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QUADRENNIAL AUTHORIZATIONS FOR THE BUREAU OF LAND MANAGEMENT

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HEARING

BEFORE THE

SUBCOMMITTEE ON

PUBLIC LANDS AND RESOURCES

OF THE

COMMITTEE ON

ENERGY AND NATURAL RESOURCES

UNITED STATES SENATE

NINETY-FIFTH CONGRESS

SECOND SESSION

ON

S. 2234

A BILL TO AUTHORIZE APPROPRIATIONS FOR ACTIVITIES AND PROGRAMS CARRIED OUT BY THE SECRETARY OF THE INTERIOR THROUGH THE BUREAU OF LAND MANAGEMENT

MARCH 2, 1978

Publication No. 95-125

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Committee on Energy and Natural Resources

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Printed for the use of the
Committee on Energy and Natural Resources

U.S. GOVERNMENT PRINTING OFFICE
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QUADRENNIAL AUTHORIZATIONS FOR THE BUREAU OF LAND MANAGEMENT

THURSDAY, MARCH 2, 1978

U.S. SENATE,
SUBCOMMITTEE ON PUBLIC LANDS AND RESOURCES,
OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, D.C.

The subcommittee met, pursuant to notice, at 9:22 a.m., in room 3110, Dirksen Office Building, Hon. Clifford P. Hansen, presiding.

Present: Senator Hansen.

Also present: Daniel A. Dreyfus, deputy staff director for legislation; and Ken Goodwin, professional staff member.

OPENING STATEMENT OF HON. CLIFFORD P. HANSEN, A U.S. SENATOR FROM THE STATE OF WYOMING

Senator HANSEN. The hearing will come to order. I want to welcome all of you to this hearing by the Senate Public Lands and Resources Subcommittee on S. 2234, a bill to authorize appropriations for activities and programs carried out by the Secretary of the Interior through the Bureau of Land Management.

Under section 318 of the Federal Land Policy and Management Act of 1976, often called the BLM Organic Act, the Congress eliminated numerous permanent authorizations for BLM and established an authorization process which requires enactment of an authorization bill every 4 years.

Section 318 also required that the Secretary of the Interior send up his estimates of the resources that BLM can use efficiently and effectively, without constraint by the Office of Management and Budget. The Secretary transmitted his first request under this provision last October. It provides estimates for fiscal years 1979 through 1982. In January the President's budget for fiscal year 1979 was transmitted.

Before proceeding, a copy of the bill and related report will be placed in the hearing record at this point.

[The bill and report follows:]

95TH CONGRESS
1ST SESSION

S. 2234

IN THE SENATE OF THE UNITED STATES

OCTOBER 25 (legislative day, OCTOBER 21), 1977

Mr. JACKSON (by request) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To authorize appropriations for activities and programs carried out by the Secretary of the Interior through the Bureau of Land Management.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That pursuant to section 318 (b) of the Federal Land Policy and Management Act of 1976 (31 U.S.C. 1301 note), there are hereby authorized to be appropriated the following sums for activities and programs administered through the Bureau of Land Management:

(a) for management of lands and resources, excluding emergency firefighting and rehabilitation: $290,000,000 for fiscal year 1979, $320,000,000 for

fiscal year 1980, $350,000,000 for fiscal year 1981, and $380,000,000 for fiscal year 1982;

(b) for land acquisition, construction, and maintenance: $20,000,000 for fiscal year 1979, $22,000,000 for fiscal year 1980, $25,000,000 for fiscal year 1981, and $27,000,000 for fiscal year 1982;

(c) for implementation of the Act of October 20, 1976 (31 U.S.C. 1601): $105,000,000 and such additional sums as are necessary for payments for fiscal year 1979, $108,000,000 and such additional sums as are necessary for payments for fiscal year 1980, $111,000,000 and such additional sums as are necessary for payments for fiscal year 1981, and $114,000,000 and such additional sums as are necessary for payments for fiscal year 1982;

(d) for implementation of section 317(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1747): $45,000,000 for loans for fiscal year 1979, $50,000,000 for loans for fiscal year 1980, $57,000,000 for loans for fiscal year 1981, and $65,000,000 for loans for fiscal year 1982; and

(e) such additional or supplemental amounts as may be necessary for increases in salary, pay, retirements and other employee benefits authorized by law, and for other nondiscretionary costs.

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

SEP 26 1977

Honorable Walter F. Mondale
President, United States Senate
Washington, D.C. 20510

Dear Mr. President:

On behalf of the Bureau of Land Management, I am respectfully requesting authorization for appropriations for Fiscal Years 1979 through 1982. The authorization is pursuant to Section 318(b) of the Federal Land Policy and Management Act of 1976 (31 U.S.C. 1301 note).

Enclosed is a draft bill authorizing the appropriations. Supplemental program information supporting the request is being compiled and will be submitted in the near future.

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

Sincerely,

Daniel Beard

Acting Assistant SECRETARY

Enclosure

A B I L L

To authorize appropriations for activities and programs carried out by the Secretary of the Interior through the Bureau of Land Management.

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(c) For implementation of the Act of October 20, 1976 (31 U.S.C. 1601): $105,000,000 and such additional sums as are necessary for payments for fiscal year 1979, $108,000,000 and such additional sums as are necessary for payments for fiscal year 1980, $111,000,000 and such additional sums as are necessary for payments for fiscal year 1981, and $114,000,000 and such additional

sums as are necessary for payments for fiscal year 1982;

(d) For implementation of Section 317(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1747): $45,000,000 for loans for fiscal year 1979, $50,000,000 for loans for fiscal year 1980, $57,000,000 for loans for fiscal year 1981, and $65,000,000 for loans for fiscal year 1982; and

(e) Such additional or supplemental amounts as may be necessary for increases in salary, pay, retirements, and other employee benefits authorized by law, and for other nondiscretionary costs.

Senator HANSEN. There may be additional opening statements that would be in order, but for the time being, I will move directly into the witness list and insert the balance of Senator Bumper's opening statement in the record at this point.

[The prepared statement of Senator Bumpers follows:]

STATEMENT OF HON. DALE BUMPERS, A U.S. SENATOR FROM THE STATE OF ARKANSAS

While the Secretary has requested more than is in the President's budget, there is some question as to whether the Secretary has asked for all that he really needs and can employ as section 318 requires.

The Secretary's proposal was introduced by request by Senator Jackson in the form of S. 2234 which is now before us. The purpose of this hearing is to explore the basis for the Secretary's proposal and consider what changes, if any, may be needed in it. It is of particular concern to me that there is such a disparity between what the Secretary proposed for fiscal year 1979 in the four year BLM authorization submittal and what is included in the President's budget request for fiscal year 1979. In concept, the requirement for Congressional action on this authorization offers the opportunity for the Congress to provide a great deal of direction and guidance to BLM programs. It represents a prototype of the detailed, long term oversight role that many have advocated in the "sunset" concept for Congressional legislative committees.

However, the wishes of this Committee will be substantially thwarted if the Department is not totally candid about what its resource requirements are, if adequate funds for the first year, 1979, of the four year period are not requested and appropriated and if artificial personnel ceilings restrict the agency from hiring the people it really needs to carry out the responsibilities that Congress has mandated. Thus it is the task of this Committee not only to report out a bill to authorize appropriations for BLM for fiscal years 1979 through 1982 but to make recommendations to the Budget and Appropriation Committees on the 1979 BLM portion of the budget request of the President and to seek some means of assuring that personnel ceilings are provided to utilize the funds appropriated.

Our time for deliberation is short because the Budget Act schedule calls for our Committee to make recommendations on the fiscal year 1979 budget by March 15 and report S. 2234 to the Senate before May 15. I was a strong supporter of the Budget Act and will do all I can to ensure that these deadlines are met.

In order to expedite the consideration of this authorization and to assure that all parts of the BLM program were given attention, my predecessor as Subcommittee Chairman, Senator Metcalf, authorized and I approved a series of staff conducted workshops to consider the Secretary's proposal in detail. These workshops uncovered a number of issues and concerns. I hope to focus the attention of this hearing on the major issues raised in those workshops.

We have a large number of witnesses to be heard today. In the interest of time, I would appreciate each witness limiting his or her oral testimony to a minimum. We will make any written statements part of the record. This practice will allow more time for an exchange of questions and answers.

We will begin with witnesses from the Department of the Interior.

Senator HANSEN. Our first witness is the Honorable Daniel Beard, Deputy Assistant Secretary of the Interior for Land and Water Resources.

STATEMENT OF HON. DANIEL BEARD, DEPUTY ASSISTANT SECRETARY OF THE INTERIOR FOR LAND AND WATER RESOURCES

Mr. BEARD. Thank you, Senator Hansen. If I could, I would like to submit my statement for the record and summarize it briefly so that in the interest of time we can proceed.

Senator HANSEN. Your statement will be included in its entirety as though it had been read, and you may proceed in whatever fashion best suits your needs.

Mr. BEARD. Thank you. I believe it would be instructive for today to give some brief opening remarks and then turn to our new director, Mr. Gregg, to speak to the items in the authorization.

This legislation marks a significant departure from the development of the BLM budgeting as it was done in the past. With the mandate of the Organic Act, plus other legislation, it offers a fresh opportunity to provide direction to BLM programs. We believe the 4-year authorization process provides all of us with a challenging opportunity to discuss where these important multiple use programs are going and why.

The 4-year authorization bill you are considering today was not transmitted to the Congress under the time requirements outlined in the BLM Organic Act, and I must take primary responsibility for that delay. When I took my position last June, I felt a responsibility to review this authorization bill in light of the Secretary's decisions with respect to the 1979 budget request. We believed it was important to insure that the priorities reflected in our budget requests were similar and synchronized with the authorization bill.

Developing this legislation presented the BLM and the Department with two very difficult problems, which I would like to briefly discuss. The first problem was developing program priorities over a 4-year period.

BLM performs a number of different activities, many of which tend to conflict with one another. In recent years, nonrenewable resources programs have received considerable attention in the budget. This was due to priorities established by the executive branch and because these accounts tend to generate large revenues, specifically coal, OCS and other energy and mineral leasing programs.

In developing the fiscal 1979 budget and the 4-year authorization, however, we felt that the renewable resource programs tended to be underfunded, and made every effort to place priority on these programs. These include range improvements reviews, wilderness reviews, wildlife and other programs.

The second problem we encountered in developing the legislation was the uncertainty surrounding future program directions and costs. Many BLM programs are currently under review within the Department. They are the subject of court suits or new legislation expected to be enacted shortly. All of these activities will affect the future program levels, particularly as they relate to this bill.

The OCS program, for example, was recently reviewed in a National Academy of Science's report. It is currently under review in the Department. Both the coal leasing and range improvement programs will depend on the outcome of negotiations with plaintiffs in two separate court suits, and there are a number of other programs that I have not mentioned that are under review, including the wilderness reviews, and the Wild Horse and Burro Act.

In addition to these uncertainties, we face a couple of other problems. Any new legislation enacted by the Congress would require changes in authorization levels and could have an impact on future program costs, and second, the BLM is in many cases a funding vehicle for other programs in the Department. If program directions change in other agencies, for example, the USGS and the Bureau of Mines, it tends to change the program levels in the BLM budget.

Mr. Chairman, I want to reiterate our strong support for the 4-year authorization process. We believe that it was a very instructive one for us. It helped us to sit down and think about the direction of the agency, and I think more importantly, it provided a welcome participation with this committee on future directions of BLM programs.

At this time I would like to introduce Frank Gregg, whom you know quite well, and defer to him.

[The prepared statement of Mr. Beard follows:]

STATEMENT OF HON. DANIEL BEARD, DEPUTY ASSISTANT SECRETARY OF THE INTERIOR FOR LAND AND WATER RESOURCES

Mr. Chairman, my name is Daniel P. Beard and I am the Deputy Assistant Secretary for Land and Water Resources. It is a pleasure for me to be here today to discuss this important legislation with you and the members of your committee.

I believe it would be instructive for me to provide the committee with some brief background concerning the development of this legislation and then have our new Director, Mr. Frank Gregg, make a few remarks concerning the nature of the Bureau's request.

This legislation marks a significant departure in the development of the BLM's budgeting process. When combined with the new mandates contained in the Federal Land Management Policy Act, it offers a fresh opportunity to provide direction for BLM programs. The four-year authorization process, I believe, provides all of us with a challenging opportunity to discuss where these important multiple use programs are going and why.

TIMING OF S. 2234

The four-year authorization bill you are considering today was not transmitted to the Congress to meet the requirements of the Budget Impoundment and Control Act of 1974. I must take primarily responsibility for that delay. I took my present position in early June and I felt a responsibility to review the authorization bill in light of the Secretary's decisions with respect to the FY 1979 budget request. We believed it was important to insure that the priorities reflected in the authorization bill were synchronized with the FY 1979 budget request.

DEVELOPMENT OF THE AUTHORIZATION REQUEST

Developing this legislation presented the BLM and the Department with two difficult problems which I would like to discuss with you this morning.

PROGRAM PRIORITIES

The first problem was developing program priorities over a four-year period. BLM performs a number of different activities, many of which tend to conflict with one another. For example, there has always been the problem of balancing energy and minerals production against renewable resource management programs, such as wilderness preservation, wildlife, forestry and range improvement. In addition, some BLM programs require social goals to be balanced

against resource protection or management objectives; Alaska native claims is an example.

In recent years nonrenewable resource programs have received considerable attention from a budget perspective. This was due to priorities established by the Executive Branch and because these accounts tend to be large revenue producers. I'm referring specifically to onshore oil and gas development, OCS development, coal and other mineral leasing.

In developing the FY1979 budget and the four-year authorization, we felt renewable resource programs were underfunded and made every effort to place priority on these programs. We placed particular emphasis on inventories in support of range improvements, wilderness reviews, implementing surface management regulations, and fire prevention and management.

UNCERTAINTY IN PROGRAM LEVELS

The second problem we encountered in developing this legislation was the uncertainty surrounding future program direction and program costs. Many important BLM programs are currently under review within the Department, the subject of court suits, or new legislation is expected to be enacted shortly. All these activities will affect future program levels, particularly as they relate to this bill.

The OCS program, for example, is currently under review by the Department as a result of the National Academy of Science's report on the baseline studies program. It is difficult at this point to indicate what program levels will be required in future years until this review is completed in late spring. In addition, if the Congress enacts amendments to the OCS Land Act, program requirements are certain to change, although at this time we do not have any idea what level of change.

The direction of both the coal leasing and range improvement programs will depend on the outcome of our negotiations with plaintiffs in two separate court suits. The exact funding requirements for the wilderness review program will depend on the actual number of acres determined to have wilderness potential and require review for future Congressional action. The Wild Horse and Burro Act is currently being reviewed and the Secretary has publicly stated that changes should be required. The authorization level for this program will depend on the outcome of this review.

In addition to these uncertainties, two additional factors should be kept in mind. First, any new legislation enacted by the Congress will require changes in authorization levels and have an impact on program costs and direction. Second, the BLM budget is in many cases a funding vehicle for other programs in the Department. If program directions change or legislation is enacted in other agencies—for example, USGS or Bureau of Mines—changes in program levels will also have to take place in BLM programs.

ENACTMENT OF S. 2234

S. 2234 as referred to the Congress, provided authorization levels by appropriation accounts. We believe it would be helpful to the Congress and the Department to insure that the authorization ceilings are broad enough to allow for minor program changes and to provide the flexibility required to meet new requirements imposed by legislation or administrative directions.

SUMMARY

Mr. Chairman, I want to reiterate our strong support for the four-year authorization process. We believe it is extremely valuable tool for setting program direction and insures a cooperative working arrangement between this Committee and the Department. We welcome your participation and assistance in helping us shape these priorities and aiding us to direct BLM programs in a responsible manner. It is a welcome partnership.

Thank you.

Senator HANSEN. Mr. Gregg, we would be pleased to hear from you.

STATEMENT OF HON. FRANK GREGG, DIRECTOR, BUREAU OF LAND MANAGEMENT, ACCOMPANIED BY GEORGE TURCOTT, ASSOCIATE DIRECTOR, ARNOLD PETTY, ASSISTANT DIRECTOR FOR ADMINISTRATION, AND PAUL VETTERICK, CHIEF, DIVISION OF BUDGET AND PROGRAM DEVELOPMENT

Mr. GREGG. Mr. Chairman, I appreciate the opportunity to be here today, and with your permission, I will condense my remarks.

I do appreciate the opportunity to be here today. This is my first appearance before the subcommittee since my confirmation, and I hope we can look forward to a long and constructive relationship.

I would also like to thank the committee staff for the diligent work that has been done here in trying to help make the 4-year authorization process productive.

Before commenting on the authorization proposal, I would like to note that the administration has a mineral impact loan assistance program pending. Legislation has been submitted to Congress to amend relevant provisions of the Federal Land Policy and Management Act to increase the interest rate for these mineral impact loans from 3 percent to the current Treasury borrowing rate, and to amend some other detailed provisions. That bill has not yet been introduced, and we urge that it be given prompt consideration.

The documents in front of you, of course, contain the authorization request for each of the years that we are dealing with, and I will just make a couple of other comments.

The document provided pursuant to section 318 which details our authorization request does not, of course, constitute a commitment by the administration to request funds at these levels in the individual year. These budgetary decisions each year will be made in the context of the competing demand for limited financial resources.

For this reason, the administration supports enactment of authorization levels consistent with the fiscal year 1979 budget request for the Department and such sums as may be necessary for fiscal 1980 through 1982.

I also note that section 318 requires that the Secretary's request specify the funding levels which can be efficiently and effectively utilized for each program, notwithstanding any guidelines or limitations imposed within the executive branch. This information was provided on September 26, 1977 prior to Presidential decisions on the 1979 budget. The President's 1979 budget request is now before the Congress and represents the policy of the administration on funding of the Bureau in fiscal 1979.

I should note here, just to expand briefly on the point that Mr. Beard made about the budget, that the 1979 budget does include substantial increases in funds for administering the oil and gas leasing program, surface management regulations, exploration and development, wilderness review, soil and wildlife inventories, natural surveys and a modest increase for law enforcement. Added together, these constitute substantial increases in the renewable resource part of the Bureau's program, which is where we have to place emphasis. The point I make here is that the funding level in the President's

budget, developed within the context of normal budget constraints is an adequate level for efficient and effective conduct of Bureau programs in the general spirit of the 4-year authorization language in the bill.

Finally, I would like to echo the statements that Dan and others made that we maintain a measure of flexibility in the accounts for which the authorization is made so that we are not artificially narrowing it to categories which won't permit us to have the amount of flexibility that one would need in view of the fact we are authorizing for 4 years ahead.

Mr. Chairman, I appreciate the opportunity to testify and will be pleased to respond to questions.

[The prepared statement of Mr. Gregg follows:]

STATEMENT OF HON. FRANK GREGG, DIRECTOR, BUREAU OF LAND MANAGEMENT

Mr. Chairman, I appreciate the opportunity to be here today to testify on the first quadrennial authorization required by Section 318 of the Federal Land Policy and Management Act. This is my first appearance before your subcommittees since my appointment and confirmation.

I look forward to what I trust will be a long and constructive relationship with members and staff of the subcommittees and the full committee. I particularly welcome the opportunity to testify on the first 4-year authorization for the Bureau.

I want to thank this Committee for its foresight and diligence in holding workshops on the four year authorization. We are confident that they will make the entire process more meaningful and productive.

I believe the 4-year authorization process offers the opportunity for the executive branch, the Congress and the public to look beyond the normal budgetary horizon to consider longer term needs, opportunities, problems and priorities in administering the resources under the jurisdiction of the Bureau.

Your counsel in helping to shape program directions and priorities and your understanding and support—and criticism—in implementation are essential to the high quality of performance by the Bureau to which we all aspire.

As you know, the Bureau has received—through the long labors of your committee on the Federal Land Policy and Management Act—a new charter. We have been instructed henceforth to undertake the management, use, development and protection of the public lands and their resources according to the principles of multiple use and sustained yield. It set a firm course for public land management; it added new responsibilities; and it clarified a multiple use management role the Bureau of Land Management has been attempting to carry out for decades. While appropriate disposal of specific public land areas will continue to specific circumstances, the Congress has mandated the Bureau to approach its responsibilities in the long-term public interest as managers of a public estate which will largely remain in public ownership.

Section 318 containing the four year authorization requirement which brings us here today is unique among Federal land and resource management agencies. It requires a four year view toward the future that must identify the cost of operating the widest variety of programs identifiable with a single agency. Thus the 4-year authorization process gives us the opportunity to consider program directions and priorities in the context of the Organic Act, giving both the executive branch and the Congress a useful vehicle for continuous oversight.

In addition to the concept of management of these resources as part of the permanent public estate under principles of multiple use and sustained yield, the Organic Act includes several specific new or emphasized changes. For example:

Critical areas of environmental concern must be recognized and given protection.

Mining claims must be recorded on a timely basis with BLM.

Withdrawals must be reviewed and their preclusion of lands from full public use be justified.

Potential wilderness areas must be identified, evaluated, reported to Congress, and provided interim protection pending possible inclusion in the National Wilderness System.

Lands and interests therein may now be acquired beyond a few specially designated areas and conversely, may also be disposed of where the public interest is best served.

Laws and regulations may be enforced on public lands in full partnership with local law enforcement agencies.

The great desert of California now has special recognition as a national conservation area and is to be managed according to a comprehensive use plan.

Long term permits, licenses, and leases for the use of public lands and resources may be issued to provide a more stable tenure on the part of those authorized such uses.

FLPMA also codifies, reinforces, and gives new impetus to what BLM has long been engaged in, even if its authorities for some actions may have been legislatively clouded. I refer to such items as multiple use planning and supporting inventories; balanced consideration of all major land and resource uses; public involvement in land use decisions; establishment of comprehensive rules and regulations. The Act clearly implies both a philosophy and an intensity of management which recognizes the enormous value of these resources.

The emphasis on FLPMA should not, of course, overshadow the fact that this quadrennial authorization must be, and is, responsive to other important legislative, executive, and court ordered mandates. Some of the more significant of these include:

The Taylor Grazing Act of 1934.

The Mineral Leasing Act of 1920 as amended.

The National Environmental Policy Act of 1969.

The Alaska Native Claims Settlement Act of 1971.

The Threatened and Endangered Species and Sikes Act on behalf of our wildlife resources.

Executive orders on off-road vehicle use and cultural protection.

Court ordered actions affecting grazing, timber, and coal leasing activities.

Development of funding of the Bureau's programs must recognize the needs of a broad spectrum of constituents. Our responsibilities require that we serve preservationists, developers, state and local governments, and virtually every citizen who has a need for natural resources.

To meet these responsibilities, we must have some semblance of balance among programs. We must provide for renewable resources as well as those non-renewable resources which have the most visibility due to energy and mineral shortages.

With this backdrop I wish to highlight the authorization proposal now before you. Although it covers only three appropriations of the ten now in BLM's budget, plus mineral impact loan assistance, these appropriations are critical not only to the Bureau's management posture but also to the welfare of local jurisdictions within which BLM and other Federal agencies operate.

With respect to mineral impact loan assistance, legislation has been submitted to Congress to amend relevant provisions of FLPMA to increase the interest rate from 3% to the current Treasury borrowing rate; limit direct loans to the respective States; clarify certain administrative procedures and controls; and limit the program to a twenty year period. We urge that our proposal be given prompt consideration.

The following tables summarize for the record the Department's September submission and the Administration's current position based on the President's 1979 budget:

BUREAU OF LAND MANAGEMENT—4-YR AUTHORIZATION SUMMARY

[In millions of dollars]

Appropriations	Fiscal year 1979	Fiscal year 1980	Fiscal year 1981	Fiscal year 1982
Management of lands and resources[1]	$290	$320	$350	$380
Acquisition, construction, and maintenance	20	22	25	27
Payments in lieu of taxes	105	108	111	119
Mineral impact loan assistance	45	50	57	65

[1] Exclude emergency firefighting and rehabilitation as provided by sec. 318 of the Federal Land Policy and Management Act.

FISCAL YEAR 1979 PRESIDENTIAL BUDGET

Appropriations	Fiscal year 1979	Fiscal year 1980–82
Management of lands and resources[1]	$245.368	(1)
Acquisition, construction, and maintenance	17.683	(1)
Payments in lieu of taxes	105	(1)
Mineral impact loan assistance	40	(1)

[1] Such sums as may be necessary.

The four-year authorization document provided pursuant to Section 318 of FLPMA on September 26 which details the authorization request for Fiscal Years 1979 through 1982 does not, of course, constitute a commitment by the Administration to request funds at these levels in the individual budget.

Obviously, budgetary decisions each year will be made in the context of competing demands upon limited financial resources. For this reason, the Administration supports enactment of authorization levels consistent with the 1979 budget request for the Department and such sums as may be necessary for 1980 through 1982.

It is recognized that section 318 requires that the Secretary's request specify funding levels which can be efficiently and effectively utilized for each program notwithstanding any guidelines or limitations imposed within the Executive Branch. The information required by Section 318 was provided in the proposed bill submitted to the Congress on September 26, 1977, which was followed by supporting documentation. These recommended authorization levels were submitted prior to Presidential decisions on the 1979 budget. The President's budget request for Fiscal Year 1979 is now before the Congress and represents the policy of the Administration on funding of the Bureau in Fiscal Year 1979.

The 4-year authorization document provided earlier to the Committee describes major program objectives and details authorization requests. I will note here that the program envisages a major emphasis on renewable resource management throughout the 4-year period, including a heavy emphasis on swift completion of early stages of the wilderness review process and acceleration of resource inventories needed to support more intensive management of lands and resources.

Finally, I want to echo the statements of others that ask that whatever authorization bill Congress passes contain the largest measure of flexibility possible. An authorization at the appropriation level would reduce the chances that we would be proposing authorization amendments every year to accommodate unforeseen events.

Thank you, Mr. Chairman, for the opportunity to be with you today.

Senator HANSEN. If we may, I would like to deviate from the normal procedure which would be followed in that I would be asking questions right at this time. If you gentlemen who have testified already wouldn't mind just remaining here in order that some questions can be pulled together that would seem relevant, we would like to hear from Mr. Callison next and then perhaps go back to the witnesses, if that would be agreeable.

Mr. Charles H. Callison is representing the Public Lands Institute, Denver, Colo. Mr. Callison, we would be pleased to hear from you, sir.

Mr. CALLISON. Thank you, Mr. Chairman. I thought my friends from the Bureau of Land Management were going to stay on either side of me. I felt I needed some support.

STATEMENT OF CHARLES H. CALLISON, PRESIDENT, PUBLIC LANDS INSTITUTE, DENVER, COLO.

Mr. CALLISON. My name is Charles H. Callison, and I am the president and executive director of the Public Lands Institute, a

relatively new nonprofit research and conservation organization that was founded to promote the better management of the public lands of the United States. By better management, we mean the protection and husbandry of the lands and resources that are fragile and require protection, and we also mean the orderly development and wise use of those lands and resources that can and should be developed and used for the long-range social and economic benefit of the people who own them.

Mr. Chairman, I am merely going to hit the high points in my prepared statement.

Senator HANSEN. Your entire statement will appear in the record.

Mr. CALLISON. When Congress passed the Federal Land Policy and Management Act in 1976, it gave BLM the policy guidance and statutory authority that it needed to plan for, manage and protect the national resource lands in the broad public interest. Although not perfect, it was a landmark legislative achievement. But merely spelling out policy and putting responsibility and authority into the statute doesn't get the job done. It takes personnel and it takes money. To decide how much, how many and how much is the purpose of this hearing, of course.

BLM has always been grossly understaffed and underfunded to do the job expected of it. The U.S. Forest Service, manager of the second largest system of Federal lands, is a lean and efficient agency. Years of personnel ceilings, hiring freezes and budget restrictions have left it shorthanded in several vital programs and services, but some comparisons will illustrate how deplorably understaffed the Bureau of Lands Management really is.

BLM presently is responsible for all administrative and management services on 447 million acres. Even after disposals in Alaska, it will be responsible for some 275 million to 300 million acres of national resource lands.

The Forest Service presently has 17,337 permanent, full-time people taking care of the 188 million acres in the national forests. This is about one person per 11,000 acres.

BLM has 5,619 comparable full-time people taking care of 447 million acres. This is one person per 80,000 acres. Even if BLM had only 300 million acres to manage with present personnel, the ratio would be one person per 54,000 acres, and please keep in mind that BLM has lease-management responsibilities for the outer Continental Shelf and important responsibilities even in the national forests and other Federal areas.

The Forest Service actually has a total of more than 20,000 permanent, full-time positions, but for purposes of this comparison, with the BLM, I subtracted those engaged at research stations and in State and private forestry cooperative programs to which BLM has nothing comparable. The 17,337 Forest Service positions are those directly engaged in managing the national forests.

Granted there are general differences between the lands and the national forests and those under BLM, but the differences in resource and environmental values aren't all that great. BLM lands are equally deserving of good management and husbandry in the public

interest. They also have timber and grasslands and minerals and wildlife and scenic splendor, although in different patterns. They also provide an essential and invaluable outlet for the recreational needs of the American people. They also are subject to erosion, pollution, vandalism, theft and other abuses.

Granted BLM isn't going to catch up with the Forest Service quickly. We think the Bureau, the Department of the Interior, and the Office of Management and Budget have been far too conservative and shortsighted in their requests as reflected in S. 2234. For the sake of the economy and the resource, BLM should expand programs and personnel faster than proposed during the next 4 years. There should be increases in some functions where none are proposed or requested, and Mr. Chairman, in my full statement, I have outlined a number of specific places where we think the authorizations ought to be greater or the authorization increases ought to be moved up. The danger of this 4-year authorization process—granted, it has merit—the danger of it is getting locked into inadequate ceilings in subsequent years so that the Congress would have to change the authorization law in order to enable the Bureau of Land Management to meet its true responsibilities and the public needs.

We sincerely urge this committee to examine those levels carefully and to make appropriate increases. That concludes my statement. I thank you very much for this opportunity.

[The prepared statement of Mr. Callison follows:]

STATEMENT OF CHARLES H. CALLISON, PRESIDENT, PUBLIC LANDS INSTITUTE, DENVER, COLO.

The Public Lands Institute, a non-profit research and conservation organization, was founded to promote the better management of the public lands of the United States. By better management we mean the protection and husbandry of the lands and resources that are fragile and require protection, and we also mean the orderly development and wise use of those lands and resources that can and should be developed and used for the long-range social and economic benefit of the people who own them.

The most extensive—the greatest expanse—of federal public lands are the some 447 million acres (the "National Resource Lands") administered by the Secretary of the Interior through the Bureau of Land Management (BLM).

A brief, further word about the resources we are talking about. Lands owned by the various federal agencies and administered by them for public purposes total about 750 million acres and comprise one-third of the land area of the United States. (This is not counting the outer continental shelf for which BLM has important managerial responsibilities.) Of these 750 million acres, approximately 60 percent are under BLM. Even after transfers to the State of Alaska under the Statehood Act and other transfers take place under the Alaska Native Claims Settlement Act, BLM could still be responsible for nearly 300 million acres—one and one-half times as much as the U.S. Forest Service, the second largest federal land manager.

Moreover, BLM has the responsibility of administering the Mineral Leasing Act in the National Forests and also the General Mining Law of 1872 on National Forest Lands, on some National Wildlife refuges and on certain other areas that have been withdrawn for special purposes from the Public Domain. It administers these laws also on patented lands in which the mineral rights were reserved to the United States.

Mr. Chairman, the lands directly under BLM for management purposes increase in value as America's Commons. They range from Arctic tundra and alpine splendor to lush forests, vibrant prairies, colorful canyons, desert, swamp, marsh, lake and seashore. They have within their diversity great value for

mineral development, livestock grazing, timber production, and wildlife habitat. They have great importance also for public recreation and scientific studies. There are archaeological treasures within them, and also specimen ecosystems of extraordinary beauty and fragility. Some such habitats and ecosystems, which under the Federal Land Policy and Management Act are to be identified and protected as Areas of Critical Environmental Concern (ACEC), mean the difference between survival and extinction for certain endangered species of wildlife.

When Congress passed the Federal Land Policy and Management Act in 1976, it gave BLM the policy guidance and statutory authority that it needed to plan for, manage and protect the National Resource Lands in the broad public interest. Although not perfect, it was a landmark legislative achievement. For the first time in its history, BLM was given authority, although in a somewhat ambiguous way, to enforce its regulations and prevent the illegal and needless waste or despoliation of resources that are essential to the economic and environmental well-being of the American people.

But merely spelling out policy and putting responsibility and authority into statute doesn't get the job done. It takes personnel and it takes money. To decide how many and how much is the purpose of this hearing.

BLM has always been grossly understaffed and underfunded to do the job expected of it, even before passage of the Federal Land Policy and Management Act, especially so considering the revenues that accrue to the federal treasury and the long-range, substantial benefits accruing to the public from the prudent use of National Resource Lands.

A few comparisons will illustrate how understaffed:

The U.S. Forest Service, manager of the second largest system of federal lands, is a lean and efficient agency. Years of personnel ceilings, hiring freezes and budget restrictions have left it short-handed in several vital programs and services. But some comparisons will illustrate how deplorably understaffed the Bureau of Land Management really is.

BLM, I pointed out, presently is responsible for all administrative and management services on 447 million acres. Even after disposals in Alaska it will be responsible for some 275 million to 300 million acres of National Resource Lands.

The U.S. Forest Service presently has 17,337 permanent, full-time people taking care of the 188 million acres in the National Forests. This is about one person per 11,000 acres.

BLM has 5,619 comparable, full-time people taking care of 447 million acres. This is one person per 80,000 acres.

Even if BLM had only 300 million acres to manage with present personnel, the ratio would be only one person per 54,000 acres. And please keep in mind that BLM has lease-management responsibilities for the outer continental shelf and important responsibilities even in the National Forests and other federal areas.

The Forest Service actually has a total of more than 20,000 permanent, full-time positions but for purposes of this comparison with BLM, I have subtracted those engaged at research stations and in state and private forestry cooperation programs to which BLM has nothing comparable. The 17,337 USFS positions are those directly engaged in managing the National Forests. (In addition, the Forest Service lists over 12,000 permanent but less-than-full-time employees engaged in National Forest Management.)

Granted, there are general differences between the lands in the National Forests and those under BLM. But the differences in resource and environmental values aren't all that great. BLM lands are equally deserving of good management and husbandry in the public interest. They also have timber and grasslands and minerals and wildlife and scenic splendor, although in different patterns. They also provide an essential and invaluable outlet for the recreational needs of the American people. They also are subject to erosion, pollution, vandalism, theft and other abuses.

Granted that BLM isn't going to catch up with the Forest Service quickly, we think the Bureau, the Department of the Interior and the Office of Management and Budget have been far too conservative and short-sighted in their requests as reflected in S. 2234. For the sake of the economy and the resource, BLM

should expand programs and personnel faster than proposed during the next four fiscal years. There should be increases in some functions where none is proposed or requested. Let me be specific:

ENERGY DEVELOPMENT

It doesn't make sense that with rapidly growing energy demands upon both onshore and offshore areas, and with leasing and production bound to expand, BLM can service the industry and protect the environment with such modest increases in funding for 1979 and 1980. Could it be that the requests totaling only $108.3 million in 1979 and $118 million in 1980 reflect the lobbying pressures of the oil and coal industries? I suspect they like to keep the federal overseers strapped and dependent upon them for essential data.

MINING LAW ADMINISTRATION

We support the increased staffing proposed for mining law administration: from 71 positions to 117 in 1979, to 207 in 1980, and up to 275 by fiscal 1982. Under the Mining Law of 1872 as reinforced by the Federal Land Policy and Management Act, BLM has important responsibilities in the supervision of mining activities on public lands. A person or company filing a mining claim must now notify the federal government. Nobody knows how many old claims clutter the records in county courthouses. Estimates go as high as six million. Those holding old claims must now file plans of operation if actual mining is to begin. And BLM has new authority and responsibility to regulate surface disturbance and prevent needless environmental degradation. BLM's field offices expect as many as 5,000 operational plans on mining claims next year. Yet the Bureau is asking only for enough funds and personnel to process 1,050 plans in 1979.

Would this not create an intolerable situation? I can forsee the results: Legitimate claimants so frustrated that many may be tempted to start operations contrary to the intent of the law and the regulations. Some may go to court to force attention to their claims. There will be editorials and other howls of rage at the slowness of the federal bureaucracy.

Mr. Chairman, I urge the Congress to provide the funds—at least $8 million for 1979—and insist that BLM catch up to the workload in Mining Law administration.

Although it isn't the subject of this hearing, the Public Lands Institute believes that the 1872 Mining Law should be revised or replaced to provide for a fair royalty to the government on the minerals (ores) that are extracted and marketed under its provisions. The give-away aspect of the 1872 law is grossly unfair to the public.

FOREST MANAGEMENT

In the requests for forest management, once again BLM is stuck with the inadequacies of the past. It may be doing a good job handling sales from the 2.1 million acres of commercial timber under its jurisdiction. Is it doing a good job policing the cuts and protecting the land from erosion and pollution? It couldn't possibly be doing a good job managing some 22 million acres of non-commercial woodlands on public lands outside of Western Oregon with only 202 positions, only 160 of whom are professional foresters.

The U.S. Forest Service has 4,426 professionals supervising timber management in the National Forests. That is one per 43,000 acres—a big load even for a competent forester. But BLM has only one professional forester per 138,000 acres of woodland.

The Forest Service averages 92 positions per million acres. On its 22 million acres of forests outside the O. and C. Railroad Grant Lands of Western Oregon, BLM averages nine per million acres.

RANGE MANAGEMENT

One of the directors of the Public Lands Institute, a rancher who runs livestock on the public lands, recently asserted that "BLM could stop overgrazing if it did its job."

BLM estimates that of some 172 million acres of grazing land that it administers, only 3.2 million acres are in excellent condition, another 24.4 million acres in good condition. The condition of 135 million acres—78 percent of the total—ranges from bad to only fair. Moreover, the condition of 132 million acres is not improving; 26 million acres is getting worse.

One basic reason why BLM is not getting on top of the grazing situation is that it is short-handed for the job. It has only one range conservationist per 325,000 acres. One person can't possibly keep up with range conditions and trespass problems on 325,000 acres, an area one-third the size of the State of Delaware.

Still the proposal before you calls for no increase in range management personnel in 1979 and minimal increases in the future. I urge you to authorize the funds for at least 50 more positions in 1979 and at least 200 more by 1982.

RECREATION MANAGEMENT

On the face of the figures before you, BLM seems to be taking a more realistic attitude toward its growing responsibilities to manage and protect the recreational resources under its jurisdiction. However, the requested increases are primarily directed to new responsibilities in wilderness area review and preservation, as required by the Federal Land Policy and Management Act.

I think its plan to designate all public land areas as open, closed or regulated to off-road vehicles is far too slow. ORV damages to soil and vegetation are already intolerable in many areas. The work of bringing the problem under control must be speeded up.

