasion, Mr. Dingell invited the Bureau of Sport Fisheries and Wildlife to look at all the military lands, particularly those coastal ones that may have some potential for waterfowl, and to provide him with a list and some recommendations. We are in the process of getting such a listing together. I believe we have started such a national inventory but we have completed an estuary study for southern California. San Clemente Island was not included in this study, but we will contact the Department of Defense to determine why they are reluctant to release the island from solely military use.

Mr. ANDERSON. Very good. Thank you, Mr. Chairman.

[The following letter was submitted in connection with the above:]

SAN CLEMENTE ISLAND, CALIF.

The following letter was sent to the Deputy Assistant Secretary for Defense for Installations and Housing from the Associate Director, Bureau of Sport Fisheries and Wildlife, on March 19, 1973.

U.S. DEPARTMENT OF THE INTERIOR,  
FISH AND WILDLIFE SERVICE,  
BUREAU OF SPORT FISHERIES AND WILDLIFE,  
Washington, D.C., March 19, 1973.

Hon. EDWARD J. SHERIDAN,  
*Deputy Assistant Secretary of Defense for Installations and Housing, Department of Defense, The Pentagon, Washington, D.C.*

DEAR MR. SHERIDAN: On March 8, 1973, the House of Representatives' Committee on Merchant Marine and Fisheries, Subcommittee on Fisheries and Wildlife, held hearings on H.R. 75, H.R. 733, and H.R. 4327. These bills authorized the Secretary of Defense, in conjunction with the Secretary of the Interior and appropriate State agencies, to carry out fish and wildlife conservation programs on military lands.

During the testimony the Department of the Interior witness, Dr. Joseph P. Linduska, was asked by Congressman Glenn M. Anderson "to look into" the reasons for the Navy's reluctance to allow public use of San Clemente Islands, California. Since the decision to allow public use of a military area is not the responsibility of the Department of Interior, we feel a response should be furnished by the Department of Defense. A copy of the transcript section dealing with the San Clemente matter is enclosed.

Copies of this communication are being provided to the Hon. Glenn M. Anderson, Ned P. Everett, Esq., Counsel to the Subcommittee on Fisheries and Wildlife Conservation and the Environment of the Committee on Merchant Marine and Fisheries, House of Representatives, and Francis B. Roche, Director, Division of Real Property and Natural Resources, Office of the Assistant Secretary of Defense for Installations and Logistics.

Sincerely yours,

J. P. LINDUSKA,  
*Associate Director.*

---

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE,  
Washington, D.C., April 9, 1973.

Hon. GLENN M. ANDERSON,  
*House of Representatives,*  
*Washington, D.C.*

DEAR MR. ANDERSON: During hearings on March 8, 1973 before the House Committee on Merchant Marine and Fisheries, Subcommittee on Fisheries and Wildlife on H.R. 75, 733 and 4327, you requested Dr. Joseph P. Linduska of the Department of the Interior to look into the reasons for the Department of the Navy's reluctance to allow public use of San Clemente Island, California. In your discussion you mentioned the desirability of a harbor of refuge for small recreation craft and the possibility of joint use of the island itself. As you undoubtedly aware, this matter has been the subject of extensive discussion and exchange of correspondence during the past several years.



On the basis of your request through Dr. Linduska, we have taken this matter up with the Navy again and must advise that the conditions which precluded earlier public use have not changed. We are enclosing for your information a copy of a summary of Defense use of this island and surrounding waters which leads to the conclusion that public use at this time cannot be considered.

We regret that we are unable to provide you with a more favorable reply.

Sincerely yours,

EDWARD J. SHERIDAN,

*Deputy Assistant Secretary of Defense.*

Enclosure.

#### PUBLIC USE OF SAN CLEMENTE ISLAND

San Clemente is an island 21 miles long and from one to 4½ miles wide. The east shore consists of steep cliffs rising from the shore line to heights of 1900 feet. Deep, clear water along this side is ideal for underwater testing. Except for a short beach at the north end, the entire west shore is lava rock. The only sandy beach is in Pyramid Cove in the shore bombardment restricted area at the southern end. It was transferred from the Department of Commerce to the Navy control in 1935. Since 1 July 1967 the island has been under administrative command of the Naval Undersea Research and Development Center (NUC), San Diego.

The southern third of the island is a shore bombardment range which is used full time 50 weeks per year for gunnery training. The Naval Auxiliary Landing Field (ALF) at the north end has a 9300' by 200' runway and is fully instrumented for Fleet Air landing practices. The ALF is under the operational command of NAS North Island. NUC has instrumented R&D missile firing ranges along the east and west shores, with some flight lines across the island. Major underwater launch facilities and ranges along the east and west sides are used for tests on such programs as Polaris, Poseidon, SUBROC and torpedoes.

The position of the Naval Undersea Research and Development Center (NUC) is that San Clemente Island remain under Navy control. This position is based on the island's isolated location, 55 miles south of Long Beach, and relative freedom from encroachment. San Clemente Island offers distinct advantages for both Pacific Fleet training and RDT&E development tests. Some twelve different Naval activities representing most Pacific Fleet Type Commanders and including units of the Fleet Marine Force, Pacific Fleet, and Navy Laboratories are presently "USERS" of the island. With few exceptions, all have expressed a requirement for increased use of the island and its facilities. Moreover, the majority of users indicate that no alternate site is available which offers the unique advantages of San Clemente Island for the type of activity presently being conducted or planned on the island.

The Naval Electronics Laboratory Center, San Diego, operates the FORACS (Fleet Operational Readiness Accuracy Check Site) at the northeast side of the island. This range is used full time for checking sonar accuracy of all Navy ships and submarines on the west coast.

Because of its unique capabilities, San Clemente Island is also used by DoD contractors, including Lockheed, McDonnell-Douglas, North American, Hughes Aircraft and Convair, for tests of missile and systems hardware and instrumentation.

Present Fleet tenants and Navy Laboratory users of the island facilities include:

- a. Naval Air Station, North Island: ALF operations for Fleet Carrier Landing Practice.
- b. Composite Squadron Three (VC-3): Target drone operations.
- c. Fleet Airborne Electronics Training Unit, Pacific.
- d. Fleet Air Control and Surveillance Facility: Control of ships and aircraft for Western Sea Frontier.
- e. Navy Amphibious School, Coronado: Shore bombardment control and scoring; Underwater demolition team training.
- f. Special Warfare Group, Pacific: UDT, SEAL Teams; Beach jumper units; Boat support units.
- g. Fleet Marine Force, Pacific: Major training and logistics exercises.
- h. Marine Corps, Camp Pendleton: Major training exercises.
- i. Submarine Development Group One: Man in the Sea (MITS); Deep Submergence Rescue Vessel.



j. Naval Weapons Center, China Lake: Air missile tests.

The extensive use of the island for Fleet operations and RDT&E and weapon tests and special undersea experiments preclude its use by the general public both for reasons of security and safety.

Mr. DINGELL. Mr. Steele?

Mr. STEELE. Thank you, Mr. Chairman.

I have no questions right now.

Mr. DINGELL. Mr. Eckhardt?

Mr. ECKHARDT. Doctor, I understand that you would favor H.R. 4327, a simple extension, but would not favor H.R. 75, is that correct?

Dr. LINDUSKA. That is correct.

Mr. ECKHARDT. There is one thing that has attracted my attention. My questions may spring from ignorance, but I was in hopes you might enlighten me about it, and that is in section 204, I believe it is, of H.R. 75, there is a section (c) that provides for forfeiture and seizure of vessels, and then it uses the terms insofar as such provisions with respect to forfeiture and seizure under the Customs Act are applicable and not inconsistent with the provisions of this section.

Then it provides, under some circumstances, the Secretary of Interior and in other circumstances, the Secretary of Agriculture should exercise this authority.

First, I would like to ask is there anything like that in existing law that would come into effect by the simple extension or is this something additional?

Dr. LINDUSKA. I think in connection with some of our marine mammal legislation, there is a similar provision, but this language may be an extension over what appears there.

Mr. ECKHARDT. This would be an extension. Well, it troubles me. I think when we talk about, after all, seizure under customs laws, if it is like a seizure with respect to measurement under the Coast Guard, it is a terribly difficult procedure.

Mr. DINGELL. Would the gentleman yield?

Mr. ECKHARDT. I yield.

Mr. DINGELL. This legislation is, one might call, boilerplate. It comes out of the eagle bill, the legislation to protect the golden bald eagles.

This also comes out of the legislation which prohibits hunting from aircraft, which was enacted by the Congress last year and came out of this committee.

Mr. ECKHARDT. If the chairman will pardon my expression, I think some of the greatest atrocities in law come from boilerplate.

I would assume that if this went into effect, somebody is going to have to interpret whether or not the provisions are applicable and not inconsistent with the provisions with respect to customs law.

I suppose that authority is delegated to the Secretary of the Interior or the Secretary of Agriculture, as the case may be. Do you agree with that?

Dr. LINDUSKA. That would appear to be the case. I am not well acquainted with that.

Mr. ECKHARDT. And most of these seizure provisions that I know of, and I do know how they work with respect to the Coast Guard and in measurement cases, I am inclined to think this may be the same process.



The Secretary makes a determination with respect to the administrative matter before him and frequently levies some kind of a fine within his general administrative authority. If you do not pay that fine, he may go into court through the U.S. attorney and arrest the vessel wherever it may be. It may be bearing a charter party expense of \$800 a day, and unless the person so charged pays up that fine, he has to risk the possible loss of his vessel which may be worth \$500,000.

Now, I do not know whether that would be the effect of this provision or not, but I would be very reluctant to go along with such a provision without looking into it further.

Mr. DINGELL. Would the gentleman yield further?

Mr. ECKHARDT. Yes, Mr. Chairman.

Mr. DINGELL. I think the gentleman raises some very good points.

The Chair does observe that Dr. Linduska's area and specialty is within the area of game management, and he is not a lawyer by trade.

I think to help the gentleman, the Chair will direct counsel to look into this.

Mr. ECKHARDT. Mr. Chairman, I would certainly appreciate it. Thank you, sir.

Mr. MILLS. Thank you, Mr. Chairman.

Dr. Linduska, I am just wondering, in view of the fact that the President has established the Claims Review Commission to look at all military establishments and determine what land might be surplus, is your department working closely to determine, in return, what you might be able to use to enhance our game management areas and areas that will be used unofficially toward preserving and conserving wildlife?

Dr. LINDUSKA. There is no question that the property Review Board established by Executive Order 11508 would cover military land as well as other public lands, and would, in effect, accomplish a great deal of what is called for in H.R. 75.

Mr. MILLS. Thank you.

Mr. DINGELL. Mr. Studds?

Mr. STUDDS. Thank you, Mr. Chairman.

Dr. Linduska, I have a couple of questions. One goes to a joint management agreement between the Department of the Interior and the Department of the Navy, dealing with an installation in my district.

I am sure you are familiar with Nomans Land Island off Martha's Vineyard, in Massachusetts. It has been a source of confusion to people up there to try to figure out what is or what is not happening.

I received, a few days ago, a letter from Admiral Zumwalt describing the Navy's position, and I would like to read you some excerpts from that, and a couple of sentences from the Joint Management Agreement.

I think you can see why this strikes some of our people in such a way. This is from the Admiral's letter and I will excerpt it.

Nomans Land Island was purchased by the Government for use as a bombing range during World War II and has been utilized for ordnance training since that time. The practice ordnance currently being used consists of inert miniature bombs, practice rockets, tracer bullets, and parachute flares. These factors were carefully considered when the island was designated as a national wildlife refuge in 1970.



From the Joint Management Agreement itself, I read you a couple of sentences:

Whereas, the Navy acquired No Mans Land Island off the coast of Massachusetts for defense purposes, including exercises requiring the use of armament and explosives, and whereas, the island is host to a wide variety of migratory birds, including water fowl and the Ipswich sparrow, therefore—

and then some of the provisions, one of them is that visitation and inspection rights by your Bureau of Personnel on official duty will be permitted, which we are delighted to know.

And the commander has the scheduling authority for No Mans Land and must be advised of desired inspections and visits to the island at least 10 days in advance.

My real question is this: The real operative part of the agreement is—

It is agreed that the Navy and Interior will make an annual review of the cooperative program as outlined herein, develop an annual workplan, including funding responsibilities for such development and management of wildlife habitat.

Now, this agreement is roughly 3 years old and I am wondering if you can tell us whether we have such workplans?

Dr. LINDUSKA. Work plans have been developed. To what extent there has been agreement or negotiation with the Navy I am not prepared to say, Mr. Studds.

I would be happy to get the last minute reading on it, and provide it for the record. I know there have been difficulties in the past, but I am not current on what the situation is right now.

[The information follows:]

#### NO MANS LAND ISLAND

The Department of the Interior entered into a Joint Management Agreement in April 1970 with the Department of the Navy which permits wildlife management by this Bureau to the extent consistent with military operations. Primary jurisdiction over the island is still vested in the Navy. No mans Land Island is not a part of the National Wildlife Refuge System.

Our observations have not disclosed any wildlife losses resulting from Navy operations. Most of the wildlife inhabitants, primarily migratory birds, use the island fringe or shoreline and sand-spit areas. Navy bombing practice has occurred more toward the center of the island. Since explosive bombheads are not used—only small practice bombs—wildlife fatality would result only from a direct hit. Our observations have not disclosed any bomb craters that appear to have been made during the past 2-year period.

We understand that Navy aircraft have used the island as a strafing target with 20mm shells. No recent evidence of adverse effect has been noted from this practice.

To date our investigations have shown wildlife losses near the island to be from oil pollution, not likely connected with Navy operations in any way. Two oil-soaked carcasses, a common loon and a black guillemot, were found washed onto the north shore on August 9, 1970. The source of the oil is not known.

In summary, the Joint Management Agreement of No Mans Land Island between the Departments of the Interior and the Navy permits wildlife management subject to military operations. Intensive management of the island for wildlife purposes was not envisioned. Our program has been limited to infrequent visits for survey and inspection purposes.

Mr. STUDDS. I would appreciate that very much. As you can see, so many questions are raised with the poor Ipswich sparrow sitting there with the tracer bullets and rockets flying around.



One other thing, sir. In last year's testimony, the representative of the Department of Defense listed, at the request of the Chair, a series of installations which were suitable for more aggressive fish and wildlife programs, if additional funds were available.

One of those listed was Otis Air Force Base in Massachusetts. Do you know, or can you tell us, whether or not anything has been done along these lines there?

Dr. LINDUSKA. Not offhand, but, again, I will be most happy to check that out.

[The information follows:]

STATUS OF BUREAU OF SPORT FISHERIES AND WILDLIFE PROGRAMS AT OTIS AFB,  
MASSACHUSETTS

The Bureau's Division of Fishery Services has established an oversight role at Otis. Participation has been maintained at this level because of a very active interest and program for fish and wildlife conservation by the Commonwealth of Massachusetts on the base. At the present time, the Division of Wildlife Services has no program at Otis due to lack of funding and personnel.

Mr. STUDDS. Thank you. Thank you, Mr. Chairman.

Mr. DINGELL. Mr. Cohen?

Mr. COHEN. Thank you, Mr. Chairman.

As I understand it, under H.R. 4327, you are seeking to extend the Sikes Act for a period of 5 years, and there is an increase from \$500,000 to \$1.5 million in funding.

During that 5-year period, do you not anticipate your cost is going to increase?

Why do you fix the amount of authorization to \$1.5 million for 5 years?

Dr. LINDUSKA. It probably would increase to some extent, but at this point in time we are not really inclined to quibble over funding in whatever dimension it may come to us.

Our history of cooperative work, or former cooperative work, with the military goes back to the year 1949, as Congressman Sikes indicated, when we entered into agreement with Eglin Air Force Base in Florida. That program proved so effective that it led finally to the passage of the Sikes Act in 1960, which would include all military lands.

Since then, we have been undergoing an exercise in frustration. There is great enthusiasm for the program. The Sikes Act is a good piece of legislation. It includes all the authority we need to work with the military, but up to this point in time, as Congressman Sikes indicated in his testimony, we have not received the first dime. Unless we can be reimbursed for services rendered, it will be virtually impossible to provide anything more than token participation in this program. For this reason we are not inclined to quibble over an inflated dollar.

Mr. COHEN. That is all.

Mr. DINGELL. Mr. Pritchard?

Mr. PRITCHARD. Thank you, Mr. Chairman.

Dr. Linduska, you said that the different bases have charges for sportsmen who want to use these facilities.

Dr. LINDUSKA. Some of them, but not all of them.

Mr. PRITCHARD. There is not a pattern?



Dr. LINDUSKA. No, this is apparently a judgment factor with the military itself, primarily the base commanders.

Mr. PRITCHARD. In other words, the base commander decides whether he can charge fees for the hunter to come on or not.

Dr. LINDUSKA. That is correct. I imagine the size of the fee relates somewhat to the quality of fishing or hunting. This fee is in addition to a State's hunting and fishing license fee.

Mr. PRITCHARD. There was a statement made and I should have asked Congressman Sikes, something to the effect that sportsmen using the bases for hunting should bear the full cost for development.

Do you have a position on that philosophy?

Dr. LINDUSKA. Not really, except to say that more and more the trend on the part of sportsmen is, as the Congressman indicated, to be willing to pay increased costs, however they occur, in connection with the leasing of private land or paid entry into other types of areas.

I think the competition for good places to hunt and fish has reached a point where this expenditure on the part of the sportsmen is considered along with his license fee, which again is going up in many cases. The trend, I think, is to pay as you go, pretty much.

At the same time, there are other uses of military lands and other public lands that justify an expenditure on the part of the Government to maintain and develop these lands properly. There are many collateral uses that are made of these areas over and above the consumptive uses of hunting and fishing. These lands are most attractive areas for photography, bird watching, and similar high quality non-consumptive wildlife oriented recreation.

Mr. PRITCHARD. Thank you.

Mr. DINGELL. Mr. Everett?

Mr. EVERETT. Thank you, Mr. Chairman.

Dr. Linduska, you made reference in your statement to the fact that \$750,000 would be required for Interior to carry out its part of the program on military lands and that you would rather for this money to be appropriated, I believe you said, through DOD. Last year, this question was asked and I think you estimated that the needs of the Interior Department would be about \$1 million per year.

Now, H.R. 75 was drafted in order to allow Interior to get directly \$1 million under a separate authorization and also let DOD get their moneys under another separate authorization.

I notice that you furnish money for NASA, AEC, and Forest Service programs directly from your own funds without getting reimbursed from these other agencies.

I was wondering why the difference here.

Dr. LINDUSKA. Partly because of difference in the expenditures involved. The military lands represent a far greater potential in terms of developing them through management than do the other three.

We have in our national wildlife services programs broad authority to provide technical guidance to all public land ownerships. It is pretty much a matter of degree whether we assume the primary management coordination. In the case of AEC, NASA and the Forest Service lands we would be likely to play the lead management role. You should realize, of course, that we are not responsible for the language in H.R. 75.



Mr. EVERETT. I see that last year you indicated you furnished \$566,000 per year for forest service, \$17,000 for AEC, and \$17,000 for NASA land programs. What we were trying to do in H.R. 75 was to give you the money directly to do the same on military reservation lands that you are doing on these other lands.

I cannot understand why you want those funds to be appropriated to DOD, and then you ask for it back.

It would seem to be an inconsistent approach from that of your present operations on other Federal lands.

Dr. LINDUSKA. For the most part, we feel rather strongly there should be only one manager of the land, and if the money came to us it would put us in the position of possibly drafting or recommending management procedures that would not be palatable to the military.

I think by far the best course is for the money for this purpose to go to the military and for them, in turn, to come to us with the restrictions within which we must operate, taking into account the security considerations and safety considerations that in many cases the military has to abide by. In effect the military would employ us as technical consultants to operate within the constraints that they establish. Such assistance would be provided on a reimbursable basis. To do otherwise puts us in a rather awkward position of possibly developing plans that would not be realistic in terms of military consideration.

Mr. EVERETT. Dr. Linduska, I notice, too, that you do not support H.R. 75 because of the funding situation. You state that you already had existing authority. Last year there was a bill in the Interior Committee, the National Land Use Policy bill, and you approved this bill last year because of that bill, which you said was more inclusive.

What is in the Land Use Policy bill this year that would prevent your supporting H.R. 75, as drafted?

Is there a bill pending in the Interior Committee this year that would do, in essence, what H.R. 10049 did last year?

Dr. LINDUSKA. This probably refers to the proposed BLM Organic Act and which would extend to us all the authority I think we would need.

Mr. EVERETT. Mr. Chairman, in the interest of time, I would like to submit the remainder of my questions to Dr. Linduska in writing. I am particularly concerned over the President's executive order concerning off-road vehicle traffic. That order does not apply to AEC and NASA lands, nor does it have any enforcement authority in it, whereas this bill would give this additional enforcement authority to Interior and it would cover all Federal lands, as well as AEC and NASA lands.

Mr. DINGELL. Without objection, so ordered. I am sure Mr. Linduska will afford this committee the usual valuable assistance he has given us over the years in matters of this sort.

[The letter with Dr. Linduska's answers inserted, follows herewith:]

MARCH 14, 1973.

Dr. JOSEPH. P. LINDUSKA,  
Associate Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of  
the Interior, Washington, D.C.

DEAR MR. LINDUSKA: In accordance with Chairman Dingell's instructions at the hearings on March 8, 1973, on bills to provide for game conservation and rehabilitation programs on Federal lands, following are questions to which he would like to have you provide answers and comments:



1. What would be the cost to the Federal Government for the current fiscal year as well as the next succeeding five fiscal years should H.R. 75 or H.R. 4327 be enacted into law?

Answer. The Department of the Interior's estimated cost for the balance of fiscal year 1973, the months of May and June, under H.R. 75, Title 2, would be \$675,000. We were unable to obtain firm figures from other agencies and have been told that they intend to respond independently. However, the costs for work on all *Interior* lands for the next five fiscal years should Title 2 of H.R. 75 be enacted are estimated as follows:

| Fiscal year: | Funds       |
|--------------|-------------|
| 1974 -----   | \$6,500,000 |
| 1975 -----   | 6,600,000   |
| 1976 -----   | 6,800,000   |
| 1977 -----   | 7,000,000   |
| 1978 -----   | 7,300,000   |

The Department of the Interior estimates costs for the balance of fiscal year 1973, the months of May and June, under H.R. 4327 or Title I of H.R. 75 to be \$170,000. Funding to meet commitments on military areas for the next five years is estimated as follows:

| Fiscal year: | Funds       |
|--------------|-------------|
| 1974 -----   | \$1,050,000 |
| 1975 -----   | 1,100,000   |
| 1976 -----   | 1,300,000   |
| 1977 -----   | 1,500,000   |
| 1978 -----   | 1,700,000   |

2. (a) How much has the Department of the Interior requested annually over the past three years on game conservation and rehabilitation programs on lands under the jurisdiction of AEC, NASA, Department of Agriculture, and BLM lands within the Department of the Interior?

Answer. The Department of the Interior has not requested funds for game conservation and rehabilitation programs on lands under the jurisdiction of AEC, NASA or Department of Agriculture over the past three years. The Bureau of Land Management, however, estimates annual expenditures of \$3 million for fish and wildlife enhancement programs on their lands. The Bureau of Sport Fisheries and Wildlife has provided, without reimbursement, technical assistance to BLM, AEC, NASA and the Department of Agriculture over the past few years.

(b) Please indicate how much of these expenditures came from duck stamp receipts, other license fees, appropriated funds, and other sources?

Answer. The Bureau of Land Management funds came from direct appropriations.

(c) How much additional funding—over and above expenditures in the past—will be needed to carry out the purposes of Title 2 of H.R. 75?

Answer. The additional funding is listed under the answer to question 1, above.

(d) Section 206(a) of H.R. 75 authorizes to be appropriated to the Secretary of the Interior to carry out his functions under Title 2 of the bill not to exceed \$7.5 million per year for a five-year period. Since this appropriation-authorization is intended to cover the funds ordinarily spent by the Department on this program, as well as anticipated needs to carry out the purposes of this title in the future, do you recommend an increase in the appropriation-authorization per year over and above the \$7.5 million authorized to be appropriated?

Answer. At this time we do not anticipate a need in excess of the amount listed in H.R. 75.

3. In February of 1972, the President issued Executive Order 11644, the purpose of which is to provide for the control of off-road vehicles on public lands. Section 202(c) of H.R. 75 requires each cooperative agreement entered into under the legislation between the appropriate Federal and State agencies to provide for the control of all-terrain vehicular traffic, including snowmobiles, on the Federal lands involved.

(a) Please provide the Subcommittee with a detailed comparison of the two authorities indicating, among other things, their differences with respect to the public lands covered by each, the permanency of each, the enforcement and penalty authorities contained in each, and the type of vehicles that would be covered by each.



Answer. The President issued Executive Order 11644 on February 8, 1972 to establish policies and provide for procedure that would insure that the use of off-road vehicles on public lands would not be detrimental to the land resources, conflict with other land uses or jeopardize the safety of other users of the land. The Department of the Interior published proposed regulations to implement the Executive Order in the Federal Register on February 14, 1973.

Section 202(c) of H.R. 75 authorizes certain Federal agencies to enter into cooperative agreements with States for fish and wildlife conservation and rehabilitation programs on Federal lands within the States. Such cooperative agreements are required to provide for "the control of all-terrain vehicular traffic, including snowmobiles."

Some differences between the off-road vehicle provisions of Executive Order 11644 and H.R. 75, are as follows:

The Executive Order applies to public lands under the jurisdiction of the Secretary of the Interior and the Secretary of Agriculture, except Indian lands; Tennessee Valley Authority lands in Western Kentucky and Tennessee, and Defense Department lands are also covered. H.R. 75 applies to public lands of the Department of Interior, not excluding Indian lands; Department of Agriculture and Defense Department lands are also covered. Tennessee Valley Authority lands are not covered. AEC and NASA lands come under the provisions of H.R. 75, but not the Executive Order.

The Executive Order uses the term "off-road vehicle" and provides a comprehensive definition of the term as follows:

"'Off-road vehicle' means any motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain; except that such term excludes (A) any registered motorboat, (B) any military, fire, emergency, or law enforcement vehicle when used for emergency purposes, and (C) any vehicle whose use is expressly authorized by the respective agency head under a permit, lease, license, or contract."

