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LAND AND WATER RESOURCES CONSERVATION ACT OF 1977

GOVERNMENT

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HEARING

BEFORE THE

SUBCOMMITTEE ON
CONSERVATION AND CREDIT

OF THE

COMMITTEE ON AGRICULTURE
HOUSE OF REPRESENTATIVES

NINETY-FIFTH CONGRESS

FIRST SESSION

ON

H.R. 75

MARCH 1, 1977

Serial No. 95-U



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CHAPTER IV

THE FUTURE

The future of the world is a subject of great interest to all men. It is a subject which has occupied the minds of philosophers, statesmen, and poets for centuries. The future is a subject which is full of mystery and uncertainty. It is a subject which is full of hope and despair. It is a subject which is full of life and death.

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THE FUTURE

The future is a subject which is full of mystery and uncertainty. It is a subject which is full of hope and despair. It is a subject which is full of life and death.

LAND AND WATER RESOURCES CONSERVATION ACT OF 1977

TUESDAY, MARCH 1, 1977

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CONSERVATION AND CREDIT
OF THE COMMITTEE ON AGRICULTURE,
Washington, D.C.

The subcommittee met at 2:05 p.m., pursuant to notice, in room 1302, Longworth House Office Building, Hon. Ed Jones of Tennessee [chairman of the subcommittee] presiding.

Present: Representatives Poage, de la Garza, Baldus, Bedell, English, Panetta, Harkin, Fithian, Glickman, Madigan, Jeffords, Kelly, Coleman, and Marlenee.

Staff present: Robert M. Bor, counsel; John E. Hogan, associate counsel; Glenda L. Temple, clerk; and Robert A. Cashdollar.

Mr. JONES of Tennessee. The Subcommittee on Conservation and Credit will come to order.

This is a public hearing, today, for the consideration of H.R. 75, by Mr. de la Garza. The title of it is "Land and Water Resources Conservation Act of 1977."

[The bill H.R. 75 and the reports from the U.S. Department of Justice and the U.S. Department of Agriculture follow:]

(1)

IN THE HOUSE OF REPRESENTATIVES

MR. DE LA GARZA introduced the following bill; which was referred to the Committee on Agriculture

To provide for furthering the conservation, protection, and enhancement of the Nation's land, water, and related resources for sustained use, 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 this Act may be cited as the "Land and Water Re-
4 sources Conservation Act of 1977".

6 SEC. 2. The Congress finds that—

(1) There is a growing demand on the land, water, and related resources of the Nation to meet present and future needs.

10 (2) The Congress, in its concern for sustained use of

1 the resource base, created the Soil Conservation Service of
2 the United States Department of Agriculture which pos-
3 sesses information, technical expertise, and a delivery sys-
4 tem for providing assistance to land users with respect to
5 conservation and use of soils; plants; woodlands; watershed
6 protection and flood prevention; the conservation, develop-
7 ment, utilization, and disposal of water; animal husbandry;
8 fish and wildlife management; recreation; community de-
9 velopment; and related resource uses.

10 (3) Resource appraisal is basic to wise land and water
11 conservation. Since individual and governmental decisions
12 concerning land and water resources often transcend admin-
13 istrative boundaries and affect other programs and decisions,
14 a coordinated appraisal and program framework are
15 essential.

16 DEFINITIONS

17 SEC. 3. As used in this Act—

18 (1) The term "Secretary" means the Secretary of
19 Agriculture.

20 (2) The term "land, water, and related resources"
21 means those resources which come within the scope of the
22 programs administrated and participated in by the Secretary
23 of Agriculture through the Soil Conservation Service.

24 (3) The term "land and water conservation program"
25 means a framework for attaining the purposes of this Act.

1 (4) a discussion of current laws, policies, pro-
2 grams, rights, regulations, ownerships, and other con-
3 siderations associated with the land.

4 (b) The appraisal shall utilize data collected under this
5 Act and pertinent data and current information collected
6 by the Department of Agriculture and other Federal, State,
7 and local agencies and organizations. The Secretary shall
8 establish an integrated system capable of using combinations
9 of resource data to determine the quality and potential for
10 alternative uses of the resource base and to identify areas
11 of local, State, and national concerns pertaining to land con-
12 servation, resource use and development, and environmental
13 improvement.

14 (c) The appraisal shall be made in cooperation with
15 conservation districts and with State soil and water conser-
16 vation agencies and other appropriate State agencies under
17 such procedures as the Secretary may prescribe to insure
18 public participation.

19 (d) A report of the appraisal shall be completed by
20 December 31, 1979, and at each five-year interval thereafter.

21 LAND AND WATER CONSERVATION PROGRAM

22 SEC. 6. (a) In order to establish a framework for
23 achieving the national land and water policy and purpose of
24 this Act, the Secretary is hereby authorized and directed to

1 develop, through the Soil Conservation Service, in coopera-
2 tion with and participation by the public through conserva-
3 tion districts, State and national organizations and agencies,
4 and other appropriate means, a national land and water con-
5 servation program (hereinafter called the "program") to
6 assist land owners and land users, at their request, in further-
7 ing land and water conservation on the private and non-
8 Federal lands of the Nation. The program shall set forth the
9 direction for future soil and water conservation efforts based
10 on the current land, water, and related resource appraisal
11 developed in accordance with section 5 of this Act, taking
12 into consideration both the long- and short-term needs of
13 the Nation, the land owners, and the land users. The pro-
14 gram shall also include, but not be limited to—

15 (1) analysis of the Nation's land, water, and re-
16 lated resource problems;

17 (2) analysis of existing authorities and adjust-
18 ments needed;

19 (3) an evaluation, based on a system to determine
20 the effectiveness of the soil and water conservation on-
21 going ⁱⁿ programs and the progress being achieved in
22 meeting the soil and water conservation objectives of
23 this Act;

24 (4) identification and evaluation of alternative
25 methods for the conservation, protection, environmental

1 improvement, and enhancement of land and water re-
2 sources, in the context of specific time frames, and a
3 recommendation of the preferred alternative;

4 (5) investigation and analysis of the practicability,
5 desirability, and feasibility of collecting organic waste
6 materials, including manure, crop and food wastes, indus-
7 trial organic waste, municipal sewage sludge, logging
8 and wood-manufacturing residues, and any other or-
9 ganic refuse, composting, or similarly treating such ma-
10 terials, transporting and placing such materials onto
11 the land to improve soil tilth and fertility. The analysis
12 shall include the projected cost of such collection, trans-
13 portation, and placement in accordance with sound lo-
14 cally approved soil and water conservation practices;

15 (6) analysis of the Federal and non-Federal inputs
16 required to implement the program.

17 (b) The program plan shall be completed not later than
18 December 31, 1979, and be updated at each five-year
19 interval thereafter.

20 REPORT TO CONGRESS

21 SEC. 7. (a) On the first day Congress convenes in 1980
22 and at each five-year interval thereafter, and in 1981, the
23 President shall transmit to the Speaker of the House of
24 Representatives and the President of the Senate, the ap-
25 praisal report and the program as required by sections 5

1 and 6 of this Act, together with a detailed statement of
2 policy intended to be used in framing budget requests of
3 the Administration for Soil Conservation Services activities.
4 Following the transmission of such appraisal report, pro-
5 gram, and statement of policy, the President shall, subject
6 to other actions of the Congress, carry out programs already
7 established by law in accordance with such statement of
8 policy or any subsequent amendment or modification thereof
9 approved by the Congress, unless, before the end of the
10 first period of sixty calendar days of continuous session of
11 Congress after the date on which the President of the Senate
12 and the Speaker of the House are recipients of the trans-
13 mission of such appraisal report, program, and statement of
14 policy, either House adopts a resolution reported by the ap-
15 propriate committee of jurisdiction disapproving the state-
16 ment of policy. For the purpose of this subsection, the con-
17 tinuity of a session shall be deemed to be broken only by
18 an adjournment sine die, and the days on which either House
19 is not in session because of an adjournment of more than
20 three days to a day certain shall be excluded in the com-
21 putation of the sixty-day period. Notwithstanding any other
22 provision of this Act, Congress may revise or modify the
23 statement of policy transmitted by the President, and the
24 revised or modified statement of policy shall be used in
25 framing budget requests.

1 (b) Commencing with the fiscal budget for the year
2 ending September 30, 1979, requests presented by the
3 President to the Congress governing Soil Conservation Serv-
4 ice activities shall express in qualitative and quantitative
5 terms the extent to which the programs and policies pro-
6 jected under the budget meet the policies approved by the
7 Congress in accordance with subsection (a) of this section.
8 In any case in which such budget so represented recommends
9 a course which fails to meet the policies so established, the
10 President shall specifically set forth the reason or reasons for
11 requesting the Congress to approve the lesser program or
12 policies presented. Amounts appropriated to carry out the
13 policies approved in accordance with subsection (a) of this
14 section shall be expended in accordance with the Congres-
15 sional Budget and Impoundment Control Act of 1974, Pub-
16 lic Law 93-344.

17 (c) The Secretary, during budget preparation for fis-
18 cal year 1980, and annually thereafter, shall prepare a
19 report which evaluates the program's effectiveness in attain-
20 ing the purposes of this Act. The report, prepared in concise
21 summary form with appropriate detailed appendices, shall
22 contain pertinent data from the current resource appraisal
23 required to be prepared by section 5 of this Act, shall set
24 forth the progress in implementing the program required to

1 be developed by section 6 of this Act, and shall contain
2 appropriate measurements of pertinent costs and benefits.
3 The evaluation shall assess the balance between economic
4 factors and environmental quality factors. The report shall
5 also indicate plans for implementing action and recommen-
6 dations for new legislation where warranted.

7 AUTHORIZATION FOR APPROPRIATIONS

8 SEC. 8. There are authorized to be appropriated such
9 funds as may be necessary to carry out the purposes of this
10 Act.

11 EFFECTIVE DATE

12 SEC. 9. The provisions of this Act shall take effect on
13 October 1, 1977.

ASSISTANT ATTORNEY GENERAL
LEGISLATIVE AFFAIRS

Department of Justice
Washington, D.C. 20530

APR 20 1977

Honorable Thomas S. Foley
Chairman, Committee on Agriculture
House of Representatives
Washington, D. C. 20515

Dear Mr. Chairman:

The purpose of this letter is to express the views of the Department of Justice on H.R. 75, designed "To provide for furthering the conservation, protection, and enhancement of the Nation's land, water, and related resources for sustained use, and for other purposes."