We strongly support all the increases requested for recreation management, except the ORV task force should be built up faster and its sights set higher.

SOIL, WATER AND AIR

Set against the task on 300 million or more acres, the soil, water and air conservation programs are token at best. We support the amounts requested but with the uneasy feeling that more needs to be done to protect and restore the basic resources of the public lands.

WILDLIFE MANAGEMENT

As in its other basic conservation programs, BLM needs to expand its capabilities in wildlife management faster than is proposed in the authorization requests before you. The resources are extensive, the stakes in ecological values are high, and the opportunities to provide recreational benefits to the public are tremendous. BLM cooperates closely with the state wildlife agencies as a matter of policy, and such cooperation is commendable. However, the States cannot do the planning nor monitor the performance under wildlife habitat management plans that are the keystone of the program. Neither can the State agencies, operating themselves on limited budgets, identify, manage and protect the habitats of endangered species on the public lands. These are BLM responsibilities.

As in the case of range management, the plans for increasing wildlife personnel run too little and too late. I strongly recommend that the proposed authorization for 1980 be moved up to 1979, the 1980 goal to be increased to 209 positions, the 1981 goal to 247 and the 1982 figure be 300.

It is inconceivable to me that the goal for lands under wildlife management should be only 31 million acres by 1982. This would be little more than 10 percent of the total under BLM jurisdiction. Unless the program progresses faster than that, there are likely to be more than 30 endangered species to pain the conscience of the nation.

PLANNING FOR MULTIPLE USE

BLM's planning arm is essential. The proposed authorization levels may be adequate. I won't try to say now. One thing worries me. Nowhere do I see more than passing reference and token budgeting for one of the most important planning functions required by the Federal Land Policy and Management Act. I refer to the directives to identify, designate and take appropriate measures to protect Areas of Critical Environmental Concern (ACEC). The only place I see ACEC

mentioned is under wildlife management. Other vital environmental factors besides wildlife are involved. It has to be a broader planning activity than that, and it must receive major attention in 1979 and during the subsequent three years.

LAW ENFORCEMENT

To protect the legitimate user from the illegitimate user and to protect the resources of the public lands against vandals and thieves, BLM must have a strong law enforcement capability. Yet the Bureau or the Department seems reluctant to face this reality. Leaving the major responsibility to local law enforcement agencies via the contract route will not be generally dependable. The local agencies lack the training, the interest and the motivation. It would take more personnel than is scheduled just to carry out training programs, should the main thrust be toward the contract route.

BLM has only ten special agents now. It asks authorization for only 15 special agents plus 13 uniformed rangers in 1979. It will be no great task, Mr. Chairman, to recruit and train twice that number next year. And the number should be redoubled in 1980.

Mr. Chairman, I thank you for the opportunity to present our views. Having passed the Federal Land Policy and Management Act with real progress and real goals in mind, Congress must now see that these programs are carried out, the goals reasonably attained.

So long a have-not agency, so long a neglected step-child among the federal bureaus, BLM can't quite believe OMB and the Congress will give it the funds to do a first-class job. Or else it and the Secretary of the Interior have let themselves be cowed by OMB, a single-track money-saving agency that probably has not understood that like running a farm, running the public lands requires some investment to produce optimum benefits. And not just annual dollar revenues. Properly managed, the National Resource Lands can yield tremendous harvests of esthetic, recreational and environmental benefits as well as material resources for hundreds of years. The good management must start now.

Senator HANSEN. If we may, let me ask now then if Secretary Beard and the Director, Mr. Gregg, would return to the table, and I think I should observe that in all likelihood I was expecting other members of the subcommittee, and the full committee who are not present; they may want to submit some questions in writing. There are just too many things going on this morning, and I know it is difficult for Senators to be here. I don't think it should be interpreted at all that the absence of particular Senators here in any way reflects a lack of interest in the hearing, but simply that there are just too many other scheduled meetings that preclude their being here.

Mr. GREGG. We understand that, and we will certainly be glad to respond.

Senator HANSEN. I might ask you, Mr. Secretary and the Director as well, if each would like to take a turn at responding to this observation and some questions.

I am concerned that there appears to be so little range improvement that will be accomplished in the next 4 years. There appears to be some confusion as to what on-the-ground range improvement can be undertaken under the court-approved agreement of the *NRDC* v. *Morton* case.

Could you clarify what improvements you are able to undertake and what your policy guidance to your State and district directors is?

Mr. BEARD. I could respond to the question of policy direction. It is very clear. Assistant Secretary Martin and Secretary Andrus both feel that range improvement programs should have priority within the BLM budget. The $5.6 million increase in the fiscal year 1979

budget, for example, for inventory, range inventory, was one of the high priority items, and we worked very hard to get that increase. The actual number of acres improvement will take place on will depend on the outcome of our negotiations with the plaintiffs in the suit.

We are also working very hard within the Bureau to insure that proper direction is given out to the field, and we are urging members of the staff to undertake improvement wherever possible, especially on-the-ground improvements. I would like to defer to Frank, too, for any other comments.

Mr. GREGG. George Turcott did a lot of work on this, and I would like him to comment further, but the Bureau did send out a thoughtful instruction to the field in December trying to distinguish as clearly as it could the kinds of actual on the ground work that we thought could go on under the restraints placed upon us by the court. In fact, Mr. Turcott told me that we have been to the field three times to try to help clarify that so that we do everything that we legally can do. George, could you expand on that?

Mr. TURCOTT. Yes, sir. Senator Hansen, with respect to *NRDC* v. *Morton*, the main thing to keep in mind is that every acre of ground under that suit must undergo an environmental impact statement, and anything that affects any particular acre on a site-by-site basis must undergo at least environmental assessment. Coupled that with the fact that under FLPMA, the range betterment funds that are provided for in the Federal Lands Policy and Management Act, are subject to a NEPA override with respect to 102(2)(C) of the National Environmental Policy Act. It does not override the fact there must be environmental assessment, and if a significant effect on the human environment occurs, perhaps a statement may be needed. In all our work with the livestock people and the conservation interests over the years since the NRDC suit has occurred, as the Director said, we have arrived at the point, in three separate instructions, that our policy is more flexible now than originally thought to be. We feel that we will go ahead and construct every kind of improvement, even those that have some biological effects such as sage brush plowing or pinion juniper chaining, over and above such things that probably don't have too many effects—fencing, the location of a well, or a small waterhole—if we can determine in our science and professionalism that there is not a significant impact on the human environment. So we have liberalized to some extent our original position. But anybody who says that there is no longer a very serious consideration or there is no longer a constraint on range improvements of the type that cause any kind of a significant effect is wrong. We are guided by the court order and by NEPA also. That is what is so important.

Senator HANSEN. If I understand what you are saying, Mr. Turcott, that you are trying to make a case-by-case assessment as to the dimensions of the consequence and the impact, and if it seems to, in your judgment, not to be of serious consequences in the environmental impact, then you would be inclined to move forward more rapidly?

Mr. TURCOTT. That is correct, sir. For instance, many times in any one particular situation any one of our district managers or their

subordinates might go into a sage brush control program, a plowing chain or even herbicides in some cases, depending on how much has been done, what the site is, what other wildlife values may be there, a sage grouse or winter deer area. If we can just show that we have got so much of that habitat and these other species are protected and this particular work is not going to have all that significant an effect, and in fact, might even improve the situation by providing more edge, that would be kind of a simplistic example of what I am talking about. But for instance, in my home area, northeastern Nevada, adjacent to the Ruby National Forest, where almost all the sage brush area has had some type of treatment or other, we are going to be pretty particular what we do. We have a critical deer herd situation there in the winter. So there are two simplistic extremes.

Senator HANSEN. Yes. If you were to undertake the maximum feasible acceleration of your range inventory planning and implementation, what additional level of resources, both dollars and positions, in 1979 could you utilize so as to provide more interim-range improvements permitted under the *NRDC* v. *Morton* agreement, as well as faster completion of AMP's that would clear the way for range rehabilitation?

I am not certain if you caught the full thrust of my question.

Mr. BEARD. I think we understand very well. I think we can provide those figures for the record. One thing I think we ought to point out in this particular problem, it sort of piggybacks on what George was saying, that we do have a court suit, a settlement, which we entered into several years ago, and we are trying our best now to work out a new agreement with the plaintiffs and get on with the job of improving the condition of the range throughout the West, and we are very thankful I think for the additional funds that have been provided over the years by the Congress, and the interest of this committee and others in the range improvement. We also share that commitment, and we are going to do everything that we possibly can, but the actual funding levels that, if one were to accelerate the program, are meaningless unless we place them beside the stipulations that we have with a particular court suit.

Mr. GREGG. We would be glad to provide that information for the record, Senator.

Senator HANSEN. Could we get a copy of the instructions that have been sent to field personnel to which you earlier alluded?

Mr. GREGG. Yes, sir.

[Subsequent to the hearing the following information was submitted for the record:]

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF LAND MANAGEMENT,
Washington, D.C., December 12, 1977.

Instruction Memorandum No. 77-606; Expires: 9/30/78
To: AFO's
From: Director
Subject: Range Improvement Policy

The range improvement policy of the Bureau has recently undergone a thorough review. This has been done in recognition of a need for an update and to develop a uniform interpretation of the effects of litigation and recent legis-

lation on range improvements. Substantially greater rangeland improvement activities can be carried out in some areas once a uniform policy is established.

The objective of the range improvement program is to use structures, developments, and treatments in concert with management to rehabilitate, protect, and improve the public land and its resources to arrest range deterioration and to improve forage conditions, fish and wildlife habitat, watershed protection, and livestock production, all consistent with land use plans.

It is the policy of the Bureau to encourage range improvements where they are needed to achieve the land use plan objectives. This policy is to be carried out in light of the requirements and exceptions contained in NEPA, the court ordered agreement in *NRDC* v. *Morton, et al.*, the Federal Land Policy and Management Act (FLPMA) of 1976, and annual appropriations.

Definitions

1. "Range improvement" means a structure, development, or treatment used to achieve the objective stated above.

2. "Implemented allotment management plan" (AMP) means an AMP, or its equivalent, (a) which has been developed in consultation with the affected livestock operator(s), (b) which has been placed in effect either cooperatively or by decision, (c) under which some action has been taken to control livestock and/or range improvements have been made, and (d) under which all actions are in concert to achieve the objectives in the AMP.

Requirements, limitations and exceptions regarding range improvements

1. Land use plans provide the guidance for sound resource management. They identify the objectives which must be the basis for taking resource management and improvement actions. Therefore, a management framework plan (MFP) must be completed for the public lands involved before a new range improvement is initiated. Exceptions will be limited to those urgent situations which have been justified and cleared through the annual work plan (AWP) process.

2. Corollary to the total job of planning is the environmental assessment. That assessment must be completed on all range improvements. It provides the basis for analyzing the affects of the range improvements on the environment so that necessary mitigating measures and stipulations may be developed. If it is determined that a range improvement, or combination of range improvements, may be a major Federal action significantly affecting the quality of the human environment, these improvements shall be deferred until the grazing environmental statement (ES) has been prepared.

3. The MFP and the environmental assessment are tools for total planning which must be completed before range improvements are included in the AWP; they are key elements in the preparation and executive of a stable annual budget.

4. Section 401 of the FLPMA states that the use of range betterment funds shall not be considered a major Federal action requiring a detailed statement pursuant to Section 102(2)(c) of NEPA. An environmental assessment is required.

5. The court order agreement in the *NRDC* v. *Morton, et al.*, case prohibits implementation of any AMP or its equivalent after the end of FY '75 (June 30, 1975) prior to the completion of an ES covering such AMP. Notwithstanding the fact that a range improvement that is determined to have a singnificant impact on the quality of the human environment requires an ES,. the above statement is the *only* restriction in *NRDC* v. *Morton, et al.*, prohibiting range improvements.

6. Current Bureau policy provides that projects such as plowing, chaining, and spraying which alter the vegetative aspect as irreversible actions and will be delayed until livestock grazing ES's are completed. The absolute prohibition of projects such as these without an ES is hereby changed. Vegetative manipulation projects may be undertaken in those urgent situations where an environmental assessment indicated that impacts are not significant, where thorough input has been received from all interested parties—particularly State wildlife agencies, and where necessary provisions have been made to protect the investment in those improvements through appropriate management and use. This exception is provided to allow those urgent projects lacking significant environmental impact that sound management dictates should not await com-

pletion of the ES schedule. It is expected that such vegetative manipulation projects will be limited in number.

7. Maintenance of range improvements will be carried out to protect the Federal investment and continue the benefits expected of the improvements. However, maintenance must be in conformity with the guidance contained herein.

GEORGE L. TURCOTT,
Acting Director.

Senator HANSEN. What is the difference between the 4-year authorization request for fiscal year 1979 and the President's budget for fiscal year 1979 for range management? Would you happen to have those figures before you?

Mr. GREGG. For range management—this covers inventory, livestock management, wild horse and burro management—the President's budget request for fiscal 1979 is $30.3 million, and the authorization level is—they are identical figures.

Senator HANSEN. I see. Could you provide a line item breakdown of what resources could be used and an explanation of what the money would be spent for?

Mr. GREGG. The range management category?

Senator HANSEN. That is a followup on my earlier question in which I referred to the range improvements that would be permitted under the *NRDC* v. *Morton* agreement, as well as fast completion of the AMP's to clear the way for range rehabilitation, and the followup question you had is the one I am now asking you, could you provide a line item breakdown of what resources could be used and an explanation of what the money would be spent for?

Mr. GREGG. Yes, we can do that. May I ask a question? Do you intend that to apply only to expenditures that actually go on to the ground, or would you also mean that to apply to other kinds of range management activities like inventories?

Senator HANSEN. It would be the broader interpretation, range management, inventory and planning as well.

Mr. GREGG. Yes, we will be happy to do that, noting again that our ability to respond to many of these categories is affected by the pending suit.

[Subsequent to the hearing the following information was submitted for the record:]

USE OF INCREASED FUNDS FOR RANGELAND IMPROVEMENT

Maximized approaches to range rehabilitation may be very difficult to carry out. They carry with them assumptions that are often beyond the control of an agency or the administration.

For example:

—additional personnel of the right skill type may not be available;

—weather can prevent work from being accomplished and there may be very few alternatives open at a maximum level;

—law suits challenging plans or proposed project are also an ever present factor.

A total range rehabilitation effort would have to include:

—better inventories on which to base land use decisions and assess environmental impacts.

—improve multiple use planning ability to keep current with changing conditions.

—range management capability to carry out increased levels of livestock use.

[In millions of dollars [1]]

	Fiscal year 1978	President's budget fiscal year 1979	Maximun level fiscal year 1979	Maximum level compared to— Fiscal year 1978	Maximum level compared to— President's budget
Resource inventory	3.6	8.6	10.9	7.3	+2.3
SWA	(1.3)	(4.8)	(6.8)	(+5.5)	(+2.0)
Wildlife	(2.3)	(3.8)	(4.1)	(+1.8)	(+.3)
Multiple use planning	12.2	10.2	12.7	+.5	+2.5
Range management	30.3	30.3	39.1	+8.8	+8.8
Inventory	(5.2)	(5.2)	(5.2)	(—)	(—)
Livestock [2]	(22.0)	(22.0)	(28.0)	(+6.0)	(+6.0)
Wild horses and burros	(3.1)	(3.1)	(5.9)	(+2.8)	(+2.8)
Total				+16.6	+13.6

[1] Excludes pay raise for ease of comparison.
[2] Use supervision and project development and maintenance.

	Additional permanent position requirements fiscal year 1979
Inventory	+45
Multiple use planning	+65
Range management	+72
	+182

Senator HANSEN. If I may, I would like to ask that this hearing be continued, handled by staff. I'm sorry that I have to go to another hearing, but the bill I have is going to be considered in the Finance Committee, and if I may, would staff take over at this moment and call the rest of the witnesses?

Mr. GOODWIN [presiding]. Thank you. I would like to continue with some questions then of the BLM and Interior witnesses for the record.

The first concerns the implementation of FLPMA. The act assigns a great many new and accelerated program responsibilities to BLM, and in many cases, it imposes new statutory deadlines. Do you believe that the Secretary's authorization estimates are adequate to meet all of these FLPMA deadlines, or will you be coming to the Congress for relaxation of the schedules?

Mr. GREGG. Well, that is a very interesting question. The information that was submitted in September represents the best judgment of the Bureau and the Secretary as to what is needed to carry out the mandate of FLPMA, and the other legislation that the Bureau operates under for the period ahead, but as Mr. Beard noted in his opening testimony, that situation is surrounded by a great number of uncertainties having to do with the review of the Outer Continental Shelf environmental study program, the fact that there is legislation pending which would substantially affect the Bureau responsibilities in several areas, and there are these court suits. The outcome of those suits may also have a very substantial effect, so that it is conceivable that the requirements might be modified up or down for that matter, but they certainly represent the best judgment that the Bureau and the Secretary were able to make at the time.

Mr. BEARD. I think the only additional information I would like to add is that those figures represent funding levels, and we have

other requirements placed on us and constraints that will inhibit our ability to meet those deadlines. One is personnel ceilings, another being legal interpretations of court actions, and other unknowns that are down the road of which we are not fully aware.

Mr. GOODWIN. I recognize the uncertainties in dealing with legislation and court suits, and the question is directed towards just the budgetary levels proposed. Aside from the uncertainties that may occur, the CBO analysis of your request has suggested that an increase of some 8 to 12 percent over and above the amounts the Secretary has estimated would be required over the next 4 years if you are to achieve the implementation of FLPMA.

I would like to ask if you agree with this judgment, and if you do, do you believe that the agency could effectively utilize increases of that magnitude?

Mr. BEARD. I would have to say right now we disagree. I think we can do it within the figures presented to the Congress. They were our best judgment in September, and they still are our best judgment of whether we can do it. But again, the actual figures for each year will have to be measured by our year-by-year budget requests.

Mr. GOODWIN. OK. You just mentioned personnel ceilings as a constraint, and this committee and the Appropriations Committee has become very concerned that the funds that Congress has appropriated for natural resource management agencies are not effectively used or that the programs are slowed down and delayed due to the artificial personnel ceilings imposed by the administration through the Office of Management and Budget.

The Department has recently supplied information, at the request of the committee to Secretary Andrus, that indicates that BLM as of January in 1978 was 396 people below its approved 1978 ceiling, and further that although the Congress appropriated increased funds for 1978, to support an additional 322 positions, the Office of Management and Budget has allowed a ceiling increase of only 70.

The 4-year authorization request provides information on the additional positions that are needed for each of the programs, but it doesn't indicate the number of full-time permanent ceilings. It doesn't indicate which of the positions would be required to be full-time permanent.

Could you explain what you are doing to get up to your authorized end of the year ceiling for 1978?

Mr. GREGG. Well, I am embarrassed to say I can't because I honestly haven't gone into that at all.

Mr. TURCOTT. Assistant Director Arnold Petty can talk to that. He is the Assistant Director for Administration. I will add one point, that just the one statistic you gave, that vacancy rate of 396 compared to about 5,700 full-time permanents is about normal I think for any bureau, or better than normal in terms of being close, but over and above that, Mr. Petty could discuss that.

Mr. PETTY. The ceiling at the end of June, as of the end of September, is about 5,619. We are under that ceiling, of course, but we have taken steps to speed up that program with the recently approved positions. Remember, 244 of those positions are YACC positions. We will soon have that staff on board.

We have done the classification work. We have put a special effort on recruiting. We will be fully staffed by the end of the fiscal year.

Mr. GOODWIN. You will be up to that personnel ceiling?

Mr. PETTY. We will be up to that personnel ceiling. One thing that we should make the record clear on is, of course, that permanent ceiling is supplemented by a rather substantial staff of temporary employees. Just looking at the full-time permanents is not the full staffing.

Mr. GOODWIN. OK. In 1978, you were given an extra $10 million for expanded programs, but as I have said, you were not given the ceilings that were commensurate with those funds. What will you do to conduct the expanded programs that were funded by the Congress for 1978 if you do not get more than the 70 additional ceilings that you have been given?

Mr. PETTY. If we do not have the personnel to complement the funds, we have a number of choices we can utilize. Depending on the circumstances, we utilize them all. Contracting is always available to us, and where we can contract, we do, and we will expand that. Our contracting workload now is about 50 percent of our total appropriations where a few years ago, it was a little under 20 percent. So we have expanded that considerably. We can expand and do expand the temporary employment category, particularly in the summertime, and through those media, we hope to be able to effectively utilize those additional funds.

Mr. GOODWIN. What total increase in ceilings would you require to implement the Secretary's estimates for each of the 4 years, 1979 to 1982? As I said, you specified positions, but we would like to know what full-time permanent ceilings would be required.

Mr. VETTERICK. I can give you that for 1979. The President's budget of 1979 has an authorized ceiling for accounts, subject to authorization, of 4,818 positions. The 4-year authorization calls for 5,713 positions, so there is a difference of 895 full-time, permanent positions between what is in the authorization for 1979 and what is in the President's budget for 1979.

Mr. GOODWIN. Thank you. I might comment that because of general concern over personnel ceilings, as I ask about programs in which you might be able to utilize additional funding, I would like to ask you to identify also what additional personnel ceilings would be required, that is full-time, permanent positions as well as the funding that we will be discussing.

The first program would be the OCS environmental studies. Last year the Senate passed S. 9, the bill that would amend the Outer Continental Shelf Land Act and require increased studies to protect the coastal environment from the effects of off-shore oil and gas development. Yet the President's budget proposes a net reduction of $18.5 million in 1979 for OCS environmental studies.

A recent study by the National Academy of Sciences recommended changes in the program emphasis and administration of this program, but not a reduction in it. Would you explain what would be the impact of the proposed $18.5 million reduction, what area would be affected, that is, what geographical areas, and what activities would be curtailed?

Mr. GREGG. Yes. Let me just offer a general comment, and then we would like to provide the rest of that for the record, if that would be all right.

As you know, the environmental studies program has been the subject of steady criticism ever since it was first developed and implemented, and it has been criticized in quite different ways by different people. The scientific community has had a whole series of comments to make about it which were not always internally consistent within the scientific community, and State and local governments who have relatively more specific concerns about protecting specific pieces of geographic areas were also critical that it was too fuzzy, basic data gathering oriented, and not problem oriented. So I think there was a general feeling with the Department that until we get that program re-oriented and redesigned, that it was probably not proper to insist on the kind of funding levels that we have had, but we will be glad to provide you with information about the effects of the cut.

Mr. BEARD. I think in general terms the largest impact of those cuts will be felt on the lower 48 and the baseline studies that are ongoing in that area. They will not be as severe in Alaska. I think I would like to add to what Frank said, though, that what we are doing right now is re-evaluating the program from top to bottom. We are trying, as a goal, to provide an emphasis on environmental information which will be more closely related to the leasing, exploration and development decisions; second, place a higher priority on near-shore and on-shore studies, socio-economic studies, and studies providing the kinds of information that can be useful to both State and local governments, as well as Federal decisionmakers.

The belief many of the critics have had of the program in the past, and we tend to share this concern, is that the money was not being spent for information which was useful to the actual leasing decisions. The timetable right now is to reach some decisions on the new directions for the program in the next 3 months, and we will share whatever we have with this committee to make sure that they are informed of how we are proceeding.

[Subsequent to the hearing the following was submitted for the record:]

IMPACT OF REDUCING OCS FUNDS $18.5 MILLION

This will reply to Mr. Goodwin's question as to the impact of the proposed $18.5 million reduction for the OCS Environmental Studies Program. To summarize, significant events have occurred since the original budget submission of the Bureau of Land Management (BLM) to the Office of Management and Budget (OMB), the subsequent OMB passback, and the forwarding of a revised budget request to Congress. In particular, the report of the National Research Council referred to by Mr. Goodwin at the hearing, as well as recommendations from States and other advisory groups, have prompted the Department and BLM to conduct an intensive and thourough evaluation of the Environmental Studies Program to more effectively direct its objectives and approach to concrete information needs of OCS decisionmaking. Because this program evaluation commenced after budgets were submitted to Congress, and will not be completed for approximately six weeks, it is impossible at this time to further specifically identify how funds will be allocated to different geographic regions in FY 1979, or what the total needs for the OCS studies budget will be. We will supply the subcommittee with the revised program plan when it is completed and approved.

Mr. GOODWIN. Fine. Do you have some concern that this reduction in the OCS research budget will leave you more vulnerable to court suits that could slow down the leasing and development offices or fields?

Mr. GREGG. Well, I suppose that is possible, but since we are in the process of redesigning the program, I would assume that will be, and it clearly is among the issues that are on our minds. So we are aware of that possibility and trust that we will come up with a redesigned program that will deal with that prospect.

Mr. BEARD. I would hope with the redesigned program we would come out with a stronger program and one that would be less susceptible to court action.

Mr. GREGG. I might note we are actually have a session next week, in fact, in my office with some people, to get us a somewhat broader range of people involved in the redesign of the program. So it is current; we are working diligently on it.

Mr. GOODWIN. Thank you. We will look forward to seeing the new research plan.

Turning to the area of recreation, again with emphasis on differences between the 1979 budget and the Secretary's authorization estimate, there was a total of $3.1 million requested for recreation, including $1.2 million to regulate the use of off-road vehicles and $1.4 million for protection of the California desert. In the 1979 budget, there is no increase made for recreation except for wilderness reviews.

What will be the effect upon the range and the California desert territory if these requests are not restored?

Mr. GREGG. I am not really geared up to answer that question. I would like to ask Paul to—are you prepared?

Mr. VETTERICK. It means essentially that recreation programs in the Bureau will operate at their current 1978 level. That does have an impact on ORV use and control. It will have an impact on the rivers and trails, both management and studies, and will have an impact on protection of some of the natural history areas such as the caves in New Mexico. To the extent that the funds are available, they will be utilized at highest priority needs, and those that aren't high priority will not get attention.

Mr. GOODWIN. The impact, I assume you mean, is adverse impact?

Mr. VETTERICK. In some cases there would be an adverse impact, yes.

Mr. GOODWIN. In wildlife, the Congress in 1978 appropriated an increase of $1 million and recommended that the BLM plan for wider implementation of the Sikes Act for 1979. The Appropriations Committee recommended manpower be increased in the cooperative program by 25 positions.

How was the $1 million utilized, or how will it be utilized, and how many additional personnel ceilings did you receive for this program?

Mr. GREGG. I will ask Mr. Koenings, who is the Assistant Director, Resources, to respond to that.

Mr. KOENINGS. The increase that has been authorized will be used for additional people and for developing and implementing wildlife

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plans on the public lands. Part of the money will go into the wildlife aspect of resource inventory, data on wildlife and wildlife areas. It will all be used to try to get accomplishment for wildlife and the implementation of habitat management plans.

Mr. GOODWIN. The money will be going into inventory and planning. Will any of it be going on to the States for implementation of their projects?

Mr. KOENINGS. Most will be going for implementation of habitat management plans in the States. There will be a slight amount of it going into some inventory of the specific habitat. This will be inventory of areas for habitat plans that should be developed and the improvements made.

Mr. GOODWIN. If additional funding were approved, what amount of increased funding could you utilize for expansion of this program in 1979?

Mr. KOENINGS. I think we would like to supply that for the record if we may.

Mr. GOODWIN. OK. It is really directed at what additional resources would be required to carry out the large backlog of projects that were proposed by the States and discussed at Senator Culver's hearings last November.

Mr. KOENINGS. I would like to provide that for the record rather than give you off the top of my head figures. I would much rather have it more specific.

[Subsequent to the hearing the following information was submitted for the record:]

USE OF ADDITIONAL WILDLIFE FUNDS

The following amounts have been previously identified at hearings held by Senator Culver. They would be utilized to implement projects to enhance wildlife habitat:

Fiscal year 1979—Additional wildlife project funding, +$2,000,000.

Mr. GOODWIN. Thank you. The Secretary's estimates provided increases of $4.4 million to design and implement automated systems to catalog and make available to decisionmakers the data needed for land management planning, yet the 1979 budget apparently includes no increase at all for this automation.

Given the delay that has incurred due to this funding uncertainty, I would like to ask what level of additional resources could be utilized to go ahead with this project in 1979?

Mr. GREGG. I notice that the difference between the 1979 budget request and the authorization was $4 million. I am not certain whether that figure holds up in examination since then. I would like to ask Jesse Lowe, our Acting Director of Technical Services, to respond.

Mr. LOWE. Thank you. The implementation of the data management system—information systems development work began this year with a $2.9 million increase in the budget. The program is designed for acceleration throughout the next 4 or 5 years. If we maintain the current level, the program will move ahead at a very aggressive rate and I think a very positive rate. Without the benefit of acceleration our time schedule will extend approximately 2 years.

The 1980, 1981, 1982 levels in the bill are what the Bureau submitted to the Department of OMB. There they are substantially in accordance with our submissions.

Mr. GOODWIN. There would be a delay of 2 years without the additional funding. My question then is what additional funding would be required to get it back on schedule?

Mr. LOWE. Approximately $4 million, as opposed to $4.4, which I think was in the bill.

Mr. GOODWIN. One final question. An apparent omission is that the FLPMA requires the recordation of all mining claims; it requires mining claims to be submitted to BLM for filing. This may amount to recording some 2 million cases, yet there is apparently no increase in the authorization request for this additional workload.

Could you tell us what workload you expect by fiscal year and what additional amounts of resources, if any, may be required, again both funds and personnel, to handle your end of the recording of these mining claims?

Mr. GREGG. I understand that we would not be able to meet the deadline for recordation of claims at the present level. That has been complicated somewhat from the confusion about the best methodology to use, manual versus automated.

We did find the cost of a manual system was so great that it was quite clear we would have to go to an automated system. Jesse Lowe could comment further on that.

Mr. LOWE. Yes, sir. When we first were estimating what the workload was in mining recordation, we did not, of course, at that time appreciate the volume of work of filings that would be coming into the Bureau. We did reprogram in 1978 $700,000 to cope with this particular work effort. Since that time, we have made studies of county records and also observed the filings that have come into the Bureau which at the present time I believe are about 155,000. We are expecting at the end of the deadline filing period in 1979 approximately 1,600,000 claims.

Since implementing procedures for recording mining claims, we have made manpower case studies and analyses of what it would take, and as our Director indicated, it will take a phenomenal amount of funding to handle this manually. We feel that by automating the effort, we can reduce that amount at least 50 percent in terms of manpower costs. Even with that, the amounts that were placed in the authorization were substantially lower than we are now realizing since we have made the analysis. We can provide for the record what our actual cost estimates will be over the next 4 years.

Mr. GOODWIN. Do you have an estimate at this time of what the requirement would be in 1979?

Mr. LOWE. Yes, sir. We believe that 1979 costs would run with automation about $5.3 million.

[The information follows:]

MINING CLAIM RECORDATION COSTS

Section 314 of the Federal Land Policy and Management Act of 1976 (P.L. 94-579) requires the filing with BLM of unpatented lode and placer mining claims located prior to October 21, 1976, within a three year period. The Act

also requires that mining claims located after the above date be recorded within ninety days of their being located. Failure to file the required instruments in the designated period will be deemed conclusively to be an abandonment of the mining claim, millsite or tunnel site.

The Act also requires that an affidavit of assessment work performed, a copy of a detailed report of geological, geophysical, and geochemical survey required under 30 USC 28-1, or a notice of intent to hold the mining claim be filed with BLM. Once a claimant files proof of assessment work or notice of intent to hold a mining claim, the claimant must then file one of the above three documents before December 31 of each following calendar year. Based on the number of new claims filed since the passage of FLPMA there will be an estimated 310.000 new mining claims received annually. In addition, an estimated 1.6 million "old" claims located prior to October 21, 1976, will be filed. The majority of these "old" claims will not be filed until the last several months before the deadline—October 21, 1979.

This will result in a peak of filings in late FY 1979 and assessment notice filings before December 31, 1979. However, due to the large workload associated with the recordation and assessment task, the majority of the work must necessarily be accomplished in FY 1980. After handling the peak workload in FY 1979 and FY 1980, an average annual operation will begin in FY 1981. It is then expected to gradually increase as more new filings are received and the number of annual assessment notices accumulates.

MINING CLAIM RECORDATION REQUIREMENTS

[In millions of dollars]

	Appropriation fiscal year 1978	Present budget fiscal year 1979	Fiscal year 1979	Fiscal year 1980	Fiscal year 1981	Fiscal year 1982
Budget authority	$0.7	$0.7	$5.3	$12.5	$6.0	$6.6
Permanent positions	11	11	61	121	121	121
Temporary positions	4	4	195	517	215	248

Costs include contracting of data entry associated with recordation and assessment backlogs. Automation will be used to develop mining claim status for public and management use and annual referencing of assessments.

Mr. GOODWIN. Thank you. That's all the questions I have.

Mr. DREYFUS. Thank you, Mr. Gregg. At the present time, there is a meeting under way concerning the President's pending energy package which is involving the members of this subcommittee, so we will not be able to call any further witnesses this morning, and we will adjourn the hearing at this time.

We will have to consult with the subcommittee chairman to determine whether another date will be selected for a continuation of the hearing, but in any case, we will include the prepared statements in the record, and if any of the witnesses that have not been called have additional material they want included in the record, we would be happy to take that at this time, and the hearing is now adjourned.

Thank you very much.

[Whereupon, at 10:15 a.m., the hearing was adjourned, subject to the call of the Chair.]

[The prepared statements of the remaining witnesses who did not testify follows:]

STATEMENT OF THE AMERICAN HORSE PROTECTION ASSOCIATION, INC.

The American Horse Protection Association, Inc., views the Bureau of Land Management's proposed four-year authorization with grave concern insofar as

the authorization deals with the Bureau's administration of the Wild & Free-Roaming Horses and Burros Act.

The Bureau's wild horse programs traditionally have placed heavy emphasis on "management," a concept that has meant rounding up and removing wild horses from the public lands. Its 1979–1982 authorizations are intended to continue these programs. BLM plans to gather 55,000 horses over the next 4 fiscal years; at $300 per head (see page 51 of the authorization proposal), the cost will be $16.5 million, or almost 2/3 of BLM's total authorization for wild horse programs. Presumably a large part of the remaining one-third will be spent for salaries and surveys intended to calculate how many more horses should be removed, and from which locations.

BLM justifies the large expeditures for its wild horse removal program on the grounds that many horses are "excess", and are causing severe damage to range and water resources. There are several flaws in this rationale. First, AHPA challenges BLM's wild horse and burro population figures. AHPA's advisors find it extremely difficult to credit the 159% population increase BLM claims to have found since 1971, and consequently doubt that BLM's figure of 70,000 animals is accurate.[1] Furthermore, the graph on page 47 of the authorization shows a fairly small increase in numbers since 1973—from approximately 55,000 to 70,000. Even assuming these numbers to be valid, the wild horse and burro population levels have been reasonably stable during the past four years. Yet during that same 4-year period BLM claimed vociferously that horse and burro numbers were increasing at the rate of 20 to 30 percent *each year.*

The truth of the matter is no one—especially BLM—knows exactly how many wild horses and burros there are, or how fast they reproduce. For example, despite the claim in the authorization proposal (and in a BLM pamphlet, "So You'd Like to Adopt a Wild Horse") that there are 70,000 animals, George Lea, a BLM representative, told the Subcommittee on Public Lands and Resources on February 7, that the number was about 60,000. And on February 15, Secretary Andrus told AHPA representatives that the BLM's count was 53,000.

Furthermore, the BLM does not know that much about the relative burdens placed on the public lands by wild horses and burros and domestic livestock. It is clear, however, that persistent overgrazing by domestic livestock is the reason that our public lands are in less than satisfactory condition. The scars of 100 years of overgrazing—lasting at least until the mid–1960s—do not disappear overnight. It is ludicrous to assume, as the BLM does, that an increase in wild horse and burro numbers since 1971 has done much to influence range conditions.

What if BLM's population and reproductive rate estimates are wrong? Removing 55,000 wild horses and burros over the next five years (and 116,000 by 1987) may well eliminate many herds and do others injury that will take years to repair. Instead of 30,000 horses, we will have only 10,000 or 15,000—and we will have provided governmental sanction for the situation the Wild Horse Act intended to remedy. AHPA therefore will vigorously oppose any budgetary authorization that favors massive roundups.

AHPA does support adequate funding for BLM programs designed to improve the range. Rather than spend $16.5 million for roundups, why not devote that money to research, reseeding, improving water supplies and vegetative resources, and other programs that will help wild horses and burros, wildlife, and domestic livestock? Intelligent planning, and proper protection and preservation of horses and burros under the Wild Free-Roaming Horses and Burros Act, are AHPA's goals. The proposed BLM budget authorization for FY 1979–1982 cannot accomplish either.

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[1] *See* Testimony of Hope Ryden, *Hearings on Oversight of the Wild Free-Roaming Horses and Burros Act of 1971 before the Subcommittee on Public Lands and Resources of the Senate Committee on Energy and Natural Resources,* 95th Cong., 1st Sess., Pub. No. 95–30, at 104 (1977).

AMERICAN HORSE PROTECTION ASSOCIATION, INC.
1312 - 18th Street, N.W., Washington, D.C. 20036

FALL 1977 NEWSLETTER SUPPLEMENT



by Hope Ryden
Photographs by the author

Managing Mustangs In Deep Ignorance

BLM roundups pose the question: What is two-thirds of an unknown?

A TRAVELLER in the harsh, beautiful terrain where the wild horses found their last strongholds still sees the traps, corrals, and holding pens used by the mustangers in their heyday. The horse runners, of course, were put out of their cruel business six years ago by the Wild Horse and Burro Act.

Today, ironically, it is the United States of America, through its Bureau of Land Management, that is routing the animals from their isolated retreats.

Throughout the summer, BLM has conducted massive wild horse roundups, culling large numbers of animals from herds scattered widely across twelve states.

Herds in Nevada are being cut by two-thirds. In Oregon, reductions are also high. And along Wyoming's Red Desert, oversized holding pens have been built to accommodate all the wild horses being gathered in Colorado, as well as those caught in Wyoming.

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At home on the range: Mustangs cavort, and fight, and run away, and huddle together to make each sweep of their 'broomtails' do double duty against flies. Stallion at far left, ironically, has the safest home: an Air Force practice bombing range. Targets can be avoided, and BLM's 'managers' can't get at him.

If they weren't lassoed and hauled away, you see, they would suffer from the drought.

BLM's decision to make life easier for the horses by removing most of them is not a policy that all their friends agree with. To be sure, if the drought is as severe as everyone says (and there is no reason to doubt it), the horse population will either stabilize or crash without assistance from BLM. But there are deeper reasons for questioning BLM's drive for such drastic reductions.

For one, the bureau's horse counts are unreliable. Moreover, the culling of two-thirds of a herd could, for example, remove every breeding mare in an area. Finally, it is not the bureau's responsibility to prevent natural population crashes from taking place. The law was written to allow for such occurrences. The bureau is ordered to keep its hands off as much as possible—to provide its management only "at the minimum feasible level."