H.R. 75 uses the term "all-terrain vehicles." Although no definition is provided in the bill, it is generally considered to be one of several types of off-road vehicles.

The Executive Order specifically excludes Wilderness Areas and Primitive Areas from having areas and trails for off-road vehicle use. It further allows such use in areas of the National Park System, National Wildlife Refuge System, Nature Areas and Game Ranges only if the respective land management agency head determines that off-road vehicle use in such locations will not adversely affect the natural, aesthetic or scenic values of the area. H.R. 75 excludes National Parks, monuments and areas within the National Wildlife Refuge System. Provision is not made in H.R. 75 to allow off-road vehicle use in these areas if such use would not conflict with the primary purpose of the area.

The Executive Order directs agency heads to issue regulations prescribing operating conditions for off-road vehicles on public lands. H.R. 75, Title 2, Section 202(c) (5) directs the Secretary of the Interior and the Secretary of Agriculture to prescribe regulations deemed necessary to control public use of those public lands subject to comprehensive plans and cooperative agreements. Such regulations would include all-terrain vehicle use.

H.R. 75 specifies the penalties for violation of the regulations (Section 204(a) (2)) whereas the Executive Order directs agency heads to issue regulations prescribing the penalties for violation of the regulations.

Both the Executive Order and H.R. 75 provide for Federal-State cooperative enforcement. H.R. 75 contains specific enforcement authority related to search, seizure and arrest. The Executive Order is silent on the matter.

(b) *In the event the legislation is reported by the Subcommittee do you recommend that the language of the bill be changed to cover off-road vehicular traffic? If so, please provide a definition of the term "off-road" to be used in the bill.*

Answer. We suggest that the term off-road vehicle be used instead of all-terrain vehicle. An all-terrain vehicle is generally considered to be one of the several types of off-road vehicles.

The President's Executive Order No. 11644 provides a definition of the term "off-road vehicle" as follows:

"'Off-road vehicle' means any motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh,



swampland, or other natural terrain; except that such term excludes (A) any registered motorboat, (B) any military, fire, emergency, or law enforcement vehicle when used for emergency purposes, and (C) any vehicle whose use is expressly authorized by the respective agency head under a permit, lease, license, or contract;"

4. On page 5 of H.R. 75, on lines 14 through 18, appears the following language:

"No conservation or rehabilitation program, nor any recommendation in any preliminary study or survey undertaken with respect to any such program, may be implemented under this title unless it is included within a cooperative agreement."

Does this language in effect prevent the Department of the Interior from carrying out a game conservation and rehabilitation program on BLM lands when a cooperative agreement concerning these lands has not been entered into between the Department of the Interior and the appropriate State agency?

Answer. The Bureau of Land Management has memoranda of understanding with all the Western States in which it operates. Section 202(c) (1), lines 14 through 18 of H.R. 75 would not preclude continuation of fish and wildlife work on BLM lands.

5. Congressman Eckhardt raised a question at the hearings concerning the application of Section 204(d) of H.R. 75 having to do with the provisions of law relating to the seizure, forfeiture, and condemnation of a vessel for violation of the customs laws—as the language would relate to the rights, powers, and duties provided the Secretaries of the Interior and Agriculture under this subsection. Is the language of this subsection workable and does it pose any enforcement and/or administrative problems? Please have your solicitor submit a legal memorandum on these issues.

Response will be forwarded under separate cover as soon as available.

6. Under Section 202(c) (3), after line 12 on page 6 of H.R. 75, would you agree that the following language should be added and be required to be a part of the cooperative agreement?

"Provide for the protection and conservation of endangered species of fish and wildlife."

Answer. Yes, we think the bill would be improved by the aforementioned language.

The Department of the Interior is supplying the following additional material: Proposed regulations issued pursuant to Executive Order 11644 for: Bureau of Land Management; Fish and Wildlife Service; National Park Service; and Bureau of Reclamation.

Brief comparison of regulations concerning the control of off-road vehicles on lands administered by the Department of Defense and the Bureau of Sport Fisheries and Wildlife.

Executive Order 11644, February 8, 1972

---

[From the Federal Register, vol. 38, No. 30—Wednesday, Feb. 14, 1973]

## DEPARTMENT OF THE INTERIOR

### BUREAU OF LAND MANAGEMENT

[43 CFR Parts 2070, 6250, 6290]

### *Use of Off-Road Vehicles on Public Lands*

#### PROPOSED PROCEDURES AND STANDARDS

The purpose of this proposed amendment is to provide regulations to implement Executive Order 11644 (37 FR 2877), concerning use of off-road vehicles on public lands. The proposed rules would provide procedures to control and direct the use of off-road vehicles so as to protect the resources of those lands, promote the safety of all users of those lands, and minimize conflicts among the various uses of those lands. The proposed rules also would prescribe operating regulations and vehicle standards for the use of off-road vehicles. Areas and trails would be designated as open, closed, or restricted, with regard to such use.



In accordance with the Department's policy of public participation in rule-making (36 FR 8336), interested parties may submit written comments, suggestions, or objections with respect to the proposed rules to the Director (210), Bureau of Land Management, Washington, D.C. 20240, until March 16, 1973.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection in the Office of Information, Bureau of Land Management, Room 5643, Interior Building, Washington, D.C., during regular business hours (7:45-4:15 p.m.).

Chapter II, Title 43, of the Code of Federal Regulations is amended as follows:

#### PART 2070—DESIGNATION OF AREAS AND SITES

1. A new paragraph (c) is added to § 2071.1 to read as follows:

§ 2071.1 Areas or sites that may be designated.

\* \* \* \* \*

(c) The provisions of this part do not apply to designation of areas and trails for off-road vehicle use. Such designations are made pursuant to Part 6290 of this chapter.

#### PART 6250—RECREATION ACCESS

§ 6250.1-2 [Amended]

2. Paragraph (c) of § 6250.1-2 of Part 6250 is deleted.

Subpart 6251 [Deleted]

3. Subpart 6251 of Part 6250 is deleted.

#### PART 6290—OFF-ROAD VEHICLES

4. A new Part 6290 is added to Group 6200 to read as follows:

Subpart 6290—General

- 6290.0-1 Purpose.
- 6290.0-2 Objectives.
- 6290.0-3 Authority.
- 6290.0-5 Definitions.
- 6290.0-8 Applicability.

Subpart 6291—Use of Off-Road Vehicles

6291.1 Use of Off-Road Vehicles.

Subpart 6292—Designation of Public Lands

- 6292.1 Classes of designations.
- 6292.2 Designations.
- 6292.3 Designation criteria.
- 6292.4 Procedures for designation.

Subpart 6293—Organized Off-Road Vehicle Events

6293.1 Events requiring permits.

Subpart 6294—Management of Off-Road Vehicle Use

6294.1 Effects of use; change in designations or restrictions.

Subpart 6295—Operation of Off-Road Vehicles; Vehicle Standards

- 6295.1 Operating regulations.
- 6295.2 Vehicle standards.

AUTHORITY: 43 U.S.C. 1201; the National Environmental Policy Act of 1969, 42 U.S.C. 4321; and Executive Order 11644 (37 FR 2877).



## Subpart 6290—General

## § 6290.0-1 Purpose.

The purpose of the regulations in this part is to implement Executive Order No. 11644, of February 8, 1972 (37 FR 2877).

## § 6290.0-2 Objectives.

The objective of these regulations is to provide procedures to control and direct the use of off-road vehicles on public lands so as to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands.

## § 6290.0-3 Authority.

The provisions of this part are issued under 43 U.S.C. 1201; the National Environmental Policy Act of 1969, 42 U.S.C. 4321; and Executive Order 11644 (37 FR 2877).

## § 6290.0-5 Definitions.

As used in this part:

(a) Except as excluded hereinafter, "Off-Road Vehicle" means any vehicle designed for, or capable of, travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain, including but not limited to: Automobiles, trucks, four-wheel drive or low-pressure-tire vehicles, motorcycles and related two-wheel vehicles, snowmobiles, amphibious machines, ground-effect or air-cushion vehicles, recreation campers, and any other means of transportation deriving motive power from any source other than muscle. The term "Off-Road Vehicle" excludes: (1) Any registered motorboat; (2) any military, fire, emergency, or law enforcement vehicle while being used for official or emergency purposes; (3) any vehicle whose use is expressly authorized by a permit, lease, license, or contract issued by the authorized officer.

(b) "Public Lands" means any lands administered by the Bureau of Land Management.

(c) "Bureau" means the Bureau of Land Management.

(d) "Authorized Officer" means an employee of the Bureau of Land Management to whom has been delegated the authority to take actions under the regulations of this chapter.

## § 6290-0-8 Applicability.

The regulations in this part do not apply to State, County, or municipal highways and roads.

## Subpart 6291—Use of Off-Road Vehicles

## § 6291.1 Use of Off-Road Vehicles.

(a) Off-road vehicles operated on the public lands must conform to the vehicle standards set forth in Subpart 6295 of this part.

(b) Any person who operates an off-road vehicle on public lands must comply with the operating regulations set forth in Subpart 6295 of this part at all times while operating such vehicle on public lands.

(c) Except as provided in the following sentence hereof, the operation of off-road vehicles is prohibited on those areas and trails designated as closed to off-road vehicle use. This prohibition does not apply to any vehicle while being used: (1) To explore or develop public lands for minerals pursuant to the U.S. mining laws; or (2) to conduct oil and gas geophysical exploration operations on the public lands.

(d) Operators of off-road vehicles on those areas and trails designated as restricted must conform to all terms and conditions of the applicable designation order or orders.

## Subpart 6292—Designation of Public Lands

## § 6292.1 Classes of designations.

Public lands will be designated as follows with regard to off-road vehicle use:

(a) *Open use areas and trails.* These are areas and trails where off-road vehicles may be operated without restrictions, but subject to the operating regulations and vehicle standards set forth at Subpart 6295 of this part.

(b) *Restricted areas and trails.* These are areas and trails where the use of off-road vehicles is subject to restrictions deemed appropriate by the authorized officer. Restrictions may limit the numbers or types of vehicles allowed,



times of use, and similar matters. Restricted areas or trails may be designated for special or intensive use, including, but not limited to, organized events.

(c) *Closed areas and trails.* These are areas and trails where the use of off-road vehicles is permanently or temporarily prohibited.

#### § 6292.2 Designations.

(a) The authorized officer may designate any public lands as restricted or closed to off-road vehicle use. Public lands not so designated shall remain open to off-road vehicle use and are hereby designated as open use areas and trails.

(b) The authorized officer may redesignate any public lands, including those designated as open to off-road vehicle use, at any time hereafter if he determines that redesignation is appropriate.

#### § 6292.3 Designation criteria.

Designations of restricted and closed areas and trails will be based on the following:

(a) The ability of the land and its resources to withstand and sustain off-road vehicle use impacts.

(b) Consideration of the scenic qualities of the land, and its cultural, ecological, and environmental values.

(c) The need for public use areas for intensive recreation vehicle use.

(d) Consideration of the impacts on other lands, use, and resources.

(e) The potential hazards to public health and safety, other than the normal risks involved in off-road vehicle use.

#### § 6292.4 Procedures for designation.

(a) *Public participation.* The authorized officer shall designate and redesignate areas and trails in conformance with the Bureau of Land Management planning system. In making designations, he will consult with interested user groups, Federal, State, county, and local agencies, local landowners, and other parties as he deems appropriate.

(b) *Identification of designated areas and trails.* The authorized officer shall take appropriate measures to identify areas and trails designated as restricted or closed so that the public will be aware of their locations and restrictions applicable thereto. Public notice of such designations shall be given through publication in local newspapers, and copies of such notices shall be available to the public in local Bureau offices. Areas and trails so designated shall be posted appropriately. The authorized officer will make available to the public such other informational material as may be appropriate.

### Subpart 6293—Organized Off-Road Vehicle Events

#### § 6293.1 Events requiring permits.

No person or association of persons may conduct any race, rally, meet, contest, or other type of organized event involving the use of off-road vehicles, on public lands without first obtaining a permit to do so from the authorized officers pursuant to Subpart 2924 of Part 2920 of this chapter.

### Subpart 6294—Management of Off-Road Vehicle Use

#### § 6294.1 Effects of use; changes in designations or restrictions.

The authorized officer shall monitor effects of the use of off-road vehicles. On the basis of information so obtained, and whenever he deems it necessary to carry out the objectives of this part, he may amend, revise, or revoke any designations or restrictions made pursuant to the regulations in this part.

### Subpart 6295—Operation of Off-Road Vehicles; Vehicle Standards

#### § 6295.1 Operating regulations.

No person may operate an off-road vehicle on public lands without a valid motor vehicles operator's license or learner's permit. Persons under licensing or permitting age must be accompanied and supervised by a person 21 years of age or older who has a valid operator's license. No person shall operate an off-road vehicle on public lands:

(a) In a reckless, careless, or negligent manner;

(b) In excess of established speed limits;



- (c) While under the influence of alcohol or drugs;
- (d) In a manner likely to cause excessive damage to or disturbance of the land, wildlife or vegetative resources; or
- (e) During darkness without lighted headlights and taillights.

§ 6295.2 Vehicle standards.

No off-road vehicle may be operated on public lands unless it conforms to applicable State laws and regulations relating to registration, operation, and inspection. All off-road vehicles shall be equipped with adequate and operating brakes, mufflers, and spark arresters. No off-road vehicle equipped with a muffler cutout, bypass, or similar device, or producing excessive noise, may be operated on public lands.

CURT BERKLAND,

*Deputy Assistant, Secretary of the Interior.*

FEBRUARY 2, 1973.

[FR Doc.73-2866 Filed 2-13-73; 8:45 am]

FISH AND WILDLIFE SERVICE

[50 CFR Part 28]

*Operation of Vehicles on National Wildlife Refuges*

NOTICE OF PROPOSED RULE MAKING

Section 3 of Executive Order 11644, requires that the heads of Federal agencies shall develop and issue regulations and administrative instructions to provide for administrative designation of the specific areas and trails on public lands on which the use of off-road vehicles may be permitted, and areas in which the use of off-road vehicles may not be permitted. These regulations are required to direct that the designation of such areas and trails will be based upon the resources of the public lands, promotion of the safety of all users of those lands, and minimization of conflicts among the various uses of those lands. The regulations are to further require that areas and trails shall be located to minimize: Damage to resources; harassment of wildlife and disruption of wildlife habitats; and conflicts between off-road vehicle use and other existing or proposed recreational uses of the public lands, and to insure compatibility of off-road vehicle use with existing conditions on populated areas. Paragraph 3(a) (4) of E.O. 11644 states that areas and trails shall be located in areas of the National Park System, Natural Areas, or National Wildlife Refuges and Game Ranges only if the off-road vehicle use in such locations will not adversely affect their natural, aesthetic, or scenic values.

The regulations of the Bureau of Sport Fisheries and Wildlife have been reviewed in light of Executive Order 11644, and it has been determined that these following regulations, as amended, are adequate to carry out the purpose of that Executive order.

The Bureau of Sport Fisheries and Wildlife provides for general and permanent regulations governing the National Wildlife Refuge System, in Subchapter C, Parts 25, 26, 28, and 29 of Title 50, Code of Federal Regulations. National Fish Hatcheries are coded in Subchapter E with references made to Parts 26, 28, and 29.

Section 25.2 cites the fundamental purpose and wildlife management responsibilities of the Bureau. The following subsections of Title 50, CFR, are applicable to off-road vehicle use: §§ 26.2 prohibiting trespassing; 26.3 controlling entry and use; 26.14 which states, "travel in or use of any motorized vehicle, including land, water, ice, snow, and aircraft types is prohibited on areas within the National Wildlife Refuge System, except on specific routes of travel or in designated areas posted for public use by the officer in charge, "; 26.20 concerning disorderly conduct; 28.1(b) concerning permits for access to wildlife refuges; 28.6 concerning use of roads and trails; 28.7 concerning operation of vehicles; 28.8 concerning the possession, use and transportation of firearms on wildlife refuge areas; 28.17 concerning the types of use that will be permitted in wildlife refuge areas; 28.25 providing for the issuance of special regulations concerning public use, access, and recreation within certain individual wildlife refuge areas; and 29.3 concerning the granting of permission for nonprogram uses.



These sections are considered to provide adequate regulations of off-road vehicles on National Wildlife refuges as required by Executive Order 11644 with the exception of § 28.7 which it is proposed to amend as follows:

§ 28.7 Operation of vehicles.

\* \* \* \* \*

(i) All vehicles shall be equipped with a proper muffler in good working order and in constant operation that conforms to the laws of the State in which the refuge is located and no vehicle shall have a muffler cutout, bypass, or similar device. A vehicle that produces unusual or excessive noise or other pollutants shall not be permitted. A Refuge Manager, by posting of appropriate signs or by marking on a map which shall be available in the office of the Refuge Manager, may require that a motor vehicle, operating off established roads and parking areas, shall be equipped with a spark arrestor that meets standards 5100-1a of the Forest Service, U.S. Department of Agriculture, which standard includes the requirement that such spark arrestor shall have an efficiency to retain or destroy at least 80 percent of carbon particles, for all flow rates, and which includes a requirement that such spark arrestor has been warranted by its manufacturer as meeting the above-mentioned efficiency requirement for at least 1,000 hours, subject to normal use, with maintenance and mounting in accordance with the manufacturer's recommendation.

(j) A motor vehicle shall not be operated at any time without proper brakes, or from a half-hour after sunset to a half-hour before sunrise without working headlights and taillights which comply with the laws and regulations for operations on the roads of the State within whose boundaries the refuge is located.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. In accordance with this policy, the abovementioned amended regulations of the Bureau of Sport Fisheries and Wildlife in 50 CFR, are issued as notices of rule-making, and are subject to public comment, objection, and suggestion, prior to final issuance. Accordingly, interested persons may submit written comments regarding the proposed amendment to the Director, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C., on or before March 16, 1973.

O. V. SCHMIDT,

*Acting Director, Bureau of Sport Fisheries and Wildlife.*

JANUARY 29, 1973.

[FR Doc. 73-2868 Filed 2-13-73; 8:45 am]

NATIONAL PARK SERVICE

[36 CFR Parts 2, 4, 7]

*Public Use and Recreation; Vehicles and Traffic Safety*

OFF ROAD USE OF VEHICLES

Pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended: 16 U.S.C. 3), it is proposed to amend portions of Parts 2, 4, and 7 of title 36, concerning off road use of vehicles as set forth below.

The purpose of these changes is to clarify, reorganize, and bring the regulations concerning snowmobiles and motor vehicles operated off road into conformity with the requirements of sections 3 and 4 of Executive Order 11644, to amend and reorganize the regulations concerning saddle and pack animals, travel on trails and bicycles, and to amend special regulations concerning motor vehicles on the beach at Fire Island National Seashore and Cape Cod National Seashore and snowmobiles at Delaware Water Gap National Recreation Area to ensure that these special regulations are consistent with the general regulations amendments proposed concerning snowmobiles and motor vehicles.

Specifically, the general regulations amendments concerning snowmobiles and motor vehicles operated off road state the criteria by which a Superintendent will determine whether an area or route shall be designated as open for off road use of a motor vehicle or use of a snowmobile. The regulations also provide



operating conditions under which snowmobiles and motor vehicles will be operated off road.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to the Director, National Park Service, Department of the Interior, Washington, D.C., on or before March 16, 1973.

#### PART 2—PUBLIC USE AND RECREATION

It is proposed that § 2.23 be amended to read as follows:

##### § 2.23 Saddle and pack animals.

\* \* \* \* \*

(f) Pedestrians on trails or routes established for use of horses or other saddle or pack animals shall remain quiet when such animals are passing.

It is proposed that § 2.27 be amended to read as follows:

##### § 2.27 Special events.

(a) Sports events, pageants, reenactments, regattas, entertainments, and the like, characterized as public spectator attractions, are prohibited unless written permission therefor has been given by the Superintendent. Such permits may be issued only after a finding that the issuance of such permit will not be inconsistent with the purposes for which the area is established and maintained, and will cause the minimum possible interference with use of the area by the general public. The permit may contain such reasonable conditions and restrictions as to duration and area occupied as are necessary for protection of the area and public use thereof.

(b) As a condition of permit issuance, the Superintendent may require the filing of a bond with satisfactory surety payable to the Director, to cover costs such as restoration, rehabilitation, and cleanup, of the area used, and other costs resulting from the special event. In lieu of a bond, a permittee may elect to deposit cash equal to the amount of the required bond.

It is proposed that § 2.30 be renamed National Scenic Trails and be amended to read as follows:

##### § 2.30 National Scenic Trails.

\* \* \* \* \*

(b) [Deleted]

\* \* \* \* \*

It is proposed that § 2.34 be amended to read as follows:

##### § 2.34 Snowmobiles.

\* \* \* \* \*

(c) *Use in designated areas.* (1) The use of snowmobiles is prohibited, except in areas and on routes designated by the Superintendent by posting of appropriate signs or by marking on a map which shall be available at the office of the Superintendent, or both. In determining whether to designate an area or route for snowmobile use the Superintendent shall be guided by the criteria contained in sections 3 and 4 of E.O. 11644 (37 FR 2877), and shall also consider factors such as other visitor uses, safety, wildlife management, noise, erosion, geography, weather, vegetation, resource protection, and other management considerations. Prior to making a final decision to designate an area or route for such use, notice of such intention shall be published in the FEDERAL REGISTER and the public shall be provided a period of 30 days to comment on the proposed designation.

(2) Even though an area or route has been designated as open for snowmobile use in accordance with paragraph (c)(1) of this section the Superintendent may temporarily or permanently close or restrict the use of the areas and routes designed for use of snowmobiles by the posting of appropriate signs or by marking on a map which shall be available at the office of the Superintendent, or both. In determining whether to close or restrict the use of areas and routes under this paragraph, the Superintendent shall be guided by the criteria contained in sections 3 and 4 of E.O. 11644 (37 FR 2877), and shall also consider factors such as other visitor uses, safety, wildlife management, noise, erosion,



geography, weather, vegetation, resource protection, and other management considerations. Prior to making a final decision on permanent closure of an area or route, notice of such intention shall be published in the FEDERAL REGISTER and the public shall be provided a period of 30 days to comment.

(d) *Vehicle suitability.* (1) Every snowmobile shall be equipped with a muffler in good working order any time the snowmobile is operating. Operating a snowmobile equipped with a muffler cutout, bypass, or similar device is prohibited.

\* \* \* \* \*

#### PART 4—VEHICLES AND TRAFFIC SAFETY

It is proposed that § 4.3 be amended to read as follows :

#### § 4.3 Bicycles.

\* \* \* \* \*

(c) In natural and historical areas, the use of bicycles is prohibited, except on established public roads and parking areas, and on routes designated for their use by the posting of signs or by marking on a map which shall be available at the office of the Superintendent, or both.

(d) In recreational areas, the use of bicycles is permitted unless restricted by posted signs or by marking on a map which shall be available at the office of the Superintendent, or both.

It is proposed that § 4.19 be amended to read as follows :

#### § 4.19 Travel on roads and designated routes.

(a) *Natural and historical areas.* In natural and historical areas, the use of motor vehicles outside of established public roads or parking areas is prohibited.

(b) *Recreational areas.* (1) In recreational areas, the use of motor vehicles outside of established public roads or parking areas is prohibited, except in areas and on routes designated by the Superintendent by the posting of appropriate signs or by marking on a map which shall be available at the office of the Superintendent, or both. In determining whether to designate an area or route outside of established public roads or parking areas for general motor vehicle use, or for use of particular types of motor vehicles, the Superintendent shall be guided by the criteria contained in sections 3 and 4 of E.O. 11644 (37 FR 2877) and shall also consider factors such as other visitor uses, safety, wildlife management, noise, erosion, geography, weather, vegetation, resource protection, and other management considerations. Prior to making a final decision to designate an area or route for such use notice of such intention shall be published in the FEDERAL REGISTER, and the public shall be provided a period of 30 days to comment on the proposed designation.

(2) Even though an area or route outside of an established public road or parking area has been established as open for motor vehicle use in accordance with paragraph (b) (1) of this section, the Superintendent may temporarily or permanently close or restrict the use of the areas and routes designated for use of motor vehicles, or close or restrict such areas or routes to the use of particular types of motor vehicle, by the posting of appropriate signs or by marking on a map which shall be available at the office of the Superintendent, or both. In determining whether to close or restrict the use of areas and routes under this paragraph, the Superintendent shall be guided by the criteria contained in sections 3 and 4 of E.O. 11644 (37 FR 2877), and shall also consider factors such as other visitor uses, safety, wildlife management, noise, erosion, geography, weather, vegetation, resource protection, and other management consideration. Prior to making a final decision on permanent closure of an area or route, notice of such intention shall be published in the FEDERAL REGISTER and the public shall be provided a period of 30 days to comment.

(c) *Vehicle suitability.* (1) Operating a motor vehicle other than a wheeled vehicle equipped with pneumatic tires is prohibited: *Provided*, That operating a track-laying vehicle or a vehicle equipped with a similar traction device is permitted in dry sand or marsh areas on routes, designated by the Superintendent for use of such vehicles pursuant to paragraph (b) (1) of this section.

(2) The operation of a motor vehicle that will damage or be likely to damage the surface of the road or route, beyond wear and tear normally caused by the pneumatic tires or track with which it is equipped, is prohibited.

(3) Paragraph (c) (1) and (2) of this section shall not be construed to prohibit the use, on established roads or parking areas, of ordinary detachable tire or skid chains, stud tires, or comparable safety devices under adverse road conditions.



(d) A Superintendent, by the posting of appropriate signs or by marking on a map which shall be available in the office of the Superintendent, may require that a motor vehicle, or a particular class of motor vehicle, operated off established roads and parking areas, shall be equipped with a spark arrestor that meets Standard 5100-1a of the Forest Service, U.S. Department of Agriculture, which standard includes the requirement that such spark arrestor shall have an efficiency to retain or destroy at least 80 percent of carbon particles for all flow rates, and which includes a requirement that such spark arrestor has been warranted by its manufacturer as meeting the above-mentioned efficiency requirement for at least 1,000 hours, subject to normal use, with maintenance and mounting in accordance with the manufacturer's recommendation.

(e) A motor vehicle operated off established roads and parking areas, from a half-hour after sunset to a half-hour before sunrise, shall be equipped with lighted headlights and taillights which comply with the laws and regulations for operations on the roads of the State within whose exterior boundaries the park area or portion thereof is located.