The general purpose of H.R. 75 would appear to be to establish a program whereby the long-term public interest in conservation of land, water and related resources might be better protected through the coordination of all existing related federal programs and the proper planning of future programs. To this end, the Secretary of Agriculture is required, through generation of specified reports, to provide Congress with certain types of information concerning these natural resources and present laws that affect their use. Under §6(a) of the bill, the Secretary is directed to develop "a national land and water conservation program." ^{1/} This program is to be completed by the end of calendar year 1979 and is to be "updated" every five years thereafter.

Under the first sentence of §7(a) of the bill, the Secretary is to transmit an appraisal report and the aforementioned "program" to Congress on the first day it convenes in 1980. We have no difficulty with that portion of §7(a).

The first sentence also requires the Secretary to transmit at the same time "a detailed statement of policy intended to be used in framing budget requests of the Administration for Soil Conservation Services." After the statement of policy and other related reports are transmitted, the President is directed by the second sentence of §7(a), "subject to other actions of the Congress [to] carry out programs already established by law in accordance with such statement of policy or any subse-

^{1/} The term "develop" apparently is not intended to include implementation of such a plan.

quent amendment" thereof approved by the Congress. That statement of policy would itself be subject to nullification by a majority vote of one House of the Congress during the time period established in that sentence. It would also apparently be subject to modification by majority votes of both Houses. Assuming the policy statement is disapproved, §7(a) nowhere suggests whether or when another policy statement must be submitted. Assuming that a policy statement is "approved" by virtue of no action being taken on it within the required time, or that it is "modified" by the Congress, that policy statement is to have the force of law, governing both the manner in which "programs already established by law" are administered as well as purporting to control the President's subsequent framing of budget requests to the Congress.

This bill, in similar form and with a virtually identical §7(a), passed both Houses of Congress as S. 2081 in 1976 but was vetoed by former President Ford. During congressional consideration of the measure, it was opposed by the Department of Agriculture on both substantive and constitutional grounds. See H.R. Rep. No. 1744, 94th Cong., 2d Sess. 12-13 (1976).

I. The Constitutional Questions

A. Art. I, §7

In his opinion of January 31, 1977 to the President on the question of the constitutionality of the legislative veto provision of the reorganization statute, 5 U.S.C. §906(a), the Attorney General stated:

Congressional action outside the check of the presidential veto should be constitutionally suspect as it carries the potential for shifting the balance of power to Congress and thus permitting the legislative branch to dominate the executive. If a statute authorizing control by Congress over executive action by later resolution has the effect of evading the constitutional safeguards of concurrence of both Houses and the presidential veto, then it violates Article I, §7 of the Constitution.

Under Art. I, §7, cl. 2 of the Constitution, every bill passed by both Houses of Congress must be presented to the President for his approval or disapproval. The President may

disapprove, or veto, any bill, in which case a two-thirds vote of both Houses is required for that bill to become law. Under Art. I, §7, cl. 3, the procedure established for bills is applied to "Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary" As stated by the Attorney General in his January 31 opinion, supra,

If a statute authorizing control by Congress over executive action by later resolution has the effect of evading the constitutional safeguards of concurrence of both Houses and the presidential veto, then it violates Art. I, §7 of the Constitution.

In our view, §7(a) would evade the Presidential veto, thereby shifting significantly the constitutional balance of power between the Executive and Legislative Branches that device is designed to preserve in our tripartite form of government.

Before elaborating on the applicability of Art. I, §7, we would first note that the constitutionality of §7(a) depends to a certain extent upon the legal force given to the statement of policy itself.

The statement would appear to serve as a regulation governing the administration of multiple other programs established by separate statutes. Although §7(a) does not speak directly to this question, it would appear that a policy statement, once approved by congressional inaction or modified by the full Congress, could not be modified by the President to accommodate changing conditions but would remain in effect for a period of five years. Thus, unlike regulations that are subject to nullification or revision by the Executive Branch, Congress appears in H.R. 75 to ascribe to a policy statement all the indicia of a statute. Section 7(a) also appears to permit Congress itself to modify that policy statement at any time without that modification being subject to the Presidential veto.

We believe that §7(a) runs afoul of Art. I, §7 in at least two respects. First, that provision would appear to permit legislative rejection or modification of the Executive Branch's execution of the law - the development of the statement of policy - by congressional action which is not subject to Presidential veto. In our view, the bill itself proposes to establish an ongoing

substantive program for the administration of soil conservation activities by the federal government. This Department has consistently taken the position that, with respect to such an ongoing program, Congress may, consistent with the Constitution, legislate with specificity or delegate to the Executive Branch the power to fill in and apply the substantive standards set by Congress. In both of these situations, the President may, if he chooses to do so, exercise his veto power to prevent a change in existing law. Under section 7(a), however, Congress may act to change the law either by single-house disapproval of the President's policy statement or by concurrent resolution modifying that statement. In neither case is the Congressional action subject to Presidential veto.

It might be argued that the President reserves his veto power in his control over formulation of the statement-of-policy. He will only issue policy statements which he approves. Thus, the President approves the change in law before rather than after congressional action. However, for this argument to stand the President must preserve the power to issue no policy statement at all as the freedom not to act is the only real equivalent of the power of veto. Under section 7(a), the President is required by law to issue a policy statement and the pressures of administering the on-going soil conservation program compel the President to act. As this policy statement will be subject to Congressional review, the President must act in a manner consistent with the demands of Congress if his policy statement is to stand. This situation effectively compromises the President's control over his action and eliminates his freedom to take no action at all.

Second, Congress under section 7(a) retains the right to "modify" the President's statement-of-policy by concurrent resolution. Consequently, the policy statement which takes effect may in fact be different from the statement which the President approved.

In the case of section 7(a), it can neither be said that the President will only submit policy statements which he approves because they must be compatible with the desires of Congress in order to stand, nor can it be said that his approval of the policy statement in advance is the equivalent of his approval of the policy statement which takes effect after Congressional review because that policy statement might be modified by concurrent resolution. Section 7(a) effectively subverts the power of Presidential veto in violation of Article I, Section 7,

and therefore, is unconstitutional.

B. Separation of Powers

In addition to the invalidity of §7(a) under Art. I, §7, we believe that the power that provision purports to confer on Congress to modify, by concurrent resolution, a policy statement issued by the President constitutes an assumption by Congress of the power to execute the law that violates the doctrine of separation of powers.

Under Art. II, §3, the President "shall take care that the Laws be faithfully executed" In framing the policy statement required of him by this bill and in implementing that statement, the President clearly would be executing the law as contemplated by the Constitution. Cf. Springer v. Phillipine Islands, 277 U.S. 189 (1928). Under §7(a), Congress would claim the power to participate in the execution of the bill by rewriting the policy statement. Such a rewriting would not only constitute the performance of what is typically thought of as an Executive function, but it would also put Congress in the position of arriving at a new statement on the basis of no standards whatsoever. For example Congress might, even though the Executive's policy statement were thought to be reasonable, modify that statement solely on the basis of its collective belief that another statement would be more reasonable or more to the liking of that Congress. Or Congress might, in modifying the policy statement, do so in such a way as to adjust its impact on a particular ongoing program the administration of which would be affected by the statement. In doing so, Congress would, we believe, be exercising a power of revision or execution totally inconsistent with the doctrine of separation of powers, which prevents one Branch from both passing laws, executing laws and saying what those laws mean in given factual situations.

Accordingly, the Department of Justice is opposed to Section 7 of H.R. 75 and as to the merits of the remainder of the bill, defers to the Department of Agriculture and other interested agencies.

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,

(Signed) Patricia M. Wald

Patricia M. Wald
Assistant Attorney General



DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D. C. 20250

MAY 2 1977

Honorable Thomas S. Foley
Chairman, Committee on Agriculture
House of Representatives
Washington, D. C.

Dear Mr. Chairman:

This report is in reply to your letter of January 31, 1977, requesting a report on H. R. 75, a bill "To provide for furthering the conservation, protection, and enhancement of the Nation's soil, water, and related resources for sustained use, and for other purposes." This report relates to H. R. 75, as amended, and reported by the Subcommittee on Conservation and Credit of the House Committee on Agriculture.

The Department of Agriculture recommends that the bill be enacted if amended as included in the enclosure.

H. R. 75, as amended and reported by the subcommittee, provides for establishing a long-range national policy for furthering the conservation, protection, and enhancement of the soil, water, and related resources; emphasizes that the institutional framework through which the Federal Government cooperates with state and local governments and conservation districts is effective in improving our soil and water resources and should be utilized to its fullest in the future; directs the Secretary of Agriculture to carry out a continuing appraisal of the soil, water, and related resources of the Nation; provides for a program to further soil and water conservation on the private and non-Federal lands of the Nation; and provides for reports to the Congress concerning the appraisal, program, and effectiveness of the program.

Increased demand for food and fiber production encourages the cultivation of marginal lands. This, coupled with the decreasing acreage of prime agricultural land, approximately 1,000,000 acres annually, being converted to irreversible uses, and the misuse of both urban and rural land and water resources, requires a renewed emphasis to conserve and protect the Nation's soil, water, and related resources. This bill would provide for that renewed emphasis.

The continuing appraisal called for in section 5 of the proposed legislation would provide basic information on the Nation's soil, water, and related resources for use by landowners, local, state, and Federal agencies, and others at all levels in making wise and orderly use of their resources. Some information, which is presently being used to formulate programs, is over 9 years old. New appraisals are needed and others presently being conducted, such as the identification of prime and unique agricultural lands and erosion and sediment surveys, should be accelerated. All of these surveys would be brought together under provisions of section 5 in such a form that a long-range program in conservation could

be developed. This Department is presently spending over \$500 million annually for soil and water conservation programs. With expenditures of this magnitude, we must insure that programs designed to reach the most crucial places be based on sound, current data.

The long-range program provided for in section 6 is an essential step we must take if the soil, water, and related resources are to be conserved, protected, and improved to meet both present and future requirements for food and fiber and other uses. The program would initially be developed for a 5-year period and updated at 5-year intervals thereafter. Participation by the public in helping develop the program is provided for in the bill. The 2,950 soil and water conservation districts covering most counties of the Nation would be one of the major vehicles for insuring local input. The land owners and land users who manage the resources from which our food and fiber come must help set national direction.