BLM, of course, has been caught between conflicting interests. The livestock and hunting industries resent mustangs and the fact that their numbers have rebounded from an all-time low in 1971. They complain that wild horses are eating public grass that might otherwise feed animals of commercial importance. Their philosophy can be paraphrased:

"If you can't hunt it, and you can't eat it, and you can't wear it—and I can't sell it—it should not be allowed on my public lands."

SUPPORTERS of wild horses, naturally, embrace a different view. They hold that the wild horse is beautiful in itself and lends both esthetic and historical value to the American landscape. They do not accept the 1971 level of mustangs as the optimum number. Moreover, they dispute the claim that the mustangs are proliferating at an alarming rate. Many are convinced that BLM, in making such drastic reductions, is simply responding, as customary, to pressure from the livestock industry.

Certainly, that industry has actively sought the end of the mustangs. In 1974, a calculated act on the part of the New Mexico Livestock Board nearly toppled the Wild Horse and Burro Act.

A lawsuit developed when the New Mexico Livestock Board impounded 19 unclaimed burros and sold them at auction. The federal government demanded the animals be returned to the public lands. Instead, the state of New Mexico took the matter before a Federal District Court, which ruled that burros were state property and that the Wild Horse and Burro Act was unconstitutional.

The implications were enormous. If in the Wild Horse and Burro Act the federal government had, indeed, exceeded its authority and encroached on the states' prerogative to regulate wild animals, then other federal regulations concerning wildlife would come into question. Perhaps the states could force the federal government to permit, say, hunting in the national parks and refuges. Other laws, such as the Marine Mammal Act, might well be challenged.

The Bureau of Land Management found itself on both sides. Whatever BLM's private view of mustangs, the interests of Interior's other divisions—the National Park Service and the Fish and Wildlife Service—had to be defended. An appeal was filed, and the Supreme Court agreed to hear the single issue:

Does the property clause of the United States Constitution grant Congress authority to regulate wildlife on federal lands?

New Mexico said no. At the same time she held that the federal government possessed the right—even the obligation



—to protect vegetation on the public domain. New Mexico saw no inconsistency in her stand that the federal government had authority to kill any wild animal that might be overgrazing; but none to protect wild animals.

The Court did not agree. In a 9 to 0 ruling, it upheld the Wild Horse and Burro Act. The justices, beyond expectation, defined federal authority over wildlife on public lands as superseding that of the states.

This upset threw sportsmen into a panic. John Gottschalk, head of the International Association of Game, Fish, and Conservation Commissioners, darkly warned the press:

"Anything can happen!"

"Any attempt to require federal fish and game licenses on federal lands would run into one hell of a fight."

Even BLM, in whose name the suit was won, was taken aback by the scope of the decision. BLM's George Lea tried to assuage the fears of hunting groups:

"I hope to hell the court decision doesn't disrupt our good relations with state wildlifers. We have made beautiful music together for a long time."



Photos courtesy of BLM

EVEN WHILE THIS LAWSUIT was in progress, BLM was busy, both thinning wild horse herds and complaining about a mustang population explosion. Newspapers obligingly reported the problem. BLM's solution—gather excess horses and put them up for adoption—also made good copy. Public response was heartening. More people sought to adopt the culled animals than BLM could supply. (Currently, the waiting list is 8,000 names long.) For a change, BLM's public image was positive.

But the whole program may be built on guesses and blue smoke. No one knows how many horses there are out there. In 1976 skeptical mustang supporters brought the issue before a federal Court. After hearing testimony from the Humane Society of the United States and the American Horse Protection Association, Judge Charles Richey dismissed BLM's horse counts as unreliable. He barred the government from conducting a scheduled roundup in the Challis Wilderness Area of Idaho.

BLM headcounts simply defy natural laws. For example, from 1973 to 1974 BLM reported the wild horse population grew from 26,121 to 45,207. Such an increase could never happen. If every female, including newborn fillies and nursing yearlings, miraculously produced offspring, and had no horse died of any cause, the total population would still have fallen short of the BLM inventory by 6,000 animals!

To understand the limits to horse reproduction, it is necessary to be acquainted with some biological facts:

• The gestation period is 11 months; a mare can produce but one offspring a year. Obviously, annual herd increase can never exceed the number of adult females in a herd.

• Wild horse herds contain approximately equal numbers of adult males and females.

• Not all females are able to reproduce. Females under age three cannot bear young. Aged or barren mares do not give birth.

• Not even every fertile mare reproduces every year. Energy demands on a mother that has nursed throughout the winter often prevent oestrus.

• Not every mare that conceives bears a live foal. Fetal absorption or abortion may result from infection, injury, stampeding, and malnutrition.

• Not every foal survives its first year. Some causes of foal mortality: mother's failure to lactate, birth defects (particularly overbite), disease, injury (particularly to the legs and feet), maternal neglect (rare), competition from an unweaned sibling who will not permit the newborn to nurse, death of the mother, accidental separation from the herd, predation (insignificant), severe weather.

Frantz Dantzler, HSUS



Twin-engined cayuse starts a BLM roundup; conventional cowpokes take over by the steel corral. Author Hope Ryden charges that the Bureau of Land Management has no valid census base for its 'management' activities. The bureau's figures contradict the basic biology of the wild mustangs; their populations could not grow so quickly. Ms. Ryden testified to this effect before a federal court in 1976; Judge Charles Richey dismissed the bureau's figures as unreliable.

BLM's data for the following year, 1975, are equally implausible. In 1974 the bureau, appropriately, made its count in January, after winter die-off and before the birth of the foals in the spring. The next year, however, BLM counted horses in May, after the birth of the foal crop. The bureau personnel then proceeded to compare the net population of 1974 with the gross population of 1975 and concluded that the horses were increasing at the annual rate of 21 percent. They published this misleading information in the Congressional Record (December 18, 1975), with a request to Congress to modify the Wild Horse and Burro Act to enable them to cull excess horses more efficiently.

Recent official counts released by BLM report 58,000 to 70,000 horses on the public domain. Given BLM's 1971 tally of 9,500 horses, and granting that in each ensuing year all mares of breeding age produced live foals and no horse died of any cause in six years time, the mustang population today would stand at only 28,985 horses—half of BLM's figure.

OBVIOUSLY, something is wrong. Either the present census is too high or the 1971 count was too low. In either event, wild horses are being threatened with overmanagement, for BLM now plans to cut some of the herds to the low 1971 level, and others as much as two thirds. One cannot help but question if BLM is managing the horses at "the minimum feasible level," as the law requires.





(Back in 1971 I challenged BLM's low horse count. Before the Senate Subcommittee on Public Lands I said: "I hope that this drastically lowered figure is not an attempt on the part of the bureau to arbitrarily eliminate numbers of horses from any future program." That statement now looks like prophecy.)

Meanwhile the bureau has made several appeals to Congress to modify the Wild Horse and Burro Act. In 1976 a provision was tacked to the BLM Organic Act, authorizing the use of aircraft and other mechanized vehicles in roundups.

Currently, BLM is asking Congress to allow it to pass along legal title to the horses it removes from the public lands. Unless permitted to do so, BLM complains, it soon will run out of adoptive homes for the large number of animals that must be culled.

Today, an individual who gets a mustang under the "Adopt-A-Horse" program does not receive title to the animal and therefore can never sell it. If, for some reason, he cannot keep the mustang, he must return it to BLM. Either it will be humanely destroyed or placed in another adoptive home. This regulation safeguards against the adoption of wild horses by individuals who plan to sell them to meat packers.

BLM wants this changed. And Congress, after hearing about the wild horse "population explosion" and the burdensome cost of wild horse management, may give the bureau what it asks.

But BLM's horse problems will not be solved by weakening the Wild Horse and Burro Act. They arise from no fault in the law, but from the fact that the bureau is staffed, not with wildlife biologists, but with range managers trained to grow grass and serve the livestock industry. Management of wild horses conflicts with these goals.

Little is understood about mustangs. How many wild horses exist? How rapidly is the population growing? At what level will the herds stabilize? As population increases, do birth rates drop? Does the culling of the horses actually stimulate the birth rate? Does population fluctuate cyclically? Is reproduction tied to weather cycles? How many horses can be supported in their various habitats?

BLM is in a position to seek answers to these questions. Should it ever decide to do the proper research, the managers of wild horses and the supporters of wild horses might find themselves in unaccustomed accord.

That would be a good day for the mustang.

by Hope Ryden

Whatever Happened To the Howe Horses?

Why, BLM held them for ransom to extort an illegal silence

FOUR YEARS AGO, a good deal was written about the brutal massacre of wild mustangs near Howe, Idaho—a horror story of multilation and cruelty that stirred indignation across the country. Photographs of the roundup victims were carried by many newspapers, the story was a big one.

Last February, after four and a half years of litigation, that case was finally resolved. Oddly, the outcome has not been reported. This strange silence, Defenders of Wildlife has learned, results from neither a fickle press nor a short public memory. This strange silence, it turns out, was engineered by the United States Bureau of Land Management. This is how it was done:

BLM had custody of the impounded survivors of that brutal roundup. The American Horse Protection Association, the organization that took BLM to court for permitting the roundup, was anxious to gain the release of the surviving horses for placement in homes. In exchange for the animals, BLM extorted absolute silence from AHPA and all those who gave homes to the horses.

The agreement drawn up by BLM not only violates the Bill of Rights, but makes a mockery of the independence of the Congress. It specifically states that no information regarding these animals can ever be made known to a Congressional Committee!

Since Defenders of Wildlife signed no such agreement, and since Defenders of Wildlife does not believe any government has the right to suppress any information concerning animals, we have developed the story. We now will reveal the unappetizing details surrounding the Howe, Idaho, wild-horse incident.



IT ALL BEGAN in 1971 when Congress created a new category for the animals. The wild horse was declared to be a "living symbol of the historic and pioneer spirit of the West, contributing diversity of life forms within the Nation and enriching the lives of the American people."

Because wild horses were found almost exclusively on the public lands administered by BLM, that agency was entrusted with their protection and management. Some horse lovers feared this meant the mustangs were being delivered into the hands of a traditional enemy. BLM has ever seen its primary function as the protection and enhancement of those vast stretches of the public lands cheaply leased for livestock grazing. The Bureau's range managers came to view most other grass eaters—rabbits, wild horses, prairie dogs, whatever—as pests and trespassers on the public domain. Now bureau personnel were being asked to reverse their policy toward wild horses and protect them. Most people, however, had faith that the bureau would apply itself to this new job with the same sincerity and dedication it devoted to its other tasks.

But the bureau got off to a poor start. One of its district managers in Idaho orchestrated an illegal wild horse roundup which turned out to be one of the bloodiest mustang massacres on record. According to BLM's own Investigative Report on the matter, which was later introduced as evidence in court, this is how it came about:

The new federal law allowed ranchers 18 months to gather any of their own stock that might have run away to join the wild horse bands. BLM District Manager Walter Ed Jones used this period of grace as an excuse to get rid of some 60 unbranded and unclaimed horses that had long roamed freely on federal land near Howe, Idaho. None of the animals were considered property of any known individual.

But Jones wanted them removed, so he called a meeting with local ranchers. William Robison, who held grazing privileges for cattle on the public land where the horses roamed, attended that meeting and later reported that Jones told him to be sure every horse was removed, even if it meant shooting them. According to others, Jones also assured the assembled men that, to make the roundup appear legal, BLM would be glad to take wrist-slapping action against them for having horses "in trespass."

THE FIRST TWO ATTEMPTS to capture the Howe horses were made by helicopter, in defiance of yet another federal law then in effect (P.L. 86-234), which prohibited the use of motorized vehicles in roundups. Six animals were corralled by this method. Before being sold to the Central Nebraska Packing Company, two of these were castrated to give them the appearance of being domestic.

The roundup crew then decided to complete the job on saddle horses and snowmobiles. During February, 1973, the wild herd was pursued nearly every day. Although the mustangs were thin from wintering, 32 continued to outsmart and outrun the grain-fed domestic horses that gave them no rest. But at last, even these holdouts were driven up a narrow canyon and trapped on a rocky shelf.

Having barricaded the horses, the ranchers took the next day off to attend church. Monday morning they returned, to find that some of the animals had plunged over a cliff to their deaths. Those that remained were so panicked by the reappearance of the men, they began rearing and jumping about until a number had jammed their hoofs into rocks. This situation prompted the men to sew hog rings into the noses of the fettered horses in order to make them more manageable for transport to the cannery. In the Investigative Report one of the participants described the event as follows:

> The white mare was standing there with her feet in the rocks and we thought, well, right now is a good time to put these rings in her nose . . . and then we decided we better get her foot out of





Photos by Frantz Dantzler, HSUS

Ugly death in Idaho—after the roundup near Howe, designed to forestall the effects of the Wild Horse and Burro Act, the horsemen took a Sunday off to go to church. They returned to find part of the terrified herd, some with their nostrils wired shut, had plunged over a cliff and died. This began an unsuccessful four-year effort to bring offenders to justice.



and hauled to Rexburg and run through the chute. . . . There was a sorrel horse that fell off the cliff that was still alive when we left. We just left her.

To justify their brutality, the ranchers later contended that the horses were "worthless, starving to death . . . only good for dog food." Yet it had taken a crew of 18 men using relays of fresh saddle horses, snowmobiles, and even helicopters 45 days to trap them.

THE 31 HORSES that survived all this were shipped to Central Nebraska Packing House and inspected by a state brand inspector. None had brands. And since no bills of sale accompanied the shipment, three ranchers were asked to sign a certificate of ownership. They did. No further proof of ownership was demanded.

And so the matter might have ended, but for the fact that a number of dead and mutilated horses, including an aborted foal, were discovered at the foot of that Idaho cliff. The Humane Society of the United States was called to the scene.



Photos by Frantz Dantzler, HSUS

the rocks. . . . We worked there for up to 30 minutes on her and gave up. . . . So we went to roping these other horses, and the first one we roped was a sorrel mare. And we laid her down right there and put these rings through her nose. And while she was getting up . . . she was flying around there . . . she got her feet caught in the rocks. The next one was a black horse. And we caught him and laid him down. And in the process of laying him down, we broke his leg. When we turned him up, he floundered out and fell over the cliff. Well, we didn't know what to do. We disposed of them by cutting their throats with a knife and cut their legs off. I mean it was gruesome. It was pretty tough. We sawed that one sorrel mare's legs off with a chain saw. . . . And now that's the truth. . . . After we brought the remaining horses down from the ledge, we corralled them at Robison's ranch. . . . Then they were loaded in a truck the next morning

Photographs of the carnage were taken and published widely. It was the first violation of the widely supported Wild Horse and Burro Act; people wanted to know if the new law meant anything. Would the violators be brought to justice?

The Department of the Interior, together with the Department of Agriculture, responded by preparing their joint Investigative Report on the incident. But despite the incriminating evidence it con-



'Worthless, only fit for dog food' declared the ranchers who led the slaughter at Howe. Yet the wild horses had eluded their pursuers for 45 days before being trapped on the cliff top. The survivors spent four years in a stockyard pen (left) while court hearings droned on. Finally, BLM released the horses for adoption — on the agreement that what happened to them in the future would be secret from the public, even from Congress. Today, they are sleek and healthy (above).

tained (parts of which have been quoted above,) the United States Attorney in Idaho declined to prosecute.

At this point the American Horse Protection Association and the Humane Society of the United States, appalled at the government's refusal to enforce the law, stepped in. They filed suit against Interior, Agriculture, and several government officials, accusing them of misfeasance and failure to protect the horses.

Much time, money, and effort was spent in obtaining the government's own Investigative Report of the incident. Finally, at the direction of a federal court, BLM turned over the damning evidence and the real issues could be examined.

So began the four-year suit which finally ended this February when a United States Appeals Court overturned a lower court ruling.

BUT VICTORY in the Appeals Court did not carry with it the satisfaction of knowing that the offenders would be brought to justice. It merely opened the way for further proceedings by declaring that decision-making authority over wild horses belongs not to the states, but to the federal government.

By this time, however, only 11 victims of the brutal roundup were still alive. Joan Blue, president of the American Horse Protection Association had to make a hard decision. Further court action might bring the offenders to justice, but the impounded mustangs had already spent four years in a stockyard pen. These animals could not be served by delay. Mrs. Blue decided to agree to a settlement. In exchange for custody of these poor creatures, the American Horse Protection Association dropped its suit. The horses were then turned over to Mrs. Blue for placement on private farms. Not, however, before she consented to sign the following outrageous stipulation drawn up by someone in the U.S. Bureau of Land Management:

> These animals shall not be used for purpose of publicity by the assignee or by the individual having custody, or made available to any other person or organization for such purpose, including photographs, articles, exhibition, newspapers, newsletters, congressional hearings [!], posters or any other printed material or similar uses for fund raising, membership drives, etc., except that there will be one "story" which may be published, to which "story" BLM agrees.

It is understandable that BLM would prefer that the public forget the Howe massacre. It is understandable that BLM does not want the 11 survivors of that massacre to serve as reminders of the government's participation. It is understandable that BLM would rather the public remain ignorant of how truly lovely were the horses in that Idaho herd, now wiped out at the government's direction.

For today, after five months of pasture life, the last of the Howe horses are unrecognizable. They have lost the hangdog look they wore during their long confinement in the stockyard. Tone has returned to their muscles, defiance to their spirits. Their hides glisten. They behave like the wild horses they were born to be.

Do they remember past events on the Idaho Mountain? Some say horses' memories are mercifully short. Would that the same were true for the rest of us. It is not easy to live with the hard truth that no one received so much as a fine for breaking the Wild Horse and Burro Act and cruelly smashing one of America's finest herds of wild horses.

STATEMENT OF HOWARD L. EDWARDS, ASSOCIATE GENERAL COUNSEL, THE ANACONDA COMPANY, ON BEHALF OF THE AMERICAN MINING CONGRESS

Mr. Chairman and Members of the Committee:

I am Howard L. Edwards, associate general counsel of The Anaconda Company in Denver, Colorado. My appearance before you today on the quadrennial authorization of appropriations for the activities of the Bureau of Land Management is as chairman of the Public Lands Committee of the American Mining Congress. We very much appreciate your invitation to testify on this subject, which is a matter of prime importance to the mining industry.

The American Mining Congress is a national association of United States companies, large and small, that produce the greater part of our nation's metals, coal, and industrial and agricultural minerals. The member companies operate on public and privately owned lands in all of the 50 states.

Mr. Chairman, the American Mining Congress supported enactment of a BLM Organic Act because it felt that BLM should be provided with long-overdue authority to manage the more than 450 million acres of public domain lands in a manner that would take into account all competing uses and values.

In particular we supported provisions that set forth policy of the United States that the Mining and Minerals Policy Act of 1970, as it pertains to the public lands, be implemented, that provided for recordation of mining claims, and provisions for a review of existing withdrawals and guidelines for the Executive Branch to follow when contemplating additional withdrawals.

The mining industry welcomed the recognition accorded by the Act of the need for improved and more efficient use of the 450 million acres managed by BLM and the additional 300 million acres of federally owned land, on most of which the mineral ownership is also managed by BLM. The BLM Organic Act calls for implementation of the Mining and Minerals Policy Act of 1970 as it relates to public lands. There has never been a clearer or less ambiguous statement of congressional intent than this Act. Notwithstanding the mandate to implement this Act, BLM continues to essentially ignore it. The actions of the federal government continue to tend to discourage, instead of encourage, the exploration for and development of domestic mineral resources. We believe that the legislative history of the BLM Organic Act is clear that implementation of the Mining and Minerals Policy Act, as it pertains to the public lands, is an important objective of the BLM Organic Act.

The recordation of mining claims was also supported by the American Mining Congress and such a provision was included in the Act. The regulations issued by BLM to implement this provision exceed the requirements and authority of the law and are creating effects never intended by the law. It has created a vast new federal government function, never intended by the Congress, and unnecessary burdens are being imposed on miners. In short, it is becoming an administrative nightmare. The tremendous amount of administrative work required under these regulations might better be spent in performing other work such as expediting the processing of patents under the Mining Law.

Topaz Beryllium Company, a subsidiary of The Anaconda Company, filed a complaint December 12, 1977 in the U. S. District Court for the State of Utah. The action challenges the validity of the final recordation regulations published by BLM. The American Mining Congress has retained counsel to represent it in the litigation. AMC will likely assume an amicus role or may decide to intervene in support of the plaintiff's position.

The American Mining Congress was particularly happy to see provisions included in the BLM Organic Act dealing with withdrawals of public lands. No segment of the private sector of our economy has been more adversely affected by the indiscriminate and wholesale, large-scale withdrawal of lands than the mining industry. It has been estimated by various authoritative sources that up to two-thirds of the 750 million acres of public lands have been withdrawn or carry some restrictions on mineral activity. The BLM Organic Act has restored to Congress its constitutional role in the ultimate management of public lands. The size of withdrawals by the Executive Branch has been limited without congressional approval and the length of time for which lands may be withdrawn is also governed. A most important provision is the one that mandates a withdrawal review. The total effect of these provisions is to direct the Executive Branch to use the withdrawal process in an orderly and judicious way.

One of the key items in the proposed budget deals with lands and realty management. It is the Lands and Realty Division that controls land withdrawal processing and review.

The BLM Organic Act directs the Secretary of the Interior to review within 15 years certain lands withdrawn in 11 western states. The intent of Congress was to provide for a definitive and exact assessment of the current withdrawal situation. The Withdrawal Processing and Review section of the budget authorization request indicates an objective of complete processing of 557 pending and 728 new withdrawal and revocation applications within the alloted time period. Budget to accomplish this objective is estimated at $1.1 million in FY 1978, increasing to $4.2 million in 1982 for a total of $13.8 million. Manpower requirements jump from 20 to 135.

The BLM Organic Act also provided that 55 areas identified as primitive or natural be reviewed for wilderness suitability by 1980 and that roadless areas of 5000 acres or more be reviewed for wilderness suitability within 15 years of enactment. $1.9 million is requested for 1978, increasing to $9.5 million in 1982. A total of $38 million is requested for this period. Manpower requirements increase from 14 in 1978 to 155 in 1982.

Mr. Chairman, it is obvious from a cursory review of these figures that BLM intends to place far more emphasis on the wilderness requirements of the BLM Organic Act than in carrying out the directives as set forth in that statute regarding withdrawals. We would hope that these two subjects get equal attention and would recommend that the withdrawal review program be beefed up to where a meaningful and thorough job can be done. Also, we note that no definitive action plan for accomplishing the withdrawal review is set forth.

Also evident in a look at the authorization request is the fact that BLM notes that the backlog with regard to mineral patent processing is increasing and is unacceptable. The funding and manpower increases requested by BLM are for the purpose of "substantially" reducing the backlog by 1983.

Mr. Chairman, we have long been concerned with the policies of the Interior Department that discourage the patenting of claims. During the period 1971–1976 only 113 patents covering 15,939 acres were issued under the mining laws. In those years, the mineral patents covered a fraction of one percent of the lands administered by the Bureau of Land Management during that period. It is extremely difficult to meet the patenting requirements as interpreted by the Interior Department, and many active mining operations continue on unpatented lands.

Material submitted by the BLM to the House Interior Committee shows that 393 formal patent applications are now pending, one dating back to 1939 and 21 to the 1950's. These particular applications are involved in or affected by federal court cases dealing with oil shale mining claims. Applications for other locatable minerals are pending from the early 1960's. Of the 393 pending patent applications, 256 have been assigned to the field for a mineral exam. Of the 256 assigned, a mineral report has been completed on 144. These figures are indicative of the apparent lack of enthusiasm of the Department of the Interior to take action on the applications. We urge that BLM carefully consider its requirements in this area. The huge backlog of patent applications must be broken as soon as possible and the Department must begin to fulfill its statutory responsibilities under the general mining laws and the Mining and Minerals Policy Act of 1970.

In the President's Energy Message to the Congress (April 20, 1977) he called for an increase in our coal production by 1985 " . . . by more than two-thirds, to over a billion tons a year."

The President has recognized the dangers—economic, political and military—of being overly reliant on imports of oil and gas to satisfy our energy requirements and he has made it a cornerstone of the Administration's energy program that existing facilities now using oil and gas be encouraged to switch to coal, that new energy-consuming facilities be encouraged to use coal and that the nation's production of coal be increased dramatically.

The problem is clearly one of increasing our domestic coal production to replace a substantial portion of the market currently being served by imported oil and gas and to serve new energy consuming facilities as they are constructed. It is exceedingly doubtful that all of the increased production can be achieved from privately controlled coal, most of which is situated in the eastern United

States, has a relatively high sulfur content and must be mined by underground methods. Undeveloped reserves in the western United States will have to be brought into production to meet the Administration's goals.

Despite previous government estimates that there are approximately 16 billion tons of federal coal currently covered by outstanding leases, more recent examinations of those leases, considering coal which is already committed, coal which is not economically minable or which is environmentally unavailable, reduce the amount of coal reserves currently under lease and available for entry into the market to a small fraction of the 16 billion ton figure. We think that a realistic appraisal shows that there has been a grossly exaggerated estimate of the amount of available coal currently under federal lease.

Further evidence of the fact that there is need for additional federal coal leasing can be seen by examining the results of the Interior Department's invitation to the industry to nominate areas for coal leasing in June of 1976. According to the BLM press release of September 10, 1976 there were 86 nominators in Wyoming, 68 in Colorado, 48 in Montana, 37 in Utah, 19 in New Mexico, 15 in Oklahoma, nine in North Dakota and a number covering acreages in Alabama and other eastern states. This response by industry certainly indicates the magnitude of the opinion that additional leasing is necessary.

The Surface Mining Control and Reclamation Act of 1977 has effectively occupied the field of environmental protection with respect to federal coal leasing, and hence the environmental effects would be virtually identical for any system which the Interior Department might adopt for the selection of leasing tracts and the issuance of new leases. The Coal Leasing Amendments Act provides that no lease sale shall be held unless the lands have been included in a comprehensive land use plan. The Reclamation Act of 1977 has voluminous environmental protection provisions which would apply to leases issued under the new leasing program and in addition has provisions for establishing areas which are unsuitable for surface coal mining. We think that environmental protection guidelines are already established by statute and should not be an important factor in the Interior Department's determination as to whether it should resume leasing or the nature of the leasing program to be undertaken.

Yet the "Program Plan" states that due to Departmental decisions and court decisions, new leasing is "very unlikely" through FY 1979 (September 30, 1979), and the "Accomplishments with Authorization" lists no coal leases issued through FY 1982.

In light of the statement that a regional EIS costs approximately $1.3 million, that 10 are either in process or will be commenced, that a programmatic EIS is to be initiated, that site specific reclamation studies are to be accomplished, and that lease adminstration includes adjudication, processing of preference right and short-term lease applications, lease modifications and assignments, readjustments, predevelopment field investigations, exploration/mining plan evaluation, and compliance, it appears extremely doubtful that the proposed budget authorization contemplates renewed federal coal leasing activity at a level approaching the needs of industry if the President's energy goals are to have any real chance of achievement.

Mr. Chairman, we appreciate the opportunity to testify. The mining industry has a deep interest in the activities of the Bureau of Land Management.

STATEMENT OF CHARLES J. DI BONA, EXECUTIVE VICE PRESIDENT, AMERICAN PETROLEUM INSTITUTE

My name is Charles J. DiBona. I am Executive Vice President of the American Petroleum Institute, a national trade association representing all sectors of petroleum industry operations in the United States. With me today are the Institute's Director for Exploration Affairs, Dr. Wilson M. Laird, and our Director for Conservation Liaison, Keith G. Hay.

Mr. Chairman, we appreciate this opportunity to present the petroleum industry's views concerning matters before this hearing of the United States Senate Committee on Energy. However, we should state at the outset that we do not posess the expertise that would enable us to recommend a precise figure for the level of funding for the Department of the Interior's Outer Continental Shelf Environmental Studies Program (OCSESP).

We believe that OCS exploration and production should proceed expeditiously; and we believe that every reasonable safeguard to protect the environment

should be taken. These are not, by any means, mutually exclusive beliefs. In this context, we would like to offer some constructive suggestions toward improving the utility and effectiveness of the studies program.

THE EFFECT OF BUDGETING OF OCS OPERATIONS

Since environmental studies are designed to assist the Secretary of the Interior to make environmentally sound decisions during all phases of leasing, exploration and development for oil and natural gas, there is a need to not only conduct scientifically useful studies but also to avoid unnecessary delay in the leasing process. There have been far too many delays . . . and for insufficient reasons . . . in the leasing procedure to date. We as a nation, simply cannot afford the luxury of further delays.

Last year, the imported oil bill of the United States reached a staggering $46 billion. It was a principal factor in our 1977 balance of payments deficit—the largest in our nation's history—and a major contributor to the decline of the dollar on international money markets. The outflow of dollars is inhibiting economic expansion here at home, while weakening our position in the world economy. One way to help turn the tide of this outflow would be to expedite the development of petroleum reserves in the United States.

Most petroleum geologists and engineers agree that there are enormous quantities of petroleum—both liquid and gaseous—to be found and developed here. These experts also agree that large, undiscovered fields probably lie in remote and hostile areas, such as Alaska, deeper formations as yet inadequately tested, and off our continental coast.

Those potential offshore resources cannot be found until the areas are opened to leasing. And, with the level of energy imports into the United States continuing to rise, we should be devoting our time, energies, knowledge, equipment and manpower to that search. Every effort should be made to avoid creating additional obstructions to timely leasing of the OCS.

We would hope, therefore, that—whatever level of funding this Committee and the Congress decides upon—sales of OCS leases can be held on schedule, as the Secretary of the Interior has said he wishes to do, with careful consideration of appropriate environmental safeguards.

Part of those environmental safeguards are the scientific studies made prior to leasing. At this point, I would like to turn to an examination of the current OCSES program, now conducted by the Bureau of Land Management.

Although the collection of pre-leasing information is mandated by the 1969 National Environmental Policy Act, the Outer Continental Shelf Environmental Studies Program (OCSESP), launched in 1974, constitutes one of the most ambitious oceanographic research programs ever conducted. The overall objective of OCSESP is to provide an environmental information base for decision-making.

To develop guidelines, the Bureau of Land Management (BLM)—working with the National Oceanic and Atmospheric Administration (NOAA)—conducted a series of regional workshops. The workshops were dominated by participants from the marine departments of academic institutions, who were asked to recommend studies to assess the potential risks of offshore petroleum development to marine and coastal environments.

The result was largely a hodge-podge of recommendations, often calling for monumental investigations into the nature and functions of virtually every facet of marine ecosystems, their biology, geology, and chemistry. Such extensive basic scientific initiatives were never the intent of the program.

Despite the resulting chaotic and conflicting advice—and with a mandate to design a responsible program, within realistic time and resource limits—the BLM initiated the OCS studies program. It consisted of a wide variety of field and laboratory projects—in biology, chemistry, geology, physical oceanography and meteorology—awarded to academic, governmental and private research institutions.

These so-called "baseline studies" were designed primarily to document environmental conditions, variability, and hazards prior to OCS development. Theoretically, this was to provide a framework of critical parameters against which measurements made after development could be compared and changes determined.

The OCSESP has now been underway for almost three years. To date, the results of this ambitious program are a vast accumulation of data, only some of which has been compiled in any useful form.

And there has been extensive criticism of the program from both public and private sectors. We believe it is timely and useful, therefore, to examine the program from an industry perspective, and to recommend some changes for ensuring its future effectiveness.

MAJOR OCSESP PROBLEMS AND RECOMMENDED SOLUTIONS

First, we concur, in general, with the findings and recommendations of the National Research Council's assessment of the studies program. We agree in particular, with the futility of using baseline data as a reliable indicator of man-induced change. The concept that data collected before the advent of development can be used reliably for comparison with post-development data to determine ecological changes resulting from that development is invalid. Natural population fluctuations and the dynamics of the ocean's water mass simply defy reliable conclusions from such comparisons.

Between 1972 and 1974, twelve southern universities and 23 marine scientists joined together to prepare an exhaustive impact evaluation of offshore petroleum development in the Gulf of Mexico. This offshore ecology investigation, conducted by the Gulf Universities Research Consortium (GURC), began with objectives similar to OCSESP.

GURC's findings disclosed that the variability of natural physical and biological processes greatly exceed those which could be induced by man's activities, including oil and gas development. It is, therefore, not feasible to observe the effects of OCS oil development and production independent of these variabilities. They concluded that ecological changes induced by OCS activities could best be observed and measured by concurrent comparison of developing oil and gas tracts with ecologically comparable control sites. With such simultaneous investigations, the effect of natural variabilities can be effectively neutralized and only relative measurements would be required. With a few special exceptions, GURC affirms that this premise applies equally to coastal and estuarine areas as well.

With this approach, extensive environmental "baseline" studies in advance of exploration and drilling would not be necessary. Moreover, properly analyzed, the OCSESP baseline data already collected could be used to help define both space and time variabilities, and the principal OCS processes. These can be used to determine minimum effective monitoring requirements to assure quality control in the concurrent monitoring program.

Second, there is the question of the application of the scientific method. We also concur with the National Research Council that no hypotheses as to the possible ecological effects of OCS petroleum development have been advanced against which data may be collected and tested. The usefulness and clarity of the program's output could be improved by the formulation of *explicit* reasonable hypotheses at the outset, in order to provide a meaningful focus for data evaluation. Determination of the validity or invalidity of the hypotheses would lead naturally to clear and relevant information for decision-makers.

Many hypotheses would have to be formulated and, as accumulated data validated or invalidated the original hypotheses, others would be established in a more or less continuing series. Referring to my earlier point, this would be more effectively done using simultaneous measurement—as the parameters studied could be altered over time.

A *third* deficiency in the OCSESP studies is their failure to address impact probability—or level of threat—for the decision-maker.

In the present OCSESP documents, the "worst case" or maximum potential impact is often cited without any accompanying probability analysis. The decision-maker is thus left with a list of hypothetical "catastrophes," usually based on subjective speculation, with no frame of reference for their likely occurrence.

Management decisions regarding environmental impact assessments rely not only upon adequate data, but also on the range of probabilities for each potential impact. Such a matrix will mean the difference between management by extremes and management by reasonable tradeoffs.

We, therefore, strongly recommend that OCSESP studies in the future include actuarial analyses of the probability of accidental impacts (based on historical statistics) and present the findings in terms of estimated frequency of occurrence for each postulated impact.

Fourth, a serious deficiency in OCSESP lies in its failure to analyze and incorporate impact information from past offshore experience.

To date, OCSESP has focused exclusively on establishing a massive "broad-brush" data base for the huge frontier areas nominated for leasing. Unquestionably, this represents a good general reconnaissance survey of an OCS region and such preliminary investigations are essential in frontier areas.

A sounder and more results-oriented approach involves the examination of the actual impact of petroleum development in those offshore areas where there have been producing operations for decades. This would provide a realistic frame of reference for assessing potential risks and designing research efforts in frontier areas. It is not too late to make such an evaluation.

Fortunately, we do have extensive historical experience with offshore development—in the Gulf of Mexico, the North Sea, the Santa Barbara Channel, Alaska's Cook Inlet and Lake Maracaibo, Venezuela, to name just a few areas. And there is solid evidence of the kinds of impacts sustained, their extent, frequency, duration, and degree of ecological damage, if any.

Last year, for example, the U.S. Geological Survey completed a study of oil spills in the Gulf of Mexico—the world's most active offshore oil and gas development area for the past 30 years. Between 1971 and 1975 the volume of oil spilled compared to the volume produced resulted in a spillage rate of only about 1/4 of 1/100 of one per cent. The agency concluded that "The environmental effect of these incidents apparently was minimal and of short duration." Furthermore, it could see no reason to expect an increase in environmental impact during exploration and development of the frontier areas.

In terms of the impact of exploration and petroleum development on marine biology, studies show that all the offshore areas mentioned above sustain viable and productive ecosystems with thriving commercial fisheries. Research on such areas is essential to assessing objectively the actual (not conjectured) threat, and should be considered in the design of all future OCSESP efforts.

Real-world studies are infinitely more credible than the conventional laboratory bioassay as a predictive tool, and should be the primary guide for future program design.

If the studies program is to provide scientifically valid management advice, it must also be oriented toward an objective assessment of the probable impacts. It should not dissipate efforts and money on an infinity of remotely possible or hypothetical impacts. Environmental assessment should be weighted in favor of an administrator's real and immediate problems, rather than academic interests.

In sum, therefore, a major shortcoming inherent in the current OCSES program is the failure to conduct a systematic review and analysis of the existing evidence of impacts from past OCS development.

The *fifth* problem that has surfaced in OCSESP—through no fault of the program—is the monumental lack of coordination between Federal agencies involved in petroleum related marine studies. A Federally sponsored marine environmental study program, aimed at meeting specific national objectives, should be coordinated and guided by a well-designed and monitored master plan. But no such plan or coordination exists, although efforts have been made to achieve this objective.

The U.S. Coast Guard, U.S. Navy, Environmental Protection Agency, U.S. Geological Survey, Corps of Engineers, and National Science Foundation are among Federal agencies engaged in some form of research on the environmental effects of offshore oil and gas development in addition to state and university-sponsored research. Moreover, little thought has been given to coordinating Federal programs with private industry efforts. The net effect of this is the danger of duplication and delay.

It is therefore recommended that an effort be made to develop an inter-agency vehicle for exchange of information and ultimately, coordination of data gathering.

The *sixth* point concerns OCSESP's efforts to effectively incorporate environmental data in the decision-making process. The tremendous quantities of data being amassed must be evaluated, analyzed and interpreted for decision-making via highly condensed and simplified visual means. As the data acquisition process

proceeds, results should be reduced to compressed visual displays designed to directly support the informational needs of government and industry executives.

Furthermore, the analyses should incorporate "hazard" information as a basis for minimizing the risk of pollution incidents. This would include geologic, physical, oceanographic and meteorologic parameters, which could affect the installation and operation of facilities offshore and in the coastal zone.

The *seventh* point is that OCSESP research proposals should be selected with the assistance of an external, technically competent advisory body. Such a body should continue to periodically monitor the research projects until completion.

A *final* point is that we strongly endorse the concept of "real world" field scale experiments on future fate and effects of oil studies and chronic hazard levels to organisms as opposed to laboratory exercises.

CONCLUSION

In conclusion, the validity and effectiveness of the OCSESP require that some critical changes be made in designing its future programs. Consideration of historical experience . . . coordination between related programs . . . concurrent comparison and monitoring . . . formulation of reasonable hypotheses . . . probability assessment . . . and practical data analysis and display techniques . . . all of these are fundamental to optimizing management capability for the critical task of energy/environmental decision-making.

That concludes my statement, Mr. Chairman. We will try to answer any questions you may have.