It is proposed to add § 4.21 to read as follows :

#### § 4.21 Brakes.

A motor vehicle shall be equipped with brakes in good working order in accordance with the laws and regulations for operation on the roads of the State within whose exterior boundaries the park area or portion thereof is located.

### PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

It is proposed to amend § 7.20 to read as follows :

#### § 7.20 Fire Island National Seashore.

(a) *Operation of motor vehicles*—(1) *Definitions.* \* \* \*

(ii) *Reserve.* \* \* \*

(2) *Permits.* \* \* \*

(iv) No permit shall be issued for any motor vehicle not equipped in accordance with applicable regulations in §§ 4.12, 4.19, and 4.21 of this chapter.

(4) *Rules of travel.* (i) When two motor vehicles approach from opposite direction in the same track both operators shall reduce speed and the operator with the water to his left shall yield the right-of-way by turning out of the track to the right.

(iv) [Revoked]

(v) [Revoked]

It is proposed to amend § 7.67 as follows :

#### § 7.67 Cape Cod National Seashore.

(c) *Private oversand vehicle operation.* (1) Operation of privately owned passenger vehicles not for hire, including the various forms of vehicles used for travel over sand, such as, but not limited to "beach buggies," on designated oversand routes or beaches in the park area without a permit, is prohibited. Such permit will be issued provided that each vehicle is equipped in accordance with applicable regulations in §§ 4.12, 4.19, and 4.21 of this chapter, and provided that the vehicle contains the following equipment to be carried in the vehicle at all times while on the beaches or designated oversand routes :

(i) Shovel,

(ii) Jack,

(iii) Tow rope or chain,

(iv) Board or similar support for jack,

(v) Low pressure tire gauge.

In addition, operators must show that all applicable Federal and State regulations having to do with licensing, registering, inspecting, and insuring of such vehicles have been complied with prior to issuance of the permit. Such permits are to be affixed to the vehicles as instructed at the time of issuance.



It is proposed to amend § 7.71 to read as follows:

§ 7.71 Delaware Water Gap National Recreation Area.

\* \* \* \* \*

(b) [Revoked]

\* \* \* \* \*

Dated: January 31, 1973.

RONALD H. WALKER,  
*Director, National Park Service.*

[FR Dec. 73-2865 Filed 2-13-73; 8:45 am]

NOTICES

BUREAU OF RECLAMATION

*Control of off-road vehicles on reclamation lands*

Proposed Policy and Criteria

Executive Order 11644 provides that agencies shall develop and publish regulations prescribing management and use requirements for off-road vehicles on the public lands. Pursuant to this order, proposed policy and criteria have been developed relating to off-road vehicles on Reclamation lands.

It is the policy of the Department of the Interior to afford those dealing with the Department a full and fair opportunity to be heard and to have their views considered on matters affecting their interests. Accordingly, interested parties may submit written comments, suggestions, or objections with respect to the proposed policy and criteria to the Commissioner of Reclamation, 18th and C Streets NW., Washington, D.C. 20240, on or before March 16, 1973.

The material which follows is prepared for issuance in the Reclamation manual, and the numbering system is that of the manual.

ELLIS L. ARMSTRONG,  
*Commissioner of Reclamation.*

FEBRUARY 2, 1973.

RECLAMATION INSTRUCTIONS

PART 215—LAND MANAGEMENT

*Chapter 9—Off-road Vehicle Use*

**1 Purpose.** This chapter sets forth policy and criteria for the control of the use of off-road vehicles on Reclamation lands. These instructions implement applicable provisions of Executive Order 11644 and Departmental requirements.

**2 Policy.** It is Bureau policy to (1) control the use of off-road vehicles on Reclamation lands and (2) ensure that any permitted use is compatible with other uses and will not result in significant adverse environmental impact or cause irreversible damage to existing ecological balances. Such use shall comply with the Departmental criteria in Appendix A.

**3 Definitions.** An off-road vehicle is any motorized vehicle (including the standard automobile) which is used off established roadways and is designed for, or capable of, travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain. It includes, but is not limited to, 4-wheel drive or low-pressure-tire vehicles, motorcycles, and related 2-wheel vehicles, snowmobiles, amphibious machines, ground-effect or air-cushion vehicles, recreation vehicle campers, and any other means of transportation deriving motive power from any sources other than muscle or wind.

**A. Exceptions.** Excluded from this definition are: registered motorboats; military, fire, emergency, or law enforcement vehicles; farm type tractors and other self-propelled agricultural equipment when used exclusively for their designed purposes; self-propelled equipment for harvesting and transporting forest products or for earth moving or construction while being used for these purposes;



self-propelled lawn mowers, snowblowers, garden or lawn tractors, and golf carts while being used exclusively for their designed purpose; and vehicles whose use is expressly authorized by permit, lease, license, or contract.

4 *Responsibility.* Regional Directors shall monitor off-road vehicle use on Reclamation lands and take action as necessary and appropriate to meet the requirements of Executive Order 11644 as set forth in this chapter. They shall also designate and publicize off-road vehicle areas, as appropriate, and shall compile information as necessary relative to such use.

5 *Administering agencies.* Off-road vehicle use will be administered, in accordance with Executive Order 11644, by those Federal and non-Federal agencies which have assumed responsibility for management of Reclamation lands for recreational purposes. Specifically:

A. Areas managed by the National Park Service, the Bureau of Sport Fisheries and Wildlife, the Forest Service, and other Federal agencies will be administered in accordance with procedures established by those agencies.

B. Areas managed by non-Federal entities will be administered in a manner consistent with both the provisions of this chapter and applicable non-Federal laws and regulations.

C. Areas administered directly by the Bureau of Reclamation will be consistent with this chapter.

4. Off-road vehicle use on public lands withdrawn but not yet utilized for Reclamation purposes will be administered by the Forest Service or by the Bureau of Land Management, as appropriate, consistent with Reclamation requirements for retaining the land.

6. *Areas for Off-Road Vehicle Use*—A. *Designation.* Reclamation lands will be closed to off-road vehicle use, as defined in .3 above, except for those areas specifically designated for such use. Prior to opening any area for this use, specific regulations will be established at the regional and operating levels consistent with Departmental criteria in appendix A.

B. *Inspection and control.* Designated off-road vehicle areas shall be inspected periodically to determine conditions resulting from such use. If substantial damage is found, areas shall be closed or appropriate controls established to prevent further deterioration to the land, water, wildlife, and vegetative resources.

C. *Coordination.* The regulation of off-road vehicle use on Reclamation lands will be coordinated with such use as permitted by recreation-managing agencies on adjacent lands (both public and private).

#### APPENDIX A

##### DEPARTMENT OF THE INTERIOR CRITERIA FOR MANAGING OFF-ROAD VEHICLE USE

a. *Use Criteria (except for official use).* (1) Areas and trails shall be located to minimize damage to soil, watershed, vegetation, or other resources of the public lands.

(2) Areas and trails shall be located to minimize harassment of wildlife or significant disruption of wildlife habitats.

(3) Areas and trails shall be located to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands, and to ensure the compatibility of such uses with existing conditions in populated areas, taking into account noise, safety, and other factors.

(4) Areas and trails shall not be located in officially designated Wilderness Areas or Primitive Areas. Areas and trails shall be located in areas of the National Park System, Natural Areas, or National Wildlife Refuges and Game Ranges only if the respective Bureau head determines that off-road vehicle use in such locations will not adversely affect their natural, aesthetic, or scenic values.

(5) Areas and trails shall not be located in areas possessing unique natural, wildlife, historic or recreational values unless the Bureau head determines that these unique values will not be adversely affected.

b. *Operating criteria.* (1) A person operating an off-road vehicle on Interior lands shall have a valid license or learner's permit to operate a motor vehicle in the State of his residence, or, if under licensing age for his State or residence, shall be accompanied by a person 21 years of age or older with a valid operator's license who, in turn, may not supervise the off-road vehicle use of more persons under age at any one time than conditions warrant as determined by the



agency responsible for recreational management. In addition, no person shall operate an off-road vehicle on Interior lands:

- (a) In a reckless, careless, or negligent manner;
- (b) In excess of established speed limits;
- (c) While the operator is under the influence of alcohol or drugs; and
- (d) In a manner likely to cause excessive damage or disturbance of the land, wildlife or vegetative resources.

(2) In order to operate on Interior lands, all off-road vehicles must conform to applicable State laws and registration requirements established for such vehicles.

(3) All off-road vehicles operated on Interior lands shall be equipped with a proper muffler and spark arrestor in good working order and in constant operation, and no vehicle shall have a muffler cut-out, bypass, or similar device. An off-road vehicle that produces unusual or excessive noise shall not be permitted on Interior lands.

(4) Off-road vehicles shall not be operated on Interior lands at any time without proper brakes or from dusk to dawn without working headlights and taillights.

Interior bureaus may issue permits for the operation of off-road vehicles on areas designated for their use for organized races, rallies, meets, endurance contests and other off-road vehicle events. Special precautions must be taken to:

- 1. Protect the public;
- 2. Minimize damage to the land and its resources; and
- 3. Provide for rehabilitation of the land.

All applications for permits for off-road vehicle events shall be submitted no less than 4 months, or a lesser time as each Bureau may determine, prior to such events, to allow sufficient time to assure that such precautions are provided for. Each Interior bureau shall require the permittee to be bonded or to deposit money in such amounts as may be required to cover cost of restoration and rehabilitation of the trails and areas used, and such other special costs attributable to the events.

Fees may be collected as authorized under the provisions of section 2 of the Land and Water Conservation Fund Act of 1965, as amended, or under other appropriate authority.

[FR Doc. 73-2867 Filed 2-13-73; 8:45 am]

---

OFFICE OF THE SECRETARY

[INT DES 72-62; Formerly INT DES 72-58]

*Use of Off-Road Vehicles on Public Lands*

Notice of Reopening of Review Period for Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department issued a draft environmental statement for the proposed implementation of Executive Order No. 11644, which pertains to use of off-road vehicles on the public land (37 FR 11078, June 2, 1972).

This notice hereby reopens the review period and invites written comments by March 16, 1973.

In addition, this notice corrects the statement number which should be INT DES 72-62. Comments previously submitted referencing the incorrect number need not be corrected or resubmitted.

Dated: February 9, 1973.

WILLIAM W. LYONS,  
*Deputy Assistant Secretary of the Interior.*

[FR Doc. 73-2864 Filed 2-13-73; 8:45 am]



COMPARISON OF OFF-ROAD VEHICLE REGULATIONS, BUREAU OF SPORT FISHERIES  
AND WILDLIFE AND DEPARTMENT OF DEFENSE

The regulations concerning the control of off-road vehicles on lands administered by the Department of Defense and Bureau of Sport Fisheries and Wildlife are almost identical. The major similarity is that both have the policy that their lands and waters are closed to off-road vehicles, except those areas and trails specifically designated for such use in accordance with their policy and regulations. Both agencies have enforcement authority to administer their regulations and to enter into cooperative agreements with State and local governments for the enforcement of laws and regulations related to off-road vehicle use.

The only difference in the two agencies' regulations is in the system for categorizing of their areas for off-road vehicle use. The Department of Defense has the following: (a) generally opened with controlled public access within management quotas; (b) installation personnel and guest; (c) installation personnel; (d) closed. The bureau of Sport Fisheries and Wildlife are either (a) open in accordance with Bureau policy and guidelines, or (b) closed to the public.

---

USE OF OFF-ROAD VEHICLES ON THE PUBLIC LANDS

EXECUTIVE ORDER 11644. FEBRUARY 8, 1972

An estimated 5 million off-road recreational vehicles—motorcycles, minibikes, trail bikes, snowmobiles, dunebuggies, all-terrain vehicles, and others—are in use in the United States today, and their popularity continues to increase rapidly. The widespread use of such vehicles on the public lands—often for legitimate purposes but also in frequent conflict with wise land and resource management practices, environmental values, and other types of recreational activity—has demonstrated the need for a unified Federal policy toward the use of such vehicles on the public lands.

Now, THEREFORE, by virtue of the authority vested in me as President of the United States by the Constitution of the United States and in furtherance of the purpose and policy of the National Environmental Policy Act of 1969 (42 U.S.C. 4321), it is hereby ordered as follows:

SECTION 1. *Purpose.* It is the purpose of this order to establish policies and provide for procedures that will ensure that the use of off-road vehicles on public lands will be controlled and directed so as to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands.

SEC. 2. *Definitions.* As used in this order, the term:

(1) "public lands" means (A) all lands under the custody and control of the Secretary of the Interior and the Secretary of Agriculture, except Indian lands, (B) lands under the custody and control of the Tennessee Valley Authority that are situated in western Kentucky and Tennessee and are designated as "Land Between the Lakes," and (C) lands under the custody and control of the Secretary of Defense;

(2) "respective agency head" means the Secretary of the Interior, the Secretary of Defense, the Secretary of Agriculture, and the Board of Directors of the Tennessee Valley Authority, with respect to public lands under the custody and control of each;

(3) "off-road vehicle" means any motorized vehicle designed for, or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain; except that such term excludes (A) any registered motorboat, (B) any military, fire, emergency, or law enforcement vehicle when used for emergency purposes, and (C) any vehicle whose use is expressly authorized by the respective agency head under a permit, lease, license, or contract; and

(4) "official use" means use by an employee, agent, or designated representative of the Federal Government or one of its contractors in the course of his employment, agency, or representation.



SEC. 3. *Zones of Use.* (a) Each respective agency head shall develop and issue regulations and administrative instructions, within six months of the date of this order, to provide for administrative designation of the specific areas and trails on public lands on which the use of off-road vehicles may be permitted, and areas in which the use of off-road vehicles may not be permitted, and set a date by which such designation of all public lands shall be completed. Those regulations shall direct that the designation of such areas and trails will be based upon the protection of the resources of the public lands, promotion of the safety of all users of those lands, and minimization of conflicts among the various uses of those lands. The regulations shall further require that the designation of such areas and trails shall be in accordance with the following—

(1) Areas and trails shall be located to minimize damage to soil, watershed, vegetation, or other resources of the public lands.

(2) Areas and trails shall be located to minimize harassment of wildlife or significant disruption of wildlife habitats.

(3) Areas and trails shall be located to minimize conflicts between off-road vehicle use and other existing or proposed recreational uses of the same or neighboring public lands, and to ensure the compatibility of such uses with existing conditions in populated areas, taking into account noise and other factors.

(4) Areas and trails shall not be located in officially designated Wilderness Areas or Primitive Areas and trails shall be located in areas of the National Park system, Natural Areas, or National Wildlife Refuges and Game Refuges only if the respective agency head determines that off-road vehicle use in such locations will not adversely affect their natural, aesthetic, or scenic values.

(b) The respective agency head shall ensure adequate opportunity for public participation in the promulgation of such regulations and in the designation of areas and trails under this section.

(c) The limitations on off-road vehicle use imposed under this section shall not apply to official use.

SEC. 4. *Operating Conditions.* Each respective agency head shall develop and publish, within one year of the date of this order, regulations prescribing operating conditions for off-road vehicles on the public lands. These regulations shall be directed at protecting resource values, preserving public health, safety, and welfare, and minimizing use conflicts.

SEC. 5. *Public Information.* The respective agency head shall ensure that areas and trails where off-road vehicle use is permitted are well marked and shall provide for the publication and distribution of information, including maps, describing such areas and trails and explaining the conditions on vehicle use. He shall seek cooperation of relevant State agencies in the dissemination of this information.

SEC. 6. *Enforcement.* The respective agency head shall, where authorized by law, prescribe appropriate penalties for violation of regulations adopted pursuant to this order, and shall establish procedures for the enforcement of those regulations. To the extent permitted by law, he may enter into agreements with State or local governmental agencies for cooperative enforcement of laws and regulations relating to off-road vehicle use.

SEC. 7. *Consultation.* Before issuing the regulations or administrative instructions required by this order or designating areas or trails as required by this order and those regulations and administrative instructions, the Secretary of the Interior shall, as appropriate, consult with the Atomic Energy Commission.

SEC. 8. *Monitoring of Effects and Review.* (a) The respective agency head shall monitor the effects of the use of off-road vehicles on lands under their jurisdictions. On the basis of the information gathered, they shall from time to time amend or rescind designations or areas or other actions taken pursuant to this order as necessary to further the policy of this order.

(b) The Council on Environmental Quality shall maintain a continuing review of the implementation of this order.

RICHARD NIXON.

The White House, February 8, 1972

[Filed with the Office of the Federal Register, 12:29 p.m., February 8, 1972]

Mr. DINGELL. Mr. Linduska, the Chair would like to ask you just a couple of questions. On page 3 of your statement, you say, request for technical assistance far exceeds our capacity to respond. As a re-



sult, many opportunities are lost to the detriment of wildlife as well as the general public, even those programs that have been in existence over 20 years, referring to the Sikes Act.

The Chair would like to have you submit to us three things, and these questions will be in the record; (1) the number of these requests, (2) the cost of meeting these requests, both in terms of manpower and money and so forth, and (3) the number of personnel and the amount of money that would be necessary for you to appropriately respond to the request made to this, if you please, both as to the military reservations to which you alluded in your statement and also as to the public lands in general, so we can have an appreciation of what the real cost of a decent game management program would be on the public lands.

[The responses to the questions follow:]

Response No. 1. Since passage of P.L. 86-797 (Sikes Act), and the immediate steps taken to implement the intent of that Act, this Bureau has received relatively few requests for new starts. This is due to establishment of cooperative agreements with most of the military areas having useable fish and game resources. Our problem has been an insufficiency of funds and manpower to adequately manage the areas under agreement. Presently our biologists are visiting about 50 percent of the military areas on an annual basis; however, in most instances these visits constitute a stop-gap reconnaissance type look at suspected problem areas.

Response No. 2. To adequately handle the military technical assistance problem on 250 bases having Cooperative plans for fish and wildlife would require *16 fishery biologists and 14 game biologists* at a total cost of \$1,050,000, (\$560,- for fisheries and \$490,000 for wildlife).

Response No. 3. The Federal Government holds title to over 750 million acres of land (34 percent of the total land mass). Included in this figure are in excess of 20 million acres of impounded or flowing water. Much of the expertise needed to manage these vast areas is found at the State and other government agency levels. This reduces Bureau of Sport Fisheries and Wildlife needs to coordinating or consulting capacity and is reflected in the low total manpower needs. Such a program would require *130 professional biologists (65 fishery and 65 wildlife biologists)* at a total funding of \$3,900,000.

Mr. DINGELL. I think you have made the point that 3 man-years of effort available to you through the present budget structure is grossly inadequate, and you indicate there will be a decline in fiscal 1974 due to rising costs in program priorities.

It would also be appreciated if you would submit to the committee the status of anticipated appropriations to your agency to carry forward game management on the public lands.

I must indicate to you that I find this most distressing, so if you will submit the two things to the committee, it would be appreciated.

As Mr. Everett has indicated, he will be submitting to you other questions which will relate to H.R. 75 and the other bills, some of which will be submitted on behalf of the Chair, and, of course, we know you will respond punctually and efficiently, as always.

Dr. LINDUSKA. I will be happy to comply with your request.

Mr. DINGELL. We thank you for your kindness. Your presence and your testimony has been most helpful.

Dr. LINDUSKA. Thank you, Mr. Chairman.

Mr. DINGELL. Our next witness is Dr. James L. Liverman, Director, Division of Biomedical and Environmental Research, U.S. Atomic Energy Commission.



**STATEMENT OF DR. JAMES L. LIVERMAN, DIRECTOR, DIVISION OF BIOMEDICAL AND ENVIRONMENTAL RESEARCH, U.S. ATOMIC ENERGY COMMISSION, ACCOMPANIED BY JOE SMITH, DIRECTOR OF AEC DIVISION OF CONTRACTS; AND WILLIAM OSBURN, ASSISTANT CHIEF OF ENVIRONMENTAL SCIENCES BRANCH**

Mr. LIVERMAN. My predecessor was before you last year. I left the AEC about 9 years ago, and I have been back now only 3 months as an employee of the Government again.

I do appreciate the pleasure of being before the committee again. I have with me two colleagues: Joe Smith, who is Director of the AEC Division of Contracts, and is the Commission's real estate manager; and Dr. Bill Osburn, who is the Assistant Chief of our Ecological Science Branch.

Mr. DINGELL. Gentlemen, we welcome you.

Mr. LIVERMAN. The comments I will address are restricted to H.R. 75 and H.R. 733 because the Commission has not had an opportunity to review H.R. 4327; but if you wish comment, we will provide it for the record.

Mr. DINGELL. The Chair will appreciate it at the appropriate time for your agency to submit such comments on these other measures as you deem appropriate.

We do intend to move vigorously on the most comprehensive program possible; and, as I read this, that means H.R. 75. Doctor, you may proceed.

Mr. LIVERMAN. Mr. Chairman, those comments were delivered this morning, I believe.

My testimony in some respects is a reiteration of the AEC's testimony before this committee on September 10, 1971, H.R. 697, 9754, and 10384, which had objectives similar to the legislation currently being considered. The AEC agrees with the basic objectives of the legislation; that is, the conservation of the Nation's natural resources.

However, it is the AEC's position that these objectives can be obtained administratively and that legislative action is not required at this time.

Second, we believe that if the committee is subsequently of the view that legislation is necessary, that the bill should be amended in order to clearly reflect that any conservation program to be put into effect on AEC lands should have the specific agreement of the AEC.

As was outlined in our 1971 testimony, the AEC is in agreement with the broad objectives of the proposed legislation—to encourage the expansion of conservation and rehabilitation programs on public lands.

Mr. DINGELL. You have made a very helpful amendment suggestion that the AEC is a party to any agreement affecting AEC lands.

Mr. LIVERMAN. Yes.

Mr. DINGELL. I suppose you could have your legislative people draft amendatory language. In doing this, I do not want you to waste the time of the committee or the AEC by going through the Office of Management and Budget. Just submit it directly to the committee as a drafting service.

Mr. LIVERMAN. We shall be happy to do so.



In consonance with the direct intent of the legislation being considered, the AEC has worked out agreements and arrangements with local, State, and Federal agencies for multiple use of our facilities.

The AEC lands have proven to be valuable wildlife refuges, timber management areas, areas with controlled access for hunting, fishing, picnicking, and hiking; controlled access to rifle and archery ranges, areas for dog obedience and field trials and many other kinds of uses.

The above activities were mentioned in 1971. They have continued to expand since that time.

In addition to these particular conservation-related activities in which the public is involved as participants, the Commission has used the lands under its jurisdiction for a number of other more specialized activities concerned with insuring public safety and in deriving much-needed research information.

1. We maintain buffer zones which are continuously monitored to insure health and safety of the public from any possible radioactivity releases or radiation exposures.

2. We maintain research areas with varied ecosystems on most of the sites, in which to study the productivity of the land and water and in which to study the environmental impact of various pollutants.

Since our last appearance before this committee, the Commission has expanded conduct of environmental experiments requiring a long time of uninterrupted study. These sites, which are widely scattered in remote areas throughout much of the continental United States, are representative of nearly every major land type of the Nation: The Southeastern coastal plains, the Appalachian ridges and valleys, the Midwest grasslands, the Northwestern steppes, and the desert areas.

This committee well recognizes the unique opportunity provided to use parts of these areas for appropriate studies to insure continued productivity and for improving environmental quality of similar lands not under governmental control.

I have tried to summarize for you on figure 1 something of the breadth and extensiveness of these studies which are largely directed at getting answers to questions facing the Commission and the Nation.

There have been instances more recently in which other agencies lacking controlled access lands have formed joint programs with the Commission. The Environmental Protection Agency at the Savannah River Plant, Aiken, S.C.; and the National Science Foundation's International biological programs at Oak Ridge, Tenn.; the Nevada Test Site; and Richland, Wash.; are examples.

As the Commission's research activities in this field have come to be widely recognized, investigators from various institutions across the land realize that our facilities offer four distinct advantages not afforded to any large degree by those of most other agencies.

1. The access to research sites is controlled so that research involving various experimental and control conditions remain undisturbed for long enough periods of time to gain meaningful answers.

2. The existence in many cases of up to 20 years of readily available baseline information on various aspects of the environment.

3. The ready availability of logistic support and assistance both for field studies and for the laboratories' science backup.



4. The sites are representative of much of the surrounding region; therefore, the research results from the site will in many cases be extrapolative to the rest of the region. Knowledge of these advantages has resulted in a number of requests from various scientists to conduct experiments on the control sites. We review all such requests and accommodate them when possible. In part, as a result of these requests, last spring the AEC established a National Environmental Research Park at the 200,000-acre Savannah River plant shown here in figure 2. We expect to dedicate it this spring.

In figure 1, you can see that it does cover a wide number of vegetation types, and in the last column is an example of the kinds of research programs that are going on there. I will not go into those in detail unless the committee is interested.

Three major objectives of an environmental research park are:

1. Impact assessment, that is, to develop methods to quantitatively and continuously assess the environmental impact of man's activities.
2. Impact prediction, that is, to develop predictive models to forecast the environmental response to proposed activities.
3. Demonstration, that is, to serve as a living model demonstrating the impact of various activities on the environment—multiuse management practices.

In short, an environmental research park is a place where the information can be developed to allow the Nation to study and assess the environmental consequences of various governmental actions. Parks of this nature require extensive areas of land which are protected from external influences and can serve as outdoor laboratories for long periods of time.

We have found the types of cooperation outlined above in which agreements have been directly between the AEC and the local authorities to be consonant with the objectives of the bills.

The legislation could tend to limit the AEC's ability to carry out the multiple land-use programs which I have outlined above.

In summary we are concerned that the proposed legislation could have a detrimental effect on AEC's statutory mission in that it does not assure the AEC the necessary degree of control over the management of land under its jurisdiction.

Now, Mr. Chairman, in the area of concern with the three bills, I would like to quickly just summarize and say again we have found the type of cooperation that the bills seem to want to achieve possible to achieve under our existing authority and ability to consummate agreements with the local, State, regional, and Federal authorities, and have found no difficulty in doing so.

We find the legislation could tend to limit the ability to carry out the research programs needed for the Nation in the way I have outlined for you.

This closes my statement, and I will be happy to answer any questions you may have.

Mr. DINGELL. Thank you, Doctor.

Mr. Goodling?

Mr. GOODLING. No questions.