The changes recommended in the enclosure will give the Secretary of Agriculture more flexibility in administering the soil and water conservation programs of the Department. The changes we recommend would also limit the bill to those soil, water, and related resources which come within the scope of the programs administered by the Secretary of Agriculture for agricultural uses. This allows for other areas of land resource concerns to be later examined by this Administration. The amendment we suggest for section 7 would remove the constitutional question on the separation of powers and would not place constraints on the President's flexibility of formulating and presenting his budget requests in line with his own priorities. We agree that our agricultural resource base on which survival depends needs to be viewed on a long-range basis and efforts made to ensure that tomorrow's food and fiber will be available. There is need, however, for flexibility in examining needs of the American people annually and apportioning the Federal effort accordingly.

Enactment of this proposed legislation would require the expenditure of funds in the amount of \$9 million the first year; \$10 million the second year, and \$13 million each the third, fourth and fifth years and \$13 million each year thereafter.

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,

John C. White
John C. White
Deputy Secretary
Enclosure

CHANGES IN H. R. 75
AS AMENDED AND REPORTED BY THE SUBCOMMITTEE ON CONSERVATION
AND CREDIT OF THE HOUSE COMMITTEE ON AGRICULTURE

1. On page 1, line 9, add the word "agricultural" preceding the word "needs".
2. On page 2, line 1, add the word "agricultural" after the words "of the".
3. On page 2, line 21, add the words "for agricultural uses." after the word "service."
4. On page 3, lines 6 and 7, omit the term "through the Soil Conservation Service".
5. On page 3, line 8, add the word "agricultural" after the word "long-term".
6. On page 4, line 22, omit the words "including fish and wildlife habitat" after the word "resources".
7. On page 5, lines 1 and 2, change the sentence to read: "(3) data on the changes that have occurred in the quality and quantity of those resources resulting from various past uses;"
8. On page 5, paragraph (b), after the words "--capabilities for alternative uses of the", add the word "agricultural" and after the words "pertaining to soil and water conservation," add the word "agricultural".
9. On page 6, line 13, change the sentence to read: "set forth direction for future agricultural soil and conservation efforts of the U. S. Department of Agriculture."
10. On page 6, line 16, add the word "agricultural" after the words "short-term".
11. On page 8, lines 10 and 11, add the word "regarding" after the word "policy" and omit the words "intended to be used as a guide in framing budget requests of the Administration for".
12. On page 8, line 5, change the sentence to read: "Sec. 7. (a) on March 1, 1980".
13. On page 8, line 11, change the sentence to read: "soil and water conservation activities of the U. S. Department of Agriculture." Omit the remaining part of paragraph Sec. 7. (a).
14. On page 9, omit the remaining portion of paragraph Sec. 7. (a) and Sec. 7. (b) and change paragraph (c) to be paragraph (b).
15. On page 9, lines 19, 20, and 21, change the sentence to read: "(b) The Secretary by March 1, 1981, and annually thereafter, shall prepare and transmit to the Congress, through the President, a report which evaluates the program's effectiveness."

Mr. JONES of Tennessee. Our first witness today is the Administrator of the Soil Conservation Service, USDA, here in Washington; Mr. R. M. Davis.

Mr. Davis, it is good to see you again. We appreciate the fact that you are here.

You may proceed.

Mr. DAVIS. Thank you very much, Mr. Chairman.

STATEMENT OF R. M. DAVIS, ADMINISTRATOR, SOIL CONSERVATION SERVICE, U.S. DEPARTMENT OF AGRICULTURE

Mr. DAVIS. Mr. Chairman and members of this committee, I am pleased to have the opportunity to come before this committee on behalf of H.R. 75.

The Department of Agriculture is not, at this time, in a position to make any recommendation on H.R. 75. Although we recognize the need for a long-range comprehensive plan to deal with soil and water conservation problems, the Department does not yet have a policy position with regard to this bill.

The bill provides for establishing a national policy for furthering the conservation, protection, and enhancement of the land, water, and related resources. It emphasizes that the institutional framework through which the Federal Government cooperates with State and local governments and conservation districts is effective in improving our land and water resources, and should be utilized to its fullest in the future.

The bill directs the Secretary of Agriculture to carry out, through the Soil Conservation Service, a continuing appraisal of the land, water, and related resources of the Nation. It provides for a program to further land and water conservation on the private and non-Federal lands of the Nation.

It also provides for reports to the Congress concerning the appraisal of the effectiveness of the program.

Increased demand for food and fiber production encourages the cultivation of marginal lands. This, coupled with the decreasing acreage of prime agricultural lands—approximately 1 million acres of which is annually being converted to irreversible uses—and the misuse of both urban and rural land and water resources is naturally of concern to the Department of Agriculture.

We know that some information, presently being used to formulate programs, is over 9 years old. We are, however, making new appraisals—such as the identification of prime and unique agricultural lands and erosion and sediment surveys—which provide valuable information to land users. This Department is presently spending over \$500 million annually for soil and water conservation programs. With expenditures of this magnitude, we must be assured that programs designed to reach the most crucial places be based on sound, current data.

Participation by the public is essential in any program of soil and water conservation. Soil and water conservation districts covering almost all counties of the Nation are leaders in making work the volunteer approach to solving our erosion and sediment problems.

Mr. Chairman, after completion of our analysis of H.R. 75, we would be pleased to provide you with a departmental recommendation, including possible substantive changes in the bill.

I will be pleased to answer any questions.

Mr. JONES of Tennessee. Thank you, Mr. Davis.

You probably heard the buzzer. We have a vote on the floor of the House.

Can you stay for a little while?

Mr. DAVIS. I will, Mr. Chairman.

Mr. JONES of Tennessee. We would appreciate it very much if you could remain until we go and vote, and come back.

The committee will stand in recess.

[Recess taken.]

Mr. JONES of Tennessee. The committee will resume its hearings.

Mr. Davis, the Administrator of SCS, is at the witness table.

Mr. de la Garza, do you have any questions to ask Mr. Davis?

Mr. DE LA GARZA. Yes, Mr. Chairman, I do; both a short statement and a question or two.

Mr. Davis, I appreciate very much your being here. I can sympathize with your position, and understand quite well your situation. There is no problem with me as far as your not being able to make a definite statement at this time.

I do want to say that, in your statement, you suggest some possible changes in the legislation with which I have no quarrel either. It is the theory and the thrust behind the legislation that is of importance to the American people, to our Nation, and to me, individually. Since you are the spokesman for the administration, I would appreciate it if you would carry back the message that, at least this Member, is not one of those that is wedded to his bill and doesn't an "i" dotted or a "t" crossed.

It is what we intend to do that we are interested in.

I know that the administration and the Secretary are aware of the problems that we are facing now with energy, in that we need some long-term planning for energy. It has been very forcefully brought out, now, that we need to do the same for water as it relates to the use of water on the land.

To solve the problems of lack of water in some places, we can't get that from the Arab countries or Venezuela or some other nation. We have to do that on our own.

Maybe most of what we intend to do in this legislation is being done, but it's often in one area or the other and, somehow, it doesn't come out together at the end.

When we get to where we are going to set priorities for the use of water, and wetlands, and what we have available, we are going to need the data on which to make that evaluation. That's what we are trying to do here.

As much as possible, we would like to do it within the existing funding. If it could be done within the existing funding, fine. We may have to add some additional funding, as you can well realize.

However, we are not out for a grandiose scheme of trying to put somebody's name on legislation.

That is my statement.

My question is: Do you have any anticipated time when you might come back to us with recommended changes to the legislation?

Mr. DAVIS. No, sir. We have no time frame in which to do it. Of course, this administration needs to develop its policies.

I indicated in my prepared statement, here, insofar as a parameter of time is concerned, I have no schedule of the time at which I could return to you, or of the time at which I could make a definite commitment.

Let me assure you that the Secretary and staff will work on this and come to you as soon as a policy position is established.

Mr. DE LA GARZA. I sympathize with the problems—there is no question there—but I would hate to wait a year or so.

I have no other questions, Mr. Chairman. The only question I had was when we might expect the administration to make some recommendations.

Mr. JONES of Tennessee. Thank you, Mr. de la Garza.

Mr. Jeffords?

Mr. JEFFORDS. I have one comment. Of course, we know the Secretary voted for this bill last time which gives us some assurance that he might be somewhat favorable toward it.

I noted, with interest, his recent statements in this area. I am very optimistic. I want you to carry back those good wishes, at least for myself—and I am sure I speak for other Members—for his concern in the statements in this area recently.

Mr. JONES of Tennessee. Thank you. Mr. Jeffords.

Mr. Baldus?

Mr. BALDUS. My sentiments have been expressed very well.

Mr. JONES of Tennessee. Mr. Bedell?

Mr. BEDELL. Mr. Chairman, are we going to determine whether or not we should report this bill out today?

Mr. JONES of Tennessee. Mr. Bedell, if it is agreeable with the committee members, I think that we should not try to report the bill out today. We have some amendments, I understand, that will be pending, but they are not ready.

I feel we should wait, if that is agreeable.

Mr. English?

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

Mr. JONES of Tennessee. Thank you, gentlemen.

Mr. Davis, we do thank you for being here.

If you will—as soon as is practical—comply with Mr. de la Garza's wishes, we will appreciate it.

Mr. DAVIS. Thank you very much, Mr. Chairman.

We will, and I will relay your messages to the appropriate officials.

Mr. JONES of Tennessee. Thank you for being here.

Mr. DE LA GARZA. Mr. Chairman, I would like to have one second more.

I would hope that the administration doesn't wait and send us a package here. If you need to counsel, if you need to visit, we will all be available. Hopefully, we can progress working together, and not wait until you come back with a definite statement, either pro or con.

We would be very happy if we could counsel together in the process.

Mr. DAVIS. Thank you.

Mr. JONES of Tennessee. At this time, Mr. de la Garza, I think I should mention that the schedule of hearings show that the Secretary, Mr. Bergland, will be here on March 17 with the full committee.

If we have not heard something by then, we can probably confront him with that problem at that time.

Gentlemen, I would like to take this opportunity to recognize a couple of Tennesseans who are here today. One of them is Mr. Davis' coworker on the State level, and one is the president of the Tennessee Association of Soil Conservation Districts.

Mr. Talmadge Crichfield, Jr., is the president. He is from my district. He is a big farmer in Lauderdale County, Tenn. Talmadge, we appreciate your being here.

Mr. Don Bivens is our State conservationist for the Soil Conservation Service.

Earlier—and I meant to introduce him, but he left. He may be back. Jim Webster is the new Director of USDA for Congressional and Public Affairs for the Secretary. I am sure most of us know Mr. Webster. We are delighted that he was also here.

Our next witness is Mr. Lyle Bauer, the vice president of the National Association of Conservation Districts from Harper, Kans.

Do you have anyone with you, Mr. Bauer?