STATEMENT OF GINGER MERCHANT, ON BEHALF OF DEFENDERS OF WILDLIFE

Mr. Chairman and Members of the Subcommittee, I am Ginger Merchant, Project Leader for Defenders of Wildlife. Our Offices are located at 1244 Nineteenth Street, N.W., Washington, D.C. 20036. Defenders of Wildlife is a nonprofit, tax-exempt, national conservation organization, devoted to representing the best interests of wildlife before the decisionmaking processes of our Government.

GOAL DIRECTED PROGRAM PLANNING

The Federal Land Policy and Management Act of 1976 (FLPMA) defines the Bureau of Land Management's (BLM) responsibilities and authorities, reaffirms the "multiple use" management principle and mandates land use plans based upon inventories of the natural resource lands and their resources.

This legislative direction was essential for the proper management of the natural resource lands. However, we believe it is critical that Congress go one step further and supplement FLPMA with a renewable resources planning process, similar to that applying to the Forest Service. Such action would improve the BLM's program planning and estimation of authorization needs by tieing program planning to long-range program objectives. In addition, it would facilitate both BLM and Congressional evaluation of the monies and manpower required to realize the objectives.

We support the recommendation of the National Audubon Society and others (Renewable Resources Workshop, February 7) that the most feasible means of supplementing FLPMA with a renewable resources planning process is through the expansion of the Forest and Rangeland Renewable Resources Planning Act of 1974 to include the BLM.

FOUR-YEAR AUTHORIZATION REQUESTS RELATING TO WILDLIFE

Section 318(b) of FLPMA specifically directs the Secretary of the Interior to present to Congress the funding levels which "can be efficiently and effectively utilized . . ." by the BLM, ". . . notwithstanding any budget guidelines or limitations imposed by any official or agency of the executive branch."

Upon review of the authorization requests for the wildlife management program and other selected activities which have a direct impact upon wildlife ecosystems, we concluded that the funding requests and personnel levels were totally inadequate to protect the resources.

The BLM has a tremendous task, the protection and management of approximately 450 million acres of public land under the principle of "multiple use."

The extent of the acreage and ever-present conflicting use patterns have traditionally resulted in the degradation of the renewable or sustainable resources. Today, according to the BLM's own calculations, over 80 percent of the rangeland is in unsatisfactory condition, and the number of acres declining almost equals the number improving. Over 50 percent of the fish and wildlife habitat in the lower 48 states was determined to be in unsatisfactory condition in 1976, and the trend was rapidly downhill. Today the situation is even more serious.

In order to break from tradition and protect the public's largest land investment, BLM must be provided with adequate funds and personnel to meet its specific mandates and general responsibilities. Where wildlife is concerned, this means the protection of wildlife ecosystems from further degradation resulting from conflicting uses, and the rehabilitation of unsatisfactory habitat to sustain native wildlife in its natural abundance. Intensive efforts to save the 32 known endangered or threatened species inhabiting BLM lands are also essential. Our specific concerns are presented in detail below.

A. Wildlife Management

With the current FY'78 budget limitations, BLM is able to utilize only 22 percent of their 6.4 million for on-the-ground efforts to benefit wildlife. This represents 1.1 million for the implementation of the Sikes Act mandates through habitat management plans (HMP's) and .3 million for the development of new HMP's. The remaining 78 percent of the budget (5 million) goes to inventories, research and administration.

It is outrageous that nothing is allocated from the wildlife budget to preserve the 32 known endangered or threatened species inhabiting natural resource lands.

The four-year authorization requests for the wildlife management program are inadequate to execute the basic wildlife program. The requests are as follows:

Fiscal year 1979	9.9
Fiscal year 1980	10.9
Fiscal year 1981	13.0
Fiscal year 1982	17.0
Total	50.8

Comparison of the fiscal year 1979 request (9.9 million) with a realistic estimate (20.9–23.9 million) of the monies required for the BLM to meet its mandated responsibilities to wildlife, reveals that the request represents less than one half of the need.

A breakdown of the monies needed for fiscal year 1979 is provided below.

	In millions
Wildlife inventories:	
Fiscal year 1978 backlog	1.5
Fiscal year 1979—13.5 million acres	4.0
Subtotal	5.5
Sikes Act—HMP's:	
Implementation of 57 approved HMP's	4.0
Development of 41 new HMP's	9.4
Subtotal	13.4
Endangered Species	2–5
Total Need	20.9–23.9

The 3.5 million increase over the fiscal year 1978 budget, represented by the fiscal year 1979 authorization request, represents an additional 1.5 million for the wildlife inventory backlogue and 2 million for HMP's. No monies are requested for endangered and threatened species protection.

The total monies available for wildlife inventories in fiscal year 1979 are not sufficient and another backlogue will result. However, this activity is far more generously funded than either of the other two.

The development and implementation of HMP's, the on-the-ground efforts to benefit wildlife, will be approximately 10 million short. With limitations such as this the BLM cannot begin to arrest the decline in wildlife habitat nor comply with the President's direction (Environmental Message to Congress, May 1977) to improve the conservation of non-game wildlife on public lands. We recognize that the recent trend within the BLM has been to give non-game wildlife greater consideration to counter the traditional game orientation of the states.

However, to balance cooperative wildlife management between game and non-game species the BLM must be provided with the monies and manpower to develop and implement a significant number of non-game HMP's.

We are especially disappointed that no monies have been requested for endangered and threatened species. Over 30 federally listed species are known to inhabit BLM lands, over another 40 are suspected. In addition, numerous state identified "sensitive" species must also be protected. A directive in the President's Environmental Message mandates that, within two years, the BLM gather and analyze data on endangered species and inventory their critical habitat. Without additional manpower and an estimated 2 - 5 million in additional monies, the BLM will fail to meet its mandate. Unlike other problems, if endangered species are ignored they will go away and be lost for all time. The protection of such species must be a top priority.

In conclusion, we recommend to the Subcommittee that a minimum of 8 million and 120 staff positions be added to the authorization for FY '79, specifically for the enhancement of wildlife habitats and the protection of endangered species.

B. Off-road Vehicles

The BLM estimates the current annual ORV use of natural resource lands at 5 million vehicles and 1.4 million visitor days. Unrestricted ORV use causes extensive damage to wildlife habitat through both direct vegetation destruction and soil compaction. Compacted soils are unproductive and subject to erosion. In addition, the intrusion of ORV's into wildlife habitats may result in unintentional but significant stress for sensitive species. ORV's also clearly facilitate the deliberate harassment of wildlife.

Practically all 447 million acres of BLM lands need to be reviewed for ORV use determinations. Since the final revised Environmental Impact Statement and regulations are anticipated this July, the BLM could move rapidly to meet the mandate of Executive Order 11644 and protect wildlife if sufficient funds and manpower were made available.

The proposed review schedule, 130 million acres by 1982 and all by 1987, and authorization requests are inadequate to protect wildlife ecosystems from significant additional degradation. To arrest the rapid decline in wildlife habitat, however, it is essential. We recommend that the authorization funds and manpower be doubled, as shown below, for each year of the 4-year period in order to halve the time required to complete the review.

	Funds				Positions			
	1979	1980	1981	1982	1979	1980	1981	1982
Present	1.5	2.5	3.0	3.0	25	45	45	45
Recommended	3.0	5.0	6.0	6.0	50	90	90	90

WILD HORSES AND BURROS

Defenders of Wildlife is dismayed that the total four-year authorization for wild horse and burro management (25.1 million) is approximately one half of that for wildlife (50.8 million). The BLM is unquestionably preoccupied with wild horse and burro removal to the detriment of other program needs. BLM has requested enough funding to remove 55,000 horses and burros in the next four years! By Mr. Lea's own admission (Renewable Resources Workshop, Feb. 7) the objective of reducing the number of animals on public lands to 30,000 is purely arbitrary. In addition, the current population estimate and rate of population increase used by the BLM are highly suspect.

The BLM is overzealous in estimating its management needs and merely trying to ensure ample money will be available for the removal of wild horses and burros. We strongly recommend that at least one-fourth of the total authorization funds and manpower be redirected to range improvement, wildlife management, endangered species or visitor use management programs which are seriously underfunded.

STATEMENT OF MICHAEL J. BEAN, CHAIRMAN, WILDLIFE PROGRAM, ON BEHALF OF THE ENVIRONMENTAL DEFENSE FUND

The Environmental Defense Fund (EDF) submits these comments with respect to the wildlife management component[1] of the four-year authorization request of the Bureau of Land Management (BLM) submitted pursuant to section 318(b) of the Federal Land Policy and Management Act of 1976. That provision of law directs the Secretary of the Interior to submit to Congress a report setting forth "the funding levels which he determines can be efficiently and effectively utilized in the execution of his responsibilities for each . . . program, function, or activity, notwithstanding any budget guidelines or limitations imposed by any official or agency of the executive branch." For the reasons that follow, EDF thinks that there is a serious question whether the BLM request under consideration here meets that statutory standard.

EDF has a long history of interest and involvement in a variety of wildlife conservation and public land management issues. Based upon this history, it is EDF's view that the BLM request is for an unrealistically low level of funding and fails to give adequate emphasis to the need to enhance nongame conservation on the national resource lands. In addition, EDF submits that the BLM wildlife management program is otherwise deficient in various respects to be described hereafter.

1. *BLM's requested budget authority is unrealistically low.* BLM has responsibility for the management of over 450 million acres of federally owned lands known collectively as the "national resource lands." No other federal agency has responsibility for managing such vast acreages of land. Because these lands have been relatively undisturbed by the most destructive forms of development, they serve as, or at least offer the potential for being, among the most significant remaining areas of wildlife habitat in the United States. Indeed, for many species of wildlife, including many endangered species and several big game species, suitable habitat is unavailable, or nearly unavailable, except on the public lands.

Because of the importance of the national resource lands to wildlife conservation, the Federal Land Policy and Management Act explicitly directs that they (8)). This mandate is further underscored by the Act's definition of "multiple use" to include "balanced and diverse" resource use "that takes into account the long-term needs of future generations" for a variety of named resources, specifically including fish and wildlife (§ 103(c)).

Measured against the critical importance of the national resource lands to wildlife conservation, and the expressed purpose of the Federal Land Policy and Management Act to promote wildlife conservation, BLM's requested budgetary authority for wildlife management is woefully inadequate. Although BLM states at page 69 of its justification document that its wildlife program "now plays an equal role in the multiple use management of the public lands natural resources," the four-year request of $50.8 million represents scarcely two percent of the total requested authority for all BLM programs.

Notwithstanding the meager share allocated to this "equal partner," the Congressional Budget Office, in a staff analysis of the BLM four-year request, criticized BLM's justification for such increases in spending as are proposed on the basis that there are "no new major responsibilities and no quantitative analysis of the proposed accomplishments."[2] While this may be a fair criticism of BLM's justification document, the facts are that the BLM wildlife program has major responsibilities, both new and longstanding, that cannot be efficiently and effectively carried out without appropriations substantially greater than those requested by BLM. For example, in his May, 1977 Environmental Message to the Congress, President Carter directed the Secretary of the Interior to coordinate a government-wide effort to identify all habitat under federal jurisdiction or control that is critical to the survival and recovery of endangered or threatened species. This crash program, intended to hasten the protection of such species under the Endangered Species Act, will obviously require major

[1] The wildlife component of BLM's request is discussed at pages 69–76 of BLM's justification document entitled, "Four Year Authorization: Fiscal Years 1979–1982."

[2] "The Proposed Four Year Authorization for the Bureau of Land Management: An Evaluation of Issues and Alternatives," Congressional Budget Office, Staff Draft Analysis viii (January 27, 1978).

input from BLM, because there are at least thirty endangered species found on lands under its jurisdiction.

An equally pressing need is to carry out the still unfulfilled mandate of the 1974 Sikes Act. That Act provides that the Secretary of the Interior "shall develop . . . a comprehensive plan for conservation and rehabilitation programs to be implemented on public land under his jurisdiction." Nothwithstanding that clear and unequivocal statutory duty, which has existed since 1974, BLM has been able to take only a halting first step toward implementation, and it will continue in the same way at the funding levels requested here. Indeed, BLM projects that at the end of this four-year cycle, at the end of fiscal year 1982, Sikes Act comprehensive plans will exist for less than one tenth of all BLM lands.[3] Even by the year 2000, BLM anticipates having Sikes Act plans in effect for only about 135 million acres.[4] When Congress enacted the Sikes Act in 1974, it could not have expected that full implementation would be delayed until some time in the next century, yet that is what will happen under the funding levels requested here. A final major unmet need of the BLM wildlife program is the enhancement of nongame conservation, discussed more fully below.

2. *BLM's requested budgetary authority fails to give adequate emphasis to the need to enhance nongame conservation on the national resource lands.* Apart from a limited discussion of certain activities relating to endangered species, and a single reference to the obvious fact that the various lands administered by BLM as "big game habitat," "small game habitat," and "water fowl habitat" also provide habitat for many nongame species, the BLM justification document makes no mention of the need to enhance nongame conservation on the national resource lands. This omission is rather striking when one considers that in his May 23, 1977 message to Congress on the environment, President Carter scored the federal government's traditional emphasis on game management as an "outdated view" and directed the Secretary of the Interior to propose measures to improve the conservation of nongame wildlife. An appropriate way of implementing this Presidential directive would have been to make a firm commitment to enhance nongame conservation on the national resource lands. No such commitment is made here, however.

There is little question but that the principal emphasis of BLM's wildlife conservation efforts had traditionally been, and continues to be, on game management. Only about five percent of BLM's total wildlife budget for fiscal year 1974 was spent for nongame wildlife other than endangered species.[5] That this relative emphasis remains unchanged is attested to in a December 29, 1977 letter to Senator Culver from Lynn Greenwalt, Director of the United States Fish and Wildlife Service, in which Director Greenwalt stated that there was "no question" but that the emphasis on management of game species on public lands tends to preclude programs for nongame wildlife.

Elsewhere, BLM has committed itself to enhancing the status of nongame conservation in its overall wildlife management program. A paper presented in 1975 by officials of BLM's Division of Wildlife, identified as one of the long-range objectives of the BLM wildlife program the sustaining of "an overall wildlife habitat management program on all [national resource lands] that is responsive both to wildlife needs and public demands, *including a progressive balancing of the Bureau's Wildlife Program as it relates to game versus nongame species.*"[6] (Emphasis supplied.) The failure of BLM now to restate this goal in its authorization request may reflect the fact that to do so would only underscore the inadequacy of the level of funding requested.

3. *The BLM wildlife program is deficient in various respects not addressed in the authorization request.* A major component of BLM's wildlife program takes place under the authority of a statute referred to previously, the Sikes Act. Under that Act, the Secretary of the Interior, acting through BLM, must develop, in consultation with the appropriate state fish and wildlife agencies,

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[3] See page 72 of BLM's justification document.

[4] *Id.*

[5] *See* Olendorff, *et al.*, "The Bureau of Land Management Wildlife Habitat Management Program, with Special Emphasis on Nongame Bird Habitats" (presented at the Symposium on Management of Forest and Range Habitats for Nongame Birds, Tucson, Arizona, May 6–9, 1975).

[6] *Id.* at 309.

so-called "comprehensive plans" for wildlife conservation on lands under BLM's jurisdiction. Those comprehensive plans are then to form the basis for the cooperative development of more specific conservation programs in which the states and BLM share responsibility in accordance with signed cooperative agreements.

In implementing the Sikes Act, BLM has neither promulgated regulations which describe the required contents and manner of developing comprehensive plans, nor has it established procedures which assure effective public participation in the development of such plans. These omissions are serious and need to be corrected promptly. Section 102(a)(5) of the Federal Land Policy and Management Act requires the Secretary of the Interior, "in administering public lands statutes . . ., to establish comprehensive rules and regulations after considering the views of the general public." The Secretary's failure to do this cannot be excused by the newness of the Federal Land Policy and Management Act because the duty it imposes is essentially a restatement of a preexisting duty imposed by the Administrative Procedure Act. Further, the failure to provide for effective public participation in the development of the Sikes Act comprehensive plans is inconsistent with the fact that wildlife is a public trust resource. The opportunities for public participation in the development of broad land use plans for tracts of BLM land is an inadequate substitute for participation in the more focused context of developing a comprehensive wildlife plan. The subcommittee should bring these matters to the attention of BLM and instruct it to resolve them promptly.

STATEMENT OF GILBERT LEKANDER, WASHINGTON REPRESENTATIVE, MONTANA POWER COMPANY

The Bureau of Land Management's budget request for fiscal year 1979 is deficient in that it requests no funds to support Bureau activities in the processing of applications of individuals and corporations who seek rights-of-way across public lands.

Several years ago the Bureau, at the urging of the Office of Management and Budget, established a requirement that all such costs be borne by the applicant. Several western utilities, including Montana Power Company, paid the costs assessed by the Bureau, under protest, and challenged the procedure in court. The companies' challenge was upheld by the court and BLM was enjoined against seeking further reimbursement of costs under the regulation. That decision is now under appeal.

While the case was pending in the court, the BLM sought the same authority, to require payment of all costs by applicants, in the Federal Land Policy and Management Act, and Senators who were present will recall that the legislation introduced, then known as the BLM Organic Act, included such authority. However, Congress modified the measure and provided a system whereby partial recovery of costs was contemplated with the government paying that part that was deemed to be in the general public interest rather than the primary interest of the applicant.

Nonetheless, the Bureau, in its temporary regulations under FLPMA, continues to demand total cost recovery with payment in advance, and the same course of action is signaled in the initial proposals for permanent regulations. Moreover, the BLM budget request for fiscal 1978 contained no request for funds to bear any part of such costs, nor is there any request in the 1979 budget message. We believe this is contrary to the intent of Congress and that this Committee's review of future BLM authorizations should take it into account.

Legislative history shows clearly that the House and Senate and the conferees rejected the theory of total cost recovery by amending the original bills (which required such recovery) to give the Secretaries discretion regarding what costs are reasonable to be assessed against the applicant.

The introduction of the outline acknowledges that discretion was contained in the legislation, but mentions that total cost recovery is required under Section 28 of the Mineral Leasing Act for oil and gas pipeline rights-of-way. The Mineral Leasing Act precedent was cited by staff as the justification of allowing total cost recovery in FLPMA. It was specifically rejected by both House and Senate committees in markup sessions and by the conferees, despite strong argument that the precedent should be followed in FLPMA by Rep. Runnels

and Senate staff. The Senate Report (94-583) on the legislation, page 73, copy attached, in discussing Section 403(f) of the Senate bill, states the following:

"In establishing regulations, or in conditioning rights-of-way, the Secretary is to follow a standard of reimbursement which is fair and equitable, and as uniform as practicable, taking into consideration the direct and indirect cost of the government, the value to the recipient, *the policy or interest served*, and other pertinent facts." (emphasis supplied)

In markup discussion, Senators referred to major transmission lines as an example of a use of right-of-way which served a public interest, i.e. the distribution of electric power.

The House Report (94-1163), page 15, copy attached, discussing the same subject, is as follows:

"The Secretary of the Interior is authorized to establish reasonable fees and charges and to refund moneys erroneously paid and to require reimbursement for 'reasonable costs.' The Committee expects collection of such costs only when the amounts are substantial and failure to collect would amount to an unwarranted subsidy by the Federal taxpayer. It expects also that the Secretaries will take into consideration the benefits to public programs in determining whether collection of specific costs is appropriate under this section and under Title V."

Again, in discussion in House markup, members dealt at length with what would constitute reasonable costs to be charged the applicant rather than to be borne by the public, generally. Strong arguments for total cost recovery were rejected by the majority, who argued, among other things, that certain uses of rights-of-way by private companies were a public, rather than a private, benefit and that the costs of environmental impact statements were made necessary in the general public interest rather than that of the applicant. The conference report (House Report 94-1724), on page 61, copy attached, makes mention of the matter by stating that the conferees adopted the House adjective "reasonable" rather than "extraordinary" as in the Senate bill to give the Secretary "greater policy leeway in determining whether reimbursement of costs will be required at both the lower and upper levels of charges."

The report goes on to say:

"(c) They (the conferees) agreed to mention specifically the 'reasonable costs' of doing special studies and environmental impact statements as was done in the Senate bill. The conferees wrote into the bill factors to be considered by the Secretary in determining whether charges are in fact reasonable."

Here again, much discussion centered around the fact that many of the special studies that might be done, and all of the environmental impact statements, were probably required, in major part, for the general public welfare rather than for the benefit of the applicant, and the clear intention was that the Secretary should use discretion in determining what part of the costs could reasonably be charged the applicant. Senators and members cited examples of costs charged under, then current, BLM regulations for EIS work as an excessive burden upon the ultimate consumers of electricity. This concern is exposed in the exact language of the Act on page 25, copy attached, where it says:

"In determining whether costs are reasonable under this section, the Secretary may take into consideration. . . . 'the portion of the cost incurred for the general public interest rather than for the exclusive benefit of the applicant, the public service provided, and other factors relevant . . .' "

The legislative history shows clearly that the authors intended the Secretary to exercise this discretion on a case-by-case basis where costs might be very substantial, and to apply the elements listed in the act to each cost recovery situation.

The outline, in summary, is deficient in that it ignores entirely many long hours spent in the development of what the Congress intended to be a flexible cost recovery procedure, and establishes instead a flat fee plus total cost recovery on all applicants for rights-of-way. While this is obviously an easy solution, it is not the solution intended by the Congress, and the proposed regulations, when drafted, should clearly provide a method by which "reasonable costs" are to be established and recovered.

The amounts involved may seem small in the context of the total Federal budget, or even the budget for BLM. But they loom large in the budgets of the

applicants for rights-of-way and in the light bills of the consumers served by utilities whose transmission lines must cross BLM or forest lands.

For example, the group of five companies which seeks now to build Colstrip 3 and 4, (two coal-fired generation plants in eastern Montana) spent $1.1 million on an elaborate environmental impact statement which was submitted to, and highly praised by, the Department of the Interior five years ago. Now the Department of the Interior is conducting its own EIS, and with the work less than half complete, the five companies have paid the BLM well over $500,000 in advance for the cost of the work. This is total cost recovery in advance, else the work will not proceed.

Since the EIS is required by the National Environmental Protection Act, the preamble of which states clearly that it is in the general public interest to do the things required by the Act, it is obvious to us, that this EIS is not done primarily for the Montana Power Company and its associates, nor for the consumers of those companies whose rates will reflect the cost, but for the general welfare.

We sincerely hope that this committee will give serious consideration to what has become a difficult problem for companies all over the country which must build through Federal lands.

STATEMENT OF DR. MICHAEL ZAGATA, NATIONAL AUDUBON SOCIETY

The National Audubon Society has a deep and abiding concern for fish and wildlife and the habitats upon which they depend for their survival. It is because of this interest that we are participating in this hearing about the Bureau of Land Management's (BLM) quadrennial authorization.

The BLM administers about 447 million acres known as the National Resource Lands (NRL). Those lands provide habitat for "nearly all of the caribou, grizzlies and bighorn sheep, 80 percent of the moose, 65 percent of the mule deer and 45 percent of the antelope."[1] They also harbor hundreds of species of nongame wildlife. At present management levels, it is estimated that by the year 2000 that there will be a decline in antelope, deer, bighorns and elk.

The National Audubon Society shares the concern of the Western States, indeed the American public, about the declining trend in wildlife habitats which is directly affecting fish and wildlife populations. The BLM cannot prevent habitat loss on private land, but can "stabilize, improve and develop habitats on public lands."[1] However, if it is going to accomplish that objective, the Congress must provide BLM with a several fold increase in its wildlife budget because the current expenditure of about one cent ($0.01) per acre is totally inadequate. The Forest Service (FS) is currently spending four times as much and the Fish and Wildlife Service (FWS) is spending one hundred and thirty-seven times as much per acre on the national wildlife refuges.

SPECIFIC RECOMMENDATIONS

Resources Planning Act (RPA) Legislation for BLM

The National Audubon Society is concerned that the four-year reauthorization process may be inadequate to meet BLM's and thus the public's, needs. The existing process does not set goals for BLM's various programs, nor does it tie the goals to the funding levels necessary to achieve them.

The BLM should be provided with legislation like the Forest Service's RPA legislation and charged with preparing an assessment and achieving certain goals in the public's interest. For example, the FS's RPA legislation, P.L. 93-378, directs the FS to: Undertake an inventory of the Nation's forest resources; to make an assessment of these resources every ten years; and to recommend a balanced program for the management of those resources, accompanied by a cost estimate, to Congress. We feel that this is a desirable approach and that it has had preliminary success for the FS.

It might be possible to accomplish this by amending the RPA to bring the BLM into the RPA process with the FS. If this were done, it would reduce costs and should yield a more unified approach toward managing the public lands under the multiple use guidelines provided in the Forest and Rangeland

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[1] Four year authorization—fiscal years 1979–1982.

Renewable Resources Planning Act of 1974, the Forest Management Act of 1976 and the Federal Land Policy and Management Act of 1976.

Personnel Needs

NRDC court decision—BLM is woefully understaffed to meet its congressional and court-directed mandates. As a result of the *NRDC* v. *Morton* court decision, BLM must prepare 212 environmental impact statements (EIS's) under the National Environmental Policy Act (NEPA). To accomplish this, 13.5 million acres must be inventoried annually. BLM is encouraging the States, by providing the needed dollars, to undertake the inventory, but still needs administrative support and biological expertise of its own. Without it, it will be extremely difficult, if not impossible, for BLM to make sound decisions on the allocation of vegetation uses as required in the NRDC suit.

Sikes Act—As directed in the 1977 Senate Appropriations Committee Report No. 95–276, BLM is attempting to expand the cooperative programs with the States provided for in the Sikes Act. They have 57 habitat management plans underway and plan to add 41 next year. However, without additional people, they will not be able to implement the plans and no benefit will accrue to fish, wildlife and other multiple use values.

Last year, Congress authorized 25 additional people for the Sikes Act program under its mandate to expand, but OMB impounded them.

Endangered species—Under a recent Presidential directive (environmental message), it is mandatory that BLM engage in consultation with the FWS with regard to endangered species. It is also mandatory that they gather and analyze data, within 2 years, on 38 endangered species found on BLM administered lands and also inventory their critical habitats. By being understaffed, they will not adequately meet this charge. For example, the data on the fish in the White River may be inadequate to determine if endangered species are present and, if they are, what the impact of oil shale development will be on those fish. This is only one example of a problem that concerns the National Audubon Society.

An analysis of BLM's personnel problems may shed some light on what has been happening. Under its program "management of land resources" about 16 percent of the budget went to hiring temporaries and to outside contracts in 1970. In 1977, 50 percent of the budget was expended for these purposes. Remember, that this shift has occurred at the same time BLM has been charged with greater responsibility under the Sikes Act, Endangered Species Act and the NRDC court decisions.

In 1977, Congress authorized 363-plus new positions. After negotiating with OMB, BLM got 294 permanent positions.[2] However, none went to wildlife. This illustrates the need for RPA legislation so that both Congress and the agency could be held accountable for the development and implementation of a balanced program.

At this time, we view the need for additional positions to be equal with, if not greater than, the need for additional monies and recommend the following personnel additions: 1979–171; 1980–209; 1981–247; and 1982–300.

Wildlife Budget

NRDC court decision—To comply with the court settlement, BLM must inventory about 13.5 million acres per year (the accelerated wilderness review programs will add to this figure and thus escalate the funding needs). Originally, BLM field personnel estimated that it would cost up to one dollar ($1.00) per acre to conduct the mandated inventory, but this was later scaled down to thirty cents per acre. My calculations will be based on the lower figure and thus represent a minimum need.

BLM State directors have stated that there will not be enough money to conduct the 1978 inventories. This shortfall will result in an estimated deficit of $1.5 million that will be carried into fiscal year 1979.

The scheduled fiscal year 1979 inventories will cost about $4 million (13.5 million acres × $0.30/acre) based on the lower per acre estimate but could cost $13.5 million. Thus, BLM will need a minimum of $5.5 million ($1.5 + $4.0) for fiscal year 1979 to meet its court ordered mandate.

Sikes Act—Page 4 of the 1977 Senate Appropriations Committee Report No. 95-276 states that "accordingly, the committee directs the Bureau of Land

Management, Fish and Wildlife Service, Forest Service and other agencies managing lands with fish and wildlife habitat values to plan for wider implementation of the Sikes Act in preparation of their program budgets for fiscal 1979." What more can be said?

The BLM has 57 habitat management plans (HMP's) totaling about 8.24 million acres underway and will spend about $3 million as the Federal share in 1978. According to BLM figures, this level of expenditure will result in a $4 million deficit that will carry over to fiscal year 1979.

In compliance with its congressional directive, BLM is developing another 41 HMP's totaling 9.4 million acres which are scheduled for implementation in fiscal year 1979. According to BLM's summary of the Sikes Act, it takes about one dollar ($1.00) per acre to implement an HMP. Therefore, the 41 new HMP's will cost about $9.4 million for fiscal year 1979 (9,381,917 acres × $1.00/acre). Thus, BLM will need $13.4 million ($4.0 + $9.4) to meet its Sikes Act mandate in fiscal year 1979.

Endangered species—By Presidential directive, BLM must collect and analyze data on threatened and endangered species and their critical habitats (38 known and 42 suspect species including plants) and submit this information to the FWS for their review of its adequacy. BLM estimates that it will cost between $2–$5 million in fiscal year 1979 to meet their mandated schedule. If mineral and energy developments on the NRL are to proceed in compliance with section 7 of the Endangered Species Act, this schedule must be met.

In addition, BLM must engage in consultation with the FWS on endangered species and their critical habitats. This cost has been estimated at $.5 million.

Total needs for fiscal year 1979:	*Millions*
NRDC—Court decision (inventory)	$5.5
Sikes Act (HMP)	13.4
Endangered species	2.5
	21.4

This differs from the authorization proposal by $11.5 million ($20.9 needed—$9.9 authorization proposal) and from the administration proposal by $13.3 million ($21.4 needed—$8.1 administration proposal). By using these figures, we have constructed the following table for the four-year authorization.

BUDGET AUTHORITY FOR WILDLIFE

[In millions]

Category	Fiscal year 1979	Fiscal year 1980	Fiscal year 1981	Fiscal year 1982	4-yr total
Proposed	9.9	10.9	13.0	17.0	50.8
Required	21.4	22.4	24.5	28.5	96.8

In closing, let me emphasize that the figures I have used were based upon mandated needs. They did not include funds for existing programs like the "birds of prey natural area." The BLM will need to expand that type of program to gain credibility with the nonhunting public and to avoid criticism for representing the sole interest of the western big game hunter.

STATEMENT OF RONALD A. MICHIELI, DIRECTOR, GOVERNMENT AFFAIRS, FOR LAND AND NATURAL RESOURCES, AND EXECUTIVE DIRECTOR, ON BEHALF OF THE NATIONAL CATTLEMEN'S ASSOCIATION, PUBLIC LANDS COUNCIL, AND NATIONAL WOOL GROWERS ASSOCIATION

I am Ronald A. Michieli and I am representing the National Wool Growers Association.

We are concerned whether the quadrennial request adequately meets the many additional responsibilities imposed on BLM by FLPMA.

While BLM does project in its explanation of the request a large total increase in expenditures for renewable resources, the budget growth for renewable

resource categories ranges from 0 percent for forest management to a 219% increase from 1978 to 1982 for recreation.

The projected increases in the amounts for the range program are largely for wild horse and burro management. There is no increase for other range activities from FY 1978 to FY 1979 and only a relatively small increase thereafter—i.e. from $27.2 million in FY 1979 to $31.5 in FY 1982. As a matter of fact, the range budget itself would only increase by an annual average rate of about 3½ percent—a rate below the rate of inflation.

We recognize that other budget accounts impact on range conditions but, in view of the many benefits to be gained by increased range management activities, we believe the projected amounts for this activity are totally inadequate and that the range allocation should be substantially increased.

We also seriously question whether BLM is allowing sufficient funds in its range budget for the expeditious preparation of the hundreds of environmental statements mandated by the court.

In effect, the Bureau is suggesting a range program that decreases over four years when the effect of inflation is considered.

Yet, studies such as BLM's own *Range Condition Report* of 1975 indicate that an expanded range program would have many multiple use benefits far surpassing increased costs. An improved range program would increase forage for domestic livestock and would enhance watershed, wildlife and fish values. Such a program would increase recreation values and increase the volume and quality of rangeland vegetation to achieve all range-use goals, and be beneficial to local and regional areas dependent upon range resources.

We believe that it is in the best interests of all concerned to improve the conditions of our public rangelands so that they become as productive as possible for all multiple uses—livestock, wildlife and recreation, as well as for environmental reasons.

We don't see how that can be achieved with the budget in BLM's supplemental program information.

We would urge that the authorization amounts not be set so low as to restrain proper adjustments in the future.

STATEMENT OF THE NATIONAL FOREST PRODUCTS ASSOCIATION

Mr. Chairman and Members of the Committee; The National Forest Products Association, headquartered in Washington, D.C., is a federation of 26 regional and wood product associations and several direct member companies. We represent timber growers, manufacturers and wholesalers of wood products, and forest landowners throughout the country.

Forestry industry concerns on S. 2234 center around BLM's timber management program. Generally speaking, it has been very good. The agency regularly has sold timber at levels equal to or near the sustained yield level from the O & C lands in western Oregon and somewhat below the sustained yield level from the public domain lands. We support BLM's goal of selling the sustained yield harvest volume from public domain lands and of applying intensive forest management to increase the levels of harvest. This can be done with beneficial environmental and economic effects. We do have some concerns about the authorization limits for BLM's timber management program on public domain lands as proposed in S. 2234. The authorization level over the four-year period does now allow for sufficient appropriations for expansion of BLM's timber sale program through application of intensive forest management techniques. The authorization level stays the same ($8.8 million) over the four-year period, but the sale volume is expected to increase significantly.

There should be assurances that there will be sufficient funds authorized for forest inventory, cadastral surveys, and road construction to accompany authorized timber management funds. Lack of sufficient funding for any of these essential supportive activities may preclude effective timber management, even though funds directly relative to harvesting activities are sufficient.

A current administrative action regarding implementation of Title V of the 1976 Federal Land Planning and Management Act may have a definite impact on BLM's ability to meet its timber goals, and may also affect funds needed for BLM's road construction program.

The Federal Land Planning and Management Act replaced many authorities previously used by BLM and the Forest Service to grant rights-of-way. On

November 14 at set of preliminary right-of-way regulations were circulated by the two agencies for public comment. There are several potential problems in these regulations which should be brought to the attention of the committee.

The regulations attempt to establish identical requirements on all rights-of-way. Requirements on an applicant for a quarter mile of low standard forest road over BLM land could be the same as those placed on an applicant for a major interstate pipeline or electrical transmission line. Uniformity should not be required for its own sake without provision to recognize unique differences between various rights-of-way.

FLPMA recognizes the need for flexibility. The Act and accompanying legislative history in several places makes specific reference to the unique nature of forest road rights-of-way and cooperative cost-share road programs. Such recognition is absent in the draft regulations. There is no recognition of the need to provide permanent easements across BLM lands for required access to intermingled and adjacent private lands. Such authority is provided by FLPMA but is not contained in the draft regulations. Due to the long-term nature of investments in forest management, permanent access must be assured if such lands are to be managed under intensive and scientific forest management principles.

There are several other concerns with the draft regulations, such as: (1) provisions which would require detailed disclosure of data by applicants for rights-of-way beyond that needed to assess the applicant's ability to perform; (2) provisions for reimbursement of costs associated with the right-of-way which are inappropriate with respect to intermingled private lands; (3) provisions for changing terms and conditions of easements without compensation to the landowner; and (4) provision of annual rental fees which are inappropriate for easements.

We have made our detailed comments to the Forest Service and BLM and are hopeful that these concerns will be given full consideration before proposed regulations are published. Our purpose in raising these points at this time is to alert the members of the Committee that the right-of-way issue is extremely important and one which could affect the spirit of cooperation which, up to now, has existed between federal land management agencies and those major landowners who have large holdings within or adjacent to the federal lands.

STATEMENT OF LOUIS S. CLAPPER, DIRECTOR, CONSERVATION DIVISION, NATIONAL WILDLIFE FEDERATION

Mr. Chairman, I am Louis S. Clapper, Director of the Conservation Division of the National Wildlife Federation which has its national headquarters at 1412 16th Street, N.W., Washington, D.C.

The National Wildlife Federation is a private organization which seeks to attain conservation goals through educational means. NWF affiliates 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 National Wildlife Federation, number an estimated 3½ million persons.

We appreciate this opportunity to present our views on S. 2234, and we commend the Subcommittee for its its timely attention to this important piece of legislation. The next four years will be important, if not critical ones,. for the Bureau of Land Management (BLM) as it proceeds to implement the Federal Land Policy and Management Act of 1976 (FLPMA). Funding and personnel authorizations will define the Bureau's capability to meet its statutory obligations.

Before addressing specific areas of concern to us within the renewable resources program proposed by the Bureau, we would like to make a few more general comments. In particular, we would like to urge Congressional consideration of a renewable resources planning act for BLM along the lines of those in effect for the Forest Service and the Soil Conservation Service.

While it is true that FLPMA provides statutory authority for an inventory of all public lands and for land-use planning, it is our contention that this information needs to be translated into long-range program objectives and into assessments of the dollars and manpower required to realize these long-range objectives. On a piecemeal basis, the Bureau has, in the past, done something along these lines. The 1975 *Range Condition Report* prepared for the Senate

Appropriations Committee comes to mind. In this document, the current resources condition as well as its potential were laid out. Program requirements were then detailed for three different levels of management and associated levels of range improvement over 10, 20, and 30 year periods.

Mr. Chairman, we believe a comparable assessment is necessary for renewable resources across-the-board. Only by spelling out where the renewable public land resources are now, where we desire them to be at a given point in the future, and what is necessary to arrive at desired objectives, can Congress have an adequate basis for measuring progress and appropriating funds. With a statutory mandate to prepare across-the-board long-range program objectives and needs, the Bureau would be better able to recommend priorities and to allocate its funds most effectively. The quadrennial authorization of appropriations mandated by FLPMA would, in our view, be made from a sounder base if a resources planning act were in effect and it would be a more meaningful process.

NWF urges this Subcommittee to consider drafting such legislation. We would, of course, be ready to assist the Subcommittee staff in any way.

Our specific comments on two areas we believe to be seriously underfunded in S. 2234 follow.

WILDLIFE

Underfunding of BLM's fish and wildlife programs is hardly surprising. It has been a chronic problem. In our view, the figures proposed in BLM's quadrennial authorization of appropriations do little to alter this situation—rather they would perpetuate it in the next four fiscal years. A breakdown of dollars expended on wildlife per acre by federal agencies based on the President's FY 1978 budget and excluding later congressional add-ons is revealing. While BLM currently is able to spend only $.01/acre, the Forst Service spends $.14/acre and the Fish and Wildlife Service $1.37/acre on wildlife programs. While it may be argued that the disparity between the Fish and Wildlife Service and BLM expenditures is logical given the agencies' different missions, the same cannot be said of the Forest Service and BLM. The Bureau's wildlife budget history for FY 70–FY 78 shows that in this eight year period expenditures per acre did not exceed—in fact were less than $.02/acre.