Mr. DINGELL. Mr. Eckhardt?

Mr. ECKHARDT. Thank you, Mr. Chairman.



Doctor, assuming that the committee would go along with your recommendation of an amendment in which the AEC had to be agreeable in placing any of the particular lands in question within the scope of H.R. 75, would there be then any objection to the passage of H.R. 75 under the reasons you have given on page 5 of your testimony?

Mr. LIVERMAN. Well, I believe, Mr. Eckhardt, that the only real objection we have to the bill is that because we have the controlled research areas that we would not want to interrupt these long-range experiments, and that really is our only basic objection to the bill, and if that were met, then generally we are in favor of it.

Mr. ECKHARDT. You could limit and not include the control research areas under the type of amendment which the chairman suggested, could you not?

Mr. LIVERMAN. Yes, except that research, as you are well aware, is a continuing thing, and what we have found is that the kind of experiments which one needs to do today are not exactly what they ought to be tomorrow, because you are addressing different questions.

We would like to consider and keep open the options of using these lands at some future date for research areas, in which case if hunting or fishing or such things would interfere in any real way with the conduct of the experiment, then we would, of course, like to limit that.

Mr. ECKHARDT. You would have two protections; No. 1, if presently there was a possibility of interference with your objectives or if presently there was anticipation of such interference you could refuse to agree.

Mr. LIVERMAN. Yes.

Mr. ECKHARDT. And No. 2, under the bill itself, since a cooperative program is envisaged, it would seem to me that in your work with the other agencies your desires would weigh heavily in the determination of the use of your lands.

It would seem to me that the amendment that was suggested should meet all of your objections to H.R. 75.

Mr. LIVERMAN. I think that is probably correct.

Mr. ECKHARDT. Thank you, sir.

Mr. DINGELL. Doctor, the Chair does wish to reiterate, we have asked for precisely the kind of drafting service you have been discussing with our good friend, Mr. Eckhardt.

Mr. LIVERMAN. We will provide that to you.

Mr. DINGELL. It will be most helpful to the committee.

[The information follows:]

#### AEC PROPOSED AMENDMENTS TO SECTIONS 201 AND 202 OF H.R. 75 AND H.R. 733

(Proposed new language is underlined. Proposed deleted language is bracketed.)

*Section 201(b)* "The Secretary of the Interior shall implement the conservation and rehabilitation programs required under subsection (a) of this section, *including their adoption and modification*, on public land under his jurisdiction and on public land under the respective jurisdiction of the Chairman of the Atomic Energy Commission, *with the Commission's prior written approval*, and the Administrator of the National Aeronautics and Space Administration *with the Administrator's prior written approval*. The Secretary of Agriculture shall implement such conservation and rehabilitation programs on public land under his jurisdiction.



*Section 202(a)(2) "The Secretary of the Interior shall [after consultation with the Chairman,] develop, with the prior written approval of the Atomic Energy Commission, a comprehensive plan for conservation and rehabilitation programs to be implemented on public land under the jurisdiction of the Chairman and [after consultation with the Administrator] develop with the prior written approval of the Administrator of the National Aeronautics and Space Administration a comprehensive plan for such programs to be implemented on public land under the jurisdiction of the Administrator. Each such plan shall be developed after the Secretary of the Interior makes, [in cooperation with] with the prior written approval of the Chairman or the Administrator, as the case may be, and in consultation with the State agencies, necessary studies and surveys of the land concerned to determine where conservation and rehabilitation programs are most needed.*

*Section 202(a)(2)(c)(1)(C) "the Secretary of the Interior and the Chairman or the Administrator, as the case may be, with respect to those conservation and rehabilitation programs to be implemented under this title within the State on public land under the jurisdiction of the Chairman or the Administrator. Before entering into any cooperative agreement which affects public land under the jurisdiction of the Atomic Energy Commission, the Secretary of the Interior shall obtain the prior written approval of the Commission; before entering into any cooperative agreement which affects public lands under the jurisdiction of the Administrator of the National Aeronautics and Space Administration, the Secretary of the Interior shall obtain the prior written approval of the Administrator.*

*Section 202(a)(2)(c)(2) "Any conservation and rehabilitation program included within a cooperative agreement entered into under this subsection may be modified in a manner mutually agreeable to the State agency and the Secretary concerned (and the Chairman or the Administrator, as the case may be, if public land under his jurisdiction is involved). Before modifying any cooperative agreement which affects public land under the jurisdiction of the Atomic Energy Commission, the Secretary of the Interior shall obtain the prior written approval of the Commission; before modifying any cooperative agreement which affects public land under the jurisdiction of the Administrator of the National Aeronautics and Space Administration, the Secretary of the Interior shall obtain the prior written approval of the Administrator.*

*Section 202(a)(2)(c)(5) "After securing the prior written agreement of the Atomic Energy Commission and the Administrator of the National Aeronautics and Space Administration whenever public lands within their respective jurisdictions are involved, the Secretary of the Interior and the Secretary of Agriculture, as the case may be, shall prescribe such regulations as are deemed necessary to control, in a manner consistent with the applicable comprehensive plan and cooperative agreement, the public use of public land which is the subject of any conservation and rehabilitation program implemented by him under this title.*

Mr. DINGELL. Mr. Mills?

Mr. MILLS. No questions.

Mr. DINGELL. Mr. Cohen?

Mr. COHEN. No questions.

Mr. DINGELL. Mr. Pritchard?

Mr. PRITCHARD. No questions.

Mr. DINGELL. Mr. Everett?

Mr. EVERETT. If H.R. 75 is adopted, would there be any cost to your agency?

Mr. LIVERMAN. We have been discussing that this morning, and, of course, that question was raised earlier.

The way the Atomic Energy Commission manages its site, because of the radioactivity and such problems, we are continuously monitoring the system anyway, and I cannot visualize, although I will try to provide a more precise answer to your question for the record, I cannot visualize very many additional costs.



The costs that are involved now in making these lands available for hunting and fishing are only the costs connected with our normal operations. The fees that are collected are paid to the State or somebody else to handle their end of the business.

I do not visualize, unless it becomes a very extensive thing, that we would have to monitor the hunting and fishing ourselves, that it would be very large.

Mr. EVERETT. Could you indicate at this time how much in fees have been collected over the years?

Mr. LIVERMAN. I think we better try to provide that for the record. I do not know the answer.

Mr. EVERETT. Could you also provide the answer to the question, how many people visit your facilities each year intending to hunt or fish on these facilities?

Mr. LIVERMAN. Yes, we can provide that.

Mr. EVERETT. I have no more questions, Mr. Chairman.

Mr. DINGELL. Doctor, we would appreciate you mailing that directly to the committee.

Mr. LIVERMAN. I shall do so.

[The information follows:]

#### ADMINISTRATIVE COSTS

Agreements which have been entered by the AEC with State Fish and Game Departments, other local political subdivisions, or nonprofit sportsman groups have generally contained provisions requiring that the operations be without cost to the Commission or that the Commission be reimbursed for out-of-pocket costs. If this legislation is passed, we would anticipate the Commission could continue to follow the same policy in all agreements entered into pursuant to the legislation.

#### FEES FOR HUNTING AND FISHING

The Commission has not received financial assistance under its agreements with State Fish and Game Departments, other local political subdivisions, or nonprofit sportsman groups with the possible exception of fees collected from each hunter by its Savannah River Plant. A portion of these fees are used to compensate the Commission for out-of-pocket costs of the program with the balance being paid to the State of South Carolina. Over the past years, fees have been collected by the Commission as follows:

| Fiscal year: | <i>collected<br/>Total fees</i> |
|--------------|---------------------------------|
| 1965 -----   | \$2, 500                        |
| 1966 -----   | 6, 810                          |
| 1967 -----   | 21, 830                         |
| 1968 -----   | 18, 160                         |
| 1969 -----   | 18, 890                         |
| 1970 -----   | 21, 673                         |
| 1971 -----   | 18, 598                         |
| 1972 -----   | 19, 120                         |
| Total -----  | 127, 581                        |

It would appear that under this legislation, this arrangement could be continued and, therefore, the legislation would have no impact on any financial assistance arrangements or existing programs.

#### NUMBER OF HUNTERS AND FISHERMEN VISITING AEC FACILITIES ANNUALLY

With the exception of the Commission's Savannah River Plant numerical counts of hunters and fishermen gaining admission to AEC facilities are kept



by State and other Federal agencies. Admissions for these purposes occur mainly at the AEC's Richland, Washington, and Savannah River, South Carolina, facilities as indicated below:

| Fiscal year | Savannah<br>River | Richland |
|-------------|-------------------|----------|
| 1965        | 564               |          |
| 1966        | 1,547             |          |
| 1967        | 3,293             | 2,382    |
| 1968        | 2,883             | 1,537    |
| 1969        | 3,338             | 3,050    |
| 1970        | 4,124             | 1,750    |
| 1971        | 3,948             | 2,305    |
| 1972        | 935               | 4,047    |
| Total       | 23,632            | 15,071   |

For all other AEC facilities, it has been estimated that the annual number of annual admissions during an average year since fiscal year 1965 was approximately 600 persons. State and Federal agencies have estimated 621 admissions at these other facilities during fiscal year 1972.

Mr. DINGELL. Doctor, it may be that the committee will have some additional questions that we will ask you, and if that be so, I am sure you will cooperate with us.

Mr. LIVERMAN. To the fullest extent.

Mr. DINGELL. The Chair does wish to inquire along the lines of Mr. Eckhardt's questions to you. If you have any further suggestions or amendments that you would like to submit, we would be happy to have them, and have the benefit of your assistance.

The Chair would suggest that you ought to give very careful attention to H.R. 75 because I feel that is the bill that I would like best to proceed on.

Mr. LIVERMAN. Fine. We have, as I mentioned earlier, provided an official reply already, but in view of your comments I think we need to go back and readdress the question in view of today's testimony, both by me and the other people, and respond to you on that.

Mr. DINGELL. What I want you to know, Doctor, is that we are really interested in working with you to come up with a game management program on these reservations that will be bearable and acceptable to you and will not impinge upon the fundamental functions of your agency and will be helpful all around. That is our goal.

Mr. LIVERMAN. I appreciate that, Mr. Chairman, and we will be glad to work with you in whatever way possible.

Mr. DINGELL. Doctor, the committee thanks you for your helpful testimony. The Chair also expresses his thanks to your associates. I have had the pleasure of working with them in times past.

[The letter in response to committee counsel's questions follows:]

ATOMIC ENERGY COMMISSION,  
Washington, D.C., April 5, 1973.

Mr. NED P. EVERETT,  
Counsel, Committee on Merchant Marine and Fisheries,  
House of Representatives.

DEAR MR. EVERETT: This letter is in reply to your four questions of March 14, 1973, concerning answers and comments on bills to provide for game conservation and rehabilitation programs on Federal lands.

1. What would be the cost to the Federal Government for the current fiscal year as well as the next succeeding five fiscal years should H.R. 75 be enacted into law? You may wish to coordinate your answer with NASA and the Depart-



ments of the Interior, Defense, and Agriculture since they have been asked to do the same.

We understand that the Department of the Interior will provide a statement on the total costs to the Federal Government. We are cooperating with Interior and have provided them with the AEC cost information included in our answer to question three.

2. How much has AEC spent annually over the past three years to carry out our game conservation and rehabilitation programs on lands under its jurisdiction? How much of these funds came from appropriated funds, State funds, or license fees?

With the exception of our Savannah River location, annual costs for the AEC to carry out game conservation and rehabilitation programs have been nominal and were incurred as a part of normal facility operations. The AEC does not receive any reimbursement from State agencies for these programs. At the Savannah River facility annual hunts are conducted in cooperation with the State of South Carolina to control the deer population. The primary purpose of these hunts is to keep the deer from becoming a traffic hazard with game conservation a secondary, but important consideration.

The following table shows the approximate costs of these hunts and the license fees received by the AEC:

[In thousands of dollars]

| Fiscal year | Approximate gross costs | License fees received | Net costs to AEC |
|-------------|-------------------------|-----------------------|------------------|
| 1970.....   | 61                      | 14                    | 47               |
| 1971.....   | 62                      | 15                    | 47               |
| 1972.....   | 76                      | 16                    | 60               |

3. What do you anticipate the annual needs would be to carry out the purpose of Title II of H.R. 75 on AEC lands?

Until specific proposals have been developed by the Department of the Interior in cooperation with the AEC on a location-by-location basis, the costs to the Federal Government for implementing Title II of H.R. 75 on AEC lands cannot be estimated with any certainty. However, we do think that the AEC will be spending about \$50,000 per year for the next five years for administrative activities, such as, negotiating cooperative agreements, reviewing regulations proposed for issuance by the Secretary of the Interior, and coordinating conservation measures with present and future AEC program requirements. This estimate does not include costs to police, monitor, or otherwise carry out H.R. 75 conservation and wildlife management programs on AEC administered lands, since such responsibilities would be assumed by the Secretary of the Interior under the proposed legislation. Finally, this estimate does not include the cost of the annual hunts at Savannah River since these hunts will continue to be conducted in the future for safety purposes regardless of whether H.R. 75 is enacted.

4. On page 5 of your statement you expressed concern that H.R. 75 would not provide AEC with the necessary degree of control over the management of land under its jurisdiction. Please provide appropriate amendatory language, as a drafting service without the clearance of OMB, that would correct this problem.

Appropriate language to amend H.R. 75 for the continuation of AEC control over management of its land has been submitted as an insert on the transcript of my testimony of March 8, 1973. We are enclosing a copy of this insert which fully answers question number four.

If you need further information, we will be happy to supply it.

Sincerely,

JAMES L. LIVERMAN,  
*Director, Division of Biomedical  
and Environmental Research.*

Mr. DINGELL. The next witness is Mr. Frank Roche, Director, Real Property and Natural Resources, Office of the Secretary, Installations and Logistics, Department of Defense.

Frank, we are pleased to have you. Identify yourself fully for the record, and identify any of your associates you have with you.



**STATEMENT OF FRANCIS B. ROCHE, DIRECTOR, REAL PROPERTY AND NATURAL RESOURCES DIVISION, OFFICE OF ASSISTANT SECRETARY OF DEFENSE FOR INSTALLATIONS AND LOGISTICS, ACCOMPANIED BY GEORGE D. BRUCH, OFFICE OF GENERAL COUNSEL; AND CAPT. EDWARD DAUCHESS, U.S. NAVY, OFFICE OF LEGISLATIVE AFFAIRS, DEPARTMENT OF DEFENSE**

Mr. ROCHE. Mr. Chairman, among my other duties, my office is responsible for the establishment of policies for the acquisition, management, and disposal of Defense real properties and for the management of the Department of Defense natural resources conservation program. We would like to express our appreciation for the opportunity to appear before you today to discuss the merits of H.R. 75, 733, and 4327 of the 93d Congress, three bills relating to the management of fish and wildlife programs on our military reservations.

Public Law 86-797, September 15, 1960, as amended by Public Law 90-465, August 8, 1968 (16 U.S.C. 670a-f), authorizes the Secretary of Defense to carry out a program of planning, development, maintenance, and coordination of wildlife, fish, and game conservation, public recreation, and rehabilitation in military reservations in accordance with a cooperative plan mutually agreed upon by the Secretary of Defense, the Secretary of the Interior, and the appropriate State agency designed by the State in which the reservation is located.

The comprehensive plans to be developed under this act were to be consistent with any overall land use and management plan for the lands involved and, where hunting, trapping, and fishing are permitted, such would be conducted in accordance with State laws and regulations.

Section 2 of Public Law 90-465 (16 U.S.C. 670f(b)) further authorized to be appropriated to the Secretary of Defense an amount not to exceed \$500,000 per year for fiscal years 1970, 1971, and 1972 to carry out a program for the improvement of fish and wildlife programs and for the development and enhancement of recreational opportunities on military reservations.

The statute further provides that the Secretary of Defense shall, to the greatest extent practicable, enter into agreements to use the services, personnel, equipment, and facilities of the Department of the Interior—with or without reimbursement—in carrying out the provisions of the act.

In implementation of these authorities, a basic agreement has been in effect since 1960 between the Department of Defense and the Department of the Interior covering conservation of fish and wildlife resources on military installations. In addition, a total of 237 cooperative agreements covering approximately 19 million acres of the 25.8 million acres of land controlled by the Department of Defense are in effect between the installation commanders and the designated State agencies.

Under these agreements, and within the funds generated by hunting and fishing fees supplemented by other resources of the Department, many successful and well balanced conservation programs have been developed at Defense installations capable of supporting such a program consistent with the military mission.



The fact of budgetary restraints has limited the exercise of the appropriation authority provided in Public Law 90-465 with a resultant limitation on the technical and other assistance provided by the Department of the Interior. Consequently, the extension of an aggressive fish and wildlife program to all suitable installations has not been possible.

H.R. 75, 733, and 4327 would, in common, amend section 670 of title 16 United States Code to extend through fiscal year 1977, the authorization contained in Public Law 90-465 for an annual appropriation to the Department of Defense for the purposes of the act and would, at the same time, increase the authorization to \$1.5 million per year.

In addition, H.R. 75 and 733 would essentially provide, in a new title I, an authorization to the Secretary of the Interior of an annual appropriation not to exceed \$1 million for fiscal years 1974 through 1978 to enable the Secretary of the Interior to carry out such functions and responsibilities as he may have under the cooperative plans for the conservation of natural resources on Defense lands.

Additionally, H.R. 75 and 733 would direct that the cooperative agreements called for by the act would provide for controlled burning for habitat improvement, range rehabilitation where necessary for support of wildlife, and the control of all terrain vehicles including snowmobiles.

Both of these bills would also add a new title II which would authorize programs similar to those of the Department of Defense on lands of the Departments of Agriculture and Interior, the Atomic Energy Commission, and the National Aeronautical and Space Administration.

The Department of Defense believes that the current working arrangement with the Department of the Interior to be the most satisfactory method by which military lands can be managed under the multiple use concept. The extension of the authorization to the Department of Defense for funds, as provided in H.R. 75, 733, and 4327, with funds included for this purpose in the annual Department of Defense Appropriation Act is necessary to assure the continuation of programs successfully implemented under the basic authorities of Public Law 86-797 and to provide for the initiation of conservation and recreation programs where they do not now exist.

We do believe, however, that it is unnecessary to specifically address in H.R. 75 and 733 controlled burning for improvement of habitat since this is now practiced by Defense on a case-by-case basis under strict conditions and in accord with State antipollution laws.

Likewise, Executive order 11644, February 8, 1972, provides for the establishment of procedures for the control of all off-road vehicles including snowmobiles. With regard to the proposed title II in H.R. 75 and 733, the Department of Defense defers to the departments and agencies involved.

In summary, the Department of Defense is duly appreciative of the cooperation extended to its programs in the past by the Department of the Interior and is optimistic that this aid can be continued.

Likewise, we are most gratified with the support given to the Defense conservation effort by this committee. We are hopeful that this



committee will see fit to recommend to the Congress, at a minimum, the extension of the appropriation authority contained in H.R. 4327.

We are also most hopeful that the budgetary climate in future years will permit a request for matching appropriations if H.R. 4327 or similar legislation is enacted. We would be happy to answer any questions that members of the committee might have.

Subject to the concurrence of the chairman, this will constitute the report of the Department of Defense.

Mr. DINGELL. The committee thanks you for your helpful testimony. Mr. Goodling?

Mr. GOODLING. Thank you, Mr. Chairman.

Mr. Roche, on the installations where you now allow hunting and fishing, do you regulate or allow the use of snowmobiles?

Mr. ROCHE. We realize the fact that many wildlife habitat can be affected by undue noise or the exhaust which is given off by these vehicles, and we are restricting to very narrow areas where those off-road vehicles can be used. The intent here is that the wildlife habitat is a superior use of the property over that of snowmobiles or other off-road vehicles.

Mr. GOODLING. You are allowing some to be used—is that correct?

Mr. ROCHE. Yes, under very strict conditions.

Mr. GOODLING. Under what?

Mr. ROCHE. Under very strict conditions.

Mr. GOODLING. Under very strict conditions, you say.

Mr. ROCHE. Yes.

Mr. GOODLING. How do you justify the use under any condition? I am afraid we are developing a group of panty-waist hunters. Now we are going to develop a group of snowmobile hunters.

Under what conditions do you allow that?

Mr. ROCHE. The use of our land for these purposes is limited to those areas which generally do not support at this present time any fish or wildlife. They are in the areas, for example, where we might have an abandoned gravel pit, where it is good for nothing else, and we constitute this type of off-road use in that area.

Mr. GOODLING. I would be hopeful that you would regulate the use of snowmobiles very, very carefully. I am personally opposed to the use of them for hunting in any manner.

That is all, Mr. Chairman.

Mr. DINGELL. Thank you, Mr. Goodling.

Mr. Eckhardt?

Mr. ECKHARDT. Thank you, Mr. Chairman.

Mr. Roche, it appears to me that the gist of your testimony is that you are doing as good a job as can be accomplished within budgetary restraints, which now exist, but that you would like to have less such budgetary restraints so as to do your job more completely, is that correct?

Mr. ROCHE. Sir, we would like to have the authorization on the books in the event that the budget situation, as it presently faces the Department of Defense, does get better.

Mr. ECKHARDT. You say on page 2, the fact of budgetary restraints has limited the exercise of the appropriations authority provided in Public Law 90-465.

Mr. ROCHE. Yes, sir.



Mr. ECKHARDT. Then you point out that these bills all would improve the situation by increasing the authorization to amend \$500,000 per year and H.R. 75 and H.R. 733 would go beyond that and also provide the annual appropriation not to exceed \$1 million for fiscal years 1974 through 1978.

I assume that you approve both of those improvements with respect to your budgetary position.

Mr. ROCHE. Yes, sir, and speaking for the Defense Department, it is most desirable for us to have on the books the extended authorization. I could not speak, of course, for the budget of the Department of the Interior, so we would have to defer to that department as far as the desirability of the \$1 million per year authorization for them.

Mr. ECKHARDT. But, of course, if they are cooperating with you with respect to carrying out these joint programs, this would also aid the total problems that you have described.

Mr. ROCHE. Yes, sir, it would.

Mr. ECKHARDT. Then I notice that on page 4 appears, I think, the only reservation you express with respect to H.R. 75 and H.R. 733, and that is with respect to whether or not burning for timber improvement of habitat should be controlled by statutory law. You feel that perhaps is unnecessary?

Mr. ROCHE. Yes, sir, we feel it is unnecessary to encumber the cooperative agreement under which this thing is being done now.

Controlled burning is a very good management tool and, as I say, we are practicing it, but also in due recognition of the impact, possible impact on the environment and air quality.

Mr. ECKHARDT. Assuming that provision were removed from H.R. 75 and you could continue under the present circumstances with respect to burning, then I would assume that H.R. 75 would more adequately afford the kind of relief and extension of funds to carry out your program than the mere extension contained in H.R. 4327. Would you say that is correct?

Mr. ROCHE. Yes, sir, the only difference then would be in title I, wherein the authorization for the \$1 million to the Department of the Interior would be added.

Mr. ECKHARDT. Thank you, sir.

Mr. DINGELL. Mr. Ruppe?

Mr. RUPPE. Thank you, Mr. Chairman.

Under what circumstances and conditions is the public permitted to utilize the hunting and recreational and fishing facilities on Department of Defense lands?

Mr. ROCHE. Well, generally we have four categories of installations, one, the installation where we patently do not have any resources, resources for fishing and hunting, and a good example is Fort McNair right here in Washington.

The next class would be an installation, a small installation with some resources, where we would limit the use to military and base personnel.

The third category is where we have additional assets where we would expand the public use.

The fourth category is where the public enjoys the full use of the assets on the particular installation.



Mr. RUPPE. Could you give me an example of a couple of installations in the fourth category?

Mr. ROCHE. The last category, the fully open one?

Mr. RUPPE. Yes.

Mr. ROCHE. The Naval Ammunition Depot at McAlester, Okla., and the one Mr. Sikes mentioned, Eglin Air Force Base in Florida are good examples.

Mr. RUPPE. How many acres would be available for hunting and fishing on these installations?

Mr. ROCHE. At Eglin Air Force Base, we are talking about 464,000 acres, and recognizing it is pretty well contaminated, about 290,000 of Eglin is generally open. The other example I cited, approximately 35,000 acres are open to the general public.

Mr. RUPPE. Just as a matter of curiosity, what size or what category does Quantico, Va., fall into?

Mr. ROCHE. I do not know the specifics about Quantico.

Mr. RUPPE. Could you provide them for us?

Mr. ROCHE. Yes, sir, I would be very happy to.

Mr. RUPPE. Thank you.

[The information to be supplied follows:]

The Marine Corps Schools, Quantico, Va., are generally open with controlled public access within manageable quotas.

Mr. RUPPE. That is all, Mr. Chairman. Thank you.

Mr. DINGELL. Mr. Mills?

Mr. MILLS. Thank you, Mr. Chairman.

Mr. Roche, I just want to pursue that line of questioning a moment, because the comments I get indicate that the military installations are only utilized by the military personnel on the base, and this creates a considerable amount of hard feeling with local residents.

Do you happen to know what Aberdeen Proving Ground, what category that falls into?

Mr. ROCHE. Not specifically, but we will also furnish that information for the record, Mr. Mills.

[The information to be supplied follows:]

Due to security measures and ordnance contamination, only employees of the Proving Ground and their guests are permitted to hunt and fish on the reservation. Most hunting areas are within testing sites and require special passes for access.

Mr. ROCHE. Generally, we have been trying over the past years to get away from this comment that we are doing nothing but holding these properties for private hunting.

We are opening up more and more of our lands to hunting by the general public. I think the predominant number of our lands are open for hunting and fishing.

In addition to the hunting and fishing opportunities, you have to realize also that these installations will only stand so much hunting and fishing pressures. In the past few years we have been looking more and more to the nonconsumptive uses of our bases, like hiking and bird watching.

We have increased over 100 percent in the past year by the participation of the public in the use of our land, something like 7 million people last year.



Mr. MILLS. Would you also check and furnish for the record in Dorchester County, that situation? This is an area where hunting of waterfowl takes place, and apparently only by military personnel. But I would also like to know about that.

Mr. ROCHE. We will furnish that information to you.

Mr. MILLS. Thank you.