Mr. BAUER. No, Mr. Chairman.

Mr. JONES of Tennessee. We are delighted that you are here. You may proceed.

STATEMENT OF LYLE BAUER, VICE PRESIDENT, NATIONAL ASSOCIATION OF CONSERVATION DISTRICTS

Mr. BAUER. Mr. Chairman and members of the committee, I am Lyle Bauer of Harper, Kans. I am a farmer, a supervisor of the Harper County Conservation District, in Kansas, and vice president of the National Association of Conservation Districts. As you know, NACD represents 3,000 local units of State government established under the laws of the 50 States, Puerto Rico, and the Virgin Islands.

We appreciate the opportunity to come before your committee today to urge support for the enactment of H.R. 75, the proposed Lands and Water Resources Conservation Act of 1977, introduced by Mr. de la Garza of Texas.

Last year, we appeared before this committee to urge approval of a similar bill which was subsequently adopted by the House of Representatives and the Senate. There were no dissenting votes in either body, but the measure failed to win the President's signature.

I do not intend, today, to repeat all of the arguments that we presented last year in favor of this legislation. Your committee is familiar with our position, and our statement is a matter of record.

However, I do wish to emphasize several points that make this legislation a matter of critical current concern.

First is the need for assessment of where we stand in the protection, development, and wise use of our land and water resources. Over the past four decades, much has been done through the Nation's unique local-State-Federal conservation partnership to reduce soil erosion, improve grazing lands, use water resources wisely, and enhance

forest and fish and wildlife resources. But much remains to be done, and new problems continue to emerge.

Agricultural technology is changing. New and larger machines are being used, and conservation practices designed to be compatible with earlier equipment must be redesigned and replaced in some instances. Emphasis on greater farm production to meet growing domestic and international needs is resulting in more intensive use of land. There is a shift away from soil-conserving rotations, and some measures installed to reduce wind and water erosion are being removed or impaired.

New technology, more intensive use of land, and climatic conditions in parts of the country are combining to increase soil erosion rates and the hazards of further serious erosion. There is clearly a need to assess periodically the status and condition of our basic soil resources, and to act to achieve resource protection and improvement.

Second, it is imperative that we find ways to achieve improved water quality as we maintain and improve soil productivity. Many of the conservation practices used for years to prevent erosion on farms and ranches are the same best management practices that will help meet objectives for water quality improvement that are being established in accordance with provisions of Public Law 92-500.

The objectives of productivity and environmental enhancement must mesh together in a practical and effective way. Experience has shown a serious lack of information about the extent of erosion and sediment problems, and their effects on water quality. As future programs for the control of sediment and other nonpoint source pollutants get under way, it will be necessary to determine accurately the relationship between what is being done on the land and what is happening in the rivers, lakes, and streams. Conservation practices and programs will have to be adjusted from time to time. This will require continuing analysis.

Third, there is a need for information about soil and water conservation programs to be provided to Congress in a form that enables this body to determine their effectiveness. This is essential to good management and the proper allocation of funds and other resources.

Fourth is the need for adequate public understanding of the problems of land and water conservation. For over a decade, NACD has emphasized that efforts to deal with land abuse were not keeping pace with new developments. We have repeatedly called for accelerated research and improved educational programs. We have advocated a consistent national system of conservation cost-sharing based on long-term contracts. We have urged that adequate technical assistance be made available to enable conservation districts to meet the backlogs of requests for service.

Congress has responded by establishing many new authorities and appropriating increased funds in many instances. But a series of actions by the executive branch has resulted in serious setbacks. These include a sporadic off-again, on-again approach to cost-sharing, refusal to implement authorities contained in the Rural Development Act of 1972, and imposition of personnel ceilings that have reduced the full-time working force of the Soil Conservation Service by some 16 percent.

Although local and State governments more than doubled their financial support of conservation district programs during this same period, the weakening of Federal support has been demoralizing.

Districts are faced with surging demands for soil survey information, but surveys are not expected to be completed until the end of the Century. Efforts to accelerate conservation planning are thwarted by rules which count Federal employees hired with local funds under Federal personnel ceilings. Many districts are forced to share the services of one district conservationist. The Federal Government looks to districts to help carry out the objectives of nonpoint pollution control, but little thought is given to the financial support needed if the effort is to be successful.

It is time, we believe, for a new national dedication to soil and water conservation. It is time to appraise where we stand and to establish programs with the active participation of local people that can be agreed upon by both the executive branch and the Congress. I have listed the ways this can be done, as follows:

One, by elevating public concern through the preparation and publication of a periodic appraisal of the status of land, water, and related resources on private and non-Federal lands;

Two, by establishing procedures whereby conservation districts and other agencies and organizations can assist—on a periodic basis—in developing a national program for the conservation of these resources;

Three, by providing for the delivery to Congress of the appraisal and program, along with definite administration policies, that should be helpful to both the Congress and the administration in arriving at realistic budget estimated for conservation programs;

Four, by requiring the Department of Agriculture annually to evaluate—qualitatively and quantitatively—the extent to which conservation programs are achieving the goals of the program and policies;

Five, by establishing as a matter of congressional policy the utilization, to the maximum practicable extent, of the historical arrangements under which the Federal Government cooperates with State soil and water conservation agencies, and other State agencies, and through conservation districts, with other local units of government and land users to achieve conservation purposes; and

Six, by authorizing new funds for this effort rather than taking funds from existing programs.

At our recent 31st annual convention, held 2 weeks ago in Atlanta, Ga., the NACD Council reaffirmed our position in support of the Land and Water Resources Conservation Act of 1977. H.R. 75, we believe, will provide the framework for analyzing our soil and water conservation needs, year after year; estimating the Federal and non-Federal inputs needed; evaluating progress in research our goals; and helping to assure the permanent productivity of American agriculture.

Thank you. I will be pleased to answer any questions.

Mr. JONES of Tennessee. Thank you, Mr. Bauer.

Do you have some time to remain here? Are you on a tight schedule?

Mr. BAUER. I'm on a tight schedule, but I'll remain it if is essential.

Mr. JONES of Tennessee. If you are on a tight schedule, we will go ahead and question you now. We normally try to hear all and hold the questions until the end.

Mr. BAUER. I'll wait, if you desire me to.

Mr. JONES of Tennessee. I believe we will go ahead, now.

Mr. de la Garza?

Mr. DE LA GARZA. I have no questions.

Mr. JONES of Tennessee. Mr. Jeffords?

Mr. JEFFORDS. I really have no questions. I think you have brought out some of the important needs of this legislation. I think you would agree with me that this is just a start on things we have to do as we look toward the future.

It is certainly not the final answer. I will look forward to talking to you in the future on other bills in this area.

Thank you very much for your very excellent testimony.

Mr. BAUER. Thank you.

Mr. JONES of Tennessee. Thank you, Mr. Jeffords.

Mr. Baldus?

Mr. BALDUS. I have one question. It really is asked on the part of some constituents of mine.

They were questioning whether or not, in their cost-benefit ratios that have to be determined, if we are assigning values to the loss of soil and the sediment, the various aspects of sediment, the enrichment—nitrogen, phosphates, those pesticides that go on the soil, the cost of dredging in the Mississippi River that is now going on because of the sediment.

Are you folks satisfied that that method of assigning costs to soil loss is proper?

Mr. BAUER. I think that we need to know much more about this. I think we need to learn more about it.

I don't think that we have all the answers on how much soil we are really losing. I think this is one of the reasons for this bill, to know where we are at today, in 1977 or 1978.

Mr. BALDUS. Thank you.

Mr. JONES of Tennessee. Thank you, Mr. Baldus.

Judge Kelly?

Mr. KELLY. I would like to ask you a few questions about the State participation.

As I understand it from your testimony, the States have doubled their participation in funding the programs. Is that what you said?

Mr. BAUER. I don't believe I said "doubled the funds," and it varies from State to State, but many States are putting funds into the conservation program.

Mr. KELLY. Your suggestion is that, as the States have come in, the Federal Government has withdrawn?

Mr. BAUER. Yes; this is what I am saying. Our programs have not been consistent over the past several years. The States find it necessary to put funds into this, but the Federal Government has not increased their funding.

Mr. KELLY. What is your explanation for why there needs to be an increase?

Mr. BAUER. In this bill, we are asking to be able to learn about these questions. We are asking for an appraisal.

Where are we today in America on conservation? How much have we done? How much do we need to continue to do?

I think that this is what the Congress would like to know, too. I think this is the reason you are asking the question; you want to know.

I think this bill would be one of the answers to your question.

Mr. KELLY. So, then, it is premature now to suggest that the Federal Government should be drawing down on its expenditure. We don't know whether they are drawing down fast enough or whether they should be paying more.

Is that what you are saying? I have never heard anyone testify that the Government was spending enough.

Mr. BAUER. I don't think I had in my statement that the Government was spending too much. I didn't have that in there.

Mr. KELLY. I didn't think so.

Thank you, Mr. Chairman. I have no further questions.

Mr. JONES of Tennessee. Thank you, Judge Kelly.

Mr. English?

Mr. ENGLISH. Continuing along the line that Judge Kelly suggested, you are not here testifying that we simply hold back on any projects as far as soil conservation is concerned until a survey is completed, are you?

Mr. BAUER. No, sir.

Mr. ENGLISH. I think this is a point that we need to be very clear on. I think there are some obvious needs that have to be taken care of if we are going to continue the ongoing effort of trying to preserve our soil.

However, I do think that you are correct; that, as far as knowing how much erosion is taking place, we do lack the knowledge that would be beneficial to us. I think you are probably also correct in implying, at least, the fact that we probably would be rather shocked to know the degree to which erosion is taking place.

I don't think that people realize or recognize the extent to which it is happening. Being from Kansas, we are very familiar with the wind erosion that is taking place in that part of the country these days.

I think that it is extremely important that we continue our efforts in our area, and that we do get some kind of survey. Perhaps we can encourage more people in the country to take an interest in this subject.

Thank you, Mr. Chairman.

Mr. JONES of Tennessee. Thank you, Mr. English.

Mr. Panetta?

Mr. PANETTA. I have no questions.

Mr. JONES of Tennessee. Mr. Coleman?

Mr. COLEMAN. No questions.

Mr. JONES of Tennessee. Mr. Harkins?

Mr. HARKIN. No questions.

Mr. JONES of Tennessee. Mr. Glickman?

Mr. GLICKMAN. Thank you, Mr. Chairman.

First of all, I would like to welcome you, Lyle. We had the opportunity to fly on the same airplane a while ago and though he is not from my district—he is from Mr. Sebelius' district which is right across the border—Mr. Bauer has a very fine reputation in the area.