Dollar figures tell only one part of the story—personnel is the flip side of the same coin. It is nothing short of awesome that, on the average, a BLM biologist is responsible for habitat management on 3.7 million terrestrial acres and 147,700 aquatic acres. And this responsibility has expanded considerably in recent years with the shift toward more intensive management of the public lands in general.

Passage in 1976 of the Federal Land Policy and Management Act (FLPMA) provided the Bureau with clear statutory responsibility and authority for many activities which had evolved over the years in response to increasing needs and demands on the Bureau. In the wildlife area specifically, FLPMA raised management of the wildlife resource to an equal status with other public land natural resources. By virtue of this fact, the Bureau is directed to place increased emphasis on its wildlife program. Combining the general shift within BLM to more intensive management with the importance attached to wildlife in FLPMA, it is clear that greater demands have been placed on the Bureau's wildlife personnel and programs. Support of other Bureau functions such as land-use planning, range management, and environmental impact analysis consumes an increasing portion of the biologist's time. New and continuing wildlife program initiatives in response to FLPMA as well as to other legislation such as the Sikes Act and the Endangered Species Act have also taxed the Bureau's wildlife capabilities.

Three areas in which the wildlife responsibilities of the Bureau have been significantly augmented merit particular attention and more detailed discussion. Extensive wildlife habitat inventories are essential if the Bureau is to meet new statutory and other legal obligations including the agreement made by the Bureau in its settlement of the suit brought by the Natural Resources Defense Council (NRDC v. MORTON) requiring environmental impact statements in conjunction with allotment management plans; and the accelerated wilderness review program mandated by Section 603 of FLPMA. Without the data generated by these inventories, planners and decision-makers cannot hope to make intelligent multiple-use assessments or recommendations.

Bureau responsibilities under the Sikes Act (PL 93-452) have also expanded. Congress directed the Bureau to intensify its cooperative wildlife program in the FY 1978 appropriations bill. To date, 57 habitat management plans (HMPs) covering areas with high wildlife values have been approved and the Bureau estimates that it will require over four million dollars to implement them. Another 41 HMPs are in the planning stage. The Bureau's Sikes Act responsibilities, it should be noted, extend to BLM/state cooperation in matters concerning state-listed threatened or endangered wildlife species. Title II, Section 202(c)(3) states that cooperative agreements must " * * * provide adequate protection for fish and wildlife officially classified as threatened or endangered pursuant to Section 4 of the Endangered Species Act of 1973 * * * *or considered to be threatened, rare or endangered by the State agency* * * *.

Finally, new Bureau responsibilities have been created regarding endangered species by the regulations for Section 7 of the Endangered Species Act. These regulations require the Bureau to: 1) conserve listed species; 2) ensure that the continued existence of listed species is not jeopardized; 3) ensure that the critical habitats of listed species are not destroyed or adversely modified; and 4) to cooperate, consult and assist in the endangered species conservation effort with other federal agencies such as the Fish and Wildlife Service (F&WS) and the National Marine Fisheries Service. The President's environmental message requires the Bureau to submit detailed information to the F&WS on known endangered species and sensitive species by FY 1981.

Given the above, the proposed Bureau authorization figures for wildlife fall far short of what is needed. It is estimated that the funds actually required for BLM to carry out its wildlife management programs most effectively are more than double those proposed in the authorization document. Therefore, the NWF urges the Subcommittee to raise the budget authority for wildlife management to the levels suggested below:

BUDGET AUTHORITY—IN MILLIONS

Wildlife—Suggested auhorization: [1]

Fiscal year 1979	$24.8
Fiscal year 1980	26.8
Fiscal year 1981	31.0
Fiscal year 1982	39.0

[1] Includes $5 million each year for Endangered Species Act obligations.

SOIL, AIR AND WATER MANAGEMENT

Many of our comments regarding BLM's wildlife programs may be extended to include soils, water and air management programs. Again, the situation is one of increasing responsibilities and strain on limited personnel and funding resources. We do not see how the inventory requirements for planning and wilderness review commitments can be met effectively unless the proposed funding levels are significantly augmented. Compliance with the formal consultation requirements of Section 7 of the Endangered Species Act in regard to threatened or endangered plants cannot be accomplished, in our view, at proposed funding levels. Finally, new responsibility has been added to the soils, water, and air management program—paleontological resources. Unless additional funds are provided for this function specifically, it will draw resources from other programs which, as we have said, are already overtaxed.

The National Wildlife Federation, therefore, urges the Subcommittee to increase the funding authorization for soils, water and air management to the levels shown below.

BUDGET AUTHORITY—IN MILLIONS

Soil, water, and air—Suggested authorization: [2]

Fiscal year 1979	$36.2
Fiscal year 1980	40.2
Fiscal year 1981	45.4
Fiscal year 1982	57.6

[2] Includes additional funds for paleontology and funding for endangered plants double that proposed in the Bureau's authorization request.

Thank you for this opportunity to present our views.

28-453—78——5

SUPPLEMENTARY VIEWS AND QUESTIONS FROM THE NATIONAL WILDLIFE FEDERATION CONCERNING S. 2234, BLM'S QUADRENNIAL AUTHORIZATION OF APPROPRIATIONS—MARCH 2, 1978

The Bureau of Land Management is responsible for more acres of soil than any other agency. The management of the products of the soil is the key to future multiple use products. Management of the range resource depends upon proper supervision of the uses of the public lands and restoration of the productivity of depleted lands.

NWF believes the goals stated do not reflect the multiple use requirements and need to be re-stated. For instance a goal of just stabilizing the livestock industry is much too narrow. It should be broadened to include the need to restore the condition of depleted rangelands for livestock, wildlife and other uses of the public lands. (See *Page 42* of BLM's Four-Year Authorization document.) Following are some additional observations and questions keyed to the BLM authorization document.

PAGES 45–46–47

These tables are based mainly on 1965 data on range condition trends. They may or may not reflect today's condition. The present inventory is out of date and does not meet the needs to stand up against challanges. Soil inventories and information on soil potential are badly needed. There are about 100 million acres of soil surveys needed. But the four-year plan shows about 32 million to be accomplished. Is this enough? (P. 52)

PAGE 49

While the objectives provide adequate use supervision for 2700 allotment management plans—what about the 8700 grazing allotments without plans? What about use supervision in the interim for these areas without plans?

PAGE 52

Personnel for range is increased from 658 to only 702 over four years. Certainly this is not enough if the increased job load is to be handled.

IMPACT STATEMENTS

Present data are not adequate to make EIS Statements—the data just won't do in today's market. The statements are being challenged successfully.

PLANNING

Planning is on an eight-year cycle. This is not often enough in today's changing market. A minimum of a six-year cycle would help. A four to five year cycle would be better.

TRESPASS—A REFLECTION OF DEGREE OF MANAGEMENT

With a greater intensity of management, more grazing trespass is being discovered. The 1978 budget provides for 600 cases. Trespass should be reduced drastically if management plans are to succeed. Last year alone, $200,000 was charged to trespass in Nevada at large.

WILD HORSES AND BURROS

Personnel is increased from 31 to 100 in four years. This may be a better reflection of needs than shown above.

GENERAL

NWF urges flexibility in establishing authorizations. We suggest that authorization be at the highest appropriation accountability for Management of Lands & Resources. The appropriation process can specify individual accounts annually.

Attached is a list of six additional questions that we recommend be asked of BLM.

QUESTIONS FOR BLM—FROM NWF

QUESTION 1.—How much are you presently spending for grazing supervision on allotments where plans are implemented and on allotments where plans are not implemented? How much do you need to adequately supervise grazing use during the four-year authorization period?

QUESTION 2.—What are you currently doing to improve range conditions to those areas where grazing environmental statements are presently being developed and in those areas where statements are not scheduled to be completed prior to 1982?

QUESTION 3.—Why does it take so long to prepare and complete an environmental statement? What can be done to accelerate this process and how much could it be accelerated?

QUESTION 4.—How do you propose to manage wild horses and burros on the public lands and what part of the four-year authorization is directed toward authorization period for the wildlife habitat management program?

QUESTION 5.—How much money could be effectively utilized during the authorization period for the wildlife habitat managementprogram?

QUESTION 6.—Are there sufficient funds in the authorizatio to implement all of the allotment management plans that will be available for implementation as a result of environmental statements being completed, and if not, why?

PROPOSED RESOLUTION NO. 6—SUBMITTED BY NWF STAFF ON JANUARY 1978

LONG RANGE PROGRAMMING FOR NATIONAL RESOURCE LANDS

Whereas, the Forest and Rangeland Renewable Resources Planning Act of 1974 (RPA, P.L. 93–378) requires that the Secretary of Agriculture, through the U.S. Forest Service, periodically (every 5 to 10 years) prepare an assessment of the conditions and uses of forests and rangelands of the United States and a longrange program for the protection, management, and development of the National Forest System, including roads and trails, cooperative forestry programs, and research; and

Whereas, this Act also requires the Secretary to prepare for the Congress statements expressing in qualitative and quantitative terms the extent to which the programs and policies projected in the budget conform to the Statement of Policy as well as an explanation, as appropriate, when the project programs fall short; and

Whereas, the first set of RPA documents, while prepared in relative haste to meet 1975 deadlines, have proven to be helpful in achieving a better balance in the Forest Service's multiple use programs, especially in terms of appropriations; and

Whereas, a similar periodic (every five years) appraisal of the Nation's soil, water, and related resources and the related conservation programs to be used in carrying out activities of the Soil Conservation Service (SCS) now are required by the Soil and Water Resources Conservation Act of 1977 (P.L. 95–192); and

Whereas, it is expected that submission of the first soil and water appraisal and program documents at the end of 1979 will provide conservationists with a useful tool for effecting needed environmental changes in SCS-administered programs; and

Whereas, the inability of the Bureau of Land Management to manage national resource lands in the most environmentally-effective manner, at least in part, stems from a lack of statutory requirements to prepare comprehensive renewable resource and long range programs based on identified needs and opportunities for enhancing the renewable resources of the public lands;

Now, therefore, be it resolved that the National Wildlife Federation, in annual meeting assembled March 16–19, 1978, in Phoenix, Ariz., hereby recommends the enactment of RPA-like legislation for the Bureau of Land Management, chief administering agency for 450 million acres of federal lands.

NWF STAFF COMMENTARY

Procedures now effective for both the U.S. Forest Service and the Soil Conservation Service should be required for the Bureau of Land Management. Informa-

tion resulting from these assessments is exceedingly helpful in securing suitable appropriations and balanced programs.

NWF STAFF RECOMMENDATION

This resolution be approved as submitted.

STATEMENT OF MAITLAND SHARPE, ENVIRONMENTAL AFFAIRS DIRECTOR, THE IZAAC WALTON LEAGUE OF AMERICA

Mr. Chairman, I am Maitland Sharpe, Environmental Affairs Director for the Izaac Walton League of America. The League is a citizen-based conservation organization of approximately 50,000 members from alll parts of the country. It is dedicated to promoting the conservation and wise use of the Nation's natural resources, our soils, woods, waters, wildlife, and air.

We appear at the request of the late Chairman of this Committee, Senator Lee Metcalf, a staunch defender of the public lands and a man whose absence will be deeply felt. We are pleased to have this opportunity to present our views on the Administration's four-year authorization request for the Bureau of Land Management.

In what follows we will confine our comments to the fish and wildlife portion of the Bureau's renewable resource program. However, that should not be taken as an indication that we are satisfied with the program goals and funding levels proposed by the Administration for management of other renewable resources. Quite the opposite is actually the case.

Our review of the Department's justification for its four-year authorization requests leave us gravely concerned that the proposed program would merely perpetuate the serious deficiencies in funding that have crippled BLM's renewable resource management efforts for many years. Our more detailed analysis of the fish and wildlife program indicates that the Administration's authorization requests are very largely the product of OMB's desire to save money rather than the result of the best professional judgement of the resource managers within the Department of the Interior as to the levels of investment and activity necessary to carry out the Bureau's statutory missions.

FISH AND WILDLIFE MANAGEMENT

In 1976, BLM reported that over half of the fish and wildlife habitat on BLM lands outside of Alaska was in unsatisfactory condition and that the trend was downward. As shown in the follwing table, BLM estimated that, at the then prevailing rate of deterioration, all of the small game habitat would be unsatisfactory by 1983, with 100 percent of the stream and big game habitat declining to an unsatisfactory condition by 1989 and 1990 respectfully.

TRENDS IN WILDLIFE HABITAT CONDITION ON NRL—EXCLUDING ALASKA

Habitat	Unsatisfactory condition (percent)		Percent decline per year	Date all will be unsatisfactory
	1968	1974		
Big game	38.5	55.4	2.8	1990
Small game	25.1	56.1	5.2	1983
Streams	32.4	51.5	3.2	1989

NOTE.—Assuming no increase in present rate of deterioration.

In the "Range Condition Report" submitted to the Senate Appropriations Committee in January 1975, the Bureau stated that "the general trend under the current situation is for wildlife habitat conditions to continue in a gradual decline." Table No. 10, from the Report reproduced below, shows that only about ten percent of wildlife habitat is improving while the balance is static or declin-

ing. The severity of the situation is compounded by the fact that these data include BLM's Alaska lands, where wildlife habitats remain in generally satisfactory condition.

TABLE 10.—WILDLIFE HABITAT TREND PRESENT SITUATION

Class of wildlife	Improving	Static	Declining	Total
Big game:				
Acres	13,037	95,908	52,348	161,293
Percent	8.0	59.5	32.5	100
Small game:				
Acres	17,230	100,408	51,244	168,882
Percent	10.2	59.5	30.3	100
Nongame: [1]				
Acres	16,725	91,201	51,463	159,389
Percent	10.5	57.2	32.3	100
Fish: [1]				
Miles	60	171	33	264
Percent	22.7	64.8	12.5	100

[1] Bureauwide data are incomplete in these categories.

In light of this alarming status and trend of fish and wildlife habitat, it is difficult to believe that the fish and wildlife management program called for in the Administration's four year authorization request represents an adequate, much less an optimal, level of activity. Section 318(b) of the Federal Land Policy and Management Act of 1976 requires the Secretary to designate the levels of funding that "*can* be efficiently and effectively utilized . . ." (emphasis added). With respect to fish and wildlife programs, the authorization request embodied in S. 2234 clearly does not meet that requirement.

FISCAL YEAR 1979

The funding needs of two of the three major components of BLM's fish and wildlife program are seriously understated in the Department's authorization request. First, under the Sikes Act (P.L. 93–452), the Bureau is scheduled to undertake 41 habitat management plans (HMP's), at an estimated cost of approximately $9 million in FY 1979, Implementation of some 57 HMPs that are already underway will require an additional $4 million in FY 1979, carried over from fiscal 1978. The total price tag for Sikes Act habitat management programs thus totals $13 million in FY 1979.

Second, the Bureau's responsibilities under the Endangered Species Act will impose significant additional costs that are not reflected in the authorization request. Since the time that the four-year authorization proposals were developed, the number of species of wildlife listed as endangered or threatened and known to occur on BLM lands has climbed from 30 to 41. An additional 44 species of listed animals and plants are now suspected of being present on lands managed by BLM. The Bureau's statutory obligation to identification of critical habitat and protection of these species will require spending $2–to–$5 million in addition to the budget proposed for FY 1979.

Third, under the terms of the court order in *NRDC.* v. *Morton*, the Bureau must conduct wildlife inventories on 13.5 million acres of BLM lands each year, at a cost of approximately $4 million. However, inventories on 5.1 million acres of the fiscal 1978 quota will not be completed and must be carried over to FY 1979. Erasing the backlog will necessitate an increase of $1.5 million in the FY 1979 budget and 15 additional positions. The total fiscal 1979 cost of discharging BLM's court-ordered inventory obligations will be $5.5 million.

The total funding requirements for BLM's fish and wildlife program in FY 1979 thus equal $20.5 million—exceeding the authorization request by $10.6 million and surpassing the Administration's FY 1979 appropriations request by $12.4 million. The authorization levels recommended are woefully inadequate to meet identified needs.

TOTAL PROGRAM REQUIREMENTS FOR FISCAL YEAR 1979

	Millions
Inventories:	
Scheduled commitment (13.5 million acres)	$4.0
Fiscal year 1978 backlog (5.1 million acres)	1.5
Sikes Act implementation:	
Implementing 41 HMP's developed in fiscal year 1978	4.0
Carry over on 57 approved HMP's	9.0
Endangered species responsibilities (minimum estimate)	2.0
Total	20.5
Fish and wildlife requirements for fiscal year 1979	20.5
Authorization request	−9.9
Shortfall	10.6
Fish and wildlife requirements	20.5
Administration appropriation request	−8.1
Shortfall	12.4

FISCAL YEARS 1980–1982

While we do not have precise data on fish and wildlife management needs for the fiscal years subsequent to 1979, it is difficult to believe that the authorization requests for FY 1980–1982 do not also fall far short of probable funding requirements. A more realistic and acceptable estimate of future fish and wildlife management needs would program an increase of approximately $5 million per year over the next several years, starting from a base of $20.5 million in FY 1979. That estimate of program needs forms a stark contrast to the Department's authorization requests:

	Fiscal year 1980	Fiscal year 1981	Fiscal year 1982
Fish and wildlife:			
Needed	25.5	$30.5	$35.5
Proposed	10.9	13.0	17.0
Shortfall	14.6	17.5	18.5

The program goals for wildlife management that form the basis for the Administration's authorization requests are patently out of scale with the magnitude and urgency of the need to reverse the steady decline in the quality of fish and wildlife habitat. The 1982 goal of bringing 31 million acres under habitat management would still leave unmanaged over 90 percent of the wildlife habitat for which BLM is responsible. Less than 10 percent in four years is not enough, in light of the status and trend data reported by the Bureau.

PERSONNEL

In addition to higher levels of funding, BLM will need sharply increased personnel ceilings in order to address identified fish and wildlife habitat management needs and investment opportunities on the lands it administers. The increases in fish and wildlife positions proposed in the authorization request fall far short of actual need.

For many years, BLM's ability to carry out its management responsibilities has been restricted as much by shortages of personnel as by inadequate funding. Now, despite the Bureau's greatly increased management obligations under NEPA, the Endangered Species Act and, most importantly, the Federal Land Policy and Management Act, the pattern of chronic understaffing is continuing. In the report accompanying the FY 1978 Interior Appropriations Bill, the Senate Appropriations Committee directed the Bureau to expand the cooperative wildlife habitat management program by 41 positions and $2 million. However, the

Office of Management and Budget declined to authorize the additional positions, and as a result, the Bureau was unable to commit any significant amount of new resources to implementing cooperative habitat management programs under the Sikes Act.

It appears that strong Congressional action will be needed to break out of the vicious cycle of inadequate manpower—hamstrung programs—reduced expectations—inadequate manpower. To make a beginning, Congress should insist that the 41 new fish and wildlife positions called for by the Senate Appropriations Committee in FY 1978 are filled in FY 1979. Additional positions will have to be authorized, and filled, to keep pace with funding increases; as program goals are raised to a more adequate level, personnel authorization must follow suit. At a minimum, the shedule for personnel increases presented in the Departmental authorization request should be accelerated by a year.

SUMMARY

In conclusion, Mr. Chairman, the Izaak Walton League finds that the four-year authorization requests submitted by the Administration are far from adequate. The program goals and funding levels that have emerged from the executive budget review process are insufficient to halt and reverse the declining productivity of the public lands for fish and wildlife and other renewable resources. The Administration's proposal perpetuates the myopic, excessively short-run perspective on public investment in the land resources that has for many years kept BLM undernourished and contributed directly to the eroding quality of the resource.

We urge this Committee to reaffirm your commitment to good stewardship, responsible investment, and restored productivity embodied in the Federal Land Policy and Management Act of 1976, by rejecting the Administration's four-year authorization proposal as woefully inadequate and adopting an accelerated funding and staffing schedule that is commensurate with the magnitude and urgency of the need.

STATEMENT OF LONNIE L. WILLIAMSON, SECRETARY, WILDLIFE MANAGEMENT INSTITUTE

Mr. Chairman; I am Lonnie L. Williamson, secretary of the Wildlife Management Institute headquartered in Washington, D.C.

We at the Institute appreciate the invitation to comment on the proposed four-year appropriations authorization for the Bureau of Land Management.

The crux of what I can tell you this morning to justify more adequate funding authorizations than those proposed by the Administration for BLM has all been said many times before.

You certainly know by now that BLM is responsible for more land than all other federal agencies combined. You know it manages more wildlife habitat and probably more wildlife than all the other agencies combined. You also know that wildlife habitat on many areas of BLM land is deteriorating. And that BLM does not have the money and manpower to stop it. And that without help from Congress the deterioration will accelerate. The need has existed and has been flagged for decades, but help has not come.

The fact that BLM has been kicked around by some environmentalists and conservationists who know little about the agency, its history, its responsibilities, its programs, its people, or its potential . . . the fact that it has been ignored by Presidents and Congresses except to berate the agency when it didn't do a good job with the money and people it didn't have . . . the fact that only BLM of all the federal land management agencies must now come up here every four years to have its basic program authorized, seems to me sufficient cause for all of us to examine our priorities and ways of doing things.

We encourage the subcommittee to remain aware that this 4-year authorization process can become a mechanism that forces BLM to abandon any hopes of a balanced resource management program and continue as mainly a resource exploitation agency. Congress—either through revision, denial, or provision of appropriations authorizations—will guide BLM's efforts in the future and determine if the agencies programs are in the national interest. This subcommittee must remain vigilant to assure a proper balance in BLM activities.

To help in this regard, we suggest that BLM be charged with a Resources Planning Act authority similar to that of the U.S. Forest Service (P.L. 93-378). That Act directs the Service to make resource assessments, determine public demand for the resources, and periodically present Congress recommendations and costs for managing the forests to meet those demands. Quite possibly this might be done by amending the Resources Planning Act to invest BLM with parallel mandates. Such a move would help this subcommittee and Congress determine more accurately what BLM lands and resources really need.

In the earlier meeting with staff members of this subcommittee, we noted that BLM's wildlife authorization, as proposed in Interior's four-year document and S. 2234, is far below what the agency needs to fulfill its court-ordered responsibilities and Senate Appropriations Committee directive. The proposals calls for a $9.9 million ceiling in FY 1979, yet it has been demonstrated that BLM needs about $20.9 million just to fulfill its commitments.

The four-year authorization should be sufficient to accommodate needs. The decision on whether the needs will be met comes at appropriation time. Therefore we recommend that the authorization for BLM's wildlife program be set at $20.9 million in FY 1979 and FY 1980, $25 million for FY 1981, and $30 million for 1982.

As taxpayers, Mr. Chairman, we fully recognize the limitations that prevent funding of all worthy federal programs. We know the hope of improved renewable resource management on public lands rests mainly on reordering priorities rather than merely getting more and more from the general treasury when more isn't there. But to have a chance to do that, the authorization ceiling must permit it.

To illustrate where some priorities might change, Mr. Chairman, the Senate and House have just authorized $359 million to acquire a 48,000 acre addition to Redwood National Park. That's enough money to run BLM's 450-million acre wildlife program for 56 years at its current level, and for about twelve years at an optimum level. And paradoxically, the House bill would authorize the $359 million purchase to be made with Land and Water Conservation Fund money, 89.5 percent of which came from the sale of BLM-managed resources in FY 1978.

We urge that the appropriation ceiling not be set so as to foreclose Congress' option to meet resource needs on the national resource lands.

AMERICAN FORESTRY ASSOCIATION,
Washington, D.C., February 27, 1978.

ACTING CHAIRMAN
Subcommittee on Public Lands and Resources,
House Committee on Energy and Natural Resources,
Senate Office Building,
Washington, D.C.

DEAR MR. CHAIRMAN: On February 7 I testified at the staff hearings on S. 2234, Funding Authorization for the Bureau of Land Management, but will be out of town during the subcommittee hearings on March 2. I would like to file the earlier statement for the record and supplement it by this letter in response to questions from the committee staff.

I expressed concern at the staff workshop over a level budget for forest management over a 5-year period and a goal to increase timber production from 65 million to 130 million board feet. This is not realistic. All forest lands should be managed, including the 22 million acres of noncommercial forests, not just the 2.1 million acres of commercial lands. And, forest management is so much more than timber production alone that the productivity of the land should not be a limiting factor. Manage the land fully for all its benefits and resources and this cannot be done at level funding.

Certainly, the O and C lands deserve a higher level of management than noncommercial forests, but adequate care is not a waste of money. Marginal lands will furnish timber products eventually even though they are not highly productive. While being managed and used for other purposes they can all grow merchantable timber. I do not think the 4-year budget authorizations take this into consideration.

Sincerely,

WILLIAM E. TOWELL,
Executive Vice President.

STATEMENT OF WILLIAM E. TOWELL, EXECUTIVE VICE PRESIDENT, AMERICAN FORESTRY ASSOCIATION

Mr. Chairman and members of the Committee, I am William E. Towell representing The American Forestry Association, a citizen conservation organization concerned with all public lands and natural resources. For many years we have been trying to help the Bureau of Land Management become a land management agency and to get them the necessary money and personnel to do an effective job. We now have a law to enable BLM to do a complete job, and that is what this bill should propose, but it fails to come up to our expectations.

Because of limited time and knowledge, I will confine our comments to the renewable resources portion of this four-year proposal. It is all important, but we are most concerned about forests, rangelands, fish and wildlife and the management of these resources and related used. Our immediate reaction to the four-year funding requests in the renewable resources area is one of inadequacy. Nothing is more important than proper management of land and resources, yet these seem to be secondary in total BLM program planning.

Forest management, for example, other than O and C lands would remain level at $8.8 million for the four-year period. Range improvement would be stationary at the same $8.8 million figure. Fish and wildlife would gain from $9.9 million to $17 million, but even at the high figure would represent only two cents per acre. Even recreation funding in the first year climbs to more than forestry and fish and wildlife combined.

Past BLM fire control efforts have been inadequate, particularly in Alaska, so we are pleased to see increased funding proposed here. That increase should continue until a satisfactory level of protection is reached on all BLM lands. We hope the funds requested are adequate.

Our recommendation is for further increases in funding authorizations directly related to management and protection of land and renewable resources. More should be spent on rangelands rehabilitation, a neglected responsibility in the past. Grazing management alone will not restore these lands to where soil, water and wildlife values are fully protected. Forest lands should be adequately protected and managed for their optimum benefits. Fish and wildlife habitats should receive much more attention than this plan proposes. I realize that these comments are too general to be of much value to the Committee, but they do reflect the feeling of most conservationists.

Thank you for the invitation to comment on this legislation.

QUADRENNIAL AUTHORIZATIONS FOR THE BUREAU OF LAND MANAGEMENT

Workshop I

Appendix I

STAFF CONDUCTED WORKSHOPS ON THE BLM QUADRENNIAL AUTHORIZATIONS

In advance of the hearing by the Subcommittee on Public Lands and Resources, a series of four staff-chaired workshops were held in the Committee hearing room, January 31 through February 29, 1978. These workshops provided an opportunity for BLM and Department witnesses to be heard for an extensive period and for user and environmental/conservation representatives to express their concerns and to ask questions of the Government witnesses. This dialogue was very useful to Committee staff and was considered by most witnesses as being helpful in reaching improved understanding of BLM's problems and the status of its programs. This appendix is the transcript record of those four workshops.

TUESDAY, JANUARY 31, 1978

U.S. SENATE,
SUBCOMMITTEE ON PUBLIC LANDS AND RESOURCES,
OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, D.C.

The workshop met, pursuant to notice, at 1 p.m., in room 3110, Dirksen Office Building, Steven P. Quarles, presiding.

Present: Steven P. Quarles, counsel; Ken Goodwin, professional staff member; Ted Orf, deputy minority counsel; and Tom Imeson, professional staff member, minority.

Also present: Dan Beard, Deputy Assistant Secretary, Land and Water Resources; Arnold Petty, Assistant Director, Administration; Paul Vetterick, Chief, Division of Budget and Program Development; Tom Allen, Chief, Branch of Program Development; Jesse Lowe, Deputy Assistant Director for Technical Services; Rolla Chandler, Chief, Division of Lands and Realty; Bob Jones, Chief, Division of Environmental and Planning Coordination; Beau McClure, ANCSA Coordinator, Bureau of Land Management; Andy Wiessner and Sharon Cockayne, staff, Indian Affairs and Public Lands Subcommittee, House of Representatives; Kenneth V. Zahn, American Federation of Mineralogical Societies, Arlington, Va.; Dean Rhoads, president, Public Lands Council, Washington, D.C.; and Doug Smith, legislative assistant to Senator McClure.

PROCEDURE

Mr. QUARLES. Well, we might as well call this workshop to order.

Under section 318 of the Federal Land Policy and Management Act the Congress converted the BLM authorization from that of being permanent to one which requires enactment every 4 years.

Section 318 also requires that the Department send up a proposal by May 15 of the last year for the first quadrennial BLM authorization beginning in 1979. The Secretary did send up that proposal and it has been introduced by request by Senator Jackson in the form of S. 2234.

Most of the outside participants in this workshop were sent by the committee a copy of the justification for that 4-year authorization, submitted by the Secretary.

Prior to Senator Metcalf's death, both the subcommittee chairman and the full committee chairman agreed to a procedure for the consideration of S. 2234. That procedure would be initiated by a series of workshops to discuss in detail the BLM proposal and various budget items within the overall proposal.

This would be followed by a meeting of the subcommittee in which the staff would brief the subcommittee on issues raised during the workshops and on the proposal in general, at which time the committee would identify certain issues they would like to have covered in a much shorter telescoped public hearing process.

Senator Bumpers, the new chairman of the Subcommittee on Public Lands and Resources, agreed to this procedure when staff briefed him last week.

Despite the fact that to many people it seems like a new procedure, it is a procedure that the committee had initiated sometime ago.

The first time it was used, to my knowledge, was in the development of the annual ERDA authorization. Again, there were staff-chaired workshops to flush out possible Energy R. & D. strategies. And this was followed by the Energy Research and Development Subcommittee hearings on the ERDA authorization.

And also last summer members of the committee staff held workshops in Alaska in 80 villages in relation to the so-called Alaskan National Interest Lands legislation.

The workshops have been scheduled over 4 days. The schedule calls for the first workshop to begin today on multiple use planning. The second workshop is February 2d on nonrenewable resources. The third workshop is on February 7th on renewable resources. And the final one is on February 9th covering funds to local jurisdictions and also budget strategies.

Each of the workshops will begin at 1 o'clock and try to conclude at 4 o'clock or however long that it takes. They will all be in this room.

Today's workshop, under the schedule, is for multiple use planning, the following items will be considered from the BLM request: Multiple use planning; land and realty management; withdrawal review; data management; the cadastral survey; general administration; law enforcement; acquisition, construction and maintenance; and personnel ceiling requirements.

We hope to keep this workshop as informal as possible. What we hope to do is to have BLM make an initial presentation; first, the methods they've used, procedures they've used in developing the quadrennial BLM authorization request, and then to outline for us what they are requesting and the reasons for it in these various categories.

We also would then hope there would be time for both questions from the staff, which I will introduce in a minute, and also statements from any of the outside interest groups which we have asked to participate in this workshop and indeed questions addressed either to the committee staff or to BLM from the many—any participants in the workshop.

Those who will participate in the workshop from the outside interests will be asked to appear again at the hearings should the members of the committee choose issues which the participants wish to address. It's obvious that if they pick issues that are far afield from the interest of participants, we will not extend them an invitation. But should they wish to testify or discover renewed interest in that area then all they need to do is call us.

We will circulate a list to the people to sign up so that we will know who did participate during these workshops. Just sign up on the second page and on the back of the second page, both your address and the phone number, if you would, and correct any misspellings of the people that we do know happen to be here or plan to be here.

INTRODUCTION OF PARTICIPANTS

The BLM presentation I believe will be begun by the Deputy Assistant Secretary for Land and Water, Dan Beard. And I'll ask Dan at the appropriate time to introduce the BLM representatives who are sitting with him at the table.

I would ask each participant who is either on the committee staff or with the BLM to simply identify himself or herself when either they have a statement to make or a question to ask after the original presentation is made.

Sitting up here to my far left is Ted Orf, who is counsel to the minority staff of the committee. Tom Imeson is a professional staff member with minority staff. Myself, Steve Quarles, counsel of Public Lands and Resources Subcommittee, and Ken Goodwin, who is on the professional staff of the Public Lands and Resources Subcommittee. And Caroline Clark, who is also on that staff.

I note that Andy Wiessner is here from the Indian Affairs and Public Lands Subcommittee of the House. And I don't know if you're accompanied with anyone else or not.

Mr. WIESSNER. Sharon Cockayne.

Miss COCKAYNE. I'm Sharon Cockayne. I work on the subcommittee.

Mr. QUARLES. And, Dan, it's up to you. Why don't you begin.

Mr. BEARD. Why don't I ask that all the people around the table here introduce themselves. We'll start over to the right and go around.

Mr. LOWE. I'm Jesse Lowe, Acting Assistant Director for Technical Services, Bureau of Land Management.

Mr. VETTERICK. I'm Paul Vetterick, Chief, Division of Budget and Program Development, Bureau of Land Management.

Mr. BEARD. And I'm Dan Beard.

Mr. PETTY. I'm Arnold Petty, Assistant Director of Administration, substituting as best I can for Mr. Turcott who is ill and is in bed today.

Mr. JONES. I'm Robert Jones, Chief of the Division of Environmental and Planning Coordination.

Mr. CHANDLER. I'm Rolla Chandler, Chief of the Division of Lands and Realty.

Mr. ALLEN. I'm Tom Allen, Chief of the Branch of Program Development.

BLM VIEWS

Mr. BEARD. OK. I thought that the most instructive way for us to begin is to maybe just give a little brief background statement by myself, and then Paul has some more remarks that he'd like to make, and Arnold may have something from George Turcott.

I think there's a question in your minds how we approach the problem of the 4-year authorization.

First of all, let me say it's a very difficult problem to telescope out 4 years on a set of programs as varied and complex and as dynamic as the Bureau of Land Management programs.

I think this authorization process is very good, because with my experience with the House Appropriations Committee before, BLM's programs are changed and the direction of the agency is changed on an annual basis through the budget process. So it's good to have the authorizing committees involved in reviewing the budgets and watching the direction of the agency.

The 4-year authorization bill that you have before you was late getting up to the Hill. That was entirely my fault. I came on board in eary June and I felt a responsibility that we review the authorization and go over it carefully before we sent it up to the Hill. And we did take quite a bit of time. One of the problems that was presented to us was that the 1979 budget was going through at the same time and that presented us with a difficult problem of trying to get the 1979 budget synchronized with the 4-year authorization without knowing what OMB would do to the 1979 budget or even the Secretary.

The 4-year authorization was built from the bottom up, so to speak, with requests coming in from the field. BLM then put those together. We sat down together and discussed it, made some changes.

The committee, I'm sure, would want to know the involvement of OMB, and we did consult with OMB, especially their legislative people, because this was a legislative request, and we discussed with them the format of the bill as we did with the committee staff. And as you might expect there was discussion on the numbers.

There was disagreement between the Department and OMB and even within the Department since BLM and our office and the Secre-

tary's office all disagreed. And in the final analysis it was the decision of the Secretary as to the numbers that he sent up.

As I remember the act, it says something to the effect that the BLM shall send up the request based on his judgment of what's needed to meet the requirements of the law. I've paraphrased a little.

I did talk to the Secretary about the numbers in the authorization bill and several of the accounts in which we had different views between our office and the BLM and other agencies.

I think if I could present it, the biggest concern that we have with the 4-year authorization is the accounts—the way in which you write the authorization bill. Our hope is that we can have a bill that is as broad as possible but still protect the prerogatives of the Congress and the various committee.

We would prefer to have it at the appropriation account level as we've submitted in the bill.

The problem with the BLM is that you have a number of different activities, all in one agency, all of which tend to conflict with one another; and you have different priorities established by the President, the administration, or the Secretary, as to directions.

Historically, it's been the view of the Assistant Secretary's office that the nonrenewable resource category of programs got the most attention during the last administration. And primarily because those accounts account for a great deal of the income to the Government. I'm speaking specifically of OCS and coal leasing and mineral leasing in general. You have a big pot of money coming in from a certain set of programs.

And then you have the renewable resource category of programs which we felt in our process of looking at the 4-year authorization and in the 1979 budget process was underfunded. It was underfunded and it has always been a stepchild, primarily because that was not the source of the greatest amount of revenue. And, coincidently, it amounts to the greatest amount of land under BLM jurisdiction.

You have the constant problem of energy production and minerals management programs being weighed against renewable resource programs, wilderness preservation, wildlife, forestry, and range. Then you have of other programs which are related to many social purposes, for example, native claims settlement.

So you have a lot of conflicting priorities and programs and directions all under one bailiwick and it makes it terribly difficult, and especially as you try to telescope 4 years down the road.

So we believe that if you have massive shifts in an authorization bill from one direction to another direction, the greatest need is for program flexibility. Any agency likes that. And I would just urge you to temper your desire to make sure that the agency is going in the direction you want with the need on our part for administrative flexibility.

I think there are two very difficult problems that we have with a 4-year authorization right now, and that is uncertainty with regard to program direction and uncertainty with regard to program costs.

Now with regard to program direction, the OCS program is right now under review by the Assistant Secretary's office as a result of

the National Academy of Science's report and other activities. So we're looking at that program. And we honestly don't know until we get through the public consultations and the reviews with the Secretary and others in the administration what the direction of that program is going to be.

Is it going to be a $45 million program, a $30 million program, or a $90 million program? We just don't know.

You have the entire coal program up in the air as a result of court suits; the *NRDC* v. *Hughes* has got us, you know, in a quandary with respect to program direction. And we also have a presidentially directed review of Federal coal leasing policy which we're undertaking.

In wilderness is another example of program direction. We are currently putting the finishing touches on the direction we'd like to go with the program. But as far as the assurances of how many acres are going to have to be intensively examined, we can't give answers to that right now because we simply don't know until we make some decisions which are generally 1 and 2 years down the road.

FLPMA required a great number of regulations. I don't know if we have a—we had a chart at one time which show all the regulations that were required and the timetable for doing them, and I think the number was 17. As I remember it was quite a few, different sets of regulations that would be required. Five are completed, others are in the process of either being drafted, reviewed by the Solicitor or reviewed by the Secretary's office.

So the nature of all these regulations dealing with the different aspects of FLPMA are going to have a separate impact on the budget requirements and the direction of the various programs in BLM.

The range program is currently under review. We have a court suit as well there. We have gone back to the plaintiffs suggesting a re-examination of the timetable for the preparation of the environmental impact statements. We've given new direction as far as how those statements should be prepared and on what time frame. We don't know the answers to that question either.