[The information to be supplied follows:]

We believe the location you are referring to is Bloodsworth Island which lies south of the mainland portion of Dorchester County and west of Somerset. This installation, comprising 6,013 acres, has been used continuously since 1941 as a target for air-to-ground gunnery and bombing as well as for surface-to-surface training. Since it is heavily contaminated with unexploded ordnance, hunting and fishing are not permitted.

Mr. DINGELL. Mr. Everett?

Mr. EVERETT. Thank you, Mr. Chairman.

Mr. Roche, I wonder if you will comment on the point that Mr. Linduska made with respect to H.R. 75, that the \$1 million authorized to be appropriated for the Secretary of Interior to carry out his responsibilities under the Sikes Act should be appropriated to the Department of Defense and then, in turn, transferred to Interior?

What do you think about that proposal?

Mr. ROCHE. I think that somewhere along the line we have failed to recognize that under the Public Law 465 that appropriation or the authorization for that appropriation was not necessarily limited to fish and wildlife. It also talked about the enhancement of recreational opportunities.

If the money were made available, then I think that Defense would want to consult with not only the Bureau of Sports Fishing and Wildlife, but also the Bureau of Outdoor Recreation within Interior to determine what percentages of that allocation might be.

Mr. EVERETT. The problem the committee faces is that DOD is having trouble getting money out of the Office of Management and Budget, and that is one reason why the provision was put in this bill that would authorize funds to be appropriated directly to Interior.

You say in your statement you are hopeful that OMB will be more cooperative in the future.

Mr. ROCHE. It is not necessarily the fault of OMB.

We have certain budgetary restraints, as you all recognize, the tremendous pressures that Defense has been under in the past few years. I think it is a matter of internal priorities within the Department of Defense as to what to ask the Congress to appropriate.

Mr. EVERETT. Do you think your situation will improve, in view of the phasing-down of the Vietnam War? You will also note that we have here tripled the authorization you had before. Do you think this will help in the future?

Mr. ROCHE. I cannot speak for the entire Defense budget, but I expect the situation would be better in the future.

Mr. EVERETT. At last year's hearings, there was an indication that 41½ million people visited military installations last year.

Would you have any indication as to how many of those 4.5 million visitors participated in hunting, fishing, or trapping on military installations?



Mr. ROCHE. I do not have that statistic, but we can supply it for the record.

Mr. EVERETT. Mr. Chairman, in the interest of time, I would like to submit a number of other questions to Mr. Roche in writing.

Thank you, Mr. Chairman.

Mr. ROCHE. We shall be happy to comply with your request.

[The information to be supplied follows:]

During FY 1972, over 6,435,000 people enjoyed hunting, fishing and other outdoor recreational opportunities on Department of Defense lands. Of these, approximately 1,135,780 people were in the hunting and fishing category.

Mr. DINGELL. Thank you, Mr. Everett.

Gentlemen, the committee thanks you for your helpful testimony this morning.

The Chair does observe it has been a magnificent change in the way the Defense Department has handled its resources, and in the way it has approached the problem of public use of these reservations.

The Chair would request, gentlemen, that if you have any amendments to H.R. 75, that you make those suggestions available to us in order that we may have them before us when we consider these measures in executive session.

Mr. Everett wisely advised me it is the wish of the Chair that these not be cleared through the Office of Management and Budget, but submitted directly to the committee as a drafting service.

The Chair observes that we have some time remaining. We have an old friend here in the committee room, Mr. Daniel A. Poole, president of the Wildlife Management Institute.

#### STATEMENT OF DANIEL A. POOLE, PRESIDENT, WILDLIFE MANAGEMENT INSTITUTE, WASHINGTON, D.C.

Mr. POOLE. Thank you, Mr. Chairman.

For purposes of identification, I am Daniel A. Poole, president of the Wildlife Management Institute, with headquarters in Washington, D.C.

I would like to say at the outset that I am very familiar with the Defense Department conservation program. I have served as a judge of both the conservation awards programs of the U.S. Air Force and of the Navy. I have been a judge on a Navy program three or four times.

I also have been a judge of the overall Department of Defense conservation award program, and in these capacities I have visited defense installations in all parts of the country over a period of years. And I have inspected the field conduct of the conservation programs of the various services. I have also talked with the people who administer and conduct these programs at all levels.

As our statement makes clear, we believe the extension and broadening of this authority is most desirable, and our reasons for this will be explained in our full statement.

Also, we support the objectives of title II.

We do believe, however, that care should be taken to acknowledge and honor the authorities already held by such agencies as the U.S. Forest Service, the AEC, and the rest.



We are extremely concerned that aside from the U.S. Forest Service, the committee apparently is hearing only from the minority Federal land administering agencies. No one is here from the Bureau of Land Management, an agency of the Department of the Interior. With some 460 million acres of land, BLM is the largest landholder in this Nation.

The authorities that would be granted under the terms of title II, while not entirely necessary for the other Federal agencies, are of the utmost necessity for BLM.

Speaking frankly, Mr. Chairman, BLM's wildlife and recreation program is a national tragedy. This is because neither successive administrations nor Congresses have acted to give BLM the authority it needs to properly manage lands under its control. BLM urgently needs authority and funding. Title II would be of the utmost benefit to the agency's program should the authority be actually implemented to a desirable degree.

The conservation programs of DOD, AEC, NASA, and BLM would be benefited by H.R. 75, and the people would be benefited by the approval of both titles I and II. The language of the latter, title II, should be refined in our view so as to avoid contradiction with prevailing authority.

Most of the agencies simply need funding, and this would be available through the recreation stamp. But BLM, the Nation's largest landholder, needs both authority and funding, and the opportunities for wildlife on the agency's holdings are tremendous.

Now, one other minor point I would like to bring out, and that is in our statement with respect to the Defense Department conservation program. In my view, the Defense program, despite any type of authority that might be conveyed to it, is lacking in that the Defense agency has no MOS number for service personnel desiring to become involved in authorized conservation work.

As a result, if a young man wishes to become associated with the post conservation program as a serviceman, he may request to be transferred to it, but there is no opportunity for advancement in that position. To advance in the military system, he would have to get out of the conservation work.

I think this is a very great weakness in the military conservation program, in that as a major administrator of public lands, it does not have a category for its personnel to serve in a conservation responsibility. As a result, most personnel associated with this work are involved for a relatively short time.

With that, Mr. Chairman, I would just merely like to submit our complete statement for the record.

Mr. DINGELL. Without objection, your complete statement will appear in the record at this point.

[The full prepared statement of Mr. Poole follows:]

STATEMENT OF DANIEL A. POOLE, PRESIDENT, WILDLIFE MANAGEMENT INSTITUTE

Mr. Chairman, I am Daniel A. Poole, president of the Wildlife Management Institute. The Institute is one of the older national conservation organizations, and its program has been devoted to the restoration and improvement management of renewable natural resources for more than sixty years.



The Institute appreciates the opportunity to comment on the important proposals before this committee. The 26 million acres of public land controlled by the U.S. Department of Defense has great potential for conservation achievement. Traditionally, the national defense mission of these lands has masked their value for recreation and other natural resource yield. More and more people are becoming aware that much additional public use can be made of these lands, without impairment of their defense function.

With a few notable exceptions, conservation work on DOD lands historically has been less than adequate. There have been periods of progress, but, in recent years, the program has deteriorated and only lately have signs of improvement appeared. I am informed that base commanders, as of this year, have been told by the Department to establish multiple-use programs, including forests, wildlife, soil, water, outdoor recreation, and other resources, that are compatible with the military mission. Hopefully this order will be supported by regulations to that effect. But regulations, without money and manpower, will accomplish little.

Experience has shown that conservation programs on military lands in the past have depended upon the interest of the base commander. If the commander enjoyed field sports, a good program usually resulted. Experienced observers claim they can tell a commanding officer's sporting interest by simply eyeballing his installation. Conservation program continuity also suffers because of the relatively frequently transfer of base commanders.

It is virtually impossible to ascertain the effort and accomplishments of the DOD program as now operated. The various services finance their conservation programs mainly with monies from use permits or special services activities. This source is expected to provide approximately \$600,000 this year. The programs reportedly are bolstered by other funds, but the exact amount is probably unknown.

This way of doing business prevents sound resources management. The Navy Department, for example, is forbidden to use appropriated money for conservation work. Its only source of funds is from fees collected from users of its lands. This service realized sizeable receipts from the sale of timber, but the purposes for which this money can be spent are very limited. Also, I am told that other receipts such as from the sale of gravel, while sizeable, cannot be touched. This situation existed during the years before P.L. 90-465 expired. This statute authorized \$500,000 per year for DOD conservation programs. Although requests were made by at least some services, none of the funds were ever appropriated. The inadequate programs were maintained on fees collected and monies transferred from other purposes.

The lack of professional personnel, especially for fish and wildlife management is acute in DOD. In fact, none of the defense agencies have a conservation MOS. Men interested in this work may request transfer to it, but there is no provision for their advancement. As a result, the core work is carried out by a few dedicated individuals and many "loaners." The Navy, for example, has only on trained wildlife manager spread over more than 2 million acres of wildlife habitat under cooperative agreements with state and the Interior Department. Without guidance from experienced and trained specialists in this field, the programs will continue to lag and wildlife resources on these lands will not be enhanced for public benefit as they should be.

The bills before the Committee address only one of the three major problem areas which the Institute recognizes with regard to DOD's conservation effort. These three areas are: 1) a congressional directive for the entire program including fish and wildlife improvements, 2) funding and qualified personnel, and 3) administrative encouragement. The funding problem which could upgrade professional personnel deficits would be aided with these measures.

H.R. 75 and H.R. 733 call specifically for fish and wildlife habitat improvements to be included in DOD conservation programs. But neither would provide the department with a directive for the overall program. We suggest that the "Sikes Act" be further amended to "authorize and direct" the Defense Secretary to carry out the intent of that Act.

H.R. 75 and H.R. 733 provide a \$1.5 million authorization to DOD for its conservation program. They also provide \$1 million to the Department of the Interior for cooperative work on DOD lands. The second provision may be opposed by the two agencies from the standpoint that one agency should not receive funds for programs conducted on another's land.



The Institute is not basically concerned with who gets the funds. Our interest is in getting an adequate program underway to improve resource management on this large land area. In the past, DOD has completed some fine work by contracting with the Interior Department. Thus, by providing all the funds to DOD, that agency could still make use of the expertise of Interior and simultaneously upgrade its level of technical competence which is so important in the long run. This is a point the Committee can best judge after all witnesses have been heard.

Administrative interest in conservation on DOD lands is essential if the full potential of this vast land area is to be realized. The department has a poor overall record in this regard and we hope this or some other Committee will press the issue.

The Institute supports the cooperative concept for refining wildlife management on public land embodied in Title II of H.R. 75 and H.R. 733. Although both the Interior and Agriculture Departments have authority to carry out cooperative programs with state wildlife agencies, and are doing so in several states, we believe this directive may stimulate more cooperation. It is important that both state and federal levels work closely in managing wildlife and other natural resources. As this Committee well knows, funding at both the federal and state levels for wildlife is always the last to be added and the first to be cut. Neither level of government, under these circumstances, is able to do the job alone. Therefore, the directive of these proposals to actively seek more cooperative effort is desirable.

As a final point, Mr. Chairman, we endorse the concept of issuing "public land management area stamps" for access to Interior and Agriculture areas managed under cooperative agreements with the states. The earmarked money would be used to help finance wildlife management programs carried out on federal public lands by administering federal agencies and cooperating state agencies. In this way, those who actually use the public resource will pay a greater share of the management expense. This type program has worked well on national forests in Virginia and other states. In our opinion it would provide much needed money to enhance wildlife and other resources on millions of acres of public land.

We support the objectives of these proposals and hope the Committee can move them promptly.

Mr. DINGELL. Mr. Poole, the Chair does request that you give us any suggested amendments that you deem appropriate to this legislation.

The Chair will again bring to your attention that probably the piece of legislation the committee will work on will be H.R. 75, so your kindness and cooperation in making this available to us will be appreciated.

Mr. POOLE. Thank you. I appreciate the opportunity, Mr. Chairman.

I might just say as an aside, some of the finest Defense installation conservation programs of which I am aware are in the district of Mr. Sikes. He has a very keen interest in it; and if any of you gentlemen ever have an opportunity to contrast the programs at installations in his district with some of those that exist elsewhere at Defense installations throughout the country, you will see a very marked contrast. I think Mr. Sikes' interest over the years has provided a very valuable service.

You can see in his district that these programs do work and that they do benefit the people to a large degree.

Thank you, Mr. Chairman.

Mr. DINGELL. Mr. Eckhardt.

Mr. ECKHARDT. No questions.

Mr. DINGELL. Mr. Ruppe?

Mr. RUPPE. Thank you, Mr. Chairman.

What, in your opinion, can be done on BLM land to improve the wildlife habitat and wildlife management that is not being done today?



Mr. POOLE. Gentlemen, to be brief, I will generalize. While my figures will not be specifically accurate, they will be in the ball park.

For the entire outdoor recreation program on 460 million acres of land and for wildlife habitat management, BLM receives not more than \$6 million per year.

The Bureau of Land Management has one wildlife or one wildlife and/or fisheries biologist for approximately every 100,000 acres of land.

It also has one fisheries biologist for about every 10,000 miles of streams that course the land for which it is responsible.

The Bureau of Land Management lands have traditionally been over-used by the commercial extractive-type interests, let us say, in terms of grazing. Nearly 70 million acres of BLM lands have been identified where, by deliberate programing and development wildlife populations could be greatly enhanced.

Many of these areas involve lands that are used by summer range for livestock. They are actually winter range for wildlife.

By the time the wildlife gets down off the high country, the forage is gone to a large degree, and there is much reduced carrying capacity for the wildlife.

It is a combination of all these things—and I could go on and on—that adds up to a very discouraging story.

Mr. RUPPE. Am I correct in saying then, after your testimony, there are approximately 70 million acres that could be used for better or extensive wildlife habitat and management but the problem is that even on those 70 million acres, the major or the dominant use is for another purpose or intent?

Mr. POOLE. Yes, it is. The Bureau of Land Management lacks the biological manpower to develop programs for wildlife on these areas, and I might also tell you it lacks support.

Mr. RUPPE. If these BLM lands have other priority uses at the present time, this legislation would not be particularly effective unless the uses or the dominant use for which this land is operated today were changed. Do you not need something more fundamental?

Mr. POOLE. I think our understanding would revolve around your use of the term, and I believe you said "dominant uses."

Mr. RUPPE. Or the main use in terms of grazing or whatever it may be.

Mr. POOLE. It is probably more accurately portrayed if we say it is a vested traditional use. But under the terms of the Multiple Use and Land Classification Act that pertained to the Bureau of Land Management, grazing, wildlife, recreation, watersheds, timber, forage and all the rest have coequal status.

What is lacking is a determination on the part of the administrators to get these uses balanced. Tradition has put them in a diminished position.

Mr. RUPPE. Well, without a change in policy or a change in the traditional economic uses of these acres, could the bill actually be an effective tool?

Mr. POOLE. It would be extremely helpful and would give all the sportsmen and the wildlife professional community a peg on which to hang their hats. We do not have that now.

Mr. RUPPE. Thank you, Mr. Chairman.



Mr. DINGELL. Mr. Everett?

Mr. EVERETT. No questions.

Mr. DINGELL. Mr. Poole, we thank you for your very helpful testimony and, as the Chair indicated earlier, your assistance in amending H.R. 75 will be appreciated.

We are delighted to see Mr. Williamson with us today. The committee has high respect for him.

Mr. POOLE. Fine.

Mr. DINGELL. The committee will stand adjourned until 2 o'clock, at which time we will hear Mr. Rexford A. Resler, Associate Chief, Forest Service, Department of Agriculture, and Maj. Gen. Robert H. Curtin, Director of Facilities, NASA.

We will stand in recess until 2 o'clock.

[Whereupon, at 12:08 p.m., the subcommittee recessed to reconvene at 2 p.m., the same day.]

Mr. DINGELL. The Subcommittee on Fisheries and Wildlife Conservation and the Environment will please come to order.

The committee, as I stated this morning, is hearing a series of bills on game management on Federal lands.

The subcommittee has as its first witness this afternoon Mr. Rexford A. Resler, Associate Chief, Forest Service, Department of Agriculture.

Mr. Resler, we are pleased to hear you. Please identify yourself fully for the purposes of the record and also your associate at the committee table, and we will be pleased to receive your testimony.

The Chair does note for the purpose of the record a quorum is present for the taking of testimony.

**STATEMENT OF REXFORD A. RESLER, ASSOCIATE CHIEF, FOREST SERVICE, DEPARTMENT OF AGRICULTURE, ACCOMPANIED BY EVERETT R. DOMAN, DIRECTOR, DIVISION OF WILDLIFE MANAGEMENT, FOREST SERVICE, DEPARTMENT OF AGRICULTURE**

Mr. RESLER. Thank you, Mr. Chairman, and members of the subcommittee.

I am Rexford A. Resler, Associate Chief of the Forest Service speaking on behalf of the Department of Agriculture.

With me is Mr. Everett R. Doman, Director of Wildlife Management for the Forest Service.

First, I must apologize that because of time restrictions our report is awaiting signature. It will be up shortly. We have received clearance on our report by the Office of Management and Budget and the testimony I am about to present is the position of the Department.

I thank you for this opportunity to present the views of the Department of Agriculture on H.R. 75 and H.R. 733.

My testimony today will relate to title II of the bills, which directly concerns the responsibilities of the Department of Agriculture.

Title II would in part direct the Secretary of the Interior and the Secretary of Agriculture to develop and implement programs for the conservation and rehabilitation of wildlife, fish, and game on public lands under their respective jurisdictions.

Such programs would be conducted in accordance with a comprehensive plan developed in consultation with State agencies responsi-



ble for the administration of the fish and game laws. No program under title II could be implemented on public lands by the Secretaries unless it was included within a cooperative agreement entered into with the State agencies. Cooperative agreements would stipulate, for example, the areas of public land within the State where programs will be implemented, and could provide for the issuance of public land management area stamps.

The Department of Agriculture fully endorses the general objectives of the bills to improve the management of wildlife and fish habitat on public lands. However, the Secretary of Agriculture now has sufficient authority to develop and implement programs for the conservation of wildlife and fish on public lands under his jurisdiction. The Multiple Use-Sustained Yield Act of 1960 (74 Stat. 215), for instance, clearly establishes that the national forests are established and are to be administered for wildlife and fish purposes.

We recognize the need for cooperation and coordination between States, which have responsibilities for wildlife and fish on Federal lands, and the Federal agencies, which have custody of the land and habitat upon which the animals are dependent. The Forest Service now has cooperative wildlife management agreements or memoranda of understanding with State fish and game agencies in each State which contains a significant acreage of National Forest System lands.

The results of these mutual administrative efforts and the objectives of the comprehensive plan contemplated by the bills are nearly the same.

We expect strong Federal-State cooperation to continue under existing authorities, with a continued improvement of the wildlife and fish resources on the National Forest System and adjacent private lands. In 1971, the States contributed approximately \$1 million to wildlife and fish habitat improvement programs on National Forest lands. In addition to the cooperative agreements or memorandums of understanding, nine States now charge a special State fee for hunting or fishing on certain intensively managed National Forest System lands.

We are concerned with some of the new and mandatory authorities that title II would provide. As we interpret section 202(c) of the bills, no part of a wildlife or fish conservation or rehabilitation program provided by title II could be undertaken by this Department on lands under its jurisdiction unless it was included in a "cooperative agreement."

This provision would mean that State agencies and the Department would have to concur on each project. We believe we must reserve the flexibility to consider how each project, which may affect wildlife habitat, relates to the many authorized activities on the National Forest.

Further, section 202(c) would require that each "cooperative agreement" shall provide for controlled burning and control of all-terrain vehicular traffic. Controlled (or prescribed) burning, is but one of many methods of manipulating habitat, and should not receive special or priority recognition as a habitat manipulation approach.

We believe options should be kept open on the use or nonuse of controlled burning. Also, we have adequate authority to control all-terrain



vehicles, and along with the Department of the Interior, have recently proposed specific offroad vehicle regulations which could be applied whenever and wherever needed.

In view of adequate existing authority, and the possible imposition of requirements that would conflict with our overall responsibilities, we would prefer to continue existing arrangements and cooperative programs in lieu of those which would be provided by H.R. 75 and H.R. 733.

Mr. Chairman, we would be pleased with that short statement to be responsive to any questions you might wish to tender.

Mr. DINGELL. Well, Mr. Resler, the committee is grateful to you for your testimony.

The Chair recognizes Mr. Eckhardt.

Mr. ECKHARDT. Thank you, Mr. Chairman.

Sir, I assume you would think it desirable that cooperative arrangements be worked out with for instance the Department of Defense, the Atomic Energy Commission, NASA and the Department of Agriculture and the Department of the Interior with respect to some coordinated program for managing these lands.

You would consider that desirable if it could be worked out, would you not?

Mr. RESLER. Yes, Mr. Eckhardt, we would and do.

We have many such agreements now between various departments that assures coordination on the development of comprehensive plans for wildlife and for habitat improvement activities.

Mr. ECKHARDT. And, of course, H.R. 75 would direct that such be done but where you find the difficulty is in a situation in which there could not be agreement with the State and this might impede your unilateral authority to engage in some of the programs you now engage in which tend to protect the environmental values on the land; is that right?

Mr. RESLER. Well, I would not put it quite that strongly.

I think as a matter of experience we have yet to encounter a situation that we could not resolve in developing a cooperative agreement that was mutually satisfactory to the State agencies responsible and with ourselves.

It does put us both on an equal plane in terms of developing such cooperative agreements.

We have been quite successful at it in the past and we believe the State agencies are reasonably satisfied with the approach.

We endorse the concept of cooperative planning and we think we and the States have a mutual obligation to get together and develop such plans.

Mr. ECKHARDT. Then you really do not envisage any situations in which you could not work out a plan with the State or I assume any situation in which you could not work out a plan with both the State and agencies that we have referred to.

Mr. RESLER. Well, this has been a basic part of our efforts over the years.

I am aware of no situation that is insurmountable.

Mr. ECKHARDT. Then what you say at the bottom of page 2, that you are concerned about a situation, about this situation that you now have



authority to move whether or not a cooperative agreement is made, but you say as we interpret section 202(c) of the bill, no part of the wildlife or fish conservation or rehabilitation program provided by title II could be undertaken by this Department on lands under its jurisdiction unless it was included in a cooperative agreement.

Do you feel this impediment is more theoretical than actual?

Mr. RESLER. Well, it is real in terms of the way we interpret the proposed legislation, sir.

There are some obviously modest differences of opinion among professionals on all the biological and related fields.

There are some differences in our approach in light of our overall mission and the approach of some of the State fish and wildlife agencies.

I am merely suggesting that we should continue, in our judgment, to work out these arrangements on a basis of mutual cooperation and I think we have been reasonably successful.

Mr. ECKHARDT. Suppose instead of the bill saying that no program may be undertaken by your department unless a cooperative plan were adopted with the State, the section said that any plan undertaken by your department should not be in conflict with the cooperative plan.

Would that satisfy the objection that you may raise at the bottom of page 2?

Mr. RESLER. Well, it would seem, sir, to say much the same thing in a slightly different way.

Mr. ECKHARDT. You could proceed with your present plan under the authority you now have, even though there were not a cooperative agreement at the time, but you could not proceed with a plan that was in conflict with the cooperative agreement.

Now, that would not hurt you because you would have to agree to it before it would be a cooperative agreement.

Mr. RESLER. I cannot visualize any situation in which we would proceed with an activity that would be in conflict with such a plan, no.

I do have some reservations about the need for such direction because we now have the Secretary's direction to the Forest Service to develop with the States cooperative programs and cooperative agreements.

I am suggesting that from our standpoint we see no real need for it.

Mr. ECKHARDT. Well, H.R. 75 really directs that such cooperative plan be established, does it not?

Mr. RESLER. Yes.

Mr. ECKHARDT. And what you are saying is that a cooperative plan could be voluntarily established now, though there is no directive from Congress that such be done.

Mr. RESLER. The organic act itself could be so interpreted.

Mr. ECKHARDT. Would there be any harm then in providing clearly that this is the intent of Congress?

It would seem to me that that would be in line with what you said was desirable as I understood you in your first answer to my question to say that the cooperative plan process was the preferable approach to the question and I think you later said you could not envisage an instance in which a State had dragged its feet with respect to such a cooperative plan.



Then why not encourage it in legislation?

Mr. RESLER. We are not concerned particularly with the statement of the objective to develop cooperative plans with the States.

To my knowledge we have such plans with all of the States in which national forest systems are located.

The real concern frankly is the degree of option that both the agency and the Department would have as we work together with the States to develop something of mutual benefit.

We do have some differences of mission and therefore I think we need to continue on a common plane of negotiation, each of us striving to accomplish our own missions, our own responsibilities, which are in most cases highly parallel.

Mr. ECKHARDT. How would that be changed by H.R. 75?

Mr. RESLER. I think I mentioned some specific references to practices that tend to be mandatory.

Mr. ECKHARDT. For instance, let us take the burning issue and that I think is the only one mentioned in your testimony.

We have had other witnesses and I have asked the question suppose we did not address ourselves specifically to such instances but delegated authority to make a reasonable rule within the agencies. That objection then would be wiped out, would it not?

Mr. RESLER. Well, yes, that specific objection would be overcome. Of course, again, I think if you are going to consider that action, one should look more broadly at the responsibilities and the authorities that the Secretary now has to enter such agreements. I think they are sufficient as they now stand.

If it were stated in the form of an objective of Congress that such cooperative plans will be developed, the direction is kept generalized, without specifics as to the prescriptions that would be endorsed, then this would change the thrust substantially I would say.

Mr. ECKHARDT. Well, are you saying that it would not hurt anything for Congress to direct that this is a desirable objective and the agencies should go in this direction so long as we do not provide in the directive limitations on your present authority when that authority is not in conflict with cooperative plans and so long as we do not attempt to too specifically provide for things like burning and other matters that are more within the competence of the agency?

If that were done you would have no objection to this approach in H.R. 75 as I understand it.

Mr. RESLER. Without thinking it through more fully it sounds like your suggestion would substantially improve it, yes.

Mr. ECKHARDT. Thank you.

Mr. DINGELL. Would you submit to us such amendatory language that would be appropriate to carry out the suggestions made by our good friend, Mr. Eckhardt?