We appreciate your testimony.

I would like to ask one question which does not really relate too much to your testimony. I notice, under the bill, the program will

include analysis of the Nation's land, water, and related resources programs.

Are you aware if there have ever been any studies, either by your people or others, on the question of taking underground salt water from, let's say, formations like the Mississippi formation—underground formations—and desalinating that water for the purposes of irrigation?

Mr. BAUER. No, not that I am familiar with.

Mr. GLICKMAN. Somebody brought that point up to me in terms of conserving water. They said we have failed to tap a prolific source of water, this underground salt water; that we have as much of it as we have fresh water.

Mr. BAUER. We have not looked into this.

Mr. GLICKMAN. Thank you, sir.

Mr. JONES of Tennessee. Thank you, Mr. Glickman.

Mr. Bauer, I have one question I would like to ask.

In your concluding remarks, you mention that at the 31st annual convention, held 2 weeks ago in Atlanta, the NACD Council reaffirmed their position in support of the Land and Water Resources Conservation Act of 1977.

You went ahead to say that you thought that H.R. 75 will provide the framework for analyzing our soil and water conservation needs, year after year.

My question to you is: Did your group, in any way, go on record as supporting or approving H.R. 75, or was it discussed?

Mr. BAUER. I cannot answer that question for you today, but I can provide the answer to you. I don't know if this resolution said "H.R. 75" on it. I would assume that it did.

Mr. JONES of Tennessee. I think it would be helpful to this committee if we had a recommendation—if you had one—with regard to H.R. 75.

Mr. BAUER. I will mail this to you tomorrow.

Mr. JONES of Tennessee. We will appreciate it very much. We will make it a part of the record, without objection.

[The resolution submitted by Mr. Bauer follows:]

Resolution No. 7

LAND AND WATER RESOURCES CONSERVATION ACT OF 1977

(New Jersey, Colorado, North Dakota, and South Central Region)

There is a growing demand on the land, water, and related resources of the nation to meet present and future needs for food and fiber, rural and urban development, agricultural, industrial, and community water supply, fish and wildlife habitat, and recreational facilities and other needs of the people.

These resources are essential to the nation's economic and social well being and must be protected and enhanced to avoid their loss, misuse, and damage.

Legislation designed to help achieve these objectives was enacted by both the House and Senate without opposition during the 94th Congress but failed to win Presidential approval. The legislation would require the Secretary of Agriculture to prepare an appraisal every five years of land, water, and related resources on the private and non-federal lands of the nation. It called for active participation by conservation districts and state soil and water conservation agencies in achieving priority conservation objectives.

This legislation would provide for an orderly fact-finding program to determine the status, condition, and trends in the use and quality of America's privately-owned land. It has been reintroduced in the House and Senate in the 95th Congress. NACD supports the proposed Land and Water Resources Conservation Act of 1977 and will work vigorously for its passage and approval.

Resolutions Committee recommends adoption; moved by Bauer and seconded by the State of Maine. Adopted.

Mr. BAUER. Mr. Chairman, I would also like to clarify something else.

I don't know if I was misunderstood or not when I was speaking of State and Federal funding.

The conservation program, as it stands today—we do not have enough technical assistance out through the local conservation districts. We really need more.

What I was saying is that, even though the State is furnishing money and the Federal people are furnishing money, there are personnel ceilings. Even if the State used their money, it counted against these ceilings.

I just want to clarify that point.

Mr. JONES. of Tennessee. Thank you, Mr. Bauer. I think the majority of the committee understood what you said.

Mr. BAUER. Thank you.

Mr. JONES of Tennessee. Thank you very much.

Gentlemen, we have three remaining witnesses. I believe, for the sake of time, that we will hear them all, and then call them back for questioning.

Mr. Tom Barlow of the Natural Resources Defense Council here in Washington is the next witness.

Mr. Barlow, we are delighted that you are here. You may proceed.

Mr. BARLOW. Thank you, Mr. Chairman.

**STATEMENT OF THOMAS J. BARLOW, NATURAL RESOURCES
DEFENSE COUNCIL, SIERRA CLUB, ENVIRONMENTAL POLICY
CENTER**

Mr. BARLOW. My name is Thomas Barlow and I am testifying on H.R. 75 on behalf of the Natural Resources Defense Council, the Sierra Club and the Environmental Policy Center.

The Land and Water Conservation legislation before you has been almost 2 years in development. Today it is even more apparent to more and more people across the Nation than it was when this legislation was first conceived 2 years ago that resource stresses are intensifying across much of the Nation. It is our belief that this legislation will not achieve the goal of supporting the Soil Conservation Service in the proper addressing of these resource stresses unless this legislation is broadened in a number of respects:

(1) There is no provision in the bill for the SCS to develop a definition of resource quality for land and water which they would then utilize in making their assessment and drawing up their program. Without a guideline for resource quality the agency could end up doing nothing in their program.

We submit that the legislation should direct them to establish such definitions with regard to both water and soil quality.

(2) There is no provision in this legislation for assessing soil and water resources on the basis of geographical or jurisdictional units. Without any guidance on how assessments are to be structured on an area basis you could receive reports that cover such a broad region that they are meaningless and the programs that are developed on the basis of such assessments could focus agency work on areas that may not need attention while those needing attention might be neglected.

(3) The Soil Conservation Service has never had a fish and wildlife enhancement mission. We believe that this situation has hampered the agency's work in many important respects in recent years. Much of the conservation and water resource management work in the years ahead can be implemented in a manner that enhances fish and wildlife resources or it can be implemented in a manner that ignores fish and wildlife concerns. The agricultural productivity achieved by this conservation and water resource management work can be virtually the same whether one road is taken or the other. Why not take the road which enhances fish and wildlife resources and gain for this agency the support of interests with which it has had to battle in recent years, a battle that has hurt its program delivery. We would like to see this legislation begin the long overdue process of healing wounds that benefit no one.

(4) With regard to the water resource management programs of this agency, in recent years there has been considerable controversy with the practice of stream channelization. This has led to frustrations with the lack of progress in small watershed installations as local opposition has organized against projects which are needlessly destructive. I believe that the time is past however when opponents demanded an end to all channelization. The need for drainage and flood control which much of this work achieved is admitted. Likewise, the SCS is not as insistent on the most sterile engineering solutions to flood control and drainage needs. I believe that the agency is ready to find ways that they can achieve flood control and drainage objectives while soothing the concerns of opponents who have been appalled at the damage to water-course resources in the past. I hope that in the legislation the committee will give the agency the support and encouragement it needs in its quest for the middle ground by including a section calling for the agency to set forth guidelines that will produce small watershed work that satisfies the interests of all.

We firmly believe that these broadening provisions should be added to H.R. 75 so that all of us can support the programs of this agency in the years ahead.

We had the GAO report in 1972 on the shortcomings in the ACP program.

Our current Assistant Secretary of Interior-Designate, Mr. Robert Herbst, made speeches out in Minnesota in 1973 where he was calling attention to the loss of hedgerows, terracing, and wise conservation practices installed in the 1930's on Minnesota farms, and the tremendous increases in erosion from wind and water on these farms.

In fact, he brought to my attention, in his speeches at that time, the term "snirt storms," which are a combination of snow and dirt storms that sweep across Minnesota.

In 1975, you had a report by the Senate Agriculture Committee, which was put together by a team of Midwest agricultural scientists, which called everyone's attention to the fact that we are on the verge of a dust bowl.

I think their predictions are coming down to us in spades, today.

You have a February 14 just-released GAO report on USDA efforts to get on top of these programs. This report points out serious shortcomings in past USDA programs.

We are aware that a lot of the shortcomings of the past few years have been a result of prior administration policy at the Department level. It didn't want to apply any money to these programs. It didn't even want to see some of these practices enforced because they would stand in the way of the maximum achievement of production goals which was what Mr. Butz and the administration wanted.

However, we see the results of their lack of wisdom in the problems out in the Midwest today.

That is my statement. If there are questions, I would be happy to answer them.

Mr. JONES of Tennessee. Thank you, Mr. Barlow.

Can you wait and let us hear the remainder of the witnesses.

Mr. BARLOW. Certainly, sir.

Mr. JONES of Tennessee. Thank you very much for being here. We will call you back for questioning in just a few minutes.

The next witness is Col. Kenneth Hampton, National Wildlife Federation, Washington, D.C.

Colonel Hampton, we are delighted that you are here. You may proceed.

STATEMENT OF KENNETH R. HAMPTON, DEPUTY CONSERVATION DIRECTOR, NATIONAL WILDLIFE FEDERATION

Mr. HAMPTON. Mr. Chairman, I am Col. Kenneth R. Hampton, U.S. Army (ret.), Deputy Conservation Director for the National Wildlife Federation (NWF) which has its headquarters at 1412 16th Street, NW., Washington, D.C. I am a professional conservationist with degrees in forest management and meteorology:

Ours is a private organization which seeks to attain conservation goals through educational means. Affiliates of the NWF are located in all 50 States, Puerto Rico, Guam, and the Virgin Islands. These affiliates, in turn, are made up of local groups and individuals who, when combined with associate members and other supporters of the NWF, number an estimated three and one-half million persons.

We welcome the invitation to appear here today to comment on H.R. 75, the Land and Water Resource Conservation Act of 1977. The Federation supports the purpose and thrust of the proposed Act.

Mr. Chairman, NWF testified before this subcommittee last year in support of similar legislation. We were delighted when it passed the Congress and deeply disappointed and puzzled when the President vetoed the bill. Hopefully, that will not happen this time around. Enactment of the proposed legislation will not create a "large and costly bureaucracy" to administer the program as charged in President Ford's veto memorandum.

Therefore, we commend the members of this subcommittee for the decision to move ahead with H.R. 75, a bill aimed at creating a viable mechanism through which the Congress, acting in behalf of the American public, can insure that national policy concerning conservation of land and water resources is implemented in the most effective, environmentally sound manner. Just as your parent committee was instrumental in bringing about the passage of the so-called Humphrey-Rarick bill (Forest and Rangelands Renewable Resources

Planning Act of 1974, P.L. 93-378) which gives the Congress a much better "handle" on the activities of the U.S. Forest Service, you would—with this bill—give the Congress a means of carrying out more effectively its oversight responsibilities for the programs and activities of the Soil Conservation Service (SCS). That is a worthwhile objective, and it is one which the Federation endorses.