The wild horse program is currently under review. The Secretary has stated publicly that he intends to send up legislation. If so, if the Congress were not to act on that legislation, the budget cost in the out years would be considerably different than they would be if the Congress did pass amendatory legislation.

The entire planning process is under review and any new legislation that Congress may put on the BLM or new programs or directions outlined in the various Presidential initiatives will, in turn, translate into budget ceilings, allocation of funds between program accounts, and that presents us with a great deal of uncertainty. For example, the Heritage Trust Program gives us some new responsibilities with respect to archeological sites, historic preservation, and other things.

I guess all of these, too, have problems with their program costs. The one that comes immediate to mind is wilderness.

We have mapped put, of course, the examination of 55 designated areas, but once we make an initial cut of those lands which have wilderness values we then will have to go back and survey those and make recommendations to Congress by 1990, which sounds like an awful long time away but it isn't. But the number of people and the program cost will depend on exactly how many acres come out of the first shake and we determine will have to be assessed for their wilderness value.

So it could be, 60 or 70 million acres or 30 million acres or 15 million acres. There's a significant amount of difference between the two sets of program costs.

I think, finally, there's another thing that you have to remember about the BLM budget that is very difficult to get across and that is that the BLM budget is in many cases a funding vehicle for other programs in the Department. The accounts and the directions that you put into an authorization bill with respect to BLM have to consider the impact that may be had on the USGS and the Bureau of Mines for things like wilderness review, coal leasing program, Fish and Wildlife as well, and also Indian Affairs.

So that nearly all the agencies in the Department spin off BLM's budget because there are many programs where we fund it centrally in one agency and then it's divided among a number of agencies working on a problem.

So I think that's a critical thing to keep in mind as you begin to work with this.

I've talked too far too long. I just wanted to sort of impress upon you the problem of uncertainty and the difficulty that it presented us in trying to work out the 4-year authorization. I think it will be the same difficulty presented to you and your members when you begin to sit down and draft an authorization bill.

Arnold, do you have some kind words you want to give on behalf of George who's in bed?

Mr. PETTY. I have a prepared statement from Mr. Turcott. I'd like to enter it for the record if I might. And with your permission I'll summarize that just very briefly.

[The prepared statement of Mr. Turcott follows:]

STATEMENT OF GEORGE L. TURCOTT, ASSOCIATE DIRECTOR, BUREAU OF LAND MANAGEMENT

Members of the staff, the BLM staff and I appreciate the opportunity to discuss our first Four Year Authorization request and answer questions you may have.

When the Federal Land Policy and Management Act (FLPMA) became law on October 21, 1976, a firm course was set for that vast part of the public domain whose destiny was, up to that time, legislatively clouded and uncertain. Enacted almost two hundred years after an earlier Congress set into motion events which established the concept of a public domain, FLPMA embodies the interests and expectations of a modern, diverse society—a people whose legitimate concerns range from absolute preservation to intensive resource development and utilization.

After two centuries of land disposal, reservations and withdrawals, the public lands of the United States still remain the largest single estate in the Nation. Under BLM administration, the public lands embrace 470 million surface acres or 20% of the land of these United States as well as 840 million acres of subsurface rights vested in Federal ownership. Jurisdiction on the immense areas

offshore which comprise the Nation's Outer Continental Shelf complete the BLM's areas of responsibility.

Because of their vast size, and their immeasurable wealth—both tangible and intangible—the protection, and use and the development of these lands touch the daily life of each American. Jobs; supplies of fuels and minerals; land on which to build; food and fiber; lumber for housing; clean air and usable water; places to hunt, to fish, to find solitude or to discover our past; and the orderly delineation of property ownerships are all impacted by BLM activities. The proper use and management of these resources not only determines the present but also sets the future course of our society—its wealth, security, environmental health—in all, its general well-being.

Our public lands are unique to many other holdings within the Federal domain. Until the last couple decades in our Nation's history, they were considered as an asset to be disposed of; disposal to achieve certain national objectives. Not until recently have the prospects of retention and management to satisfy our national goals evolved within our national thinking. This evolution has come within the concept of multiple use wherein these lands are not automatically dedicated to a specific purpose but must be managed in a manner which considers all legitimate demands and interests against them. A growing public realization that this is the last domain that still remains largely open and available for diverse, often competing interests, sharpens the arena of conflict in which the Bureau must, of necessity, operate.

BLM has no single constituency. As a result, we must wrestle not only with the question of how a program will be carried out, but with the tougher issues of land and resources allocation. A good data base, coupled with public participation in the operation of our multiple use planning system is the way we will make these allocations.

I believe there must be a sense of program balance when we implement the decisions resulting from the planning process. Without balance, we cannot expect the broad base of public support needed to fullfil our public land management responsibilities. It makes sense to me to enhance renewable resources as a balance against some of the environmental costs we must incur to obtain many of our nonrenewable resources. BLM is a multiple-use agency with multiple-use responsibilities and must be responsive to all of its mandates.

The authorization request which we are here to discuss, attempts to meet our responsibilities in all areas. As you know, Section 318 of the Federal Land Policy and Management Act of 1976 requiring this authorization is unique among the land and resource management agencies of the Federal government. It is unique in many ways:

1. It requires that no amounts shall be appropriated to carry out any program function, or activity of the Bureau unless such sums are specifically authorized; this means every controllable account—not just a few large projects or some special functions.

2. It requires that we look four years to the future and anticipate policy and the funding implications. We must do this for newly legislated programs such as wilderness review which had its BLM beginning less than one year before this request was prepared. We must also anticipate emerging responsibilities based on old laws such as the 1872 mining law which is a principal authority for surface management on mining claims. And, in between we must work with a number of laws and executive orders that govern some of the most complex issues of our time; for example, onshore and offshore energy leasing, endangered species protection, management of wild horses and burros, and control of off-road vehicle use.

We share with the Congress this requirement to look four years to the future to anticipate our policy and funding implications.

3. The authorization section also requires that the Secretary's request include funding levels which can be efficiently and effectively utilized for each program not-with-standing any guidelines or limitations imposed within the executive branch.

While only four of BLM's appropriations are subject to the authorization requirements, they do affect everything we do.

The four appropriations are:

1. Management of Lands and Resources—our principal management appropriation. Emergency fire fighting and rehabilitation in this account is exempt from authorization.

2. Acquisition, Construction, and Maintenance.

3. Payments in Lieu of Taxes—This is a new appropriation responsive to a 1976 law intended to provide in lieu tax payments to local governments based upon certain Federal lands within their jurisdiction.

4. Mineral Development Impact Loans—also a new appropriation proposed for a subsequent FY 1979 budget transmittal; it is responsive to section 317(c) of the Federal Land Policy and Management Act. It provides for loans to state and local governments for developments necessary to offset the impacts resulting from lease or sale of Federal minerals. However, before a budget is transmitted for this purpose, certain modifications and clarifying administrative procedures are requested by legislative amendment.

The following table summarizes, for the record, our request for each appropriation during the authorization period of fiscal year 1979 through fiscal year 1982. FY 1978 appropriations are provided for reference.

BUREAU OF LAND MANAGEMENT—4-YEAR AUTHORIZATION SUMMARY

[In millions of dollars]

Appropriations	Fiscal year 1978	Fiscal year 1979	Fiscal year 1980	Fiscal year 1981	Fiscal year 1982
Management of lands and resources [1]	$242.1	$290	$320	$350	$380
Acquisition, construction, and maintenance	18.7	20	22	25	27
Payment in lieu of taxes	100.0	105	108	111	119
Mineral impact loan assistance		45	50	57	65

[1] Exclude emergency fire fighting and rehabilitation as provided by sec. 318 of the Federal Land Policy and Management Act.

Emphasis in the authorization proposal is given to the orderly implementation of FLPMA including wilderness review, multiple use planning, law enforcement, and withdrawal processing and review. Additional priority has also been given to the management of the long neglected renewable resources—both through the continuation of recent Congressional increases on behalf of range, wildlife, soil and water, and timber resources as well as new funds and manpower to improve the inventory data necessary for their management. Improved capabilities in the storage and manipulation of management data reflect a continuation of efforts begun in FY 1978 to achieve a fully integrated and responsive data system. Critical needs in the area of energy-minerals include accommodation of expanding oil and gas leasing activity on the public lands as well as implementation of a surface protection effort to insure that mining claim activities do not unduly damage other public values. Finally, the need for new capability in the cadastral survey and construction activities will provide support to all Bureau programs in the management and development of the public lands and resources.

Approval of the authorization request will go a long way toward providing that integrated program balance so vital to an agency with a multiplicity of management responsibilities.

One well worn phrase applies to a four year authorization is, "the only certainty is uncertainty itself." Programs will change, priorities will change, and costs will rise uncontrollably in some areas while technology will bring about economies in others. I would like to close this prepared statement with a request to recognize these factors. I believe it is imperative that as much flexibility as practical be built into the authorization by passing a bill that identifies funding at the appropriation level. An authorization at the appropriation level could permit future funding proposals to be responsive to unforeseen events without requiring legislation to change the authorization itself.

Need for Flexibility

Mr. Petty. Of course, we're here pursuant to section 318 of FLPMA which is rather unique among the Federal Land and Resource Management Agency. It requires an authorization for ap-

propriations in that area. It requires us to look 4 years in the future. And Mr. Beard here has given some of the problems we have with that. And it asks that the Secretary request a funding level that can efficiently and effectively be utilized for each program, notwithstanding any guidelines or limitations imposed by the executive branch.

We're proposing an authorization that recognizes the needs of the broadest spectrum of constituents of any single agency that I know of. We have no single constituent, we represent all of them. We represent the preservationists, the developers, the State and local governments and virtually every citizen since every citizen as a need for the natural resources which come under BLM's jurisdiction.

We've got to have a balanced program. That is something that we've got to get across to everyone. We've got to provide for renewable resources as well as those nonrenewable resources. And it's the nonrenewable which have, of course, the most visibility due to energy and mineral resources. And I know that Mr. Turcott stressess this statement, and it cannot be overstressed: We've got to have flexibility, not only on our behalf but for your behalf, in order to avoid the necessity to come up here year after year for those amendments.

Paul, did you have something that you'd like to add?

Mr. VETTERICK. Not at this time.

Mr. BEARD. I don't know if we have anybody else on our side of the table who would like to make some introductory remarks. If not, we can throw it back to you, Steve.

DEALING WITH UNCERTAINTY

Mr. QUARLES. All right. I think we will go ahead and get a presentation from the other people at your table as to the portions of the budget for which they may be responsible. But just to respond to a couple of things you said, we are basically also wrestling with all the uncertainties so far as this budget. Our committee only recently got in the business of handling authorizations at all, other than new program authorizations through individual pieces of legislation. The ERDA authorization was the first real agency-wide authorization with which we have dealt. It required legislation rather than simply oversight.

And, of course, with the passage of the Congressional Budget Act we've now begun to have oversight responsibilities where we must report by March 15 to the Senate Budget Committee, our own views as to the adequacy or inadequacy of the President's budget proposals for the various agencies with which we deal.

We will probably discuss in the final workshop some of these uncertainties, of how we handle the program changes. Of course, statutory program changes are easier than administrative program changes because when we would pass in the statute which would provide, or increase in legislation, which would provide either a new program or a program change we could automatically amend the Quardrennial BLM Authorization Act then in effect. But obviously we will have to develop procedures for amending or incorporating into the statutes then in effect, quadrennial authorization statutes in effect, for any significant administrative program changes.

Scope of the Authorization

But before we go to individual aspects of BLM's program that are lumped under the title, "Multiple Use Management," et cetera—I wonder if someone might just identify for us right at the start what funds are available to the BLM that are in fact not covered in the quadrennial BLM authorization.

Mr. Vetterick. Yes.

There were four accounts covered by the authorization. These are the controllable accounts, meaning that a certain level can be specified. And we have reasonable assurance that we can control that amount in any annual budget request: The management of lands and resources appropriation; the acquisition, construction, and maintenance appropriation; the payment in lieu of taxes appropriation—although the bill specifies a certain formula, the payment is subject to a certain level of the appropriation—and yet to be submitted in terms of a budget request for authorization is a new proposal for the mineral impact loan assistance which is a provision of section 317.

Now those are the four accounts that are covered. There is one exception in management of lands and resources. There is an emergency activity called emergency firefighting and rehabilitation. Because that part of the management of lands and resources appropriation is not controllable and is a function of the fire season and the severity of fires, that part of the appropriation is excluded from the 4-year authorization.

Excluded Accounts

The remaining accounts that are excluded in total include the Oregon and California grant land fund which is a function of receipts. There is a direct correlation between the amount that goes in that fund and the receipts generated in the western Oregon O. & C. lands in any given fiscal year.

Another fund that is excluded is called the range improvement fund. Likewise, this fund is built on grazing receipts from the prior year; therefore, it is uncontrollable. It is a function of revenue.

There is a relatively small account called recreation operations development and maintenance, which is derived from receipts from recreation use and concessionaires at recreation grounds.

Another exclusion is a new appropriation called service charges deposits and forefeitures. These funds are derived from advanced deposits by major energy related rights-of-way applicants to directly fund their project as well as the monitoring and surveillance of existing energy and related rights-of-way.

The permanent appropriations, which are again mostly a product of receipts, are excluded. These are principally payments to States and towns for mineral leasing and other receipts.

So there are a number of accounts that are excluded. And I think everyone should be advised that what you are looking at here is not the entire BLM budget but the four controllable accounts that are subject to the authorization.

Mr. Beard. The thing to remember though is that the percentage difference I think in the authorization bill here for 1979 there is an

authorization request for $460 million for the control group. But the uncontrolled group, if you will, the permanents and others, account to about $325 million. So when you say that it's a $460 million authorization, you've got to remember that you have a total appropriation or outlays of about $780 million a year.

Intermixed Funds

Mr. Quarles. Paul, in several of these particular categories that you're mentioned, obviously, the funds in the field are intermixed with funding which the quadrennial BLM authorization would cover.

I think probably now is as good a time as any to suggest that among the procedures that we would like to work out with you is to have the committee informed at any time in which legislation that we are working on—I'd say even at the working stage—would affect one of those programs which are not covered by the quadrennial BLM authorization but would in effect reduce the total amount of funding that would go into a purpose or goal that BLM conducts, such as range improvement funds. Clearly I'm thinking of the possibility of a moratorium on range and grazing fee this year as one example where—I forget what the total was but it seems to me it was 3.75 million—would go into the range improvement fund.

Mr. Vetterick. The range improvement fund in 1979 is projected at about $10.9 million. If, in fact, there were a moratorium on the grazing fee that has a budgetary impact, the amount of that fund would drop by $1.6 million.

Now these are some of the other variables I think that Dan was touching on. The total authorizations that we've proposed are predicted on certain levels of funding in these uncontrollable accounts. Of course, they are subject to change, either through the rate of timber harvest which would affect such things as the Oregon and California grant land fund, with the rate of range use by the livestock operator, or a moratorium on grazing fee. So we are in a very nebulous world when we're talking about these authorizations, particularly when we're looking 4 years out.

Mr. Beard. It gets even more desolate as we get to talk about things like personnel ceilings as well. If we get a new program responsibility and yet we don't get the personnel ceilings to go along with it, and it requires us to rob people from, let's say, an uncontrolled account, like the O. & C. forest as an example, then that would in turn have an impact on that uncontrollable account. And that's one difficult problem we have. But we'll get into that later, I'm sure.

Mr. Quarles. Yes, we will.

The point that I wanted to make, however, was that we would appreciate being apprised whenever an action like that would have that effect. For instance, there may be many people in our committee—many Senators—who would want to vote for raising the moratorium, but at the same time would want to support putting that $1.6 million into the quadrennial BLM authorization as a direct authorization for increased appropriations for range improvement. And that's one of the problems we've had throughout to see that a particular goal or purpose is achieved even through it is funded from both the

quadrennial BLM authorization funds and funds that we don't touch in the BLM quadrennial authorization process. That's kind of an advance notice, I'm sure.

Did anybody else want to ask any questions on the presentation, in general, before we go to specific programs of the BLM?

Policy Direction and Priorities

Mr. Goodwin. I have a few general questions.

The quadrennial authorization request that we have really appears to be a kind of a catalog, a description of individual programs that's put together. And I'd like to ask Mr. Beard what kind of overall purposes or goals, and policy directions you have provided to the agency to make changes in the emphasis and direction of the BLM program for this request?

Mr. Beard. Well the biggest problem we've had in the last year has been the change in administration, obviously, the change in the leadership of BLM, and the new budget cycle that we've gone through. There is emphasis right now from the Assistant Secretary's office down through to the BLM on several things.

First of all, it's our feeling that the renewable resource categories in the BLM budget and in their program have not received the emphasis that they deserve.

So in the 1979 budget particularly we put an emphasis on rating those as the highest priority items in the BLM budget with respect to the ZBB process. That's not to say that things like OCS and coal and others were not high priorities—they certainly are. But it was our feeling that in terms of budget requests, the renewable resource categories had not received the emphasis that they deserved.

So as a result, we rated things like range improvement, and the account referred to here as "Other renewable resources" as very high priorities within the ZBB package process that we went through in the 1979 budget.

I think a second priority is to provide direction and policy direction, particularly to the coal management program which we feel certainly suffers at the present time from the lack of direction from the new administration.

The Assistant Secretary has outlined that he is in the process to reviewing the OCS program. And I think that a fourth category would be ANSCA, trying to resolve the problems dealing with the Alaska Native Claim Settlement Act and trying to institute a process which would lead to early resolution of the problem because it is connected to nearly all the problems connected with the land management in Alaska.

And I guess, finally—I hope these priorities aren't sort of ranked in any particular order—the entire implementation of FLPMA is a tremendous problem. You know, you've taken an agency which basically was a land disposal agency for 40 years and given it very wide sweeping responsibilities and changes all at once. And it's a very difficult process trying to institute multiple use management, renewable resource management, and other concepts and priorities into the agency. I think the agency is doing a very good job of adapting but it's a difficult process.

So I think those—I guess there are five there—are the highest priorities, and I've managed I guess to touch on practically everything. [Laughter.]

Federal Land Policy and Management Act

Mr. Quarles. On the last one, the implementation of FLPMA, you've really been given a staggering job with so many statutory requirements. And I wonder if you have developed an outline or a schedule and budget for what it will take to do the whole job.

Would you be able to provide the committee with an indication of magnitude of the job it had that would provide a basis for comparing what you've asked for in these 4 years compared to what it will really take to do the job?

Mr. Beard. I don't know if we've ever developed that. Paul, have we ever?

Mr. Vetterick. Let's go back to some of the things that I think Dan had alluded to a little bit earlier.

In order to develop some of these cost estimates we've had to make some very gross assumptions. For example, one of the high priorities in the 1979 budget, rightfully so, is the wilderness review program. That program has been going out in cost to 1991. But it is predicated on some very, very gross assumptions, and the degree to which those assumptions are valid or invalid determines how accurate or inaccurate we are in the total funding requirements for that.

Now that one is fairly easily defined. You can make certain assumptions about acreage that will require further study versus acreage that will not because it is roadless or does not have wilderness characteristics.

Then you have to make other assumptions in advance of the planning system.

Of the estimated 46 million acres of BLM land we're going to have to analyze because they are roadless and have wilderness characteristics, we're making an assumption that approximately 8 million acres of those we will recommend to Congress for wilderness preservation. I don't know whether the 8 million is a good figure or a lousy figure. It could be 10 million; it could be 12 million; it could be 15 million.

The number of acres has a tremendous bearing on the cost estimate because we're talking about mineral surveys in the neighborhood of $3.60 an acre for those areas that are recommended for wilderness inclusion in the wilderness system. There's a difference between 10 million acres or 8 million acres going into wilderness or being recommended for wilderness. With 15 million acres, there's a tremendous dollar difference in the cost of that program, depending on whether your assumption is valid. That's one problem.

Some of them are much more nebulous. For example, the authorities on leases and permits, the authorities on public land sales—we don't know how many of these areas are going to come out of the planning system as being recommended for disposal under various authorities. Again, we can develop guesses, estimates, certainly educated guesstimates.

Costing out all of the Federal land management cost I think that would be a tremendous job. Now if there were certain areas that you were specifically interested in and wanted to rifle in, I'm sure we could do it. But in terms of its total totality I think it would be very difficult.

I think also we have to realize that the Federal land management process is not doing well. I think there's a tendency to become very myopic and figure this is the only legislative thing that BLM has to worry about, and that's not true as you well know.

The Wild Horse and Burro Act, the Geothermal Steam Act—and there are some amendments now that are being considered under H.R. 1614 to amend the OCS Act to protect marine and coastal environments. All of these should be equated in fact into what is the total cost to the BLM into infinity? And that's what we're talking about.

In some areas, yes, we can give you assumptions and we can give you costs. Other areas are much more nebulous and more difficult to determine.

Adequacy of Requested Budget

Mr. Goodwin. All right.

I think what we're interested in, though, is in getting a feel for whether the budget projections for activity projected is going to be at all adequate to carry out the mandates of the law.

The impression that comes across is that the overall budget request appears to be inadequate to meet many of the responsibilties and the deadlines that are imposed in FLPMA.

I would ask whether you think it's feasible to accelerate the inventory and planning and implementation of programs so that you can meet these congressional mandates, or will you be coming back to the Congress asking for relaxation of these legislative schedues?

Mr. Vetterick. I hope we won't be.

It's my earnest desire that we go through this once every 4 years and have an adequate level of authorization during those interim periods where we can administer these programs effectively.

Whether or not the levels that are proposed are going to be adequate, gentlemen, on what we know now at this point in time, why our general thinking is yes.

The emphasis is on those mandatory deadlines. I mentioned wilderness, and withdrawal review, where we also have deadlines.

Planning may or may not be adequate in terms of unknowns. Changes in emphasis in the planning system where those plans are needed as a result of changing conditions and changing circumstances is very often beyond BLM's control. Our emphasis in planning may shift drastically, or other requirements may require a drastic shift from geographic area to geographic area. And those changes in that just cost money.

So that we're hopeful that the amounts that are in here are adequate. Then you know there's the problem of inflation, even general inflation. What is going to be the inflation rate between 1978 and 1982? Is it going to be 5 percent or is it going to be 10 percent?

So there's a tremendous number of imponderables that are going to affect the answer to the question.

Coordination

Mr. Imeson. In addition to the gross resource requirements you've got a tremendous problem of coordination in getting together all of the inventories and assessments, integrating them in the plans and translating them into management actions.

Do you believe that BLM can effectively coordinate the inventory planning and management functions that you propose in the authorization?

Mr. Beard. Well, yes, I think we can.

Would you like to get into the whole inventory planning area now or——

Mr. Quarles. Well I'm really concerned with the management capability for this coordination, leading to the further question: Would you be able to handle that coordination if you received a larger appropriation than is requested in your authorization request? Do you have the management capability to accelerate the implementation?

Mr. Beard. Well, you know, that's a really difficult question because more money isn't going to lead to better coordination. Coordination really falls down on the nature, the manner in which people do their jobs and their ability to get along.

I've certainly not run into any insurmountable problems in the way in which BLM has carried out their coordination activities with GS, Bureau of Mines, and other agencies.

I don't know if that really answers your question, the question you're really driving toward.

You know, we could have all the money in the world, but unless we had the people or the right kind of people, we really couldn't do the coordination work.

Mr. Quarles. Well I think we can get into that later on.

Mr. Beard. OK.

Mr. Quarles. Our concern, however, is that the BLM has set for itself in statute—FLPMA has done it for them as well—a very aggressive inventory planning and implementation schedule process. There is some concern among the members of this committee that we may end up in a situation where we flounder in any one of those three stages, and that, even worse, maybe those stages will not be coordinated so as to achieve implementation as swiftly as I think everyone would hope. It's something that I think we'll touch on again.

Resources Planning Act for BLM

Tom, would you like to ask something?

Mr. Imeson. I just have a general question.

When you're talking about various funding levels, and even beyond that, goals for specific programs that you want to reach—for example, 130 million board feet in the public domain timber program by 1981—the thing that seems to be missing is some measure of those

activities as opposed to what might be done. In other words, what could be achieved and where are we on that yardstick? So that the committees and the Congress would have an opportunity to say if we think we're doing too much in this area or not enough in this one, we could find different places to put that up against. I realize that may be difficult because you have a lot of inventory work to do that might lead to that kind of a direction.

But I'm curious as to whether you intend to provide the Forest Service—under the forestry legislation it does that sort of thing. They establish goals in different areas. And we can tell by looking at their budget in one area that they will achieve 80 percent of them and in another area, 85 percent. So we can judge the priorities that the administration is using. And then if we want to come back to change them, we can do it. I wonder if we can get into that kind of a situation here.

Mr. BEARD. Well, you know, we don't have a statutory set of goals as the Forest Service does under the RPA, but we certainly have administrative goals. And I think that the new BLM Director and the Assistant Secretary themselves set goals. But as far as what you're getting at, any measurable kind of thing which you can deal with in this kind of a manner, the answer probably is no.

Mr. IMESON. As we get on with the inventory work, can we come up with some device so that we can have some way of judging these different programs against some goals? I know it's easier for some than for others. If you've got a certain amount of work that has to be done, you can see where the deficiency is when you get the budget. But in others we probably don't know where we are in terms of whether that's a program that's getting relatively little attention, as money alone isn't going to indicate that, as opposed to what the program might be achieving.

Mr. BEARD. Well the answer is yes.

Paul, do you want to go into that?

Mr. VETTERICK. Well regarding your specific example, of the 130 million board feet outside—excluding western Oregon, that is our current estimate of the sustained yield level, given the primary decisions that have been made about taking certain lands out of the timber production base for other uses.

We are in the process now of reevaluating our approach to the grazing EIS's. They will be hopefully written on vegetated allocation, both for forage using animals as well as for the maintenance of the soil and water values.

Those decisions will pretty well begin to answer a number of questions that have to be made over a period of time.

What is the total AUM objective, say, for livestock? What is the total AUM objective for horses and burros? And what is the total AUM objective for wildlife species? These things will tend to crystalize in time.

Right now, to begin with, admittedly there's a great lot of nebulous areas, although forestry happens to be one where we're confident that 130 million board feet a year outside of western Oregon is attainable on a sustained yield basis and will be budgeted for both in

an authorization and in an actual budget to achieve that. In fact, we have achieved that level in our 1978 and 1979 budgets.

Mr. BEARD. I think the thing you've got to remember with respect to the passage of FLPMA—it's a little like you had a car going north on a freeway, and you stopped it, and you turned it around. And sitting there idly you're going to tell it to go south on the freeway. And that's, in essence, what we've done, you know, with the passage of FLPMA; that's what's happened. You know, the direction of the agency was going this way, it's been stopped, it's been turned around, and now it's going to go that way. And, you know, it's sitting there kind of idling getting ready to go because—you know, I wish we had that chart with the regulation schedule on it to pass out; it's almost mind-boggling the number of regulations that we have to put, including things like the planning process, which is a concern to everyone, because we don't want so much planning going on that we have 8,000 people running around with magic markers in their pockets and everyone writing plans.

We're now working on the regulations dealing with the planning process and the make up of the planning process because it influences everything down the road. But until we get those regulations in place and the directives out to the field, and everyone going in a certain direction, it's going to be very difficult to sort of sit down and say what are your specific goals and objectives, because we really can't answer that question now, at least not this year.

That's a crude comparison.

Mr. PETTY. Well one thing we ought to keep in mind here though is that the 4-year authorization does not provide for alternative levels of funding. It just provides for the amount that we can effectively an defficiently utilize.

Now if Congress wants to provide alternate levels, of course, we can do that in the future.

Mr. QUARLES. I think that Tom has hit on a point that has bothered me a bit, too. First of all, I think we ought to add that FLPMA is new to us, too, and that's probably why we're sitting here struggling with the BLM quadrennial authorization and how to handle it. We don't have to write regulations—there are procedures, but we still are struggling just as you are—but I think the point that Tom has made is a good one.

First of all, Dan, it is true that the Forest and Range Land Renewable Resources Act, or the Humphrey-Rarick Act—as amended by the National Forest Management Act—does have a few statutory goals that are measurable. But much of it is not. And what it does demand is that the agency itself, in the long-range planning process, provide Congress with a fairly specific—and wherever possible, quantifiable—description of what its goals will be: How many acres it hopes to put in wilderness over a certain period of time, and how many of these kinds of things. And in providing us alternatives and providing budget levels for those alternatives, it puts Congress in a position that—should it wish to effect or to have its own, say, as to what those goals might be through the authorizing and appropriating process—it knows with a little bit better how to juggle the authorization and appropriation to meet those goals, whether you call

it incremental pricing, or whatever. It's still a means of determining a change in direction be it ever so slight or ever so great.

And, as Tom has said, we recognize there are two problems, not only the one that you mentioned that FLPMA is new, that you're in idle, and it may be some time before any goals of this kind of nature can be established, but we also recognize that the Forest Service is living under the luxury of having its inventory process much further down the road so that it's in a position of being able to quantify whatever goals it establishes with a little more specificity.

Mr. BEARD. We also have different goals, too. We have so many conflicting programs, everything from energy use to Alaska native claim settlement and other activities.

I think the authorization budget justification—I don't know if that's what you call authorization and program descriptions—do a job of setting out the goals and directions for the programs over the next 4 years. But as far as getting into something like you're talking about, alternatives which are presented to the Congress, no. And I think Arnold's point is a good one, that that is not something that was specifically directed of us either.

Mr. QUARLES. One last thing that I would like to say to add to this—one of the things that the committee realized perhaps too late after we had worked on the section 318 is just the point that you make. Despite the fact that the BLM budget, in comparison say to the ERDA budget, which we worked on at times, pales, we are discovering very rapidly that there is no easy way to analyze that budget, at least on the question of the ERDA authorization. There are certain overall concepts in balancing various energy forms, various fuels, et cetera, in an overall strategy for energy R. & D. And we recognize very quickly that it's awful hard to come up with an overall strategy that takes everything from lands and realty to wild horse management to God knows what else.

Do you, Tom, have any more to ask?

Mr. IMESON. No, my only point is that I understand that there's a lot of work to be done in the inventory and planning area. But we need to know as much as we can about what direction it is that we turned you in, and the direction that you're going in, to see if that's the one the people here see as the best way to go.

INTERIM DIRECTIONS

Mr. QUARLES. Do you have a question, Doug?

Mr. SMITH. I'm Doug Smith from Senator McClure's office. And recognizing the point that BLM has made about the need for a planning process to enter into the planning, it is a popular understanding that in the absence of useful grounds for ongoing plans that the present programs are going to continue pretty much on schedule until some of these plans come along. So there's not a void in them.

Mr. BEARD. No. This is correct. We will continue them.

Mr. SMITH. And relative to new congressional concerns, for example, the need to improve ranges. Does the range rehabilitation or management program continue at the present level until new plans

or changes are made? Is that a proper understanding of the situation?

Mr. BEARD. No, because that will depend on the outcome of our negotiations with the court. I mean, we've sent out an emphasis on the 1979 budget that range rehabilitation be a high priority goal. And we have given new directions as to how EIS's would be prepared so that we can get the work done. But—and we have sort of an interim mode in which we're sort of moving over to that new direction.

No, I don't think we can say with absolute assurance because it's going to depend on negotiations with the court. And I don't know how far we are with that right now.

Mr. SMITH. But that is an essential factor involved in the total process.

Mr. BEARD. Yes.

Mr. VETTERICK. Yes. It's separate but it's very important.

Mr. SMITH. Yes. Absolutely. And I'm certainly not arguing against your point.

The other thing is that initially there were to be 212 impact statements. Has that been changed?

Mr. VETTERICK. Yes, it has been changed to about 158 as I recall. I think the other thing to keep in mind is our ability to implement what we call allotment management plans or their equivalent. That there will be eight of these environmental impact statements completed in fiscal year 1978.

If they are deemed adequate—which is another big "if" in public land management—that will create some new investment opportunities in those particular areas covered by those environmental impact statements.

Mr. SMITH. And this is an open-ended question. Do you have any comment on the challenged environmental impact statements?

Mr. VETTERICK. We are doing a revision supplemental to the challenge based on better inventory data.

Mr. SMITH. Would it be a revised draft or are you working on the final?

Mr. VETTERICK. I believe they will probably go out as another revised—as a draft before it is finalized, sir.

Mr. SMITH. Thank you, sir.

MULTIPLE USE PLANNING

Mr. QUARLES. Dan, why don't we just begin and have whoever you think is appropriate in whatever order you think is appropriate to present the budget for multiple use planning and technical support and administration.

Mr. BEARD. I think that is Bob Jones; do you want to go ahead?

Mr. JONES. OK. I'll talk about the multiple use planning area. As Dan indicated, we're right now in the process of reviewing our approach and procedure in the land use planning area in connection with developing the regulations, so I speak with the same degree of uncertainty that Dan indicated he spoke with regarding the total budget.

I'd like to take just a few minutes to outline briefly where we are and where we think we're going, and then I'd be happy to try to answer any questions that you may have.

When we speak of planning in the Bureau we're really talking about three levels of planning: Policy planning, land use planning, and implementation planning.

By policy planning I mean the continuing process of looking at our objectives and goals for each of our major functions, and insuring that these objectives and goals properly reflect the legislation and the administration direction that is available to us.

By land use planning I'm talking about the process of pulling together for one specific area of land, all the alternatives, all the proposals, everything that is being considered for that area in the development of a coordinated plan which lays out allocations, objectives, direction, and coordination for all the various land uses that are potentially possible within that area.

By implementation planning—this again happens on a sort of a functional basis—it's the process of laying out a more detailed design as to exactly how one of the land uses authorized in the land use plan is to be carried out. And the preparation of an allotment management plan to guide livestock grazing, of course, is a good example of that.

I'd like to talk a little more now about land use planning. I'm not going to try to explain our whole process for land use planning, but I would like to just make a few comments about it.

There are sort of three general principles that I think are important.

First, we approach it as a dynamic process. In other words, we're never going to have all the inventory data we need. Policies are always going to be under refinement. New issues are always coming up. Land management goes on. Land use decisions go on. Consequently, we view a land use plan as being the best we can do at a particular point in time and something will follow until the situation changes enough to where that plan needs to be revised. And under that concept they need to be revised quite often. They're a coordinating vehicle.

The second principle I'd like to make about our planning is we follow what we call an advocacy planning model. In other words, we attempt to incorporate into our planning process provision for all competing land use values to all to have a fairly equal opportunity to make their case as to what they would do with that land if they didn't have to worry about anything else. And then we go through a reconciliation process and a decision process with full public involvement and final decision by the authorized decisionmaker.

The third point I'd like to make about our process is that it's decentralized. We don't use land use planning as a Washington office function. Land use planning for BLM is a field function accomplished by our district offices with substantial state office involvement in an environment where all the unique characteristics and unique factors that must be considered can be fully described and displayed.

To tie down our land use planning program, we work with what we call planning units. These are geographic units. We have about 550 of these units established. We try to keep these units as stable as possible.

They still go through a little bit of fluctuation. But these are the basic building blocks that we work with.

We interpret inventory information for these units. We collect information about the social and economic and environmental characteristics of the values of those units. And then we go through a plan preparation process for one or more of those units at a time and end up with what we call the management framework plan, which is the in-house term that we have used for land use plans in the Bureau.

At the present time in fiscal year 1978, we have about 80 percent of these units or 80 percent of the lands in the lower Western states covered with a first generation or some kind of a land use plan.

In terms of the impact of the new legislation, of course, after conducting a planning program for a number of years without any specific congressional direction, we now have three laws that we have to relate to: Federal Land Policy and Management Act; Coal Leasing Amendments Act; and the Surface Mining Control and Rehabilitation Act.

We're right now in the process of developing regulations which would tie down the departmental directives for planning as it relates to all three of these acts.

We have some concepts that have been developed and we're about ready to start the pre-publication or pre-proposed rule making public involvement concepts.

In terms of how this will impact the way we now prepare plans, of course, we don't know exactly. Our general feeling is that there are going to have to be a lot of detailed type changes to accommodate the requirements of the new legislation: Wilderness; areas of critical environmental concern; alluvial valley floors in the Surface Mining Act. There are all sorts of details that are going to have to be worked out and will require modification of some of our procedures.

As far as our basic model and the basic principles that I've referred to earlier, it's our general feeling at this point that those are reasonably sound and they will probably prevail.

Just one last area I'd like to talk about briefly, our strategy in the Bureau for planning.

We started about 1970. We devoted the first 5 years, from 1970 to 1975, to getting a rapid first generation set of plans for as large an area as we could, recognizing we had an ongoing program and it was, we felt, more in the public interest to have some kind of a plan for as large as area as possible rather than having a perfect plan for 5 percent of the acreage and nothing on the rest of it.

About the middle 1970's we had pretty much achieved that first objective, and we started up a tightening up process to establish a tighter set of procedures, a higher level of quality control, a great requirement for better inventory data. And we're moving into that phase of major planning area revisions now under a much tighter process.

Our objective is, as we indicated in the authorization document, to get to a 6-year cycle. In other words, if we could get our planning program up to the point where on the average a plan could be revised once every 6 years, we feel that would adequately handle the dynamics

of the situation and would give us a capability to have plans that are sufficiently current. Many, of course, would be more current.

In terms of the management question that you asked earlier, the way we handle this now is that we identify well in advance of the beginning of any fiscal year the area for which a plan needs to be revised.

The first step is what we call a preplanning analysis, which is to go into that area and make the best estimate we can of what the issues are, what the needs are, what inventory data needs to be collected, what has to be accomplished in planning for that area.

Given that preplanning analysis, then as we build our budget and build our annual work plan, and depending on the degree of flexibility we have among accounts, which Paul talked about, we then build an inventory and a planning program which meet the needs for that area as best we can with the capability we have.

With that general overview, I'd be happy to try to answer any questions you have about this part of our program.

Management Framework Plans

Mr. Quarles. Well a couple come to mind.

First of all, underneath the multiple use planning you do have specific resource planning, such as allotment management plans, timber management plans, and this sort. How soon, or are you already there, that you are in a position to say that you will always have the management framework plan in place before you begin the individual resource plans?

Mr. Jones. OK.

Speaking now of the lower Western States because Alaska is quite unique as we all know. In the lower Western States we now have about 80 percent of the land we manage under some kind of a management fromework plan, although I hasten to add that many of these tell us more what not to do than what to do, because when they were prepared they were prepared with very limited data and they were, in effect, a kind of a holding action type plan.

As we proceed we're finding that we need to give higher priority to the revision of some of those old plans in very difficult areas than the priority we can give to preparing new plans in the remaining 20 percent. But these remaining 20 percent areas are generally areas of very little land management activity.

So it's very difficult to give you a projection when 100 percent of it will be covered. But within a year or two I would say we'll be at a point where almost every situation needing a plan will have some kind of a plan but then it will be at the last point.