Mr. RESLER. Mr. Chairman, we would be glad to work on it.

Mr. DINGELL. You can have your legislative counsel do it.

Let me remind you that I am asking for it as a drafting service to the committee and I specifically direct you not to clear it through the Bureau of Budget.

Gentlemen, the Chair notes that we have a vote on the floor. In view of the time limits imposed I think we had better go into recess for about 10 minutes.



I have some questions and I know our counsel, Mr. Everett and Mr. Sharood have questions to ask you.

At this point we will stand in recess for about 10 to 15 minutes.

[Brief recess.]

Mr. DINGELL. The subcommittee will please come to order.

The Chair recognizes Mr. Everett.

Mr. EVERETT. Thank you, Mr. Chairman.

Mr. Resler, I note on page 3 of your statement you indicate that you have sufficient authority to control offterrain vehicles.

I wonder if you could indicate at this time what is the basis of that authority?

Mr. RESLER. I am afraid I cannot give you the specifics on that. I would like to supply that for the record.

Mr. EVERETT. All right, sir; you can do that.

[The information is located in answer No. 5 of the letter on p. 115.]

Mr. EVERETT. Mr. Resler, do you have any idea how long this authorization has been on the books?

Mr. RESLER. A little over a year. Basically it is an Executive order directing the agencies, all of the departments to develop offroad vehicle regulations and publish them.

We are currently involved and as I said I can provide the background information to you on it.

Mr. EVERETT. What I am getting at is, based on the record last year, Mr. Cliff said we have offroad vehicle control in the National Forests and we are exercising it on a selective basis.

The Executive order came out in February of 1972 and directed you to implement regulations with respect to enforcement provided you had the existing authority.

Now, it does not give you any enforcement authority that you did not have before.

I would like for you to provide for the record the enforcement authority that authorizes you to carry out such a program.

Mr. RESLER. I shall do so.

Mr. DINGELL. You are referring to specific statutory citations together with the pertinent language in terms of the statute?

Mr. EVERETT. Yes, sir.

[The information may be found in question No. 5 of the letter on p. 115.]

Mr. EVERETT. I expect what this legislation would do is put into law what the Executive order calls for. I would assume that you had this authority for a number of years then you have not utilized it. As you know, the Executive order could be withdrawn at any time.

I was wondering if you have any objections to including in this particular legislation the mandate that offroad vehicle traffic be regulated, other than the fact what the Executive order calls for already.

Mr. RESLER. Basically, we have the authority and we will provide this, and it dates back to our Organic Act.

We have, as Mr. Cliff stated, exercised it sparingly but things are changing with the development of new modes of vehicular traffic and expansion of that recreational form.

It is on the basis of the expanded use that we began to tighten up on our own regulations. Then the Executive order came into being and we would not visualize any curtailment of that authority.



We would, I am sure, endorse a continuation of that authority provided, of course, it is general enough to allow us to do it within our total responsibilities.

Mr. EVERETT. On page 2 of your statement you indicate the States contribute approximately \$500,000 to approximately \$1 million to wildlife habitat improvement programs. You state that the States contain a significant acreage of National Forest System.

Is that part of the \$1 million?

Mr. RESLER. Yes, there are plans developed for each of the several States on which these fees are collected. The cooperative agreements are worked out in such a way that those funds are plowed right back into habitat improvement work, either directly by the State agencies or under cooperative arrangements wherein we do the work; the exception being the costs of administration by the State agencies.

Mr. EVERETT. One other question.

Section 206(b) of the bill authorizes \$7 million to be appropriated to carry out the functions of this legislation.

In view of what you are presently spending, I think it is around \$6 million of Federal funds, does this appear to be adequate?

Mr. RESLER. I think it would depend a little on the interpretation of that particular part of the legislation.

We have some question as to whether it means an upper limit or not.

I think from our standpoint we believe that wildlife appropriations ought to be part of the regular appropriation process that is submitted for the conventional executive branch screening and review process as well as by Congress.

Obviously our long-range plans suggest a need for substantial increases over time in the improvement of wildlife habitat and administration of such activities.

I do not think I am prepared to suggest that \$7 million is necessarily an appropriate level to continue as a legislative limitation.

Mr. EVERETT. If you will, Mr. Resler, give consideration to this at a later time.

Last year when we were considering this bill I was instructed to get an amendment drafted that would clear up the question you raised. It would add language to section 206(b) to the effect that no other provision of law except this sentence may be deemed as the authority for the appropriation of funds to the Secretary of Agriculture to carry out these functions and responsibilities. In other words, it would make it clear that this is your sole authority in carrying out such a program in lieu of the authority you have been getting funds for such purposes.

It would not allow any duplicate funding and that is why if you would reflect on this, assuming we attach such an amendment, let us know what your needs would be for the next 5 fiscal years, that would be helpful.

Mr. RESLER. We shall do so.

Mr. EVERETT. Mr. Chairman, there are some other questions that I would like to submit to the witness in writing.

Mr. DINGELL. Gentlemen, can you tell us what your total expenditure on the national forests are for game management?

Break it down as to your expenditures and also as to expenditures by the States and, if you please, also break it down as to the amounts



which come pursuant to cooperative agreements and amounts that are not under cooperative agreements.

Mr. RESLER. Yes, I would be glad to summarize that and provide it. I think I can give you part of that information now.

Mr. DINGELL. Well, summarize as best you can and we will allow you to make additions to the record later as may be appropriate.

Mr. ECKHARDT. Mr. Chairman, I have one other question I should like to direct to the witness.

Mr. DINGELL. Could I get that question straight and then I would be delighted to yield to you.

Mr. ECKHARDT. Surely. I thought you had asked him to submit something for the record later.

Mr. DINGELL. No, he is going to give it now.

Mr. RESLER. Mr. Chairman, the appropriation for fiscal year 1973 was \$7,724,000. The actual approved expenditure level was slightly less than that, \$6,966,000.

In addition, there is about \$1 million invested by the States in wildlife habitat improvement.

I would like to point out also that much of the wildlife habitat work that is done on the national forest system and, for that matter, on other public and private lands in wildlife and fish habitat improvements, flows from other forms of activities.

I could cite some specific examples, but basically the type of thing I am talking about is the vegetative manipulation practices of one type or another that can be designed to contribute directly to improvement of game habitat.

Mr. DINGELL. Are you talking about timbering? That would be almost exclusive vegetative manipulation.

Mr. RESLER. Primarily timber harvesting of various types.

Mr. DINGELL. I think clear cutting has a useful place provided it is an intelligent approach.

Mr. RESLER. I think it would be a dominant practice, but selective cutting for instance in the ponderosa pine type has a significant effect on release of bitterbrush.

All I am trying to suggest is that in addition to work financed through direct appropriations, careful design of various kinds of activities relating to other resource developments uses, contribute to improved wildlife habitat. You are well aware of that, Mr. Chairman.

Mr. DINGELL. Let me ask you this question. Have there ever been studies of the needs for good game management practices conducted by the Forest Service? Have you ever had any in-house studies made?

Mr. RESLER. Mr. Chairman, I am trying to distinguish whether or not you are referring to research in certain areas as opposed to specific studies of land use need.

Could you clarify that question for me, please?

Mr. DINGELL. The question covered a very broad area and I am willing to take either kind.

Mr. RESLER. I wanted to clarify the question. We have ongoing research in the field of wildlife habitat, all types.

Mr. DINGELL. Let me narrow this. What are the annual needs in terms of program management on the management of forest lands?

Let me put it this way. What was your request for game management in 1973 of the Bureau of the Budget?



Mr. RESLER. I believe it was \$7.8 million or thereabouts.

Mr. DINGELL. The \$7.8 million?

Mr. RESLER. Yes.

Mr. DINGELL. I would like to have you submit that, please.

Also, what was your request through the Department of Agriculture to the Bureau of the Budget?

Mr. RESLER. I would like to provide you that information.

Mr. DINGELL. Could you provide that information for the last 5 years, please?

Mr. RESLER. Yes.

Mr. DINGELL. The request from Forest Service to the Department of Agriculture, the request from Agriculture to the Bureau of the Budget for game management. Please supply that.

Mr. RESLER. We will provide what we can, sir.

[The information may be found in answer No. 1 of the letter on p. 114.]

Mr. DINGELL. The Chair recognizes Mr. Eckhardt.

Mr. ECKHARDT. Thank you, Mr. Chairman.

On the question of clearcutting, this is perhaps a question that arises out of curiosity rather than a connection with this bill, but we have a number of national forests in the east Texas area.

I was rather surprised to see a rather prevalent practice of clearcutting in some of those forests with mixed pine, oak, other woods, when companies like for instance Temple Industries, a lumber producing company has completely abandoned that practice.

It would seem to me that in these heavily wooded areas that the more forest that was not clearcut the more benefit to the public.

For instance, in the clear-cut areas which I have examined, the brush is too thick for use for many years and, of course, it would take a long time for the hardwoods to replenish.

It seems to me as if that timber which was recovered would hardly be worth the cost of clearcutting in that area.

Mr. RESLER. Well, Mr. Eckhardt, I cannot be responsive to that particular situation here.

I would be happy to provide you additional information if you would like to have it on the specifics of that area.

I would like to comment more generally, however, in that our basic objective is to use that cultural technique that accomplishes the land management objective for the specific area.

Clearcutting is one of several tools that can be used to achieve a land management objective.

In certain applications it is far and away the most logical replication of natural circumstances. There are other uses and needs imposed on top of those conditions, including for instance high levels of people use and under those circumstances and we modify the cutting practices, such as to convert to selective logging, for instance.

It is a matter of total land use planning to be responsive to the total need.

Mr. ECKHARDT. Yes.

Mr. RESLER. And that is our basic approach and objective, sir.

Mr. Chairman, could I elaborate very briefly on a point that Mr. Eckhardt raised earlier?

Mr. DINGELL. Certainly.



Mr. RESLER. It has to do with the question on planning authorities that you were raising and I thought it might be useful to you and members of the committee to understand the perspective from which we speak.

I would like to read you a paragraph or two of the Department regulations which were worked out in collaboration with the States that provides the basic and specific direction that we still depend upon.

The specific and joint responsibilities are recognized in Department Regulation 36 CFR 241.2 which states, and I quote :

The Chief of the Forest Service, through the regional foresters and forest supervisors shall determine the extent to which National Forests or portions thereof may be devoted to wildlife production in combination with other uses and services of the National Forests and in cooperation with the Fish and Game Departments or other constituted authority of the State concerned.

He will formulate plans for securing and maintaining desirable populations of wildlife species and he may enter into such general or specific cooperative agreements with appropriate State officials as far as are necessary and desirable for such purposes.

Officials of the Forest Service will cooperate with State game officials always in the planned and orderly removal in accordance with requirements of the State game laws for the crop of game, fish, fur bearers and other life of the National Forests.

It is pursuant to that kind of cooperative effort that the figures I gave you earlier, namely the \$1 million a year invested in cooperative efforts with the State where we have specific habitat improvement opportunities.

Thank you.

Mr. DINGELL. Now, I would like to break this down. How many millions of acres do you have in National Forests system?

Mr. RESLER. 187 million acres.

Mr. DINGELL. So you spend a total of \$7 million or \$6.5 million for 187 million acres.

Mr. RESLER. That is in direct appropriations.

Mr. DINGELL. That is not very much money per acre.

Mr. RESLER. No, it is not.

Mr. DINGELL. It is pretty obvious to me you would spend more than that if you were so minded, is that not a fact? Would you not spend more if the Bureau of the Budget would let you?

Mr. RESLER. Mr. Chairman, I am sure there is not an agency of Government that could not find effective ways of spending more money, certainly.

We recognize the need for expanding our effort in the wildlife management field and this is understood by the Department I am sure. We are doing as much as we can to strengthen this.

Mr. DINGELL. I am not quarreling with what you are doing, but you could spend more if you could get it.

Mr. RESLER. Yes, sir.

Mr. DINGELL. And you know how I feel about national forests with respect to grazing and other practices and allowing snowmobiles and all that sort of foolishness to take place on their lands. I just could not be sold on the idea you are doing as much as you could or as much as you should and I think you will agree with me.

You are grossly undermanned in terms of your overall responsibilities.



I have seen willows grazed down to bare rock. I have seen grass grazed down to where you have erosion problems and a goodly part of it is carried by inadequate personnel to police and protect the National Forests. Obviously this results from a total inadequacy of sufficient personnel to do the job that needs to be done in terms of protecting the whole of the resource.

I have seen clear cutting on National Forests that is just a scandal to behold.

I have seen timbering practices where you do selective cutting that it is equally bad with respect to erosion of the topsoil, obstruction of fish habitat and so forth just because you do not have the personnel.

Occasionally, you make a mistake on a lot of clear cutting and that foolishness.

You just do not have the people you need to do the job, and this is an attempt to try to get you that, and you do not look with sympathy upon it.

You have indicated in your comments at several points here—and I think they are valid—you mention at page 3, you refer to controlled or prescribed burning as one of many methods of manipulating habitat.

You suggest a change in the bill on that, and I think it would be useful if you give us something.

Can you submit to us some language with regard to the comments you have made with regard to controlled burning, page 3 of your statement, and that referred to at page 6 of the bill?

You also had a complaint, and I think it may be a very valid one that Mr. Eckhardt discussed with you with regard to the language of the bill, page 5, lines 14 through 18.

Will you see to it that we get your suggestions as to the appropriate amendatory language there?

Mr. RESLER. Yes, sir, be happy to incorporate that.

Mr. DINGELL. All right.

Mr. Sharood, any questions?

Mr. SHAROOD. No questions. Thank you, Mr. Chairman.

Mr. DINGELL. The committee is grateful to you and we thank you for your presence.

[The letter to Mr. Resler requesting additional information and the response received follow herewith:]

MARCH 15, 1973.

Mr. REXFORD A. RESLER.

*Associate Chief, Forest Service,*

*U.S. Department of Agriculture, Washington, D.C.*

DEAR MR. RESLER: In accordance with Chairman Dingell's instructions at the hearings on March 8, 1973, on bills to provide for game conservation and rehabilitation programs on Federal lands, following are questions to which he would like to have you provide answers and comments:

1. What would be the cost to the Federal Government for the current fiscal year as well as the next succeeding five fiscal years should H.R. 75 be enacted into law? You may wish to coordinate your answer with NASA, AEC, and the Departments of the Interior and Defense since they have been asked the same question.

2. How much has the Department of Agriculture spent annually over the past three years on game conservation and rehabilitation programs on lands under its jurisdiction? How much of these expenditures came from appropriated funds, State funds, or license fees?



3. How much additional funding—over and above expenditures in the past—will be needed to carry out the purposes of Title II of H.R. 75? Please provide a breakdown on an annual basis for the next five years.

4. Section 206(b) of H.R. 75 authorizes to be appropriated to the Secretary of Agriculture to carry out his functions under Title II of the bill not to exceed \$7 million per year for a five-year period. Since this appropriation-authorization is intended to cover the funds ordinarily spent by the Department on this program as well as anticipated needs to carry out the purposes of this title in the future, do you recommend an increase in the appropriation-authorization per year over and above the \$7 million authorized to be appropriated?

5. In February of 1972, the President issued Executive Order 11644, the purpose of which is to provide for the control of off-road vehicles on public lands. Section 202(c) of H.R. 75 requires each cooperative agreement entered into under the legislation between the appropriate Federal and State agencies to provide for the control of all-terrain vehicular traffic, including snowmobiles, on the Federal lands involved.

(a) Please provide the Subcommittee with a detailed comparison of the two authorities indicating, among other things, their differences with respect to the public lands covered by each, the permanency of each, the enforcement and penalty authorities contained in each, and the types of vehicles that would be covered by each.

(b) In the event the legislation is reported by the Subcommittee, do you recommend that the language of the bill be changed to cover off-road vehicular traffic? If so, please provide a definition of the term "off-road" to be used in the bill.

6. On page 5 of H.R. 75, on lines 14 through 18, appears the following language: No conservation or rehabilitation program, nor any recommendation in any preliminary study or survey undertaken with respect to any such program, may be implemented under this title unless it is included within a cooperative agreement.

(a) Does this language in effect prevent the Department of Agriculture from carrying out a game conservation and rehabilitation program on lands under its jurisdiction when a cooperative agreement concerning these lands has not been entered into between the Department of Agriculture and the appropriate State agency?

(b) If the Department's views are that it does prevent such action, then please provide appropriate amendatory language, as a drafting service without OMB clearance, that would correct this problem.

7. Congressman Eckhardt raised a question at the hearings concerning the application of section 204(d) of H.R. 75—having to do with the provisions of law relating to the seizure, forfeiture, and condemnation of a vessel for violation of the customs laws—as the language would relate to the rights, powers, and duties provided the Secretaries of the Interior and Agriculture under this subsection. Is the language of this subsection workable and does it pose any enforcement and/or administrative problems? Please have your solicitor submit a legal memorandum on these issues.

Sincerely,

NED P. EVERETT, *Counsel.*

U.S. DEPARTMENT OF AGRICULTURE,  
FOREST SERVICE,  
Washington, D.C., May 21, 1973.

Mr. NED P. EVERETT,  
*Counsel, Committee on Merchant Marine and Fisheries,*  
*U.S. House of Representatives.*

DEAR Mr. EVERETT: This is in response to your letter of March 15, 1973, requesting answers to seven questions related to hearings on H.R. 75.

Our answers below are listed in order as presented in your letter.

1. *Cost to Department of Agriculture for the current fiscal year as well as next succeeding five fiscal years should H.R. 75 be enacted.*

Our response to this question is based upon the effect the bill would have on our present wildlife habitat management program. In comparison with our present program, the bill would place greater emphasis on the development of comprehensive plans and cooperative agreements with States. Present plans with States would need to be reviewed and some or all may have to be revised to



conform with H.R. 75. Cooperative agreements would probably need to be reviewed and supplemented annually. Should a full priority be given to this program, the estimate of additional man years and funds which might be needed to coordinate and review plans is as follows:

|                                           | Current<br>fiscal<br>year | Fiscal year— |      |      |      |      |
|-------------------------------------------|---------------------------|--------------|------|------|------|------|
|                                           |                           | 1974         | 1975 | 1976 | 1977 | 1978 |
| A. Man-years.....                         | None                      | 10.5         | 10.5 | 10.5 | 10.5 | 10.5 |
| B. Obligations (in thousands of dollars): |                           |              |      |      |      |      |
| 1. Personal services.....                 | 230                       | 230          | 230  | 230  | 230  | 230  |
| 2. Other.....                             |                           |              |      |      |      |      |
| 3. Total.....                             | None                      | 230          | 230  | 230  | 230  | 230  |

*2. Expenditures by the Department of Agriculture and States for Wildlife Management on National Forest System lands during the past three years:*

EXPENDITURES BY USDA

|              | Appropriated<br>funds | Cooperative<br>deposits from<br>States | Direct<br>expenditures<br>by States on<br>national<br>forest |
|--------------|-----------------------|----------------------------------------|--------------------------------------------------------------|
| Fiscal year: |                       |                                        |                                                              |
| 1972.....    | \$6,104,000           | \$300,000                              | \$811,000                                                    |
| 1971.....    | 4,934,000             | 235,000                                | 474,200                                                      |
| 1970.....    | 4,731,000             | (2)                                    | (2)                                                          |

<sup>1</sup> Total contributions by the States in fiscal year 1972 equals \$1,110,000. The breakdown between cooperative deposits and direct expenditures is estimated.

<sup>2</sup> No data available.

*3. How much additional funding—over and above expenditures in the past—will be needed to carry out the purposes of Title II of H.R. 75?*

Please refer to our answer to question 1.

*4. Do we recommend an increase in the \$7,000,000 appropriation as provided by H.R. 75?*

If H.R. 75 were deemed to provide the total wildlife management appropriation authorization for the Forest Service, a \$7 million authorization level would not be adequate. The FY 1973 Forest Service appropriation for Wildlife Habitat Management was \$7,724,000. The President's budget request for FY 74 is \$7,802,000. Following is a listing of the appropriated funds for the past five fiscal years:

|              |             |
|--------------|-------------|
| Fiscal year: |             |
| 1973 .....   | \$7,724,000 |
| 1972 .....   | 6,104,000   |
| 1971 .....   | 4,934,000   |
| 1970 .....   | 4,731,000   |
| 1969 .....   | 4,403,000   |

Because of increasing costs of goods and services including pay raises, it is reasonable to assume, subject to other national priorities, that by 1978 the level of funding required to accomplish the same or a moderately increased level of work could be higher than \$7 million.

5. A comparison of off-road vehicle control provisions of H.R. 75, E.O. 11644, and existing authority applicable to National Forest System lands (16 U.S.C. 551, 7 U.S.C. 1011) is enclosed. The Forest Service believes it had sufficient authority without the Executive Order and H.R. 75 to implement reasonable controls where appropriate. This view and examples of the exercise of existing authority are given in the enclosed statement of J. W. Deinema before the Subcommittee on Parks and Recreation, United States Senate, on May 21, 1971. The Executive Order, however, has given emphasis and direction for the control of off-road vehicles.

In answer to question 5(b), we refer to our testimony which pointed out our concerns that H.R. 75 would make the control of all-terrain vehicles a mandatory



part of each cooperative agreement. As an alternative, each cooperative agreement could provide for consideration of the need for control of all-terrain vehicles within and adjacent to specific areas where conservation or rehabilitation projects have been implemented. An appropriate definition of the term "off-road vehicle" is contained in section 3 of Executive Order 11644.

A copy of the Executive Order is enclosed along with a copy of the Department's proposed regulations on Use of Off-Road Vehicles, and a copy of the Forest Service Environmental Statement on the proposed regulations.

6. The language of the bill referred to in question 6, could be construed as preventing the Department from carrying out a game conservation and rehabilitation program unless the specifics of the program and projects were listed in a cooperative agreement and agreed to by the States. Section 202(a) directs that comprehensive plans for conservation and rehabilitation programs will be developed in consultation with the States. Section 202(c)(1) states that "Each State agency may enter into a cooperative agreement with—the Secretary of Agriculture with respect to these . . . programs to be implemented under this title . . ."

However, the language on page 5, lines 14–18 states that *no program* "may be implemented *under this title*," (comprehensive plan), "unless it is included within a cooperative agreement." Thus the State could exercise a veto over any project or program on National Forest lands by simply not agreeing. The following proviso following "agreement" on page 5, line 18 of the bill could avoid this construction:

"*Provided*, that nothing herein shall limit the Secretaries or the Administrator from undertaking programs on lands under their jurisdiction after consultation with the appropriate State agencies, but without the specific consent of such agencies."

7. Question 7 asked if the language of section 204(d), relating to the condemnation of a vessel for violation of the custom laws, is workable or poses any enforcement or administrative problems. Section 204(d) would appear to confer the same powers and duties upon the Secretary of Agriculture for seizure of vessels involved in the violation of provisions of H.R. 75, as can be exercised by customs officers for violation of custom laws. After review of this proposed provision, we believe it raises significant questions as to whether such authority should be conferred, and whether this Department should assume such broad law enforcement authority in geographical and other areas not related to its normal activities.

The above answers are provided as a technical service to the Committee, and these responses do not alter the prior recommendation by the Department of Agriculture that H.R. 75 not be enacted.

Sincerely,

PHILIP L. THORNTON,  
Deputy Chief.

A COMPARISON OF PRESENT AND PROPOSED PROCEDURES FOR CONTROLLING THE USE OF OFF-ROAD VEHICLES ON NATIONAL FOREST SYSTEM LANDS

|                           | Present                                                                           | Executive Order 11644                                                                                                                             | Proposed H.R. 75                                                     |
|---------------------------|-----------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| Authority.....            | Enforcement and penalty: 30 Stat. 35, 16 U.S.C. 551; 50 Stat. 525, 7 U.S.C. 1011. | Executive Order 11644.....                                                                                                                        | Enforcement and penalty H.R. 75.                                     |
| Prohibited acts.....      | Defined by Regulations 36 CFR 212, 36 CFR 261.4(i), 36 CFR 293.1–17.              | Defined by Regulations 36 CFR 295 (proposed).                                                                                                     | Would be defined by Regulations per sec. 202–(c)(5).                 |
| Public Lands covered..... | National Forest System Lands (National Forests and Grasslands).                   | Lands under jurisdiction of Secretaries of Agriculture, Defense, and the Interior, and certain TVA lands (includes National Forest System Lands). | As specified in cooperative agreements with States.                  |
| Purpose.....              | For protection of public safety, public welfare, resources, and facilities.       | For protection of resources, safety of land users, and to minimize conflicts among various uses.                                                  | Protect wildlife resources only.                                     |
| Types of vehicles.....    | All kinds.....                                                                    | Motorized vehicles designed for cross-country travel over natural terrain, except motorboats.                                                     | Snowmobiles and other all-terrain vehicles as defined by regulation. |
| Penalties.....            | \$500 or imprisonment for 6 mo. or both for violation of Secretaries regulations. | \$500 or imprisonment for 6 mo. or both for violation of Secretaries Regulations.                                                                 | \$1,000 or imprisonment for 6 mo. or both.                           |



STATEMENT OF J. W. DEINEMA, ASSOCIATE DEPUTY CHIEF FOR NATIONAL FOREST SYSTEM, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

I am pleased to have this opportunity to present a statement for the Forest Service, Department of Agriculture, on the use of off-road vehicles on lands in the National Forest System.

PRESENT SITUATION

The use of off-road motorized vehicles is accelerating rapidly on the National Forest System. And this use is becoming of increasing importance and concern, both to National Forest visitors and to National Forest administrators.

To give you an idea of the extent of use, in 1970, scooter and motorcycle use on lands of the National Forest System amounted to more than 2 million visitor days; there were nearly 2 million visitor days of snowmobile use, and over 400,000 visitor days of off-road jeep use. This compares with approximately 5.5 million visitor days of hiking and 2.4 million visitor days of horseback riding.

Because of recent refinements in methods of estimating National Forest recreation use, as well as a recent change in the unit of measure, there are no really reliable statistics on the rates of increase of off-road vehicle use. Observations by our field officers indicate, however, that the greatest proportionate change has been in snowmobiling probably followed by trail vehicles. Numerically, the fastest growth is probably in hiking. Horseback use, on the other hand, appears to be declining. Our field people are also sure that use by jeeps and similar four-wheel units is increasing substantially, especially during hunting seasons in the West.