As you know, Mr. Chairman, NWF has some differences with SCS officials over the manner in which, from time to time, small watershed projects are carried out in the field. We are hopeful that the appraisal reports, program plans, and statements of policy submitted periodically to the Congress by the President in compliance with the proposed Act, will give us a better chance of making more timely inputs during the formation of SCS programs.

Perhaps most importantly, though, it would give all of us—NWF, Congress, and other Americans concerned that White House budgeteers in the past consistently assigned too low a priority to programs related to conservation of natural resources—a greater opportunity to insure that soil and water conservation get the consideration they deserve.

In summary, NWF supports H.R. 75 which we consider to be an environmentally sound bill and one which, if enacted, can enhance the Nation's soil and water resources on private and non-Federal lands. For your information and use, as you deem appropriate, we are attaching to this statement a copy of a pertinent resolution adopted at our most recent annual meeting. The resolution addresses the need for the type of Federal program outlined in the bill being considered today.

Mr. JONES of Tennessee. Thank you very much, Colonel Hampton.

Without objection, the resolution you speak of will appear in the record.

[The resolution submitted by Mr. Hampton follows:]

Resolution No. 8

LAND AND WATER CONSERVATION PROGRAM

Whereas, there are growing demands on land, water, and related resources of the nation to meet the present and future needs for food and fiber, rural and urban development, agricultural, industrial, and community water supply, fish and wildlife habitat, recreational facilities, and other needs of the public; and

Whereas, these resources are essential to the national economic and social well-being and must be conserved to realize their maximum potential; and

Whereas, the U.S. Department of Agriculture's Soil Conservation Service was created by the U.S. Congress to provide technical expertise information, and assistance to land users with respect to conservation and use of soils and water and other related resource uses such as watershed protection, flood prevention, and enhancement of woodlands and fish and wildlife habitat; and

Whereas, resource appraisal and program development, including long range planning, are essential for optimum land and water conservation; and

Whereas, such an appraisal and program for private and non-federal public lands are not presently required and do not exist; Now, therefore, be it

Resolved, That the National Wildlife Federation, in annual meeting assembled March 19-21, 1976, in Louisville, Ky., hereby recognizes the need for a mechanism within the federal establishment to periodically appraise land, water, and related resources on private and non-federal public lands; and be it further

Resolved, That a long range National Land and Water Conservation Program be developed and periodically updated within the federal establishment based on the nation's projected needs and the periodic appraisal of land, water, and related resources on private and non-federal public lands.

Mr. JONES of Tennessee. Please remain with us, sir, and let us question you at a later time.

Mr. HAMPTON. Certainly.

Mr. JONES of Tennessee. The next, and final, witness on the agenda is Mr. William Davey of the Soil Conservation Society of America from Des Moines, Iowa.

Mr. Davey, we are delighted that you are here.

May I say that if there is anyone else in the audience who would like to be heard, we will be glad to have your testimony.

Mr. Davey, please proceed.

Mr. DAVEY. Thank you, Mr. Chairman.

We are pleased to have been invited here today by Congressman George Brown.

STATEMENT OF WILLIAM B. DAVEY, REPRESENTING THE SOIL CONSERVATION SOCIETY OF AMERICA

Mr. DAVEY. My name is William B. Davey. I am representing the Soil Conservation Society of America. The society is an international organization founded by Dr. Hugh Hammond Bennett, and his associates, in 1945. It is an interdisciplinary organization with 15,000 members located in all States, Puerto Rico, Canada, and 80 other countries of the world. Our members are mostly professional individuals employed in some phase of conservation work, and they are employed in every conceivable type of work in both the private and public arena relating to "advancing the science and art of good land use"—our motto.

Our headquarters are located in Ankeny, Iowa, and the society is best known for its Journal of Soil and Water Conservation and its work in holding national symposiums on specific subject matter concerns.

Since the introduction of H.R. 75, our organization has not met to discuss this specific legislation. However, we understand it closely resembles the legislation of last year, which passed Congress but failed to become law.

My statement will be brief, for, after reviewing some of the hearings of last year, we believe that all main points have been brought to your attention, or are known to the committee.

Thus, I am representing the society here today primarily because the organization, by its charter, supports the purpose of the proposed act.

The society commends the committee for taking prompt action to reintroduce the bill, and to hold hearings on the Land and Water Resource Conservation Act.

As we understand it, the legislation would provide for a periodic appraisal of the status of land, water, and related resources on private and non-Federal lands. This periodic review will call the attention of the American public to the very real need for support and development of conservation programs. If enacted, this bill should also provide Congress with reports that will be valuable in evaluating conservation progress.

While the members of our organization work for many agencies of local, State, and Federal Government, we believe this is a logical

companion bill to the Forest and Rangeland Renewable Resources Planning Act of 1974, and we heartily endorse the proposed act.

Thank you, Mr. Chairman, for the opportunity to appear before you.

Mr. JONES of Tennessee. Thank you, Mr. Davey. We appreciate your being here.

Are there others who would like to be heard, in the audience?

[No response.]

Mr. JONES of Tennessee. Then, all the witnesses, will you come back to the witness table. Mr. Davis, I am going to ask you to come back, too, since you are still here.

Mr. de la Garza?

Mr. DE LA GARZA. I wanted to tell Mr. Barlow that I certainly agree with his concept that, if you are going to do something and you can enhance fish and wildlife at the same time, I certainly would recommend that. I would do everything I possibly can in that endeavor.

The problem there is that another committee has basic jurisdiction for fish and wildlife, but if we nothing more than express the intent of this committee, you can be assure that that will be done.

As you know, under Public Law 566, there has been some disagreement, as you mentioned, about channelization. Nonetheless, since my participation, we have expanded that, and recommended that, wherever possible, it be used to enhance fish and wildlife.

I assure you I will continue doing that.

Mr. BARLOW. Thank you, sir.

I have been involved in this channelization controversy for 5 years. I have seen it develop in a constructive way. I have seen the SCS come away from the pure engineering solutions.

I have seen the opponents of channelization admit to drainage needs and flood control needs which may require modification in watercourse areas.

I think that both sides are milling around together in a constructive fashion. I am hoping that some guidance from the committee—some resolutions would start to be forthcoming from this milling process which is a constructive point we have reached.

It is still only a stage toward solution.

Mr. DE LA GARZA. I can assure that, if it is technically possible, it will be done. Should it not be, at least the intent toward that end will surely be made a part of the record, and the intent of the legislation.

Mr. BARLOW. Is it a concern that, if fish and wildlife were in the legislation, in legislative language, then another committee would have or share jurisdiction—have the right to share jurisdiction—over this legislation?

Mr. DE LA GARZA. Yes, because you have a Fish and Wildlife Subcommittee on Merchant Marine and Fisheries that has the principal jurisdiction over fish and wildlife. They also have jurisdiction, for example, of the land management, and seacoast, and all of that legislation.

There may be some technical difficulty, but if it is technically possible, there should be, at least, a statement of principle.

Mr. BARLOW. I hope so.

For instance, in Forest Service legislation, there is multiple-use management that puts, for policy purposes, wildlife alongside timber

production. The jurisdiction over Forest Service statutes is with the Agriculture Committee, at least as far as the National Forests are concerned.

Mr. DE LA GARZA. My personal philosophy is that if you are going to do something and you can enhance fish and wildlife while doing it, go ahead and do it.

Mr. BARLOW. Thank you, sir.

Mr. DE LA GARZA. Anything I can do technically to satisfy that philosophy, I will.

Mr. JONES of Tennessee. Thank you, Mr. de la Garza.

Mr. BALDUS. I just want to compliment the gentlemen on their testimony. I sometimes wonder, if we had more open conflict in soil conservation, it would get more publicity. Maybe that would be beneficial.

Everyone pretty well agreed here today, and I am in agreement with the bill, so I am happy to see that.

Thank you for coming.

Mr. JONES of Tennessee. Thank you, Mr. Baldus.

Mr. Coleman?

Mr. COLEMAN. Just one question for the gentlemen.

Do the 5 year limitations, the 5 year reports to Congress, and 5 year appraisals meet with any objections? Do you feel it could be on a 2 year basis, or is 5 years a satisfactory compromise?

I am just thinking, why 5 years, and what are your thoughts about it?

Mr. DAVIS. It looks like the mike stops here on this one.

Let me just say that the 5-year interval to report to Congress in this particular bill, does coincide with the reporting date in the Forest and Rangeland Renewable Resources Planning Act.

The dates on which the Forest Service would report to Congress and the dates in H.R. 75, to respond, now coincide.

It would be an ongoing process, however, and there could be interim information made available. It should be.

In other words, to collect it and not use it would do no one any good, but the formal report would come at that interval.

Mr. COLEMAN. Thank you.

Mr. BARLOW. May I make a suggestion here?

With the Forest Service, you are having a production orientation in the RPA process, that is, what we can produce in the national forests.

That is perhaps easier to program.

With the SCS, you are focused on a resource quality problem out there that is reaching a crisis proportion. If we wait for 2 or 5 years, than an awful lot of soil can blow away while the assessments are being prepared and programs are getting underway.

I would hope that the committee would have an oversight schedule during this time in order to lock onto these problems.

Mr. COLEMAN. That is why I was concerned. Maybe 5 years is too long a period of time.

I suppose, if we performed our functions, then we would know what was going on and would utilize the information which is coming in, and which is available to us, on an annual basis.

Mr. DAVIS. I am sure it would be a part of our budget process annually. The Secretary, as well as the agency, would do it.

Mr. JONES of Tennessee. Thank you, Mr. Coleman.

Mr. Panetta?

Mr. PANETTA. Thank you, Mr. Chairman.

Mr. Barlow, first of all, you made reference to your suggestion that we tighten up the bill with regard to jurisdictional or geographic units.

Could you explain what you mean?

Mr. BARLOW. In the bill, there is reference to very broad areas upon which these assessments would be made.

We would like to see it brought down to the jurisdictional unit of the soil conservation district which is the service vehicle for delivery, for working with the Soil Conservation Service in delivery of the program, delivery of the conservation practices.

In this manner you would locate one district having a problem on one side of the State, but another district, on the other side of the State, not having a problem. You can prioritize where your dollars are going to go, where your program is going to be focused.

Mr. PANETTA. Would you like to see those tied to water conservation districts?

Mr. BARLOW. Yes; some type of administrative unit like that.

Since the bill authorizes cooperation with the districts, we thought a district would be a good reporting unit.

Mr. PANETTA. Reference has been made to a past bill—the Forest and Rangeland Renewable Resource and Planning Act of 1974—that H.R. 75 is somewhat similar to that.