Those plans often are not of the quality level necessary to really effectively support the kinds of decisions that have to be implemented in the kinds of specific implementation plans that you referred to. In other words, they may not have an adequate inventory base. They may not have dealt with some specific issues. And they're the sort of plan that the manager says, "Look, it may be all right for some uses, but if I'm going to base a decision on a proposed coal lease or how am I

going to allocate some vegetative resources out here, I need a revision of that plan first."

STATUTORY DEADLINES

Mr. QUARLES. You have in your multiple use planning budget, of course, two planning exercises that are specifically mandated by law, at least two that I'm familiar with. This is the California Desert Act plan—the California Desert plan and the National Petroleum Reserve plan.

I'm not sure about the National Petroleum Reserve plan but I know the California Desert plan has a statutory deadline.

Mr. JONES. That's right. They both do.

Mr. QUARLES. Those statutory deadlines are what, 1980 for California Desert, and 1979 for NPRA?

Mr. JONES. That's correct.

Mr. QUARLES. Are you on schedule on both of those? And will your fiscal year 1979 budget meet those? I guess NPRA will already be done in 1979.

Mr. JONES. Yes. We are on schedule and we assume that we have to meet those requirements.

PLANNING UNITS

Mr. QUARLES. You mentioned that there are 600 planning units, which about 80 percent are covered, or 80 percent of land based have been covered.

We have recently come, I don't know whether to say full circle or what in the question of the wilderness review at least with the Forest Service, where after getting down to the planning unit level they've begun to discover that in certain types of land use decisions they are finding themselves constrained to combine once again planning units, that is, if they find that they've Balkanized roadless areas and wilderness review is inadequate.

I know that you have a number, as you've mentioned, of various planning categories which may involve a great deal of acreage: The areas of critical environmental concern in FLPMA; the wilderness areas in FLPMA; aluvial valley floors; areas unsuitable for mining, this kind of thing as in the Surface Mining Act.

As you have divided up these units—and I gather many of them were divided up well before the strip mine and the Surface Mining Act—are you carefully looking as you begin the planning process to make certain that that unit is not artificially drawn so as to split the potential area of environmental concern or to split potential wilderness areas?

Mr. JONES. Yes, we certainly are. I can make several points on this.

First, the number of planning units is now 550 rather than 600. We got our end-of-year fiscal 1977 report since the authorization was put together and we find a number of States have done some further consolidations. So the number we're working with is 550 rather than 600.

Second, these are building blocks. They're not areas that we put blinders on when we prefer a plan. They're building blocks that we try to keep reasonably stable as an area where we can deposit inventory information, where we can deposit planning conclusions that we can work with for program management terms.

When we prepare a land use plan we will often prepare it for two or three or more of these units at one time, based on the kinds of considerations that you mentioned that maybe go beyond the boundaries of one of these planning units.

So I want to make clear that we all understand that we don't look at only one planning unit at a time as we prepare a land use plan.

The other point that's critical to this is that as one of the inputs to the preparation of a land use plan, we call for various kinds of surveys, inventories, data assembly. And, for example, in the wilderness area, as the process is now being considered in any event, there would be pretty much a nationwide review of the public lands to identify all the roadless areas which meet the criteria involved.

So that sort of information would be available and known to the people on the ground as they start the preparation of a plan. In other words, they might say, well at this time we've got a roadless area that falls in these three different planning units, so we'd better do them all in our management framework plan this time. And the same promptness, of course, holds for many other kinds of resource data.

Mr. QUARLES. I'm sure you are aware of the Forest Service region that recently announced, that it was revising the wilderness—several wilderness studies because the wilderness was judged on the basis of unit boundaries, planning in the boundaries.

Mr. JONES. Yes.

Mr. QUARLES. And it was found not to meet the criteria of the wilderness values. Whereas, if the entire wilderness area could be stretched through several planning units it then considered it would have.

Mr. JONES. We're very sensitive to this kind of an issue.

ACCELERATION OF INVENTORY

Mr. QUARLES. Ken, do you have anything?

Mr. GOODWIN. I have a couple of questions.

On the inventory, section 201 requires the preparation of an inventory.

Mr. JONES. Yes, sir.

Mr. GOODWIN. And I wondered what your schedule is for completion of this inventory and if you have priced out what it's going to cost to complete it. And we wonder whether it would be feasible to accelerate the completion of the inventory.

Mr. JONES. I can give you just sort of a general answer in that area and then I think Tom or the budget people will have to answer you specifically.

First of all, we're not out there now with no inventory. I mean, there are all kinds of inventory data available to the Bureau. Our own data that we've collected over time; data from a variety of other agencies, Geological Survey, Fish and Wildlife Service, and everybody else.

Be that as it may, we have some very serious voids and holes in our inventory data base.

The Bureau has a substantial inventory program built into the 4-year authorization and, more specifically in our fiscal year 1979

budget. I'm not sure though that we have considered that area as far as we need to to really tie it down and to answer the kind of a question that you have. But I think Tom should probably follow from here on with that question.

Mr. ALLEN. As far as the total inventory cost, we don't have it for fixed items on that. We're working right now on refining some of the procedures because what we face is a question in virtually every resource. The type of resource inventory costs we get involved with depends upon the different standards and the different criteria that you would have.

For example, in the area of cultural resources there's four generally accepted classes of inventory.

The question then remains is, on what areas should you do a class 1 inventory, which is basically a literature search, and in what areas should you get into class 2 or class 3 areas. which are more refined?

The answer to the question in part lies in what kind of decisions do you have to make? And until we firm up where we're going with the questions on coal policy, for example, there's a real big void in there because if we're going to come up with areas that are going to be classified as alluvial valley floors then we won't be leasing coal, and obviously we don't need to have a level of inventory that we would if we were going to be considering coal leasing as a viable land use alternative.

So that kind of thing makes it real tough to come up with a long-range estimate on a total inventory cost.

SOILS AND VEGETATION INVENTORIES

In the area of soils and vegetation we think we've got a pretty fair fix on what it's going to be costing us there. And we're using a figure of some 90 cents an acre right now in connection with the inventory to support the grazing or vegetative allocation that we're making in the EISs.

We're looking at the request of the Office of Management and Budget, the Secretary, our own Assistant Secretary's office, and within BLM the different ways that we can economize and then try to reduce those costs.

We're working with other agencies on new techniques in remote sensing to cut those costs down.

So again what is it going to cost for a total inventory? Well it's going to depend on where we come out on those kinds of things.

Mr. VETTERICK. I think there's also a misnomer in the term "total inventory" to complete your inventory because many inventories are cyclical, certainly those that deal with the biological world, the timber inventories. We reinventory our forests on a 10-year cycle to make sure that the growth rates that were projected 10 years ago are still valid. In many cases, they are not. For example, we must assess the reforestation base to assure it is adequate to support a sustained yield level of cutting. So then, particularly in the forestry area, there is a plan scheduled 10-year reinventory every decade.

Likewise, wild horse and burro population inventories are conducted perhaps biannually. Perhaps we should conduct them much

more frequently because of some of the problems with just how many animals we have on the public lands.

So you have varying degrees of inventory and you have these cyclical inventories that must be conducted periodically.

Interim Plans

Mr. Goodwin. You mentioned though that you have holes in your data. I was wondering to what extent these data gaps or lack of inventory data is delaying the preparation of land use plans, or whether you're going ahead with the preparation of interim plans. Or if you're not, how you minimize the adverse impact of these delays.

Mr. Jones. It depends entirely on the issue and on the seriousness of the data gap.

If it's an area, for example, where we have a critical need to get on with our planning because it's an area that's scheduled for consideration of livestock grazing under the environmental statement program—and our general knowledge is that there is relatively little mineralized occurrence in the area, and we have a very poor minerals inventory data base—we would proceed and complete our planning without waiting for a coal inventory, for instance, because we're pretty sure as we do our preplanning analysis at the beginning that coal is really not all that big an issue in that area.

On the other hand, if it's an area that's critical for a consideration for coal leasing, and we have a hole in the area, we obviously can't begin our planning in that area until we have that kind of data put together.

So I guess I would say that there are going to be some instances where some plans will have to be delayed or postponed until some critical inventory data can be collected. But this is probably not a general rule under the dynamic concept of planning that I outlined before where we prepare a plan recognizing that the status of the data that we're working with, and we follow that plan until we'd have a better basis for revising it.

Mr. Goodwin. I take it then you don't see this as a general problem, that you haven't come to a screaming halt in your planning because of lack of inventory data.

Mr. Jones. We are having problems getting the inventory data pulled together that we need, yes, but we certainly haven't brought the program to a halt.

Mr. Beard. I think it's important, too, to keep in perspective the total number of acres you're talking about. In the lower 48, you're talking about 10 percent of the land surface of the lower 48 States. And then Alaska, I don't know how much we own, 75 percent? Probably. Ninety percent? I don't know. It doesn't matter. But, you know, it's a lot.

Given the magnitude of those numbers, it's a pretty amazing feat that we have as much planning as we do, given the amount that we have to work with.

Primitive Areas

Mr. Quarles. Doug.

Mr. Smith. Another follow-up question in two parts. One of the followups is about Steve Quarles' question about unit planning.

Do you have in your land bank a list of names, as contrasted to the Forest Service, of any re-established wilderness or primitive areas identified as such?

Mr. JONES. We have in existing plans areas with primitive character where our existing plans call for——

Mr. SMITH. Well I don't mean primitive character as the ones, but in terms of wilderness areas as identified in the study of these areas. I'm talking about the administratively set aside wilderness or primitive areas.

Mr. VETTERICK. Fifty-five.

Mr. JONES. We have the instant areas.

Mr. SMITH. You have 55. And these are identified by the BLM as either, what, wilderness or primitive?

Mr. VETTERICK. They're primitive or natural areas.

Mr. SMITH. They are primitive areas. You do have comparable areas in the Forest Service administratively set aside, for example, like we had in Missouri?

Mr. JONES. Most of these areas were set up under what we call the "natural areas program." They're generally quite small areas for a scientific inquiry and that sort of thing. I think there were 10 or 11 that were basically of primitive character.

Mr. BEARD. There are a total of 55.

Mr. SMITH. Do you have any idea what the total acreage is of that land?

Mr. BEARD. About 600,000.

Mr. SMITH. Six hundred thousand.

Mr. BEARD. They're small.

WILD HORSE AND BURRO POPULATION

Mr. SMITH. Now the other thing is, you mentioned the wild horse and burros. Have you got a base line population that you'd like to see as an optimum population for anything like that? [Laughter.]

Mr. QUARLES. If I could interrupt this discussion. [Laughter.]

That would probably be about 15 to 20 percent of our discussions under the mineral resources phase of this thing.

Mr. BEARD. The answer is no. That would depend on the outcome of the planning process.

We have been asked by the House and the Senate to provide gross estimates and best guesstimates and we have done so but rather reluctantly.

Mr. SMITH. Thank you.

CONTRACTING

Mr. IMESON. How serious has the inadequate personnel problem been? How much does that contribute to delay in getting the work done?

Mr. JONES. By inadequate, do you mean inadequate working?

Mr. IMESON. Yes, I mean inadequate work. [Laughter.]

Mr. JONES. Well we can only do what we have the people to do, of course, and that doesn't get us to the level of planning that we were supposed to be at.

Mr. IMESON. Well sometimes, you know, we'll provide more money if the problem isn't solved. But I still wonder how much is that a problem.

Mr. JONES. It's a problem. We attempt to contract for everything that we can contract for. One of the areas that we found it effective to use contracts is getting various kinds of socio-economic base studies and that sort of data input. But once we get to the actual development of a land use plan, you know, development of the various alternatives, working with the public, doing the conflict identification, impact analysis, and that sort of thing, it's our feeling that it ought to be done by employees who are responsible for the land.

Mr. IMESON. When you do contract out, do you find that that's generally a satisfactory way to do business, or is it more cost effective than it is, say, to have more people in the agency itself doing it?

Mr. PETTY. As a general rule, contracting is considerably more expensive.

Mr. JONES. We made some projections when we looked into this area, and generally, as I said, it cost more dollars but took less people.

Mr. PETTY. The preparation of contracts under the mandatory contracting procedures that we have to go through with is quite expensive. That in itself takes in-house people. The supervision of the contract to see that that contract is being carried out the way that you expect it to be carried out requires people.

The termination of contracts that didn't go right requires people.

Mr. QUARLES. If this is going to be a continuing problem for us I think throughout this budget we're going to be constantly asking questions about how much is contracted out, and how much isn't, and what's the most efficient mix of the two.

I wonder if it's at all possible for—and you've just mentioned the question that we'll ask again and again of what is the expense—for you people to provide us with some kind of breakdown as to how much contracting out is done, and what kind of job descriptions are involved in each of the major budget items? And also where you both contract out and do not contract out, if there's any possibility of giving us a comparison of costs?

Mr. IMESON. The cost and the quality.

Mr. QUARLES. Yes.

Mr. PETTY. One thing we have done in order to try to reduce both the time and the cost is gone to what we refer to as component contracting. We'll go out with a large contract saying that, for example, any socio-economic work that we do we want to do it with one person, and it's sort of an open end contract. And that's cut our cost considerably as well as the initial time to get into the contract. It just takes a long time to contract.

Mr. GOODWIN. I'd like to ask that that list of the contract activities be structured to cover not only the contracting with the private sector but contracting that you may do with other agencies, other Government agencies and with the State and local governments, if we could have that included.

You mentioned a study. I wonder if that study could be made available to the committee.

Mr. PETTY. There was a study done by the House Appropriations Committee I believe last year on the relative efficiencies of contracting temporaries vis-a-vis full-time permanent employment. And that study, as I recall, generally said that contracting and/or the use of temporaries was more inefficient and expensive than had the agency had the permanent capability within its own house in order to accomplish the same kind of work. It was a lengthy study. We will make arrangements to have it made available from the House subcommittee.

A lot depends upon the nature of the contract. Certain contracting is more efficient outside. Certainly a small Defense building contract is a good example.

Mr. IMESON. Did the House Appropriations Committee contract out that study? [Laughter.]

Mr. VETTERICK. No, I believe they did it with their own staff.

[The data for the breakdown of contracting and job descriptions follow:]

CONTRACTING—IN MILLIONS

Program—Energy and Minerals Onshore:	
Fiscal year 1978	$39.6
Estimated amount contracted	14.0
Amount included with other agencies	7.0
Agencies	(1)

[1] Geological Survey (GS) Bureau of Reclamation (BR); Fish and Wildlife Service (FWS); and Bureau of Mines (BM).

The major contracts in onshore energy and minerals programs are associated with the coal program. The EMRIA (Energy Minerals Rehabilitation Inventory and Analysis) program was established to gather data on the reclamation potential of lands leased or likely to be leased for coal. Funds are transferred to BR to provide core drilling and analysis on specific sites. BLM does not have the equipment or expertise to do this work in-house. Funds are also transferred to GS to establish and maintain certain water networks and to site specific water studies. Here again, BLM does not have sufficient water expertise to accomplish this work.

Funds are transferred to GS, FWS and BM to provide for their participation in the preparation of coal regional environmental impact statements. Serious consideration was given to preparing some of these regional environmental statements entirely by contract. However, the need to utilize the BLM planning system in considering the proposed action as well as the fact that the final decision on the proposed action rests with either GS or BLM led Interior to decide that preparation utilizing in-house expertise was necessary. Certain components of the EIS's, such as air quality and socioeconomic impact evaluation, which require expertise not available within the Department are contracted.

The Department is considering preparation of the coal programmatic EIS (required by *NRDC* v. *Hughes*) entirely by contract.

Program—Energy and Minerals Offshore (OCS):	
Fiscal year 1978	$57.9
Estimated amount contracted	46.5
Amount included with other agencies	23.7
Agencies	(2)

[2] National Oceanic & Oceanographic Admin. (NOAA); Geological Survey (GS); and National Marine Fisheries Service (NMFS).

BLM's OCS Environmental Studies program is conducted largely through contracts and interagency agreements. The studies are primarily benchmark studies or "Special" studies that relate to specific subject areas and are critical to leasing or development decisions. The Bureau does not have the expertise to conduct these studies in-house. However, management of this studies program by Interior

is critical to assure that studies needed to allow leasing or development decisions which are the responsibility of the Department of Interior are performed timely.

Program—Land and Realty:	
Fiscal year 1978	$24.9
Estimated amount contracted	1.8
Amount included with other agencies	0
Agencies	-----

The principal Lands & Realty function of processing land use applications—itself intrinsically a governmental responsibility—does not lend itself to large scale contracting. Principal areas in which work is contracted are a nationwide pipeline inventory; in Alaska, the Cook Inlet Appraisal; and certain components of the Foothills and Superior EIS's in Colorado.

Program—Forestry:	
Fiscal year 1978	$8.8
Estimated amount contracted	0.9
Amount included with other agencies	0
Agencies	-----

Contracting work includes gathering data, tree planting, site and stand improvement, property line running, purchase of seedlings and aerial photography.

Other services are provided from State government and other Federal agencies by mutual consent or by cooperative agreement, such as research information and insect and disease projects.

BLM foresters prepare and administer these services in addition to the major effort of preparing and administering sales of timber and other products.

Economic studies have been undertaken to assist in determining the economic feasibility of specific forest practices. Examples of cost relationships are:

Precommercial thinning is most effective when applied to forest sites having an index of at least 40–50.

Increase in tree planting costs from $100/acre to $150/acre has restricted level of this work.

Contracting will continue and increase on higher value forest lands.

Program—Range:	
Fiscal year 1978	$30.3
Estimated amount contracted	5.8
Amount included with other agencies	0
Agencies	-----

Type of contracts include purchase of materials for project development, project construction (fencing, pipelines, reservoirs, etc.), a grazing ES, veterinary services, hay purchase, aircraft rental, wild horse and burro studies, project maintenance, and vegetative inventories. Many of the contract items such as aircraft rental and hay purchase are not available within the BLM. Other contracts such as vegetative inventory and project maintenance are necessary to meet commitments and schedules.

Program—Recreation:	
Fiscal year 1978	$9.5
Estimated amount contracted	2.4
Amount included with other agencies	1.1
Agencies	(a)

[a] USGS, BM.

Contracting work includes stabilization and protection of cultural and historical sites, gathering data and preparing studies on recreation use, cultural information, and major river and trail information.

In FY 1978, U.S. Geological Survey and Bureau of Mines will conduct mineral surveys on potential wilderness areas.

To date, the BLM has not implemented component contracting procedures for cultural or other resources. Problems include:

Changes in formal contracting procedures;
Acceptance by the professional community;
High contract supervision costs of 50 percent or more;
Some recreation contract costs were doubled that of BLM estimates.

Continual efforts will be necessary to implement the most effective contracting procedures which will produce high quality information and free BLM professionals to work on other tasks.

Program—Soil, water, and air:	
Fiscal year 1978	$11.9
Estimated amount contracted	2.8
Amount included with other agencies	0.4
Agencies	(4)

[4] USGS.

The type of contracts include research on soils, water, and vegetation, endangered plant inventory, soil inventories, project development, air quality studies, aircraft rental, water quality inventory, stream grazing studies and project maintenance. Most of the contracted items cannot be accomplished in-house without additional equipment and expertise.

Program—Wildlife:	
Fiscal year 1978	$6.6
Estimated amount contracted	1.1
Amount included with other agencies	0
Agencies	-----

The type of contracts include research for endangered species and other wildlife habitat requirements, project development, project maintenance, habitat inventory, and water quality studies. State agencies are used under cooperative agreement to do some project work.

Program—Fire:	
Fiscal year 1978	$8.3
Estimated amount contracted	2.3
Amount included with other agencies	0
Agencies	-----

The type of contracts include training, aircraft rental, weather forecasting, equipment evaluations, fire protection, and special photography.

Most items contracted are to supplement or provide special services that cannot be provided in-house without additional expertise and equipment.

Program—Planning:	
Fiscal year 1978	$12.2
Estimated amount contracted	2.8
Amount included with other agencies	2.2
Agencies	(5)

[5] F&WS, USGS, BM, Bureau of Indian Affairs (BIA); National Park Service (NPS); and Bureau of Outdoor Recreation (BOR).

Contracting work includes providing social economic data, aerial photography and other specialized studies to complete Management Framework Plans, the California Desert Plan or the National Petroleum Reserve—Alaska Plan.

The National Petroleum Reserve—Alaska Plan will incorporate studies completed by all the agencies as listed above.

Procedures developed in 1976, resulted in a contracting process called component contracting;

Approved contractors are selected through competitive bidding;

Specific contract requirements are then identified;

Each contract is negotiated with the approved contractor.

FY 1976 experience with socio-economic data contracts indicated a cost of $12,000–$15,000—

These profiles are now estimated to cost a minimum of $40,000.

No judgment has been made as to quality and the Bureau is continuing to contract these studies and evaluate the results.

Program—Data management:	
Fiscal year 1978	$12.6
Estimated amount contracted	2.7
Amount included with other agencies	0.7
Agencies	(6)

[6] USGS, BR, BOR, BM, Forest Service (USFS) Dept. of Agriculture (USDA); General Services Administration (GSA); and Bonneville Power Administration (BPA).

Contracts with other U.S. agencies are primarily for computer rental time, digital analysis or remote sensing. Purchase or lease of equipment, telecommunications rental, system development support and miscellaneous ancillary services make up the balance of the amount contracted.

Program—Cadastral survey:	
Fiscal year 1978	$18.2
Estimated amount contracted	4.9
Amount included with other agencies	1.8
Agencies	(7)

[7] USGS, NOAA, Office Aircraft Service (OAS).

The type of work—original surveys—and the topography in Alaska, lend themselves to extensive contracting. Of the $4.9 million estimated to be contracted in FY 1978, $1.8 million is scheduled for purchase of aircraft services and the balance is for actual survey contracts with private firms in Alaska.

Survey work in the Lower 48 is of the type (resurvey and special) which is highly personnel intensive and is not practical for contracting on a large scale basis at this time.

Program—General administration:	
Fiscal year 1978	$3.5
Estimated amount contracted	0.1
Amount included with other agencies	0
Agencies	-----

Contracting is generally in the area of administrative services—furniture rehabilitation, moving office furniture, typing and audio visual services. The balance of funds are for supplies, equipment, and personnel. Organizationally, personnel in general administration provide executive management to the agency, budget, personnel, and administrative services.

Program—Law enforcement:	
Fiscal year 1978	$0.6
Estimated amount contracted	0.1
Amount included with other agencies	0
Agencies	-----

Cooperative agreements with local law enforcement agencies are the only forms of contracting in law enforcement. During FY 1978, contracts will make up 13% of the total funds and will go up to 40% in FY 1979. This trend will continue. Contract costs will eventually make up the greatest part of the operating budget.

Areas of Environmental Concern

Mr. Goodwin. Just a couple of quick questions on the land use planning area.

You've got a new concept in FLPMA of the areas of critical environmental concern, whatever that is. And I wondered if you have issued regulations for these areas, or if you haven't, when do you expect to issue the regulations? Whether you've designated any areas.

Mr. Jones. What we've done so far is to develop a concept of how we would implement that part of FLPMA and we're now working on the details of how we'll go about implementing that concept.

It kind of falls into two parts, the process, you know, how we consider areas of environmental concern through the inventory and planning decisionmaking process. And the other side of it is the criteria, how you identify one in the first place.

We have a lot better handle on the process than we do on the criteria.

And, I don't know, would you like to get into it in more detail?

Mr. GOODWIN. You really don't have any program underway. You're just thinking about how you would go about it.

Mr. JONES. No, we don't have this thing underway yet. We have, you know, a scheduled program underway to deal with the problem and to get it resolved, but we have not yet—we will also test these procedures in this fiscal year.

Mr. VETTERICK. We will, that's right.

Mr. JONES. Based on the concept that we have out, we're asking three or four States to try it out, and then to prepare case studies of how it worked, which we will then look at in a workshop next May, and that will be one of the main inputs to the development of guidelines for the area.

I can't tell you at this time whether the result will end up in regulations or manual procedures or how it will be handled in that respect.

Mr. GOODWIN. Just an observation.

It seems like a very slow process for what Congress was concerned about as areas of critical environmental concern.

Mr. JONES. That's true. On the other hand, many of these areas are areas that we have already identified and have been working with under other names. So basically we're talking about the values involved.

And I think the unique thing about this is the fact that the Congress—and I think this is admirable—has given us one of our first clues of how we should decide priorities of land uses and have given us a way to identify certain kinds of values to give them priority consideration. Now that doesn't mean we haven't been in the past. And, as I said, I think we're well into the process of how we would implement it.

REVIEW OF WITHDRAWALS

Mr. GOODWIN. You've got a better defined task in the review of withdrawals under Section 204 and you've got a 1991 deadline.

I was just wondering if you have a schedule for that task and what level of funding is going to be required, and again what kind of use of contracting that you'll make in it.

Mr. PETTY. Rolla, can you address that?

Mr. CHANDLER. I can answer part of that.

We have started this year—this fiscal year—in developing an inventory. All of our Western States, outside of Alaska, are making an inventory this year of existing withdrawals. And starting next fiscal year, and to the extent some States might be able to start this year, we will be getting into the withdrawal review program. And we do anticipate that we'll meet the requirements of the act.

Does somebody want to talk on the money or the personnel aspect? I don't have that handy.

Mr. VETTERICK. The authorization amounts we feel, as presented in the authorization, are adequate to conduct that program.

Here we run into perhaps some conflicts between one authorization and another and might reinforce some of the things we were saying earlier.

The Federal Land Policy and Management Act provides $10 million for withdrawal review and $10 million for processing withdrawals existing or pending as of October 21, 1976.

Our analysis now shows that that authorization should have ran differently. They were $18 million short in the withdrawal review part of the authorization and $5 million in excess of what we need for the withdrawal processing part.

So again this is a product of taking a specific line item and giving us an authorization. And if we could go back to the earlier statements, we need the flexibility to adjust those kinds of things. I think it's a lesson in setting authorizations.

Mr. GOODWIN. Are you suggesting that we should amend that authorization?

Mr. VETTERICK. I think it should be amended, yes.

CONSULTATION WITH STATES

Mr. RHOADS. May I ask a question?

Mr. QUARLES. Would you identify yourself, please?

Mr. RHOADS. Yes. Dean Rhoads, president of the Public Lands Council.

On land use planning, I believe the Federal Land Management Policy Act states that the State and local governments should be consulted.

Do you have the details worked out yet as to what your procedure and processes will be with the State and the local governments?

Mr. JONES. Well I can tell you how we're generally doing it now and some of the concepts that are involved in it if that would be adequate.

First of all, every one of our offices that's preparing a plan has on file relevant plans of any State or local government that might affect that area. So they start with knowledge of what already has been done.

Second: One of the proposals that we have before us is to have a full notification process at the beginning or at the outset of any kind of a Federal land planning program, both through A–95 and also through direct notices to the units of government involved so that they would know, what's contemplated, the various steps and so on.

Next: At the beginning of every planning process we prepare what we call a public participation plan, and one of the features of that is finding out with the best advanced thinking we can all the various units of government and other interests that would like to be consulted and how they can best get their input into the process. And, of course, many times we consult with units of local and State government very early in the process. Like an agreement we have in Colorado between our State director and the Governor calls for consultation before we even plan what the basic objective should be before they start the planning effort.

Finally, we get to the point in the planning process where specific alternatives are set out and tentative conclusions are available for review. And at this point, there are a whole variety of meetings. And, of course, anybody who's interested is very welcome to participate in that.

And then when a plan is completed a summary is prepared and made available for wide distribution.

Now FLPMA makes a very specific requirement which is, of course, something we'll work with, which says that our plans will be consistent with State and local plans which are prepared under a Federal pollution control program, like the section 208 program for water quality and air quality programs dealing with pollution. Anything that comes out of a Federal pollution control program that involves the State implementation planning, you know, we're just consistent with that, but that's another question.

Another thing FLPMA says is that we will coordinate and to the maximum extent possible make our plans consistent with the plans of State and local government.

And we're right now getting into a discussion with the National Association of Counties on this. They're very interested in additional parks. And I'm sure that when we get started on the consultation process, prior to the development of proposed regulations I think that will be one of the major kinds of discussions that we'll be having.

Mr. QUARLES. In the recent weeks—at least I know I have heard a great deal about this agreement between the Colorado Governor and the director, State director.

I wonder if we could get a copy of that agreement for the record.

Mr. JONES. Sure.

[The agreement follows:]

SUPPLEMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNOR OF COLORADO AND THE STATE DIRECTOR, BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR—SUPPLEMENT TO CSO–107

This memorandum of understanding is a supplement to the Memorandum of Understanding between the Governor of Colorado and the Colorado State Director, Bureau of Land Management (BLM), U. S. Department of the Interior, dated August 6, 1976 (CSO–107). It is the purpose and intent of this supplement to establish a mechanism for continual and appropriate involvement by the Governor of the State of Colorado in the development and revision of land use plans being prepared by BLM for public lands in Colorado, pursuant to Sections 201 and 202 of the Federal Land Policy and Management Act of 1976, Public Law 94–579.

Section 201 of the Federal Land Policy and Management Act (FLPMA), directs the Secretary of the Interior to inventory public lands and identify boundaries of public lands, and to provide the State with data from the inventory for the purpose of planning and regulating the uses of non-Federal lands in the proximity of public lands.

Section 202(c) of the FLPMA, among other things, specifically directs that the Secretary of the Interior, in the development and revision of land use plans, shall:

(a) provide for compliance with applicable State pollution control laws; including air, water, noise, or other pollution standards or implementation plans;

(b) coordinate land use inventory, planning and management activities on public lands with the land use planning and management programs of the State within which the lands are located;

(c) to the extent he finds practical, keep apprised of State land use plans and assure that consideration is given to those plans that are germane in the development of land use plans for public lands and to the policies of approved State resource management programs;

(d) provide for meaningful public involvement for State government officials, both elected and appointed, in the development of land use programs, land use regulations, and land use decisions for public lands, including early notice of proposed decisions which may have a significant impact on non-Federal lands;

(e) consider advice from State officials with respect to the development and revision of land use plans, land use guidelines, land use rules and land use regulations for public lands within their State;

(f) develop land use plans which are consistent with State plans to the maximum extent consistent with Federal law;

(g) assist in resolving, to the extent practical, inconsistencies between Federal and non-Federal government plans.

In addition, Section 202(f) provides that "The Secretary of the Interior shall allow an opportunity for public involvement and by regulation shall establish procedures, including public hearings where appropriate, to give Federal, State, and local governments and the public, adequate notice and opportunity to comment upon and participate in the formulation of plans and programs related to the management of public lands."

Definitions used in this Supplement are as follows:

Planning Unit (PU).—A portion of a Bureau of Land Management District used for assembling resource inventory data. For each planning unit, the District Management prepares a Unit Resource Analysis.

Unit Resource Analysis (URA).—The basic source of information relevant to regional land-use plan development on land in a specific BLM planning unit. Inventory data on land and resource conditions are recorded and analyzed in this document through a four-step process, which includes:

1. A base map display.
2. An assessment of the unit's basic physical characteristics.
3. An assessment of the current conditions, capabilities, uses, and problems for each of the seven resource program activities, based upon respective resource inventories. The seven resource activities are: lands, minerals, recreation, wildlife, watershed, forest products, and range management.
4. An identification of technologically feasible management opportunities for each resource activity.

Social-Economic Profile (SEP.)—An information document for use in plan preparation. It describes the human population in terms of social and economic factors. It also provides a checklist of other State and Federal agencies that should be consulted. It analyzes and records data relating to a relatively large region or area sharing similar social-economic characteristics. A region may be a group of entire, adjoining counties, or it may approximate a BLM District It includes several planning areas.

Planning Area Analysis (PAA).—The document which analyzes requirements of the public now and in the future for lands, and renewable and non-renewable resources. It shows the significance of the lands within a planning area to users, operators, the community, and region. It is based on data in the Unit Resource Analysis, Social-Economic Profile, and other regional information.

Management Framework Plan (MFP).—A planning decision document which establishes, for a given planning area, land use allocations, coordination guidelines for multiple use, and management objectives to be achieved for each class of land use protection. It is the Bureau's Land Use Plan. It is prepared in three steps: Step One—Single Resource Recommendations; Step Two—Resource Conflice Analysis and Alternative Development; and Step Three—Decision-making.

Environmental Statement (ES).—A document analyzing the environmental impact of proposed or recommended actions and their alternatives on the human environment, as required by Section 102(2)(c) of the National Environmental Policy Act of 1969 (NEPA).

Environmental Assessment Record (EAR).—BLM's procedure and format for recording environmental analysis in land management actions as required by Section 102(2) (a) of NEPA and for determining whether an ES will be required for the proposed action.

Therefore, for the purpose of implementing Sections 201 and 202 of the Federal Land Policy and Management Act, the Governor of the State of Colorado and the State Director, Bureau of Land Management, Colorado, agree to the following:

1. It is in the mutual interest of the State of Colorado and the BLM to cooperate in the development of land use plans for the management of public lands and resources within the boundaries of Colorado. This will normally include:

A. Cooperation in the collection and exchange of basic resource inventory data.

B. Cooperation in the scheduling and timing of land use planning activities.

C. Notification of each other as far in advance as possible of anticipated plans and proposed activities that might affect either party. Notification will

be provided at least four (4) weeks prior to beginning such planning actions and at the time of implementation of such activities.

D. Consultation and cooperation in land use decisions and in preparation of land use plans where appropriate.

E. Consultation and coordination in the development of BLM's policies through the Program Outlook Guides for Coloroda (BLM's 1603 Manual) and in the development of the State's policies and plans through such documents as: Colorado's Strategic Plan for Wildlife, the Colorado Statewide Comprehensive Outdoor Recreation Plan, Winter Resources Plan, Transportation Plan, and the State Growth Policies.

F. Participation in reviews of new BLM and State land use plans and revisions of existing land use plans.

G. Cooperation in the implementation of Federal and State plans and policies, such as BLM's Management Framework Plans (MFP's) and the State's water quality management plans, air quality plans, wildlife plans, recreation plans, and growth policies.

H. Cooperation in the preparation and review of requisite environmental assessments (environmental statements and environmental assessment records) for proposals which would have major effect on land use or development in Colorado.

I. An annual meeting between the BLM Colorado State Office Contact (see II.A) and the Colorado State Clearinghouse (see III.A) to review and evaluate current conditions and trends concerning the intent and overall functioning of this agreement.

J. Responsibility for each party to bring to the attention of the other instances where there has been failure to conform, untimely response or dissatisfaction with the fulfillment of this agreement.

II. The Bureau of Land Management will:

A. Name one contact at the BLM Colorado State Office who will have responsibility for insuring that State officials and agencies are properly informed on the land use planning and implementation activities of BLM. This contact will also have the responsibility for disseminating State land use planning information to appropriate BLM divisions and districts. This contact will provide up-to-date planning activity schedules and notice of public meetings and review dates. In addition, this person will provide the State a list (with mailing addresses) of representatives of BLM divisions and districts in Colorado who shall be notified of specific State planning activities not requiring full agency coordination.

B. Provide the State, through interdepartmental review and meetings, the opportunity to assist in the development and the periodic revisions of the Colorado State Office 1603 Manual—*Colorado State Supplement to the Program Outlook Guides*, to insure that State policies and plans are given appropriate consideration in BLM land use planning activities.

C. Solicit State participation in developing plans, programs and proposals for the management of public lands and consider those views in the decision process. Participation will specifically include:

1. Cooperation as outlined in existing memoranda of understanding and cooperative agreements between BLM offices in Colorado and units of State Government.

2. Contact with State personnel and agencies (both Denver-based and field level) by field-level BLM planners and resource specialists in the inventory and data-collection stages of the planning process (URA, SEP, and PAA).

3. Availability to the State of all non-proprietary resource inventory data and land use information for use in planning and regulating the use of State-owned and other non-Federal lands.

4. Notification of the Governor and other officially identified State government contacts (see III.A of this agreement) of public meetings held at the inception of specific planning projects (normally during URA). When appropriate, at least one of these initial meetings will be held in Denver. In all cases, a Denver meeting will be held for each new MFP.

5. Provision for the State to review and comment on major conflicts and multiple use alternatives (at MFP–2 of the BLM planning process). This will normally include:

a. Providing the State a 3–5 page summary report on the major issues and probable State concerns in each MFP.

b. Upon request by the State, providing State officials and agencies a special presentation in Denver by BLM District personnel regarding major conflicts in the planning area and the multiple use alternatives that have been developed. This presentation will include the opportunity for the State to view the appropriate maps, overlays, and narrative portions of MFP–2.

6. Notification of MFP–3 decisions with written explanations of how State concerns (as provided to BLM in writing by the State) were addressed.

D. Solicit (a) State input into the development of criteria and guidelines for areas of critical environmental concern, and (b) State assistance in identifying such areas on public lands in Colorado.

E. Solicit involvement by the State in the preparation of environmental statements and environmental assessment records for those proposals which would cause major land use changes in Colorado.

F. Participate, where determined to be appropriate, in the formulation and review of State land use plans and policies which would directly affect the management of the Public lands in Colorado.

III. The State of Colorado will:

A. Establish the State Clearinghouse, in the Colorado Division of Planning, Department of Local Affairs, as the contact office with responsibility for disseminating BLM land use plans, EAR's, and EIS's to the appropriate State agencies, and State land use planning information to BLM. Nothing contained herein shall be constructed as prohibiting direct contact between BLM and other State agencies when appropriate, such as for public meetings notices, etc.

However, on major plans and reviews, and whenever coordination between State agencies is desirable, BLM shall transmit information and requests through the State Clearinghouse.

B. Cooperate in BLM land use planning activities by providing:

1. A list, updated yearly, of major contacts in each department and divisions of State Government who should be notified of BLM planning activities.

2. Mailing lists, updated yearly, to be used by BLM to disseminate information about public meetings.

3. Suggestions for formats of public announcements to insure State personnel understand the nature of the activity and the need to participate.

4. All updates of *Colorado Population Trends.*

5. Information to BLM on the current Colorado State Government organization and procedure for review of Federal actions.

6. Lists of all BLM actions which the State considers and so designates as "major."

7. A continually updated list of appropriate State plans and policies with specific contacts in appropriate State departments and divisions.

C. Participate in BLM land use planning by:

1. Responding in a timely manner to request for land use planning information and data from BLM planners and resource personnel at both the field and State Office levels.

2. Notifying the BLM State Office within two weeks of receipt of MFP–2 summary report (see IIIB) for MFP–2 special presentation (see IIIB).

3. Providing written notification within two weeks after the special MFP–2 presentation, of concerns which the State has with the MFP–2 management proposals.

4. Participating when appropriate on BLM environmental statement teams.

5. Providing inventory and data input when available for BLM environmental reporting.

D. Solicit BLM involvement in the planning and management of State-owned or administered lands, managed by the State Board of Land Commissioners, the Division of Wildlife, the Division of Parks and Outdoor Recreation, the Department of Highways and the State Historical Society, where BLM-administered public lands would be affected. This will include:

1. The opportunity to assist in the development of guidelines for the Colorado State Land Board of Commissioners planning and management activities for State lands.