Personal reactions to off-road machines are highly subjective. The Forest Service receives vigorous and insistent requests from some individuals and groups to prohibit all such use. Equally strong representations are made by those urging that the National Forests be kept open to motorized vehicles.

An objective evaluation of the benefits and disadvantages of off-road motor vehicle use is extremely difficult. There is little quantitative data on damage, and effects are extremely variable. Such factors as soil and soil moisture, terrain, ground cover, type of equipment, and how it is used, all have a bearing. The nature of other public use of a particular area is also an important factor.

THE PROBLEMS

Several problems created by motorized vehicles can be recognized. They can be damagnig, disruptive, and in places dangerous. They make noise, and leave odors foreign to the natural environment. This can be, and is, offensive to many people, especially when encountered in remote areas. Horseborne and hiking users of back-country often resent the relative ease by which vehicle users can reach and enjoy areas which have cost them much time and effort. On steep, narrow trails motorized vehicles may be dangerous not only to horses, riders, and hikers, but also to their own users. They frequently cause erosion if used improperly on or off trails, as well as damaging vegetation including timber and forage, and leaving unsightly scars. They can impair some recreational experiences, and they can disturb wildlife.

The vehicles also contribute to heavy use of some attractive back-country areas and their users can contribute to difficult sanitation problems and to excessive harvesting of game and fish population.

Snowmobiles present a unique situation because they are used when the ground is snow-covered and often when it is frozen. They can traverse frozen waterways, as well as snow-covered land. Their potential to cause erosion is minimal, but in avalanche country and on frozen waterways they present special public safety problems. In addition, vegetation not covered by snow may be damaged by machines, and wildlife may be harassed.

OUR PRESENT APPROACH

In spite of obvious problems, we have recognized off-road use of motorized vehicles as a growing and interesting use of the National Forests. Jeeps, motor scooters, trail bikes, snowmobiles, all-terrain vehicles, dune buggies and probably air-cushion craft are used in the National Forests. They provide a means for a highly exhilarating form of outdoor recreation, both on roads and trails and in undeveloped trail-less country. Such vehicles can also provide safe and convenient transportation not only for recreationists but for administrators and for other users of the National Forests. If properly used, the machines can be



accommodated in most places with little or no physical damage to the resources.

For example, trail scooters used at moderate speeds on reasonable grades normally cause less impact on trails than horses. Even cross-country travel by wheeled vehicles on moderate terrain and on dry ground may have less resource impact than a string of well-shod horses. Motorized equipment facilitates hunter access in many remote and otherwise inaccessible areas where game and fish might otherwise be underharvested. In some localities dune buggies and other four-wheel-drive vehicles have been used for years as a highly regarded form of recreation without serious damage to the resources.

The Forest Service accepts off-road use of motorized equipment as a legitimate use of the National Forests. Restrictions in the use of off-road vehicles have been adopted only where such use is clearly illegal or inappropriate, such as in Wilderness and Primitive Areas and similar unique areas; and on a case-by-case basis where damage to soils, vegetation, and other resources would be substantial. We also limit use where necessary for public safety. Motorized vehicular use is not permitted in Wilderness and Primitive Areas, and on National Scenic Trails, because such is prohibited by the Wilderness Act of 1964 and the National Trails System Act of 1968. In other situations, decisions about closures are made by field administrators who are in the best position to judge the needs and actual situations in each local area. Some closure actions have been on a trail-by-trail basis. Others have involved areas where both trail and off-trail motorized use have been proscribed. Some closures are made because of fire hazard; others because of damage to vegetation, the soil or wildlife, and some, usually specific trails, because of safety factors.

There are about 80,000 miles of National Forest trails outside of Wilderness and Primitive Areas. Almost 10 percent of this trail system is closed to vehicles. The principal reason for closure involves designation of areas with special management objectives such as hiking areas, nature trails, trails leading to Wilderness, National Scenic Trails and areas limited to travel by foot and horse.

In addition to Wildernesses and Primitive Areas, 4.8 million acres in 395 areas in the National Forest System are closed to cross-country travel by vehicles. One of the principal reasons for these closures is potential damage to soil and vegetative resources. Areas are also closed when managed for special objectives. These include areas being revegetated after fires, scenic, botanic or research natural areas, and areas managed for protection of rare or endangered wildlife species such as the golden trout or California Condor. Some congested areas are closed to vehicles to maintain public safety. Over 1 million acres in southern California are closed to entry except on designated highways and specified campgrounds for certain periods each year to reduce the hazard from fires on highly-flammable and important watersheds.

Snowmobile closures involve 248 areas covering 3 million acres. The most common reasons for these closures are to protect vegetation, to avoid conflicts with other uses such as skiers, and to protect wildlife. A few areas are closed because of danger from avalanches.

#### AUTHORITY AND ENFORCEMENT

The Forest Service has sufficient authority to implement reasonable controls where appropriate. The bases for these controls fall in the broad categories of public safety, public welfare, and protection of the resources or facilities.

Enforcement of closures for off-road vehicles is a difficult matter, but progress is being made. During the calendar years 1969 and 1970, 396 legal actions for violations of closures were taken and resulted in 335 convictions. Enforcement action is complicated by the need to cover large areas and many miles of trail, too few personnel to maintain effective control, the difficulty of identifying and apprehending violators and sometimes the inadequate number of the U.S. Magistrates.

#### CONCLUSION

Our efforts to deal with off-road vehicles on the National Forests are in the early stages. We are giving them special attention now because of their increasing use, and because of the widespread public interest in how they fit into the scheme of other National Forest uses. Studies of these vehicles are in progress, including a look at sound propagation and annoyance they create under forest conditions. We are gaining experience and new knowledge rapidly. This hearing will help focus attention and concern on the problems we face.

Thank you, Mr. Chairman.



## DEPARTMENT OF AGRICULTURE

## FOREST SERVICE

## (36 CFR Part 295)

*Use of Off-Road Vehicles*

## Regulations for National Forest System Lands

Notice is hereby given that it is proposed to issue a new Part 295 to Chapter II of Title 36, Code of Federal Regulations, as set forth herein. This Part 295 deals with the designation of specific areas and trails of National Forest System lands on which the use of off-road vehicles shall be allowed, restricted, or prohibited. Regulations for administration, control and restrictions of other uses of roads and trails are in Part 212 of this title.

*See.*

- 295.1 Applicability.
- 295.2 Definitions.
- 295.3 Planning Designation of Areas and Trails.
- 295.4 Public Participation.
- 295.5 Public Information.
- 295.6 Operating Conditions. (Reserved)
- 295.7 Restricted and Prohibited Use.
- 295.8 Off-Road Vehicle Permit.
- 295.9 Monitoring Effects of Off-Road Vehicle Use.

Authority: 30 Stat. 35, as amended; 16 U.S.C. 551; 50 Stat. 525, as amended; 7 U.S.C. 1011; 83 Stat. 852; E. O. 11644.

*295.1 Applicability.*

The regulations in this part pertain to administrative designation of specific areas and trails of National Forest System lands on which the use of off-road vehicles shall be allowed, restricted, or prohibited and establishing controls governing the use of off-road vehicles on such areas. The use of off-road vehicles in National Forest Wilderness and Primitive Areas is governed by Sections 293.1 through 293.17 of this Title.

*295.2 Definitions.*

(a) "Off-road vehicles" means any motorized vehicles designed for or capable of travel on or immediately over land, water, sand, snow, ice, marsh, swamp-land, or other terrain; except that such term excludes (1) any registered motorboat, (2) any military, fire or law enforcement vehicle when used for emergency purposes, and (3) any vehicle whose use is expressly authorized by the Chief, Forest Service, under a permit, lease, license, or contract.

(b) "National Forest System lands" means National Forests, National Grasslands, and other lands and interests in lands administered by the Forest Service.

(c) "Official use" means an employee, agent, or designated representative of the Forest Service or one of its contractors in the course of his employment, agency, or representation.

*295.3 Planning Designation of Areas and Trails.*

On National Forest System lands the continuing resource planning process will provide for designation of specific areas and trails for off-road vehicle use, use restrictions, and closures to any or all types of such use. The planning process will analyze and evaluate alternatives to enable decisions which best balance protection of the resources, promotion of safety for all users, minimization of use conflicts, and accomplishment of all of the other resource objectives for National Forest System lands. Analysis and evaluation of off-road vehicle uses will take into consideration factors such as noise, safety, quality of the various recreational experiences provided, potential impacts on soil, watersheds, vegetation, fish, wildlife, fish and wildlife habitat, and existing or proposed recreational uses of the same or neighboring lands.

*295.4 Public Participation.*

The public shall be provided an opportunity to participate in the designation of areas and trails relating to off-road vehicle use. Advance notice will be given to allow review by the public of proposed designations or revisions of designa-



tions of any areas or trails for off-road vehicle use, for restrictions, or for closures to such use. Time will be allowed for public response prior to any designations or revisions.

#### 295.5 *Public Information*

Areas and trails where off-road vehicle use is restricted or prohibited shall be marked with appropriate signs. Notices of restrictions or notices of the closure shall be posted so as to reasonably bring them to the attention of the public, and a copy of the restriction order or closure order shall be kept available to the public in the Offices of the District Rangers and Forest Supervisors. Information and maps will be published and distributed describing the conditions of use and the time periods when areas and trails are: (a) open to off-road vehicle use, (b) restricted to certain types of off-road vehicle use, (c) closed to off-road vehicle uses.

#### 295.6 *Operating conditions.* (Reserved)

#### 295.7 *Restricted and Prohibited Use.*

Except as provided in Section 295.8 of this part, and except for use in connection with mining activities under the provisions of the General Mining Act of 1872, the use of off-road vehicles is prohibited in areas and trails on National Forest System lands during any period when such areas and trails have been closed to vehicles or certain types of vehicles pursuant to these regulations.

#### 295.8 *Off-Road Vehicle Permit.*

Use of off-road vehicles on National Forest System lands where the use of off-road vehicles is prohibited may be allowed for official use or with prior authorization by means of an Off-Road Vehicle permit. Off-Road Vehicle permits may be issued by the Chief, Forest Service, and such permits will be for a specific area, conditions of use, and a definite period of time. Off-Road Vehicle permits shall be revocable for violation of the rules and regulations governing the National Forests.

#### 295.9 *Monitoring Effects of Off-Road Vehicle Use.*

The effects of off-road vehicle use will be monitored. Designations, use restrictions and operating conditions will be revised as needed to meet changing conditions and needs.

All persons who wish to submit written data, views, or objections pertaining to the proposed amendment may do so by submitting them to the Department of Agriculture, Forest Service, Division of Recreation South Agriculture Building, Washington, D.C. 20250, within 30 days of the date of this notice in the Federal Register.

All written submissions made pursuant to this notice will be available for public inspection in the Division of Recreation during regular business hours. (7 CFR 1.27(b))

T. K. COWDEN,

*Assistant Secretary of Agriculture.*

February 28, 1973.

USDA FOREST SERVICE ENVIRONMENTAL STATEMENT—PROPOSED OFF-ROAD VEHICLE REGULATIONS AND ADMINISTRATIVE INSTRUCTIONS, SECTION 102(2)(c) OF PUBLIC LAW 91-190

#### SUMMARY SHEET

I. Proposed Draft (x)

Final ( )

II. Administrative (x)

Legislative ( )

III. In accordance with Executive Order 11644 the proposed regulations to be incorporated in the Code of Federal Regulations and administrative instructions to be incorporated into the Forest Service Manual system would establish policies and provide for procedures that will ensure that the use of off-road vehicles on National Forest System lands will be controlled and directed so as to protect resources, promote safety of all users and minimize conflicts among the various uses of these lands. The proposed regulations and administrative instructions are enclosed as attachments 1 and 2.

IV. The regulations and administrative instructions would provide that recreational off-road vehicle use on the National Forest System lands be conducted to minimize the impact on the environment by reducing or eliminating associated



noise, protecting vegetation, wildlife, wildlife habitat, water and air quality, preventing or minimizing soil damage, promoting safety and welfare of the users and minimizing other use conflicts.

Off-road vehicles used in mineral activities are expected from the regulations and could produce some or all of the adverse environmental impacts which the regulations are intended to minimize. The esthetic effect associated with the signs needed to control and enforce off-road vehicle use might be considered an adverse environmental effect. Through proper design and placement of signs, this impact would be minimized. Another potential adverse environmental effect is that control of vehicle use might reduce needed game harvests in some areas.

V. Alternative methods of implementing the Executive order are as follows:

(a) Immediate prohibition of all off-road vehicles on National Forest System lands followed by study and later designation of areas and trails where use is allowed.

(b) Continued recognition of, and provisions for, off-road vehicle use. Study and identify areas where this use is and is not acceptable and impose necessary controls as outlined in the administrative instructions.

VI. Comments on this Draft Statement have been requested from:

Federal Environmental Protection Agency

Atomic Energy Commission

Department of Commerce

Department of Defense

Department of the Interior

Department of Transportation

VII. This Draft Statement has been submitted to the Council on Environmental Quality and is available to interested parties as of -----

## I. DESCRIPTION

The increasing use of off-road vehicles on public lands of the United States brought about the issuance of Executive Order 11644. This order stated: "The widespread use of such vehicles on the public lands—often for legitimate purposes but also in frequent conflict with wise land and resource management practices, environmental values, and other types of recreation activity—has demonstrated the need for a unified Federal policy toward the use of such vehicles on the public lands."

The purposes of the regulations and administrative instructions are to establish policies and provide procedures which will ensure that the use of off-road vehicles on National Forest System lands will be controlled and directed so as to protect the resources, promote the safety of users, and minimize conflicts among the various uses.

With the advent of 4-wheel-drive vehicles, off-road vehicle use became a popular activity on National Forest System lands and other public lands. Following the 4-wheel-drive vehicle came other machines such as motor scooters, all-terrain-vehicles, dune buggies and snowmobiles. It was soon recognized that indiscriminate use of these types of vehicles could cause damage to the environment, create safety problems, interfere with wildlife propagation and survival, and conflict with other users of public lands.

Much of the 187 million acres of National Forest System lands are characterized by steep, rocky topography and/or dense vegetation which makes the use of off-road vehicles difficult or impossible except where trails have been constructed. Less area is characterized by relatively gentle slopes and/or less-dense vegetation.

Over the years the Forest Service has recognized that many forms of travel by mechanized vehicles are recreational activities. Such activities have been encouraged where environmental damage is minimal. It was also recognized that vehicles used for recreation may have deleterious effects upon the environment. As a result, controls have been instituted to regulate this type of use where critical problems have occurred or were anticipated. Many restrictions and closures have been made throughout the National Forest System.

Approximately 8,000 miles of the 80,000 miles of National Forest trail system outside of Wildernesses and Primitive Areas is closed to vehicle use. The closure involves closure of trails where resource damage is occurring or designation where special management objectives apply, such as hiking areas, nature trails,



National Scenic Trails, trails leading to Wilderness, and trails limited to travel by foot and horse.

In addition to Wilderness and Primitive Areas which total some 14.5 million acres, approximately 4.8 million acres in 395 areas in the National Forest System are closed to cross country travel by vehicles. These closures have been made to prevent damage to soil and vegetative resources or for other special management purposes such as protecting scenic, botanic or research natural areas, or for the protection of rare or endangered wildlife species such as the California Condor. Some areas are closed to vehicles to maintain public safety. Over one million acres in southern California are closed to entry except on designated highways and specified campgrounds for certain periods each year to reduce the hazard from fires on highly flammable and important watersheds.

Snowmobile closures involve 248 areas covering three million acres. The most common reasons for these closures are to protect vegetative cover, to avoid conflicts with other users such as skiers, and to protect wildlife. A few areas are closed because of danger from avalanches.

With the increase in the number of off-road vehicles being manufactured and the increased use on the public lands in recent years, many public land administrators, conservation organizations, users, and permittees of the public lands have expressed increasing concern about this activity. Problems associated with this kind of use occurred on most public lands in varying degrees. The need for consistent recognition of problems and action to control them resulted in Executive Order 11644.

The objective of this action is to evaluate the effect of off-road vehicle use upon the life systems affected, and to institute controls where needed to minimize negative effects. This may include limiting the types and numbers of vehicles or time of year they may be used, prohibiting use of designated areas or trails, or designating areas and trails for use.

Technology has provided man the mechanical means for traversing many types of terrain with these machines. With increased leisure time, the use of public lands has grown to the extent that action is needed to ensure that future use will be directed so as to minimize damage to the environment, promote safety and to minimize use conflicts.

The acquisition and use of off-road vehicles has increased dramatically in recent years with a resultant economic impact on the United States and more particularly in many localized areas. A recent study of off-road vehicles by a Department of the Interior Task Force indicates that vehicles sales have created an economic boost to the general market. In 1971, the projected sales of motorcycles were for \$900 million, while projected snowmobile sales were \$376 million.

Rural economies have felt significant increases due to snowmobile use in winter. Many small resort communities which were once dependent upon summer recreation now have business establishments which are open year-long due to the winter use of snowmobiles. On a regional scale, the Upper Great Lakes Regional Commission reported snowmobiling was worth \$212,180,000 to the States of Minnesota, Wisconsin, and Michigan in 1970-1971.

## II. ENVIRONMENTAL IMPACTS

The following impacts will be realized as a result of the proposed action:

### A. AIR

There are temporary impacts on air quality from off-road vehicle use. The impacts include dust created by vehicles traveling on dusty trails or across areas that are sparsely vegetated with loose soils. Emissions from internal combustion engines adversely affect air quality. These impacts increase with the number of vehicles using a given area. Air quality could be improved by controlling off-road vehicle use in these situations.

### B. WATER

An effect of the controlled use of off-road vehicles may be on the physical, chemical, biological and esthetic qualities of water through the reduction of stream siltation and pollution. Indiscriminate use of machines in some areas may rut slopes, break down stream banks or loosen soil in or adjacent to streams so that erosion and siltation can occur. Use of machines in stream beds can affect the spawning, migrating and feeding habits of fish and other aquatic life. Use of



over-snow vehicles may result in some water pollution from litter and waste left behind. Vehicles can affect water quality by adding oils, greases, scum and other matter.

#### C. SOILS

Soils in many areas of the National Forest System are susceptible to erosion, compaction, or displacement from indiscriminate or uncontrolled use by off-road vehicles. In highly erodible soils, soil movement may increase and the hydrological functioning of the soil may be impaired. Soil compaction temporarily (from a few months to many years) affects productivity and hydrologic functioning. Many sandy soils (and some silty soils) are inherently loose or weakly aggregated, and under certain conditions are "splashed" about in a manner similar to water. Through soil erodibility appraisals, and evaluations of compaction and displacement hazards, areas that could suffer damage of long duration from machines can be identified and use can be controlled. A direct effect of controlled use on susceptible soils would be the reduction of soil movement, soil compaction, and soil displacement.

#### D. VEGETATION

Many plant communities are vulnerable to damage by off-road vehicular traffic. Communities characterized by slow growth, sparse or fragile vegetation, or occurring on sites with harsh growing conditions, can suffer long-term or permanent damage. Communities of rare plant species may be damaged. Areas recently revegetated to grass or shrub species are also susceptible. Such communities can be maintained where identified and where off-road vehicle use is controlled.

#### E. WILDLIFE

Many areas within the National Forest System serve as key wildlife areas such as breeding and drumming grounds and elk alving areas. In some instances they also serve as essential winter range or winter feed grounds. They also provide nesting sites, nesting areas, and serve as a home for many rare and endangered species. Identifying these areas and controlling off-road vehicle use will help to maintain wildlife, including fish, and a suitable wildlife habitat. Restriction of vehicle use could also influence hunter access and might reduce needed game harvest which could result in habitat deterioration.

#### F. TREE REGENERATION

The uncontrolled use of off-road vehicles can cause damage to new tree plantations or naturally regenerated areas. Young trees are susceptible to breakage. Identifying and evaluating the areas and imposing the necessary vehicular controls will help to maintain continued productivity of these lands.

#### G. NOISE

Off-road vehicles and the noise levels thereof have an impact upon animals and people using the same or adjacent areas. Reduction of noise levels could improve the compatibility of machine to man and animal. The control of machines in certain areas will have beneficial effects on wildlife feeding and nesting areas in that noise disruptions will be reduced or eliminated.

#### H. ESTHETICS

This proposed action will require designation of trails and areas for types of allowable uses. The signs needed to control off-road vehicle use will have some esthetic impact upon the viewer. Signs should be so designed and located to command the attention of the Forest user and thus may detract from the natural scenery or forest landscape.

Control of use may concentrate vehicles and people in areas or on trails and lead to problems relating to litter and sanitation. Installation of facilities to serve such needs may also have an impact upon esthetics. Tracts from off-road vehicles may have an impact on esthetics. Closing certain areas to off-road vehicles will have the positive effect of improving esthetics by reducing litter, the presence of vehicles, and erosion.



## I. SAFETY

The Forest Service has a responsibility for public safety on National Forest System lands. In many instances a mixture of transportation modes and an increased number of users on the same area or trail have increased the hazard potential to the user. Many trails are not designed or constructed for vehicle use or to safely accommodate mixed use, and terrain features may create or increase hazards to a particular type of use. Control of use will improve safety to all users after investigation of the areas where traffic mixes can and cannot be safely accommodated. In the winter, avalanches can pose a threat to over-snow vehicle users.

## J. CONFLICT OF USES

On many trails the established foot and horse use are not compatible with vehicular use, because of trail design or location. This use conflict also occurs in many areas where man, in pursuit of his pleasures such as hunting, fishing, hiking, birdwatching, or his desire for solitude, is disrupted by the noise and presence of machines. Domestic livestock and wildlife may be harassed by vehicle riders. The compatibility of uses over large areas could be affected by the control of off-road vehicles.

## III. FAVORABLE ENVIRONMENTAL EFFECTS

## A. AIR

The control of off-road vehicles in some areas could maintain the quality of the air. Dust and vehicular emissions are recognized as common pollutants of the air, although they are not considered to be a significant problem at this time on the National Forests. The controlled use of vehicles causing such affects can maintain the air quality.

## B. WATER

Water quality could be improved where the indiscriminate use of off-road vehicles in and adjacent to water courses is controlled. The physical, chemical, biological, and esthetic qualities of water could be favorably affected.

## C. SOILS

Off-road vehicle use frequently causes soil damage. Damage could be minimized by controlling or prohibiting this type of use in areas susceptible to deterioration.

## D. VEGETATION

The control of vehicular traffic on sites characterized by sparse vegetation, slow growth, harsh growing conditions, or unique plant communities will help protect such areas and maintain the desirable diversity and stability of these ecosystems. Control will also minimize damage to forage resources for livestock and wildlife.

## E. WILDLIFE

Where it is recognized that off-road vehicle use can interfere with fish or wildlife movements or disrupt animals during the breeding season, when the young are being born, or at other times that are critical to their survival (such as being on the winter range), controlling this type of use could be beneficial. This also applies to the disruption of breeding and nesting sites of birds.

## F. TREE REGENERATION

Off-road vehicle controls in reforested areas will reduce the adverse impact upon the quality and growth of the trees. During winter months when young trees are dormant, they are susceptible to permanent damage when struck by vehicles. The future growth and value of these trees could be permanently affected because of their brittleness, especially when the tops are protruding through a snow cover.

## G. NOISE

A reduction of noise levels or elimination of noise could be obtained by controlling off-road vehicle use. This could have a beneficial effect on users seeking



solitude. It could also have beneficial effects on wildlife by preventing disruption in breeding and elk calving areas, winter range and nesting sites, and other key wildlife areas.

#### H. SAFETY

Public safety may be improved through controlled use of off-road vehicles on trails and areas. The topography of many forests is such that vehicle use is hazardous because of the width, gradient, or presence of natural barriers on trails. Thus, the vehicle occupant, as well as other users of the area, are exposed to physical injury. Through a study of forest areas and trails there can be delineated those areas or trails where motorized vehicles can travel with relative safety to the vehicle occupants, and also to other users. Identifying and posting areas where avalanche hazards exist can be beneficial to those using over-snow vehicles.

#### I. CONFLICT OF USE

Safety problems may be created where horses and vehicles use constricted routes or trails. Use conflicts can be minimized through the control and direction of the conflicting uses.

#### J. ESTHETICS

The scenic view can be maintained or improved by controlling use to prevent rutting of meadows and erosion of hillsides.

### IV. ADVERSE ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED

#### A. ESTHETIC

Signing areas to bring them to the attention of the public will have some visual impact on users. This impact can be minimized through utilization of other means of communication such as news media and public meetings. However, adequate posting must be achieved to permit enforcement of any restrictions. This will detract from the natural scene, but the location and design of signs can provide minimal conflict with the landscape.

#### B. WILDLIFE

Use of off-road vehicles has assisted in obtaining adequate game harvests in some places. Elimination of vehicle use could reduce needed game harvests in some areas which in turn could lead to increased animal populations and to deterioration of vegetative conditions needed to maintain a balance of animals and their habitat (food and cover).

#### C. USES EXCEPTED FROM THE REGULATIONS

The following vehicles and uses are expected from the definition of "off-road vehicles": registered motorboats; military, fire or law enforcement vehicles used for emergency purposes; vehicles authorized by permit, lease, contract, etc.

Vehicles used for prospecting, exploration and development of minerals under provisions of the General Mining Act of 1892 are exempted from the new regulations in CFR 295.1-9.

Use of registered motorboats in areas closed to off-road vehicles could have adverse impacts upon water, air, and wildlife. They would produce noise and could create conflicts of use.

Emergency use of off-road vehicles would probably be limited, but such use could have adverse effects upon all facets of the environment.

Off-road vehicles used under permit, lease, contract, etc., may have adverse impacts upon the environment, but such impacts could be minimized through restrictive provisions in the document authorizing the use.

Off-road vehicles used for prospecting, exploration and development of minerals under the General Mining Act of 1872 could have adverse environmental impacts upon air, water, soils, vegetation, wildlife and tree regeneration. They would produce noise, impact esthetics, produce conflicts with some other uses, and could endanger the safety of other users. Enforcement of the new regulations will be complicated by the difficulty in identifying bona fide use under the mining laws.



## V. ALTERNATIVES TO THE PROPOSED ACTION

Executive Order 11644 directed the establishment of policies and procedures for the control of off-road vehicle use.