Are any of the witnesses able to indicate what the success of that bill has been in terms of a planning mechanism?

Mr. HAMPTON. I would like to comment on that, sir.

I think it has certainly been a very healthy exercise that the Forest Service has gone through. One must recognize that this process will be refined, as they do it over and over.

They had to come up with their first appraisal—as I suppose the SCS would here—rather rapidly. Therefore, it's not as precise as many of us would like to see it.

However, I think it has homed in some real shortcomings and needs, identified needs, in these various multiple-use areas. It gives us, from private organizations, a much better feel for these shortfalls, and for attempting to assist the agency, then, in overcoming these deficiencies.

I don't know that, thus far, it has resulted in a heck of a lot of extra money coming to the agency, but perhaps it will over a period of time. It certainly gives us—speaking for the National Wildlife Federation—a better handle, as I mentioned in my testimony, to home in on these things.

Mr. DAVIS. I would agree with the Colonel. It's a little early to judge because the procedure has just been put into motion.

However, I believe that—as intended—we cooperate with the Forest Service, rangelands, is an example. We are doing inventory work on the private lands of this country that are adjacent to and intermingled with the public lands.

Of course, the Forest Service assessment applies primarily to the public lands; the national forests, that is. It will, I am confident, work.

This would be a companion to it and would give us a better picture of soil, water, forest, range, and other resources.

Mr. PANETTA. Yesterday, Congressman Krebs and I met to discuss implications of drought. I may be mistaken in this, but it was my conclusion that we really haven't done very much in terms of developing new irrigation techniques that could conserve water.

Particularly at the present time, there is a real need for water conservation because, obviously, of the drought. However, there does not seem to be much careful analysis available concerning conserving water.

One, is that true; and, two, would this bill be a good vehicle for building something like that?

Mr. DAVIS. Let me answer the second part, first. Would this bill be a good vehicle? Yes: it should be a part of this bill.

I believe the question you are raising has to do with the efficiency in the use of irrigation water.

Mr. PANETTA. That's right.

Mr. DAVIS. We know, and the U.S. Department of Interior and those other agencies concerned with irrigation water management know that we have not had very efficient use of irrigation water in this country.

The percent efficiency is quite low. It is too low, as a matter of fact.

We believe that, working with us, the private landowner out here can improve irrigation efficiency tremendously. The techniques and the research are available. It's the delivery and the application of it that isn't.

The best demonstrated example of both cooperation and efficient use of irrigation water at this time is a joint venture between the Department of Agriculture and the Department of Interior under the Colorado River bill in the Welton Mohawk project in Arizona.

We are, in fact, demonstrating there what can be done with proper irrigation management techniques.

I think the technology is basically here. Perhaps it has not been used as it should have been. If you get a drought year, as we have now, irrigators, farmers and ranchers, and maybe even some of us city dwellers will be more concerned about the efficient use of water than we have been heretofore.

We have the technique and believe that, in the Soil Conservation Service, we have the delivery system to accomplish the needed mission.

Mr. PANETTA. Thank-you.

Mr. HAMPTON. I would like to comment on this subject. I'm not sure I can shed any great light.

However, this is a matter of great concern to us. We agree completely that there are some real great inefficiencies in the use of this irrigation water.

I had occasion not too long ago to go through, in a little detail, a GAO study with which, perhaps, you gentlemen are familiar. It came out last summer, and it identified some of the problems associated with use of irrigation water as managed by the Bureau of Reclamation.

It was really incredible to us to find that—I think I can remember these figures correctly—over half of the 8.5 trillion gallons of water that was delivered to farms in 1973 by the Bureau of Reclamation was poorly used.

In other words, there was just a lot more water delivered to those farms, and they needed a lot of run-off.

I took the opportunity to try to calculate what this would be on a daily basis. If my arithmetic is correct, I determined that we were wasting, in a real sense, close to 12 billion gallons a day of the water delivered to farms by just the Bureau of Reclamation.

Then I had one of my assistants call the cities of New York and Los Angeles to find out what their daily consumption of water is. Based on an average use per person of 180 gallons per day, which takes in all kinds of uses—industrial and home and so on—if you do a little more arithmetic, you find that the water being wasted amounts to several times the amount of water that is being used in Los Angeles and New York combined per day.

Therefore, when we consider the drought we are being faced with now, and the likelihood that this is going to continue for a year of two, you begin to wonder whether we have not really been foolish in the way we have squandered this water.

It seems to me we have to get our act together better in the way we do manage these programs or we really are going to be in tough shape out west.

Of course, a lot of it boils down to the fact that the farmer has not been too concerned—the rancher out West—with this wastage because he hasn't really been paying the true price of that water.

The amount that he has to pay to the Bureau of Reclamation is pretty highly subsidized by the taxpayer.

Mr. BARLOW. This whole subject was brought up very succinctly the other day in conjunction with President Carter's suspension of the 19 projects. A number of those are Bureau of Reclamation projects.

It was pointed out that we have a drought out West, and that people need the water that could be coming from these dams.

I would hope that Congress doesn't move too quickly to put these projects back in as they were. I would hope that Congress takes its time to see some replanning coming along and, perhaps, some *quid pro quos*.

If we are going to have projects out in the West in the future, we can't go, as we did in the past, and just dam and divert, and not pay any attention to how that water is utilized out there.

If 50 percent of that water is being wasted, as the GAO points out this is putting a real roadblock in the way of future agricultural development in those areas. It is putting a roadblock in the way of the growth of towns and cities in those areas.

I think that those areas out there simply have to face up to the fact that they are in a tight-water area. The tightness is going to get even worse as the pressures of population and economic development go forward.

They have to start looking at conservation strategies. Perhaps Federal assistance should be conditioned on the implementation of meaningful strategies; not just talk, but the whole new water conservation systems in out there.

If energy usage is involved in the water conservation systems, maybe there should be solar units to power irrigation systems, for instance. The Southwest is perfect for the implementation of solar power. It would be an economic improvement in the rural economy out there.

Mr. PANETTA. Thank you all, very much.

Mr. JONES of Tennessee. Thank you, Mr. Panetta.

Mr. Marlenee, do you have any questions?

Mr. MARLENEE. No sir.

Mr. JONES of Tennessee. Mr. Fithian?

Mr. FITHIAN. Thank you, Mr. Chairman.

This is not directly pertinent to the bill, but since we have this group of experts, I would like to ask the question anyway.

In some of the water conservancy districts and so on, the limitation on the size—the square miles or acres that can be taken into a particular watershed—sometimes has worked as a real handicap, has it not, to the Soil Conservation Service?

I am wondering if you would comment on this for the benefit of those of us who have to deal with an entire river system that is a little bit more than this, yet it is stopping well short of going to a major Corps of Engineers' project.

If you were writing the law, what would you do?

Mr. DAVIS. That's a good question, Mr. Fithian. I don't know just what I would do.

A watershed of 250,000 acres is the maximum size in which Public Law 566 is applicable. This was agreed to in concert with the Corps of Army Engineers who build the largest structures back in the early 1950s when the law was developed. This was called the Small Watershed Protection and Flood Prevention Act.

I appreciate that there are some problems with this. There are some problems where just a few more acres would in fact, be beneficial.

We have an area, perhaps, that should be negotiable between ourselves and the corps, as an example. What we do in the 1970s in writing it differently I really don't know. I would have to say this in support of the present rules under which we operate. When you talk about a complete package, and when we talk about small watershed and flood prevention, we talk about working with local people, local conservation districts, and land treatment, first, as an important increment, and then the structural program.

Of course, you get vast areas, entire river basins, and it is very difficult to work with all the local entities and attempt to accomplish it. Therefore, the cutting up in small pieces sometimes works better.

Mr. FITHIAN. It has been my experience that it is even more difficult, though, to get the local people to either work with or trust the Corps of Engineers on a larger project.

My Congressional District is presently afflicted with a rather significant problem, over the long haul, with the Kankakee River basin problems. The Soil Conservation Service did an outstanding study of all the options that could be worked out in terms of dealing with that problem.

However, at the same time, having public meeting and discussing these problems there seems to be this very, very strong distrust on the part, not just of the conservationists and environmentalist groups, but of others.

There seems to be a residuum of trust of the Soil Conservation Service. I am trying to figure out a way of altering legislation so that we can get on with some real water problems that we have in this country.

In some areas, such as the Kankakee River, we have more water than the river we have. In other areas, out west, it's just the reverse. I am wondering, outloud, if we are not kind of off in the wrong direction somewhere.

Mr. DAVIS. This could be because there are many merits to many different sorts of systems. I believe you are referring to a river-basin study out there, to which we were a party, along with some nine Federal agencies, and had the lead, with the State, in the particular recommendations that went out.

Mr. FITHIAN. It was an outstanding study, really.

Mr. DAVIS. Yes; it has many good alternatives in it.

I think the thing we need to explore—that is we in the executive branch, as well as you in the legislative branch—is the authorization of a complete river-basin study, or river-basin “plan”. Often times it is just a plan where nothing happens on the ground.

Mr. FITHIAN. The minute we turn to a solution of this, we are going to be hung up immediately on the 250,000 limitation.

Mr. DAVIS. Oh, yes; if you use the vehicle of Public Law 566.

Mr. FITHIAN. Right; and if we turn to the corps, I know exactly what's going to happen. We are going to have to appropriate a half million dollars to go back and study this. That is instant death.

I am trying to see if anybody had any recommendations as to how we could better coordinate this.

Mr. DAVIS. There is another vehicle, the section that was used in West Virginia.

Bill, what's that section; 619?

Mr. DAVEY. There is a provision for studies, in some cases, joint studies, between the corps and SCS, under what was known as the Smith bill, Public Law 87-639. It is a potential vehicle for doing what you are talking about.

Another potential is a resolution by the Public Works Committee directing the Department of Agriculture and the Soil Conservation Service—and other agencies, for that matter—to make such studies and come back, via the Public Works Committee.

It then ends up in the usual water resources omnibus type of bill. That's another potential. It has been resisted generally by the administration because it looks like a new type of endeavor.

However, there is a distinct place for this middle-level type of activity you are speaking of.

Mr. FITHIAN. Thank you, Mr. Chairman.

Mr. DAVIS. We could supply the number and specific section of that for the record if you would care to have it. We would be happy to do so.

Mr. JONES of Tennessee. If you will, please, sir.

[The material submitted by Mr. Davis follows:]

The authority for the Secretary of the Army and the Secretary of Agriculture to make joint investigations and surveys of watershed areas for flood prevention or the conservation, development, utilization, and disposal of water, and for flood control and allied purposes, and to prepare joint reports on such investigations and surveys for submission to the Congress, and for other purposes is contained in Public Law 87-639 (76 Stat. 438), approved September 5, 1962.