Alternative methods of implementing the Executive order are as follows:

(a) Immediate prohibition of all off-road vehicles on National Forest System lands followed by study and later designation of areas to allow use.

(b) Continued recognition of off-road vehicle use. Study and identify areas where this use is and is not acceptable and impose necessary controls as outlined in the administrative instructions. This alternative is proposed because it accomplishes the intent of the Executive order by building upon an established program and has less financial impact and disruption of other on-going programs.

### *Alternate (a)*

This alternative would assume that all off-road vehicle use is detrimental to the environment and that the detrimental effects outweigh the positive recreational values associated with this type of activity. The immediate elimination of off-road vehicles would have an impact on the local economies in areas that are dependent upon the sale, maintenance, and operation of off-road vehicles for a source of income. The national economy, in reference to the companies that manufacture these vehicles, would be affected in proportion to the reduction in sale of vehicles that could result.

This approach would prevent users who have previously received satisfaction of recreation needs from this experience from pursuing and enjoying this activity until such time as trails and areas were designated for use.

Immediate elimination could increase the difficulty of managing and controlling big-game populations in certain areas.

### *Alternate (b)*

This alternative recognizes off-road vehicle use as an established use and one that has been enjoyed by many segments of the public including jeepsters, cyclists, and snowmobilers. At the same time, it recognizes that off-road vehicle use may have an impact on the land or upon other users, but provides the opportunity to analyze and evaluate the effects and control the use as needed to protect the environment and to minimize conflicts of use. As previously mentioned, many areas and trails on the National Forest System are now restricted or closed to off-road vehicles. Implementing the Executive order as provided would accelerate the process now in use.

### *Cost of Implementation*

The costs of implementation of the two alternatives in the National Forest System are estimated to be equal. It will require 34,000 man-days of work and approximately 3.5 million dollars to implement the action. If alternate (a) were to be used, there is the immediate need for the funding whereas alternate (b) allows the effort to be spread over several years and the financial impact and disruptions to on-going programs will not be as great.

The annual recurring costs of administration and enforcement after designation will amount to approximately \$6 million.

## VI. RELATIONSHIP BETWEEN SHORT TERM USES OF MAN'S ENVIRONMENT AND THE MAINTENANCE OF LONG TERM PRODUCTIVITY

Controlled off-road vehicle use is an acceptable form of recreation, but indiscriminate use can be detrimental to the environment and welfare of the users of the National Forest System. The long-term productivity on these important public lands can be maintained by analyzing and defining the areas and trails that can and cannot accommodate this type of use and implementing appropriate controls. The effects of off-road vehicle use will be monitored to provide the basis for making adjustments in the controls. This will further assure that the long-term productivity will be maintained, except where exceptions to the definition of "off-road vehicles" may allow these vehicles to damage or destroy the resources which comprise man's environment.

## VII. IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

With the provision that off-road vehicle use be monitored from time to time, changes in designations of areas and trails will be made as needed to protect



resources, promote the safety of users, and to minimize conflicts. The only irreversible or irretrievable commitments of resources that might occur as a result of the proposed action are those which might accrue through the use of off-road vehicles which are excepted from the regulation by definition.

### VIII. CONSULTATION WITH OTHERS

Communication and contacts with the National Wildlife Federation, the Sierra Club, the American Motorcycle Association, and snowmobile industry representatives have provided preliminary information concerning off-road vehicle use.

The National Wildlife Federation stressed the need for developing and enforcing regulations that will minimize the impact of off-road vehicles such as snowmobiles and other all-terrain vehicles on the environment. Specific references were made to the harassment of wildlife, destruction of wildlife habitat and plant life, and the erosion of other environmental values resulting from this type of use.

The Sierra Club defined off-road vehicles as any motor driven vehicle used for recreation off regularly maintained roads and stated that they should only be permitted off-roads in areas or on trails expressly designed and constructed for their use. Both the Sierra Club and the National Wildlife Federation asked for public involvement prior to adopting any regulations governing their use or designating any areas or trails for off-road vehicles.

The American Motorcycle Association offered its assistance in developing instructions and regulations and suggested that an advisory council be considered to advise on the subject.

Snowmobile industry representatives discussed technical aspects of their machines, noise levels, State regulation and recreational aspects of snowmobile use and offered assistance in advising on regulations and instructions.

Other Federal agencies and departments have been contacted including Agricultural Research Service, Soil Conservation Service, Department of Defense, Bureau of Land Management, Bureau of Outdoor Recreation, National Park Service, Council on Environmental Quality, Department of Commerce, Atomic Energy Commission, Tennessee Valley Authority, Department of Transportation, and Environmental Protection Agency.

Mr. DINGELL. Our next witness will be Maj. Gen. Robert H. Curtin, Director of Facilities, National Aeronautics and Space Administration.

### STATEMENT OF MAJ. GEN. ROBERT H. CURTIN, USAF (RET.), DIRECTOR OF FACILITIES, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. DINGELL. Please identify yourself fully for the purposes of the record, and our reporter, and I will recognize you.

General CURTIN. I am Robert H. Curtin, Director of Facilities, National Aeronautics and Space Administration.

I have a statement that I should like to read, Mr. Chairman, if I may.

Mr. DINGELL. You certainly may, and you are recognized.

General CURTIN. Mr. Chairman and members of the subcommittee, it is a pleasure to represent the National Aeronautics and Space Administration before this committee in connection with its consideration of H.R. 75 and H.R. 733. NASA is involved in these matters since the proposed legislation provides that the Secretary of the Interior shall implement the required conservation and rehabilitation programs on certain public lands under the jurisdiction of this agency.

In this statement, we will briefly present to you the NASA position on these two bills presently under consideration. In so doing, we recog-



nize that we have a basic but somewhat lesser interest in these bills than the other agencies concerned.

As indicated in our report, submitted to the chairman of the subcommittee on March 7, 1973, not all NASA installations will be subject to this legislation, if it is enacted. By their terms, these bills exclude land designated as a military reservation, a national park or monument, or an area within the national wildlife refuge system.

As we see it, then, this means that such installations as the Marshall Space Flight Center in Huntsville, Ala., the Kennedy Space Center in Florida, and Wallops Station in Virginia, might well be excluded for the following reasons: Marshall, because it is within the perimeter of the Redstone Arsenal, a military installation; and Kennedy and Wallops, because they are already in the wildlife refuge system as a result of agreements we have entered into with the Department of the Interior under our existing authority.

Kennedy Space Center may well be used as an example of our application of this existing authority. At this installation, we have an agreement dating back to 1963 with the Department of the Interior. This agreement was entered into as a means of preserving the natural environment in certain limited areas of the Center.

Just during this past year, however, we expanded this agreement to encompass all the land and water areas at the Kennedy Space Center except those areas occupied by a structure or otherwise in direct operational use. This, in essence, places approximately 140,000 acres at this installation under the single agency management of the Department of the Interior for wildlife conservation and rehabilitation programs.

It appears that wildlife conservation and rehabilitation programs would have only a limited applicability to the remaining NASA installations. This is due to such limiting factors as building density or the lack of existing wildlife.

Possibly the studies and surveys provided for in the legislation would find some potential at the Plum Brook Station, Ohio; the Mississippi Test Facility; the NASA-owned portion of Langley Research Center, Va.; and the Fairbanks Tracking Station in Alaska.

Plum Brook, which is being placed in a standby status as current programs are closed down, contains about 8,000 acres. This installation has an overpopulation of white-tailed deer. NASA works yearly, in a cooperative program with the State of Ohio, to trap portions of this herd and transport them to areas where hunting is permitted.

At the Mississippi test facility, there is also some potential for wildlife programs. As previously covered in prior testimony relating to earlier bills, the 5-year effort along these lines with the State game commission has been unsuccessful. A major factor in this unfortunate circumstance, as we understand it, is the reluctance of land owners in the 118,000-acre buffer zone, to permit their holdings to be combined with NASA's 21,000 acres into a very large wildlife area.

Recently local interest has been rekindled in this effort and State representatives have undertaken a new study of the present possibilities. Any hunting privileges extended here would, as at all NASA installations, be consistent with State hunting rules and regulations.

At Langley Research Center in Virginia, a wooded section on the 430-acre parcel owned by NASA provides the habitat for a herd of



deer. This herd is managed for us by the Air Force which owns the adjacent land, part of Langley Air Force Base.

Finally, the NASA tracking station at Fairbanks, Alaska, contains approximately 8,500 acres of public domain land but, up to the present, has attracted little conservation-oriented interest.

In closing, we would like to recognize the fact that the current legislation has incorporated two suggestions made by NASA at the time similar bills were under earlier consideration. The first of these involves the clarification of the term "public land." There is now no doubt that this is intended to mean all lands under the jurisdiction of the specified agencies except the three categories which are specifically excepted.

The second suggestion was the inclusion of NASA and AEC, as land-owning agencies, in the approval process of any plans involving the Department of the Interior and the State wherein the land lies. These are certainly very helpful inclusions.

As in the case of the early bills, we still feel that NASA controls only a relatively small portion of the overall land that would be subject to this legislation.

Further, as indicated, the NASA land having the highest potential for these purposes, for example, at Kennedy and Wallops, is already assigned to programs of the Department of the Interior pursuant to our existing authority—the Space Act.

Accordingly, with respect to the advisability of adopting the specific legislation now under consideration, we think that it is appropriate for us to defer to the Department of the Interior.

Thank you, Mr. Chairman, for your consideration of our views. This concludes my statement and I will be pleased to supply any additional information which may be needed or to respond to any questions which you may have.

Mr. DINGELL. General, I think you have done a fine job in presenting the views of your agency.

The gentleman from Texas, Mr. Eckhardt.

Mr. ECKHARDT. No questions, Mr. Chairman.

Mr. DINGELL. Mr. Everett?

Mr. EVERETT. Thank you, Mr. Chairman.

One question, General. Do you have any problem with offroad vehicle traffic in any of the NASA lands?

General CURTIN. The only place that I am conscious of that practice, Mr. Everett, is some problem that we recently had brought to our attention at Goldstone in connection with the so-called dune buggies.

Goldstone is a tracking station at Fort Irwin in California; we have had some reports from Goldstone of minor problems in this regard, but that is the only one that has come to my attention.

Mr. EVERETT. Do you have any authority to control this traffic at this time?

General CURTIN. We have been working with the Army, which has primary land interests in that area, in this regard.

Mr. EVERETT. Well, I note that the Executive order of February 1972 does not cover NASA or AEC lands. This legislation would provide you with that authority.



General CURTIN. Yes.

Mr. EVERETT. That is all I have, Mr. Chairman.

I will submit some questions to you, General, in writing for the record.

Mr. DINGELL. General, the Chair would request that if you have any suggestions for amendatory language on H.R. 75, that would be useful, that you submit it directly to me, not through the Bureau of the Budget. Submit it as a drafting service to the committee.

General CURTIN. I shall do so.

Mr. DINGELL. General, the committee thanks you for your kindness.

The committee will stand adjourned until the call of the Chair.

[The following material was supplied for inclusion in the printed record:]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,  
Washington, D.C., April 4, 1973.

Mr. NED P. EVERETT,

*Counsel, Committee on Merchant Marine and Fisheries, House of Representatives,  
Washington, D.C.*

DEAR MR. EVERETT: This is in reply to your letter of March 15, 1973, referring to us three questions concerning H.R. 75, a bill "To extend and expand the authority for carrying out conservation and rehabilitation programs on military reservations, and to authorize the implementation of such programs on certain public lands." For convenience, the questions are quoted below followed by our replies thereto.

*Question:* "1. What would be the cost to the Federal Government for the current fiscal year as well as the next succeeding five fiscal years should H.R. 75 be enacted into law? You may wish to coordinate your answer with AEC, and the Departments of the Interior, Defense, and Agriculture since they have been asked this same question."

*Response:* If H.R. 75 should be enacted, we would not expect it to result in any additional cost to NASA in the current or the next succeeding five fiscal years. Our understanding of the bill is that the Secretary of the Interior is responsible for developing the comprehensive plans for the conservation and rehabilitation programs provided for in the bill. He is also, by the terms of the bill, responsible for the implementation of such programs. Furthermore, it is the Department of the Interior, not NASA, that would be the recipient of any funds which the bill, if enacted, would authorize to be appropriated. These are all indications that some costs might be incurred by the Department of the Interior. On the other hand, we do not see in the content of the bill any NASA responsibilities which would result in costs other than the cost of day-to-day operations. For example, the consultation, cooperation, and participation in agreements called for on the part of NASA are activities which our personnel normally engage in while carrying out their real estate management duties. We would work with the Department of the Interior pursuant to this legislation as we have previously done in connection with our currently existing wildlife refuge agreements at the Kennedy Space Center in Florida and at Wallops Station in Virginia.

*Question:* "2. How much has NASA spent annually over the past three years to carry out game conservation and rehabilitation programs on lands under its jurisdiction? How much of these expenditures came from appropriated funds, State funds, or license fees?"

*Response:* NASA does not normally initiate game conservation and rehabilitation programs on lands under its jurisdiction. However, as part of its grounds maintenance program at Plum Brook Station, Ohio, NASA spends approximately \$10,000 per year of appropriated funds to control the population of white-tailed deer which inhabit the installation. This program is carried out in cooperation with the State of Ohio. NASA does not have access to State funds or funds derived from licenses of the kind referred to in this question.

*Question:* "3. What do you anticipate the annual needs would be to carry out the purposes of Title II of H.R. 75 on NASA lands?"

*Response:* As stated in the response to Question 1, above, NASA does not anticipate the expenditure of any of its funds to carry out the purposes of Title II



of H.R. 75 on NASA lands. We view the role of NASA as a passive one with regard to the implementation of the wildlife programs. It is quite clear from the provisions of the proposed legislation that NASA responsibility, as owner of the land in question, will be to consult, cooperate, and enter into agreements with the Department of the Interior. On the other hand, the bill would assign to Interior the responsibility for mounting the studies and surveys necessary to determine where programs are most needed. The bill also, if enacted, would place responsibility on Interior for developing the comprehensive plan and for implementing the programs proposed in such a plan. In this connection, we have consulted with a representative of the Bureau of Sport Fisheries and Wildlife, Department of the Interior. That representative concurs in the concept that the proposed legislation does not envisage the expenditure of funds by NASA. He advised us that it would be necessary for Interior to expend funds to implement the proposed legislation. That agency is furnishing you with such information directly in answer to your separate request to them.

If we can be of further assistance, please do not hesitate to call on us.

Sincerely,

H. DALE GRUBB,  
Assistant Administrator for Legislative Affairs.

---

AMERICAN FORESTRY ASSOCIATION,  
Washington, D.C., March 8, 1973.

Congressman JOHN D. DINGELL,  
*Chairman, Subcommittee on Fisheries and Wildlife Conservation, House Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.*

DEAR JOHN: Did not get organized in time to testify on H.R. 75 before your Subcommittee yesterday or today, but do want to file a statement for the record. This is important conservation legislation deserving of attention. My statement follows:

H.R. 75 is essentially two bills: Amendment to the Law on Fish and Wildlife Conservation on Military Reservations and a new Title II establishing a wildlife management program on certain other federal lands. We support the first part enthusiastically and endorse the aims and purposes of the latter, but with certain reservations as to detail which we will explain.

The military reservation amendments are excellent. This is a fine program and it needs expansion. It has been my privilege to serve on the Department of Defense Conservation Judging Team for the past two years and I was most favorably impressed by the accomplishments under this program. The military installations we visited were, of course, the best in each Service; but their wildlife-conservation programs were outstanding. Not only are basic resources of water, soil, forests and wildlife being well managed and protected, but they are serving important public needs through regulated use. This program deserves expansion and encouragement.

Controlled burning is an excellent wildlife habitat management tool in some situations and there should be no hesitancy on its use. If special authorization is needed, the services should have it. Certainly, range rehabilitation and wildlife are directly related. Prior to military occupancy and use, and perhaps to some extent under military control, some western areas have been severely overgrazed. Good management dictates not only restoration of the range itself for good soil and water control, but rehabilitation specifically directed toward improved wildlife habitat. And, no one can oppose the need for control of all-terrain vehicles, including snowmobiles. I would even extend this to military training vehicles to the greatest extent possible consistent with their primary training mission, because I have observed disturbing soil and range deterioration through their use.

Increased financial authorization to the Secretary of Defense is well justified, and a new authorization to the Secretary of the Interior fills a void in the earlier law. It would make Interior a real working partner in Military Lands Conservation.

Title II opens a whole new field of fish and wildlife conservation on federal lands. I am not sure that special legislation is required because each of the federal agencies involved already has authority if not an obligation to manage



its fish and wildlife resources. Adequate appropriations to each, specifically designated for wildlife conservation, probably would make this legislation unnecessary. But, a new declaration by the Congress, backed up by new authorizations and enforcement authority, should strengthen the effort.

The most disturbing thing about this legislation is the requirement for a "public land management area stamp" before any individual can hunt, trap or fish on areas under this program. This is not exactly new because there are federal hunting stamps required now in certain areas under special cooperative management programs, and there is a federal stamp for hunting migratory waterfowl anywhere. But, this bill would make a federal license practically a universal requirement on any federal lands under this program. It definitely would put the federal government in the hunting and fishing license business on a large scale and would establish a dual license system wherever federal lands are so used.

As a former State Fish and Game Director I am opposed to this multiple-license concept if it can be avoided. It would be much preferred to have the states add a dollar or two to their regular licenses and earmarking the added revenue to a joint program of management on public lands. Then, too, the federal government should be spending much more for fish and wildlife management than it has in the past. These public lands represent an obligation for public use that should not be shifted to the user entirely. Many people other than hunters and fishermen profit from good wildlife management and should share in its cost. The public eventually pays in any event, but I do not think that a direct special charge should be made on a segment of the users for the benefit of many others.

This seems to be bordering a federal invasion into a traditional state field. The idea of joint management plans is good and the federal enforcement authority should be beneficial. But, preferably, the same cooperation would be worked out under existing authority and the federal government should finance its share of the obligation out of general revenues. On the other hand, the states, too, should recognize their responsibilities for intensified management on federal lands and increase their licenses enough to pay their share.

So, we do agree with the objectives of Title II. Better fish and game management on federal lands is desirable; more cooperation between federal and state wildlife management agencies is needed; greater funding of conservation programs on public lands is a worthy objective but, hopefully, some system of financing other than a separate, new federal-state license can be found.

Sincerely,

WILLIAM E. TOWELL,  
*Executive Vice President.*

CHAPMAN, DUFF AND LENZINI,  
Washington, D.C., April 4, 1973.

Re H.R. 75, H.R. 731, H.R. 733, H.R. 4327, 93d Congress.

Hon. JOHN DINGELL,

*Chairman, Subcommittee on Fisheries and Wildlife Conservation and the Environment, Committee on Merchant Marine and Fisheries, Room 1334, Longworth Building, Washington, D.C.*

DEAR CHAIRMAN DINGELL: This letter is submitted on behalf of the International Association of Game, Fish and Conservation Commissioners for inclusion in the hearing record on the referenced bills. The International Association numbers among its government members the wildlife agencies of all fifty States, the Commonwealth of Puerto Rico, and five Canadian provinces.

H.R. 75, H.R. 731 and H.R. 733 would authorize and direct the Secretaries of Interior and Agriculture, in cooperation with State wildlife agencies, to carry out comprehensive wildlife conservation and rehabilitation programs on public land administered respectively by the two departments. In addition the Secretary of the Interior is authorized and directed to carry out such programs on lands administered by NASA and AEC, also in cooperation with State wildlife agencies.

Fish and wildlife populations are totally dependent upon habitat and, accordingly, the Federal Government and the States must work in harmony toward the common objective of developing fish and wildlife resources. The Association believes that the cooperative approach set forth in H.R. 75, H.R. 731, and H.R. 733 is desirable and urges enactment. The Association also endorses extension of



the Sikes Act and the increased authorization therefor as contained in H.R. 75 and H.R. 733.

Sincerely yours,

PAUL A. LENZINI,

*Counsel, International Association of Game, Fish and Conservation Commissioners.*

NATIONAL WILDLIFE FEDERATION,  
Washington, D.C., March 13, 1973.

HON. JOHN D. DINGELL,

*Chairman, Subcommittee on Fisheries and Wildlife Conservation and the Environment, Washington, D.C.*

DEAR MR. CHAIRMAN: We appreciate your recent invitation to testify on H.R. 4327, H.R. 75, and H.R. 733, bills to extend and expand the authority for carrying out conservation and rehabilitation programs on military reservations, and to authorize the implementation of such programs on certain public lands. Because of other commitments we were unable to accept your invitation. Therefore, we are expressing our views in this letter and requesting that it be made an official part of the hearing record.

The National Wildlife Federation strongly supports the general thrust of the proposed legislation. With some minor changes explained below, we are of the considered opinion that passage of H.R. 4327, as a minimum, but preferably the passage of either H.R. 75 or H.R. 733 could bring about some needed improvements in federal conservation programs, especially those of the Department of Defense and the Bureau of Land Management in the Department of the Interior.

First, with respect to H.R. 4327 or Title I of H.R. 75 and H.R. 733, we feel that such legislation falls into the "must" category. Failure to pass H.R. 4327, or its equivalent, will further jeopardize an important national conservation program of major scope. The efforts of a few dedicated Defense officials to implement or improve cooperative wildlife management and outdoor recreation arrangements on the 26 million acres contained in military reservations continue to be frustrated by the low funding priority assigned to conservation matters within Defense's budgetary constraints.

Whether all funds are authorized for appropriation to the Secretary of Defense, as outlined in H.R. 4327, or divided between the Secretaries of Defense and the Interior, as suggested in H.R. 75 and H.R. 733, is an administrative issue that can best be resolved by the Congress. What is important is that the Executive Branch request an appropriation in the amount of the finally agreed upon total authorization. From a pure bookkeeping standpoint, it would appear more desirable to have all the funds appropriated to Defense to defray the costs of arranging cooperative agreements for its own conservation programs. However, since DOD has historically been unwilling to view conservation as a priority matter and include an appropriation request in its annual budget proposal, the more pragmatic approach might be to authorize appropriations to both Secretaries in the reasonable expectation that at least one will respond.

Relative to Title II of H.R. 75 and H.R. 733, the National Wildlife Federation considers its purpose to be highly desirable. Such legislation, with some minor changes could have a very healthy influence on the efforts of BLM wildlife managers to provide more adequately for wildlife management and habitat improvement on the 450 million acres of public land they administer without detracting from the many fine cooperative arrangements already in existence between several federal agencies and the States. Also, the concept of issuing public land management area stamps and using the proceeds to improve cooperative wildlife management programs appears to have merit.

The proposed annual authorizations for appropriations to the Secretary of the Interior and the Secretary of Agriculture of \$7.5 million and \$7.0 million, respectively, to implement Title II are quite modest considering the overall needs of the Departments in question. If we are correct in assuming that the legislative intent of Title II is to provide the Secretaries with specific, total funding authorizations for wildlife management, instead of having the Secretaries include their wildlife management funding needs in a general appropriations request, we would recommend that serious consideration be given to increasing the proposed authorizations by substantial amounts.



To keep the proposed legislation from being unduly restrictive and thereby imposing unnecessary administrative hardships on cooperating federal and state conservation agencies, the Federation recommends deletion of the language contained in H.R. 75 on lines 1 through 6, page 2, Title I and lines 14-18, page 5 and lines 6-12, page 6, Title II, or deletion of equivalent language in H.R. 733. This language, in our collective judgment, is too specific and preclusive. Also, it focuses undue attention on controlled burning, range rehabilitation, and control of off-road vehicles, perhaps at the expense of more important factors.

Subject to the above exceptions, the National Wildlife Federation endorses H.R. 4327 and H.R. 75/H.R. 733 and recommends the favorable consideration of at least H.R. 4327 but preferably of H.R. 75.

Sincerely,

THOMAS L. KIMBALL,  
*Executive Vice President.*

[Whereupon, at 3:02 p.m., the subcommittee recessed, subject to the call of the Chair.]

The subcommittee on Wildlife Conservation of the Committee on Interior and Insular Affairs, House of Representatives, held a hearing on the proposed legislation H.R. 4327, as amended, and H.R. 75, as amended, on the subject of "Wildlife Conservation Act of 1975". The subcommittee on Wildlife Conservation of the Committee on Interior and Insular Affairs, House of Representatives, held a hearing on the proposed legislation H.R. 4327, as amended, and H.R. 75, as amended, on the subject of "Wildlife Conservation Act of 1975". The subcommittee on Wildlife Conservation of the Committee on Interior and Insular Affairs, House of Representatives, held a hearing on the proposed legislation H.R. 4327, as amended, and H.R. 75, as amended, on the subject of "Wildlife Conservation Act of 1975".

Whether all funds are authorized for appropriation to the Secretary of the Interior, as suggested in H.R. 4327, or divided between the Secretary of the Interior and the Secretary of Agriculture, as suggested in H.R. 75, is an administrative issue that can best be resolved by the Congress. What is important is that the Congress authorize an appropriation in the amount of the funds carried upon the House request. From a pure bookkeeping standpoint, it would appear more desirable to have all the funds appropriated to the Secretary of the Interior, since the Department of the Interior is the primary agency responsible for wildlife conservation. However, the Department of the Interior has historically been unwilling to allow conservation as a priority and to include an appropriation request in its annual budget proposal. The more pragmatic approach might be to authorize appropriations to both departments in the reasonable expectation that at least one will respond.

Hence, in Title II of H.R. 75 and H.R. 733, the National Wildlife Federation considers its purpose to be highly desirable. Such legislation, with some minor changes, would have a very healthy influence on the efforts of the U.S. Department of the Interior to provide more adequately for wildlife management and habitat improvement on the 450 million acres of public land that the Department administers. From the many fine cooperative arrangements already in existence between several Federal agencies and the States, the concept of Federal, State, and local management and the States. Also, the concept of Federal, State, and local management and the States. Also, the concept of Federal, State, and local management and the States.

The proposed annual appropriations to the Secretary of the Interior and the Secretary of Agriculture of \$2.5 million and \$7.0 million, respectively, to implement Title II are quite modest considering the overall needs of the Department in question. If we are correct in assuming that the legislative intent of Title II is to provide the Secretary with specific total funding for wildlife management, instead of having the Secretary in a general appropriations clause that wildlife management further needs in a general appropriations clause, we would recommend that serious consideration be given to increasing the proposed authorization by substantial amounts.