Mr. JONES of Tennessee. Have you any more questions, Mr. Fithian?

Mr. FITHIAN. No; that's all. Thank you, Mr. Chairman.

Mr. JONES of Tennessee. Thank you, Mr. Fithian.

Are there any other questions from members?

[No response.]

Mr. JONES of Tennessee. Mr. Davis, I would like to ask you, if you will, please, sir, to update the cost estimates that you people provided last year or the legislation.

There was a wide difference that the costs that you, the USDA, and the congressional office provided us. If you would do that, I would appreciate it. We will ask them to do the same.

Mr. DAVIS. We will supply the same for the record.

Mr. JONES of Tennessee. Thank you very much.

[The material submitted by Mr. Davis follows:]

We estimate, in meeting the objectives of H.R. 75, the cost during the first 5 years to be as follows:

Fiscal year:

1978-----	\$9, 000, 000
1979-----	10, 000, 000
1980-----	13, 000, 000
1981-----	13, 000, 000
1982-----	13, 000, 000

We estimated the personnel needs to carry out provision of the bill to begin at 300 in fiscal years 1978 and 1979; and increase to 500 during fiscal years 1980, 1981, and 1982.

Mr. DE LA GARZA. Mr. Chairman, may I? There were legislative figures and there may have been your figures, but OMB was terribly off.

Were those the same figures that you had, the OMB figures, \$800 million?

Mr. DAVIS. My memory does not recall \$800 million in any respect, either last year or this year.

Mr. DE LA GARZA. I don't have the OMB report with me, but the OMB figures were outlandish and far out of line as to what the actual costs were.

I would recommend we play it straight.

Mr. DAVIS. Yes, sir.

We will supply to you our best estimates of both man-years and dollars to implement H.R. 75, as it now stands. I believe that is the request.

Mr. JONES of Tennessee. Thank you, Mr. Davis.

Thank you, Mr. de la Garza.

Mr. Marlenee?

Mr. MARLENEE. Do we not cover, through the Soil Conservation Service, a pretty comprehensive assessment of the types of soil, the conditions, the water that we have in this Nation; also through the Forest Service and the Bureau of Land Management?

They are conducting ongoing types of environmental impact studies, multiple-use concept studies, are they not?

Mr. DAVIS. These studies are being made by a number of us Federal agencies, such as the Bureau of Land Management for the lands they manage, the U.S. Forest Service for the public lands they manage.

There is perhaps a better inventory and assessment going on there—including environmental impact statement being prepared—than there is on the private lands. In this particular bill, the inventory

and appraisal that is spoken of would not be duplicative of what they are doing at all, but it would fill the gap in the private sector, in which the vast majority of the land in this country is, to assess the status and condition.

We do have ongoing such things as the National Cooperative Soil Survey which is, really, an inventory of the soil resources. It is one of the basic tools we would use to come up with this assessment on a 5-year interval, or whatever the final bill would incorporate, should it become law.

Yes; there is work going on. It's not going on in the definitive term with the direction of Congress, as this particular H.R. 75 outlines to do it, in my judgment.

Mr. BARLOW. One of the values I see in this process is what I liked about the Forest Service process.

A lot of this information is already being produced, but it is not in a coordinated form. It is not brought together in one place.

As such, its value is random. Some is down at the State level, some is on the regional level, and some is on the national level.

The Forest Service RPA brought all this together in a package. For the first time, we got a full body of information in front of us. It had to be there, as Congress directed, by a certain date.

We look forward to the same body of information being pulled together for the Soil Conservation Service.

Mr. MARLENEE. There are several thousand soil conservation districts throughout the United States. These, in fact, do encompass and contain private lands, is that right?

They are making these same assessments, are they not?

Mr. DAVIS. As we provide technical assistance to these local districts, in the making of the assessments, that is correct. The districts and us are partners, if you please, in this proposition.

The local conservation districts are locally organized and locally governed. We provide to them technical assistance by virtue of a memorandum of understanding. Since we can't do everything, we work on priorities established by the local district for providing technical assistance to farmers and ranchers.

Mr. MARLENEE. Yet you do not feel that this work would be duplicative?

Mr. DAVIS. No, sir, it would not be duplicative.

Mr. MARLENEE. There are several thousand soil conservation districts throughout the United States. These, in fact, do encompass and contain private lands, is that right?

It would complement and, hopefully—as Mr. Barlow pointed out—pull everything together into a package which is not now being done. It is fragmented in several different directions, all across the country.

Mr. MARLENEE. This would be the vehicle to bring it together?

Mr. DAVIS. That is correct.

Mr. DE LA GARZA. Mr. Chairman?

Mr. JONES of Tennessee. Mr. de la Garza?

Mr. DE LA GARZA. I have the report here. The Legislative Congressional Budget Office estimated the cost, new cost at something slightly over half a million dollars, \$570-some thousand; whereas your organization estimated it at something like \$59 million for 5 years.

There is a slight discrepancy.

[Laughter.]

Mr. DAVIS. I would agree.

Mr. DE LA GARZA. I would suggest that you might take a look and see wherein the difference lies.

Again, play it straight.

[Laughter.]

Mr. JONES of Tennessee. Thank you, Mr. de la Garza.

Mr. Poage, do you have any questions?

Mr. POAGE. No; thank you, Mr. Chairman.

Mr. JONES of Tennessee. Are there any other questions by any member of the committee?

[No response.]

Mr. JONES of Tennessee. In that case, gentlemen, we appreciate your being here. You have given us some food for thought. We will give your testimony a lot of consideration as we proceed with this legislation.

We thank you very much for attending.

According to the schedule, the subcommittee meets again on Thursday, March the 3rd; the day after tomorrow. The schedule shows 9 a.m. and 2 p.m.

Mr. DE LA GARZA. Mr. Chairman, regarding this legislation, there have been some very constructive recommendations. I have, myself, a couple of suggested amendments. I don't think it would do any harm to the legislation to await the recommendations of the Secretary; if he can, when he comes here.

If not, whenever they are ready, within reason. Therefore, I would hope that we conclude the hearings but withhold the markup of this bill until we are ready to move with all of the recommendations.

Mr. JONES of Tennessee. Until after he arrives.

Mr. DE LA GARZA. Yes, sir, and suggested amendments.

Mr. JONES of Tennessee. According to the schedule, he will be here Thursday, March 17.

Mr. DE LA GARZA. Hopefully, he will be able to give us information then. If not, further delay, within reason, would not be out of order.

Mr. JONES of Tennessee. Without objection, then, we will consider this to be the conclusion of the hearings, and withhold the markup until after we have heard from the Secretary.

The committee stands adjourned until Thursday, March 3, at 9 a.m.

[Whereupon, at 3:40 p.m., the subcommittee adjourned.]

[The letters submitted to the subcommittee from the National Farmers Union and the American Forestry Association follow:]

NATIONAL FARMERS UNION,
February 28, 1977.

Hon. ED JONES,
Chairman, Conservation and Credit Subcommittee, House Committee on Agriculture,
U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Because of preparations for the 75th anniversary convention of the National Farmers Union which begins Saturday, March 5 at San Antonio, Tex., it is physically impossible for myself or the State presidents of Farmers Union organizations to appear in person to testify in support of H.R. 75, the "Land and Water Resources Conservation Act of 1977." We ask that you make this letter a part of the record of your hearings

We actively supported a comparable proposal last August 4th with our testimony and urged approval of the bill when it reached the White House. We were appalled at the President's veto.

In recent years, we have seen new and heavy demands upon farm land for production, changing crop and tillage patterns, a growth in farm size, the growth of irrigation systems, the destruction of windbreaks and shelter-belts, the depletion of prime and unique farm land and the onset of a new cycle of droughts. A regular assessment of soil and water conservation needs is imperative.

The Land and Water Resources Conservation Act deserves to be approved and become law. It is needed because we are underinvesting in our resource development and conservation. In order to properly remedy the situation, we need to develop a long-range land and water conservation program.

The regularized review and planning, which your bill provides, will make possible sound and forward-looking decisions concerning the use of funds needed to make a truly national conservation program a reality.

Sincerely,

REUBEN L. JOHNSON,
Director of Legislative Services.

AMERICAN FORESTRY ASSOCIATION,
Washington, D.C., March 3, 1977.

Hon. ED JONES,
*Chairman, Conservation and Credit Subcommittee,
House Committee on Agriculture, Washington, D.C.*

DEAR MR. CHAIRMAN: It was a great disappointment to the American Forestry Association last year when President Ford vetoed S. 2081 (H.R. 10563). We played a role in drafting and support of this legislation in the 94th Congress. We are pleased to see your subcommittee giving early attention to this legislation in the 95th Congress. I will merely reaffirm our support and enclose a copy of our statement made before the Senate Committee on Agriculture and Forestry in November 1975. We urge prompt and favorable action on H.R. 75.

Sincerely,

WILLIAM E. TOWELL,
Executive Vice President.

Enclosure.

STATEMENT OF THE AMERICAN FORESTRY ASSOCIATION

Mr. Chairman, I am William E. Towell, Executive Vice President of The American Forestry Association, a citizen conservation organization of 80,000 members celebrating its Centennial in 1975. I appear in support of S. 2081.

It was our privilege to help in the drafting of S. 2081 as a companion bill to the Forest and Rangeland Renewable Resources Planning Act of 1974 (Public Law 93-38). S. 2081 will do for soil and water what the Resources Planning Act does for forests and rangelands. It will require periodic assessments or appraisals of soil, water and related resources. Based upon these appraisals the Secretary of Agriculture must develop a plan for meeting conservation needs through existing programs administered by the Soil Conservation Service along with a detailed statement of policy for framing budget requests. Essentially then, like the Forest and Rangelands Act, this legislation would provide a vehicle for increased attention to soil and water conservation measures already authorized but not fully implemented. It would focus attention on needed conservation activities and increase the priorities for this work.

It would be difficult to find objection to this legislation in principle, Mr. Chairman. Conservation of our vital soils and waters and related resources is essential to the future welfare of our Nation. As populations and demands for increased food production continue to grow, more and more pressures will be placed upon fragile soils and upon the watersheds that support them. To make periodic appraisals is only good management, and to do those things which we know ought to be done is only good business.

This bill has been worked out by a process known as our "Areas of Agreement" approach and already represents a consensus between many groups and individuals. We urge this committee to report it out favorably and soon.