2. Early notification and opportunity for comments and coordination on proposed lease actions by the State Board of Land Commissioners that would have impacts on BLM-administered surface and subsurface lands and resources in Colorado.

3. One a regular basis, a descriptive listing of all existing State mineral leases and mineral permits.

4. Regular meetings with BLM to review opportunities for land exchanges between BLM and land management agencies of State government.

5. The opportunity, where appropriate, to support State agencies' plans and/or guidelines reviewed by the State Legislature that would impact the management of the Public Lands in Colorado.

6. Nomination of "areas of critical environmental concern" for BLM consideration.

7. Coordination of State Land Use Commission "areas of State concern" with BLM "areas of critical environmental concern."

E. Review and revision of existing cooperative agreements related to planning in order to make them more effective where possible and to relate them to FLPMA.

This supplement shall become effective on the date when last signed and shall remain in force until terminated by mutual agreement, by amendment or abolishment of PL 94-579 by Congress, or by either party upon thirty days notice in writing to the other party of its intention to terminate upon a date indicated.

In witness whereof, the parties hereto have caused this document to be executed, the Governor of the State of Colorado and the BLM State Director, Colorado on this 8th day of December, 1977.

RICHARD D. LAMM,
Governor of Colorado.

Date: December 8, 1977.

DALE R. ANDRUS,
State Director, Colorado.

Date: December 8, 1977.

LANDS AND REALTY

Mr. QUARLES. As we suspected, the planning portions of this program generates, at least at the outset, the most questions.

I wonder if we could have a presentation from the BLM of the remaining portion of subject matter before this particular workshop before we conclude questioning. And I'll open the floor to other people's statements. Whichever one of you would like to go, because we'd like to cover it.

Mr. PETTY. Rolla, why don't we start with you to make a general statement.

Mr. CHANDLER. I might point out that the passage of FLPMA, of course, has made really drastic changes in the lands and realty activity.

FLPMA repealed many of the old public land laws, such as the homestead, except in Alaska for a few years, and land sales and so forth. It certainly has given us new authority for a wide range of lands actions.

Just for the record, some of these new authorities include land sales, withdrawals, exchanges, and omitted lands. There's been a change in the Recreation and Public Purposes Act. There's clarification and direction on the Unintentional Trespass Act. Of course, it consolidated a host of rights-of-way authorities under title V; a new authority under permits and leases.

Some areas continue as before, such as State selections and satisfaction of State rights to public lands. One big program that's been mentioned several times is the Alaska Native Claims Settlement Act.

Another area that we'll continue with, of course, is lands trespass, both occupancy, agriculture, and minerals.

We're now in the process of developing interim guidelines under many of these FLPMA authorities. We have already developed some and issued them.

We're now in the process of developing regulations, proposed and preproposed, and we're quite a ways along on a good share of those relating to lands and realty.

And down the road, of course, will be the development of manual guidelines to really implement the requirements of the regulations.

So that's kind of where we are on lands and realty. And I'll be glad to try to answer questions.

Data Management

Mr. Quarles. Who's next? We might as well complete the whole matter.

Mr. Petty. I'll call upon Mr. Lowe, if he would, to address the data management and cadastral survey.

Mr. Lowe. Fine.

There's been considerable discussion about the amount of data being gathered by the Bureau of Land Management for planning purposes for environmental impact statements, as well as to conduct the production or commodity programs. And while we've been collecting information in our predecessor organization, the General Land Office, for something like 190 years, up until this point we've actually not had any systematized way of handling this vast array of information that's being fed into the process.

The Bureau has had automated systems that have been devoted primarily to administrative applications, but not to areas of land and survey records, resource inventory, planning, and environmental impact statement needs.

About 3 years ago, by decision of our Director, a study was directed to be performed with contract support to analyze just how the Bureau might get a better handle on managing the vast amount of information that we have to deal with.

The result of that study, which included a number of Bureau personnel, yielded a strategic plan for information systems management for the Bureau.

That plan brought together, in something like 14 application packages, areas of activity within the Bureau that fit together within like universes with compatible data bases.

Each of the application packages was designed to stand alone in the event that funding became limited. We managed to automate the first two or three packages. They were usable at the time they were complete and on line without having to go through the process of developing and designing the entire strategic planned objectives that have been identified for the Bureau.

There's a regular process for developing the application packages of determining the detailed requirements which call for the users, the managers of the agency, to analyze and prioritize what their output products should be and what the inputs are that are necessary to meet the output.

The detailed requirements asked for the frequency of use and description of products.

It also looks into other agency needs and State and local government needs for planning, so that these things are all incorporated in as requirements for that given package.

That then moves into a design phase and development phase which ultimately is put into an automated mode of acceptance testing, which ultimately we hope then through use of terminals to our field offices, to have the capability of accessing this vast amount of information. It now is sitting in literally thousands of file drawers and recorded on hundreds of thousands of overlays that the manager just cannot access when needed.

Now the systems will be compatible among all offices. The programs will be exportable, so we're working from a common base so we can query any State and bring it into a central location and aggregate that information for budgetary purposes or for overall Bureau reports or for legislative purposes.

That program is now underway. This past year we bought a large computer in Denver. We're working on our first three application packages which are resource inventory, land and survey records, which also builds in the georeference capability to tie our data geographically to the earth, and in our resource analyses that analyzes the data for production and output products that we're getting from the Federal lands.

The program is scheduled to, in the design phase, to go over about an 8-year period. And, as I say, we're just about now in our first year of actual design work.

That's an outline of just what the data management capacity program is.

Mr. QUARLES. Who else do we have to hear?

ALASKA SURVEY

Mr. LOWE. Well I have cadastral survey.

Mr. QUARLES. Oh, all right.

Mr. PETTY. He's a very busy man. [Laughter.]

Mr. LOWE. Of course, the cadastral survey is the oldest in the Bureau. It started with the ordinance of 1785 after the Constitution was written and the early Government was formed. There was a need to identify boundaries of public lands outside the original 13 States for purposes of conveying title to private parties.

That program has for the lower 48 essentially been completed except for many remote areas in the West which at the time the need for surveys was not yet identified before competing demands on the land were recognized.

We have something like 95 million acres of unsurveyed land in the West that yet need to be surveyed and approximately 50 million acres that have to be resurveyed.

The resurveys are necessary because the early monumentation consisted of rocks and bearing trees which have now been obliterated and lost. And we have to go in and reestablish the monuments, particularly in areas of high demand for recreational subdivision purposes.

The big program in the Bureau currently is in the State of Alaska which contains allocations of lands to the State of Alaska. In addition, with the passage of ANSCA, the need to survey lands to identify boundaries for conveyance of land to the natives threw a heavy workload on the Bureau to get underway with the Alaskan surveys.

In Alaska we're surveying approximately 5.7 million acres a year. The target date to finish the native claims program is 1986; for the State lands it's 1996 or at least to have 90 percent of that job complete.

We are using newer techniques in Alaska than we did in the lower 48, and that's in the form of inertial guidance systems which, with aircraft, we can actually measure on the ground a location and set a marker and move quite rapidly through the country. It's working out well in original survey areas, but it has limited application on dependent resurveys.

We believe that program as set out in the authorization bill is pretty well on track.

Law Enforcement

Another program that I'll cover is law enforcement. It is one that is fairly new to the Bureau under FLPMA, although we did have enforcement authority in the Wild Horse and Burro Act, some enforcement authority in the Land Water Conservation Act and the Sikes Act. But with passage of FLPMA, we were then given the authority to enforce those laws which would diminish the degradation of the damage to values on the Federal lands, theft of resources and crimes against persons on the Federal lands to the user public.

This program is very new. The act emphasizes that maximum reliance should be placed on local law enforcement authorities.

We have surveys underway now determining the interest of local authorities and also their capability since they would have to meet the departmental standards for enforcement training before we can enter into either an agreement or a contract with local authorities.

At the present time we have 13 special agents. That is, one assigned to each of our State offices to administer the program initially and work with the local authorities, and to carry out whatever investigation is necessary in terms of crimes that are now currently being reported.

We contemplate establishing a ranger force which will be uniformed officers in the California desert, which was also indicated in the Federal Land Management Policy Act. And we believe we have the details of that program complete. We are now waiting for clearance from the Secretary of Interior to commission these people with enforcement authority.

I think that our authorization here again shows the proper balance of increase in the upcoming years to make maximum reliance on local authorities while augmenting that with in-house capability as necessary.

Administration

Mr. Petty. If you will, I'll address the administration requirement.

I think we only have to look back at the history of the general administrative budget to see what's happening to us.

Back in 1971 we were running just a little over 2 percent of the total appropriations being used for what we refer to as general administration. In spite of the many changes that have occurred that actually increased administrative costs—increased them appreciably—

such as in our payroll, our GAE budget now is down to about just a little over 1 percent. So we've actually reduced the money being made available for general administration. It is actually about one-half of what it was in comparison with the overall appropriation.

This is not unique to BLM; it's pretty standard throughout the Government. But the general administrative costs have got to be recognized during this 4-year period as opposed to in every year.

It costs money to put people on the payrolls. It costs even more to handle our temporary employment. The big push is on the less than full-time permanents, our WAEs. Putting those people on and taking them off is an expensive proposition.

Voucher payments is very expensive. We're running about $1.78 per voucher. I believe that is the most recent figure I have on the unit cost on vouchers.

As the program expands you have more of them. As we move from our payroll, which is highly automated, into voucher examination, which is not automated, costs go up.

We're running now about 900 deposit slips a month. The latest figure that Treasury gave me I believe shows the BLM is second—is the second highest agency next only to the Internal Revenue Service in the number of individual deposit slips.

Now we've got to separate the dollar amounts. BLM is one of the highest contributors in dollars. But the amount of dollars is really insignificant in the cost to processing that work, but the number of times you have to handle documents is an expense. Nine hundred a month is quite a few documents to try to process and keep track of.

That also gives you an indication of the number of bills that we have to be issued. One deposit slip can cover from one to a hundred bills.

Now I don't have active statistics on that; we don't have enough manpower to keep statistics to know what our workload is. But I'm just giving you some rough idea of what we're up against in GAE.

I'm just asking you as we're looking at this 4-year budget to recognize that administrative costs do exist and we've got to be aware of them.

Mr. QUARLES. Would you please discuss Acquisition, Construction and Maintenance.

Mr. VETTERICK. Do you want to talk on that, Jess?

CONSTRUCTION

Mr. LOWE. Well construction programs have always been zero based in the Bureau. That consists of facilities for recreation and buildings and roads and trails.

We historically have short falls in what we receive as opposed to what we feel our priorities are. Just keeping up with the office space needs is quite difficult. And by the time we get through survey and design stages and get the funds appropriated, we're usually talking about a 3 or 4-year lag time before we actually are moved into any new facilities.

Likewise, with recreation, we have literally thousands of very fine opportunities identified for recreation site development. These are

plans that are on the shelf, and they are constructed based on priorities established by our State directors as funds permit.

Roads

The major part of the roads and trails program is probably tied to the forest lands. In western Oregon, we move timber; in the nonforested areas, there are generally multiple use type roads to open up areas for recreation use, fire control, and to a much lesser extent, minerals development.

The problem in the roads construction program and also the associated acquisition program is that large areas are blocked by private ownership in which we do have to negotiate easements and get access to private lands. We do have in the very critical areas the capability of condemnations, eminent domain proceedings, and that is exercised to a very limited extent in the Bureau, but we do have that authorization if necessary.

We do have areas where access is blocked but do not know the total size of our access program. We go on the basis of public demands and public interest in areas as a means by which we set priorities to open up areas.

There are areas that we deliberately have not opened up because we do not have the management capability to do the right kind of planning and to be able to supervise the areas after they are opened up.

I think it should be recognized that the access needs on the top of the list are very critical represents our more important acreage.

Mr. Petty. Paul, I think personnel is the last item that they've got on here for today.

Do you want to address the personnel ceilings?

Personnel Ceilings

Mr. Vetterick. Probably there is no more critical limitation today in most Federal agencies than permanent head count when it comes to administering programs. I think it best to illustrate the reliance on nonpermanent people by simple statistics.

In 1970 in our management of lands and resources account, which is our principal management appropriation, 16 percent of that account went to contracts and temporary employment. Today it is closer to 50 percent of that appropriation going to contracts and/or temporary employment. And that appropriation has grown considerably since 1970.

The reason for this is that the Bureau has about 470 million acres to administer and a permanent work force of less than 6,000 people. To put that in perspective, that is one man administering all of the natural resources on two District of Columbias, or a staff of 14 people administering the State of Delaware.

I would say, compared to most Federal, major Federal land holding agencies, the BLM is perhaps the most understaffed just in terms of people per acre. Now that doesn't imply that there necessarily is a direct correlation or should be in the BLM compared to the Park Service or the Forest Service or the Fish and Wildlife Service. But on a strict acre basis, the BLM, on a per acre basis, is probably the leanest land holding agency in the Federal Government.

I have been in meetings where we will spend 15 or 20 minutes fighting over $1 million that is available to carve up between various agencies. In those same meetings we will spend 2 hours fighting like dogs over a handful of positions.

So if there's any doubt about the shortages in the Bureau or in the Federal Government as a whole, it is in the form of head count. And I don't think I have to say much more on that topic.

Mr. QUARLES. Well let me say, first of all, I think Congress has been just as frustrated as you people have in trying to establish an act to have adequate personnel for the agencies, not only for you but for our other public land management agencies. I think there will be a continuing concern by our members as to what they can do as an authorizing committee to assist the Bureau in obtaining adequate staffing. And I know that the members will ask you—and you might as well begin now—to assist them in their own effort to obtain adequate personnel staffing. You should supply the most dramatic illustrations, both anecdotal and statistical, dealing with personnel problems and limitations created by lack of personnel.

I have some confidence you'll be asked that at the hearing stage. I suggest you begin the effort to collect anything like that at this point.

LAW ENFORCEMENT

On the law enforcement issue, what kind of training is being provided to your own agents? You said there are 13, and I was not clear whether that meant 13 Bureau-wide or 13 for each State. It wasn't clear to me.

Mr. LOWE. No. There are 13 Bureau-wide.

Mr. QUARLES. Right.

Mr. LOWE. One per State. And the training requirements are those set out in the Department of Interior manual requirements which is equivalent to the FBI, 330 hours of formal training at the Federal Law Enforcement Training School in Glynco, Ga. In addition to that they have 40 more hours of training in the use of firearms annually. And they would meet the same requirements as an FBI agent or other enforcement agencies in the Government.

Mr. QUARLES. That's more or less the typical skills of an enforcement officer.

Mr. LOWE. They also have very rigid physical tests they must pass and they have security clearances that must be obtained.

LAW ENFORCEMENT TRAINING

Mr. QUARLES. Well what I meant by that was what portion of your teaching is procedural. What kind of training do these agents get as far as the laws and regulations that are applied to the public lands in which they are going to be administering justice in some form or another?

Mr. LOWE. The regulations under FLPMA for prohibitive acts has not yet been promulgated. As each of the resource disciplines, such as recreation, timber and grazing and so forth put together their regulations, we go through and filter out those acts which are pro-

hibited and those things which fall under the category of criminal violations as opposed to civil violations.

They're getting the training by virtue of helping develop the regulations, but there is no formal training in the law of land management as such.

LAW ENFORCEMENT CONTRACTING

Mr. QUARLES. How much do you contract with local law enforcement officers wherever possible?

Are those local law enforcement officers duly deputized to enforce Federal regulations and Federal laws dealing with public land resources?

When you contract with local officers are they, in fact, deputized to that extent? Can they make arrests for violation not only of State and local laws on the public lands but also Federal laws dealing with the public lands?

Mr. LOWE. Yes. We have two model agreements now developed wherein under one agreement the local law enforcement officer would be fully deputized to carry out the requirements of Federal laws on Federal land.

The other agreement is to carry out State laws on Federal lands.

Mr. QUARLES. And leave your own agents to enforce the Federal laws?

Mr. LOWE. No. That's going to be done by both local authorities and by our own agents. We have a provision for local enforcement officers to enforce Federal laws on Federal lands.

Mr. QUARLES. But you said the second variety was having the local officers enforce only the State and local laws.

Mr. LOWE. State laws on Federal lands.

Mr. QUARLES. In which case the duty for enforcing the Federal laws would remain with your own agents.

Mr. LOWE. Yes, that's correct.

Mr. QUARLES. When you contracted in the former procedure, what kind of training did you provide to State and local people as far as making them aware or apprising them of the Federal laws and regulations which they would be enforcing?

Mr. LOWE. They will have to receive the same level of training in the professional enforcement series that I referred to at Glynco, Ga.

We have not yet worked out a means by which we will instruct them in the meaning of the laws that are promulgated out of FLPMA.

Mr. QUARLES. Well I know this will be a concern to the committee because again the instruction you're talking about is, for lack of a better word, only procedural instructions, I assume: how to make arrests, these kinds of things.

Mr. LOWE. Correct.

Mr. QUARLES. And one of the concerns that is constantly expressed by our members. I know when we were negotiating in conference the final language that puts priority on contracting with state and local, that the state and local law enforcement officers may not regard the federal land laws and regulations as a high priority item in law enforcement, in comparison to state and local laws, crimes to the

person rather than to federal property. But, secondly, there was a real concern that they would not be sufficiently knowledgeable about the Federal land laws and regulations to do adequate enforcement.

So I think that the committee if not now, shortly would like very much to hear how the Bureau, when it does contract that kind of enforcement authority to state and local officials, plans to educate them to that effect.

Mr. PETTY. I would like to say here that you've got to recognize that FLPMA is only 15 months old. This is a brand new program to us.

The training for the contract law enforcement is quite expensive. The program is moving slowly and we intend for it to move slowly before we get into a large law enforcement program, if we ever get into a large one.

We're trying to find out just who is willing to contract with us and under what circumstances. That in itself is a chore. The early indications are that several would be willing to contract with us, but there are certain laws, primarily the Wild Horse and Burro Act, which they would not be willing to enforce.

Both the Bureau and the local law enforcement have got to go through quite a bit of learning and get into this.

It's going to be a very expensive program. I was recently trying to get some estimates out of what the local governments might think it would cost, and we were advised, at least by one county, that they could furnish one deputy for $164,000 a year. That's pretty expensive. Well just how far we can go with that kind of proposal is another issue.

How much are they going to be willing, how much will they contract for, and what is it going to cost us?

But at $164,000 per deputy, we're not going to have an awful lot of them.

Mr. IMESON. What percent of your funds requested here are going to go for the enforcement of wild horses?

Mr. LOWE. Well I don't think they'd ever be able to break that down. I don't think any one agent or any one contract. At least I hope; we would never get in the business of contracting for enforcing a single act. This would be one of the problems with contracting with the local law enforcement who said they would enforce certain acts, not others.

Mr. IMESON. We get some indication from CBO of the rather large share of funds that you had requested in the current authorization. Wasn't it that type of enforcement?

Mr. PETTY. We intend to go that way. That will be our first alternative, to contract work where we can and if we can. For example, it is the present intent to keep the so-called ranger force as a visible law enforcement arm restricted to the California desert if we can possibly do that.

CADASTRAL SURVEYS IN ALASKA

Mr. QUARLES. Another question. In the case of ANCSA, it's my understanding that there is presently pending in the Secretary's office a package of proposals which will hopefully streamline or at least remove many of the precedural roadblocks or policy roadblocks

to the transfer of land, conveying of native selected land to native ownership.

Should this package come out of the Secretary's office intact, and should it survive—should it be agreed to by many of the parties and thus litigation be not a serious threat, to what extent then will the Cadastral Survey be the principal stumbling block to rapid conveyance of native lands?

Mr. PETTY. I don't see that the cadastral survey is going to be a stumbling block there. Recognize that we have had some rather substantial funding in cadastral survey for the ANSCA program. And that has moved along very well. I just don't believe the cadastral survey is going to be the stumbling block.

Mr. QUARLES. Let me just finish this one thing then.

I recognize that the cadastral survey has not necessarily been a stumbling block. But I don't know to what extent the reason it has not been is because of the stumbling block litigation and concern over definition of easements and other things. And should these things be solved, would the survey still be ahead of the schedule for conveyances.

Mr. PETTY. I wonder if I could let Beau McClure, who is right here behind me, address that. Beau is the ANCSA coordinator here in the Washington office and is very close to this entire program.

Mr. MCCLURE. Through regulations under the Native Claims Act the Department has developed a way to provide equitable title to the natives which gives them everything they need except for the survey, and so it is like full title which can be used and sold. The cadastral survey will not in any way be a stumbling block for conveyances to the natives.

Mr. QUARLES. I understand the interim conveyance system. I am still concerned, however, about completing that survey. I understand that an interim conveyance is sufficient—as you say, is bankable—is sufficient to get loans, sufficient to mortgage, sufficient to do all sorts of things. But I am still concerned about the survey. And I guess your answer is, as far as you're concerned, you can meet the present schedule that was suggested by the cadastral survey, and that is sufficient as far as the natives themselves are concerned, as long as the interim conveyance goes quickly.

Mr. MCCLURE. I don't believe the natives have any great concern at all about not receiving patent until some later date. But what their main concern is receiving interim conveyance.

Mr. QUARLES. Andy.

Mr. WIESSNER. Yes, I was just wondering along those lines if H.R. 39 was passed how much of a workload that would relieve in terms of dollars and personnel.

Mr. MCCLURE. If it is enacted the way that it is presently, before any markup, conveyances, including easements, can be made within 180 days. After that time the natives could go to court and get title without easements.

This is of concern to the Department.

If conveyances are not going to include easements after the 180 days, if the natives go to court to get that, we would prefer to see that no easements were reserved at all.

H.R. 39 as it's written would create considerable problems for us. I don't know that it is going to speed up the conveyances unless

easements are completely dropped. If they are, then there could be a substantial increase in speeding up the conveyance process.

Mr. QUARLES. Tom, do you have anything?

Mr. IMESON. No.

PERSONNEL CEILING DATA

Mr. GOODWIN. I'd just like to clarify the request for data on personnel ceilings, to get started on it now. I'd like to ask that you provide the requests that have been made for additional personnel ceilings in the past 2 years and what kind of response you've got from those at the Department level and at OMB, and what impact those responses have had on specific programs.

In other words, I'm asking for the request and response by program rather than in the aggregate for all of BLM.

Mr. QUARLES. And if I may add to that, not only BLM requests, but if you could add to that whatever auditory language or any other kind of language that has been part of the appropriations process, any appropriations committee reports.

Mr. VETTERICK. You mean as far as personnel ceilings are concerned?

Mr. QUARLES. Suggested personnel ceilings, targets they would like to see.

Mr. VETTERICK. All right.

[The information follows:]

BUREAU OF LAND MANAGEMENT—END OF YEAR EMPLOYMENT REQUEST HISTORY, FISCAL YEAR 1978 AND FISCAL YEAR 1979

Appropriation and fiscal year	Request to Department	Request to OMB	Request to Congress
Management of lands and resources:			
Fiscal year 1978	5,062	4,595	4,467
Fiscal year 1979	5,208	4,958	4,605
Acquisition, construction, and maintenance:			
Fiscal year 1978	195	178	168
Fiscal year 1979	200	169	169
Payments in lieu of taxes:			
Fiscal year 1978	1	1	1
Fiscal year 1979	5	5	2
Oregon and California grant lands:			
Fiscal year 1978	754	771	738
Fiscal year 1979	913	868	723
Range Improvements:			
Fiscal year 1978	76	76	76
Fiscal year 1979	77	77	77
Recreation development and operation of recreation facilities:			
Fiscal year 1978	3	3	3
Fiscal year 1979	3	3	3
Service charges, deposits, and forfeitures:			
Fiscal year 1978	164	164	164
Fiscal year 1979	392	392	165
Miscellaneous trust funds:			
Fiscal year 1978	3	3	3
Fiscal year 1979	3	3	3
Permanent appropriations:			
Fiscal year 1978	8	8	8
Fiscal year 1979	8	8	8
Working capital fund:			
Fiscal year 1978	1	1	1
Fiscal year 1979	20	20	20
Total BLM:			
Fiscal year 1978	6,267	5,800	5,619
Fiscal year 1979	[1] 6,834	6,504	5,775

[1] Includes 5 EOY Positions for administration of Mineral Impact Loan Assistance.

Note.—This table portrays end of year personnel ceiling data. Tables of organization (TO) are approximately 7 pct higher. The difference between TO or authorized positions is attributable to vacancies resulting from transfers, resignations, deaths, and delays in hiring.

REQUESTED EXCERPTS REGARDING PERSONNEL CEILINGS FROM CONGRESSIONAL REPORTS

(Excerpt from House Report 94–374, Appropriations Subcommittee on DOI and related agencies, July 18, 1975)

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7. PERSONNEL CEILINGS

The committee received testimony by the agencies appearing before it concerning the impact of personnel ceilings on their operations, ceilings established by the Office of Management and Budget (OMB) as "end of year ceilings" for permanent positions. The testimony showed that these ceilings have forced various agencies to rely on outside contracting and temporary personnel in order to avoid the restrictions imposed by the ceiling. The committee objects to such ceilings when contracting and use of temporary personnel are less efficient and more costly than permanent positions would be simply to comply with an arbitrary ceiling imposed by OMB.

In order to obtain an independent view of the problems, the committee will request the investigative staff to review operations of those agencies where the problem appears to be most acute: the National Park Service, the Fish and Wildlife Service, the Bureau of Land Management, the Forest Service, and the Indian Health Service. If this report confirms that personnel ceilings do indeed impose an unreasonable restraint on agency operations, the committee will take appropriate action.

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(Excerpts from House Report 94–1218, Appropriations Subcommittee on DOI and related agencies, June 8, 1976)

END OF YEAR EMPLOYMENT CEILINGS FOR PERMANENT POSITIONS

In the report on last year's bill, the Committee expressed its concern about the impact on agency operations of end-of-year employment ceilings and the Committee requested the investigative staff to make a report on this situation. That investigation confirmed that these ceilings do indeed impose constraints on agency operations and result in wasteful and inefficient use of tax dollars. The investigative report included the following observations:

> "Personnel ceilings have not effectively limited employment but have resulted in artificially contrived staffing practices." In the five bureaus reviewed, there were "over 9,000 employees who were actually working substantially full-time schedules but who were charged off for ceiling purposes as seasonal and intermittent help. . . . The short term implications of this artificial staffing situation include recruitment difficulties, morale problems, wasteful turnover and retraining, a watering down in the quality of the staff and the buildup of a caste system with two classes of employees."
>
> "Contracting versus in-house performance decisions are seldom supported by cost studies," even though such studies are required by OMB Circular A–76. It is clear that in many instances contracting is more expensive than in-house performance but "bureaus have little incentive to make cost analyses because additional personnel is usually not a viable alternative."
>
> Playing the "ceiling game" (whereby thousands of employees are separated just before the end of the fiscal year and are rehired when the new fiscal year begins) was criticized as "wasting manpower, generating volumes of unnecessary paperwork, impugning the credibility of Government employment figures, confusing employees, and accomplishing nothing."
>
> "Restrictions on hiring full-time staff have generally impaired the competitive recruiting position of these bureaus . . . Officials complained bitterly about the frustrations and the time wasted in having to explain to bright young college graduates why employment with the organization has to be on something less than a full-time basis."

It is clear that personnel ceilings greatly undermine the objective of maximum efficiency and economy in the expenditure of Federal funds. The Committee strongly believes that dollar levels and prudent management, rather than artificially contrived personnel ceilings, should govern the level of permanent positions allocated to an agency. The Committee expects that OMB and the various Departments will recognize the wastefulness and futility of artificially low ceilings.

The Committee recognizes that there is always some "lapse" between the number of authorized permanent positions and the actual number of permanent employees onboard at any time due to normal turnover. The Committee also recognizes that there is a legitimate need and place for less than full-time permanent positions, particularly where work is of a seasonal nature. The Committee also recognizes that the Executive Branch needs some flexibility in the assignment of personnel. But these, the Committee believes, should not be used as an excuse for mandating unreasonable ceilings whose only purpose is to reflect a false picture of actual conditions.

Throughout this report, the Committee has identified the number of authorized permanent positions for each agency. These numbers have been taken from justification material submitted to the Committee, adjusted for Committee changes which are explained in the report. The Committee expects that this level of permanent positions should be the basis on which personnel ceilings are established, taking into account a reasonable lapse rate. To the extent that the appropriation level places a constraint on the filing of authorized positions, the Committee directs that the Departments and agencies inform the Committee of the reasons for any necessary adjustments. Budget justification material for all agencies should show as the number of permanent positions only those positions which can reasonably be expected to be filled at some time during the fiscal year.

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The total permanent positions for the Bureau of Land Management is 5,689. This includes the 5,514 identified in the justifications and the additional positions associated with recommended Committee increases identified above. The Committee notes with regret the testimony befoer the Committee which revealed that increases for forest management provided by the Committee in FY 1976 could not be used because the Administration did not provide additional personnel associated with this increase. As discussed earlier in this report, the Commitete expects that this practice will not continue in the future.

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(Excerpts from House Report 94–1027, Appropriation Subcommittee on DOI and related agencies, April 9, 1976)

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The supplemental request for the California-Texas oil pipeline analysis included an additional 19 permanent positions. In approving the full budget request for this project, the Committee is also approving these additional positions. The Committee believes that work on these environmental impact statements is important and must proceed expeditiously. However, the Committee is of the strong conviction that work on these projects must not impair ongoing programs of the Bureau of Land Management. It is in this context that the Committee notes that the Detail of Permanent Positions supplied with the justifications material indicates that, although 19 additional positions are provided, BLM will only be allowed to hire nine. Such an artificial constraint on employment is unwise, deceptive, and contrary to the intention of the Committee. A recent study by the Investigative Staff of the Appropriations Committee revealed widespread use of temporary positions and contracting when employment of permanent positions would be both more effective and also cost less money. The Committee, therefore, directs that end of year personnel ceilings shall not be used as a device to artificially control the employment of additional personnel provided inthis supplemental. The Committee will watch very carefully the response of the Administration to this directive and will take subsequent additional action if necessary.

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(Excerpts from House Report 95–392. Appropriation Subcommittee on DOI and related agencies, June 6, 1977)

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8. END OF YEAR EMPLOYMENT CEILINGS FOR PERMANENT POSITIONS

For two years, the Committee has expressed its concern about the impact on agency operations of end of year employment ceilings established by the Executive Branch. A study by the Committee's investigative staff confirmed that

ceilings result in constraints on agency operations and wasteful and inefficient use of tax dollars. This is particularly critical where the ceilings imposed restrictions on the ability of program managers to protect and enhance the great natural resources of the country. Some progress has been made and employment ceilings for the Park Service and Fish and Wildlife Service have been expanded. This will be very helpful in administering their important responsibilities. However, the Forest Service has not been as well treated. The Committee has added a total of 4,640 positions to those requested by the Administration. Of these, 2,548 are for the Forest Service. The Committee continues to believe that dollar levels and prudent management, rather than artificially established personnel ceilings should govern the level of permanent positions allocated to an agency.

Some consideration was given to establishing employment ceilings in the bill itself. However, there are many disadvantages to such a practice. If the Executive continues to ignore the concerns of the Committee and the Congress in this area, there may be no recourse other than legislation to insure that employment ceilings do not impede the progress of important congressional initiatives ond the guardianship of this nation's great natural resources.

Throughout this report, the Committee has identified the number of authorized permanent positions for each agency. These numbers have been taken from justification material submitted to the Committee and adjusted for Committee changes which are explained in the report. The Committee expects this level of permanent positions will be the basis on which personnel ceilings are established, taking into account a reasonable lapse rate. If the Departments and agencies find that employment ceilings established contrary to those set forth in this report, impede their ability to administer the programs, they should place the money into a reserve and report it for deferral or recission pursuant to Title X of the Congressional Budget Control Act of 1974.

The changes recommended by the Committee in the budget estimate are as follows:

Accelerate oil shale leasing program (+8 positions)	+$300,000
Lands and realty management (+10 positions)	+300,000
Forestry management, public lands (+38 positions)	+2,625,000
Livestock management (+116 positions)	+5,000,000
Wild horse and burro management	+900,000
Endangered resource protection (+5 positions)	+150,000
Recreation management (+15 positions)	+600,000
Wildlife habitat management (+25 positions)	+1,000,000
Data management (+4 positions)	+840,000
Cadastral survey (+6 positions)	+500,000
Annualization of pay costs	—392,000

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A total of 6,248 positions is provided for the Bureau of Land Management. This includes 5,910 positions requested in the justification, and an additional 338 positions recommended by the Committee. As discussed earlier, the Committee expects these positions to be provided to the Bureau and the Department by the Office of Management and Budget. To allow national resources to deteriorate in order to meet arbitrary employment ceiling constraints is irresponsible, therefore unacceptable.

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(Excerpts from Senate Committee on Interior and Insular Affairs, Legislative Committee Report to the Budget Committee, March 1975)

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Finally, the BLM has suffered the greatest percentage cutback in permanent positions of any Bureau or agency in Interior. This cutback works extreme hardship in the renewable resource and recreation areas in that a porition of the remaining personnel will likely be reassigned to meet the energy-related demands upon the Bureau.

To remedy this "energy bias" and initiate an effort to stabilize the national resource lands deteriorating from overuse. The Committee suggests an increase

of $14,943,000 over the President's FY 1976 Budget in range and forage management, recreation management, multiple use planning, cadastral survey, and recreation construction, as follows:

Fiscal year 1976 add on

Activity:	*Thousands*
Range and forage management	$8,000
Recreation management	3,050
Planning for multiple use management	2,500
Recreation construction	1,293
Cadastral survey	100
Total	14,943

Range and Forage Management.—The increase would result in 100 new permanent positions and 500 additional jobs and would be used as follows:

(i) $1.6 million for supervision and evaluation of existing range use. Present capability to conduct adequate supervision and evaluation is about .67 of the level required. This additional sum would ensure that livestock use is in compliance with grazing permit and lease stipulations; unauthorized use is identified and reduced; results of managed use in terms of management objectives are evaluated; and needed adjustments in use to correct deficiencies are made; and would allow continuous monitoring of range conditions and trends to evaluate actual use and carrying capacities to prevent overuse of forage.

(ii) $2.0 million to allow the making of minor adjustments in or the further implimentation of most of the 200 existing Allotment Management Plans (placing an additional 4.5 million acres under intensive management and resulting in the arrest of the decline of range condition and in forage for an additional 8–10,000 cattle).

(iii) $4.4 million to implement 90 of 280 Allotment Management Plans which have been prepared but not implemented (placing an additional 2 million acres under intensive management and generating feed for an additional 36–40,000 cattle).

Recreation Management.—To begin to meet the unmet recreation workload, an increase of $3,050,000 over the FY 1976 figure, is suggested divided, in part, as follows:

(i) $1,500,000 for Off-Road Vehicle Management would provide for the preparation and implementation of 30 or more ORV management plans (designating national resource land (NRL) areas open, closed, or restricted to ORVs) than the 11 in the FY 1976 budget; monitoring of 130 more ORV events than the 105 events provided for in the FY 1976 Budget; designating and marking of boundaries more than 14 million acres (FY 1976 Budget would not allow any boundary designation or marking); and management of more than 2 million additional visitor days of ORV use.

(ii) $400,000 for Rivers and Trails Management would provide the necessary funding to allow for more adequate management on two designated rivers (Rio Grande, New Mexico, and Rogue, Oregon), and completion of management plans for four rivers which were to be studied by 1973 under the original Wild and Scenic Rivers Act (Upper Missouri, Montana; Bruneau, Idaho; Salmon, Idaho; and Illinois, Oregon).

Half of the suggested increase ($200,000) would be used to initiate the study of several of the study rivers designated in P.L. 93–261. The BLM has lead responsibility for the Dolores, Colorado (study due January 3, 1975); the John Day and Owyhee, Oregon; and the Sweetwater, Wyoming, ($50,000 for each of the first three and $25,000 for the last) and is to participate in the studies of the Tuolumne, California; Colorado, Colorado and Utah; Wisconsin, Wisconsin; and Upper Mississippi, Minnesota ($25,000 for all four).

(iii) $250,000 would allow an acceleration in the studying of potential Primitive Areas most threatened by development and provide for better protection of existing Primitive Areas, particularly the Aravaipa Canyon (Arizona) which is experiencing 9–10 thousand visitor days a year and the Powderhorn (Colorado) which has experienced a rise from 500 to 2,000 visitor use days in a single year.

(iv) $800,000 for the California desert would permit the expansion of the most critical needed element—Desert Ranger staffing—pending the enactment of S. 507, which provides a 5-year $40 million desert protection program. The

increase would provide for approximately 50 additional rangers, bringing the total to 78. This additional ranger force will increase BLM's capability to manage an additional 40% of existing critical ORV use for a total of only 60% of such use. It would also allow the protection of perhaps 16 more archeological sites and investigation of up to 20,000 acres of culturally valuable NRL.

(v) $300,000 for Cultural Enhancement would permit accomplishment of only a fraction of the true workload, including provision for 10 broad survey inventories and literature searches on 4 million acres of the most critical areas, supervision of contracts in six states, protection of 2 archaeological and historic sites, and stabilization of one critical cultural site (Grand Gulch, Utah).

Planning for Multiple Use Management.—The suggested increase of $2.5 million would allow slight acceleration in the present Management Framework Plans preparation schedule and a focus on those NRL subject to intensive energy development. It would permit the updating of 25 existing MFP's, and collection of important social, cultural, economic, and environmental data that the BLM is presently lacking. Virtually all of the increase would go to areas where new energy resource decisions will be made in the near future. Of particular importance given the extraordinary "boom town" growth expected in Western Colorado as a result of shale oil development, $250,000 would be applied to planning NRL in the Colorado oil shale areas. Another $250,000 would be applied to planning potential nuclear power plant sites in the California Desert and $1.9 million would be used for planning in areas with high oil and gas, coal, and geothermal development potential.

Recreation Construction.—The combination of unmet facility demand of 87% and a recessionary economy which would be receptive to a construction program suggests that the $1,330,000 figure for recreation construction in the President's FY 1976 Budget could be raised to $2,623,000. The suggested raise of $1,293,000 would provide for the construction of 240 overnight family units and 80 day units, instead of the 140 overnight units and 30 day units to be built under the President's FY 1976 Budget.

Cadastral Survey.—It is expected that the Committee will pass legislation this Congress to provide for an expedited omitted lands survey program similar to the $300,000 per year, 25 year program outlined to the Committee by the Department. However, there is suggested for FY 1976, an increase of only $100,000 over the $900,000 increase in "other States" cadastral survey funds proposed by the President. Whereas the $900,000 increase in FY 1976 Budget is earmarked for energy-related surveying, the suggested increase would go to omitted lands surveying. Priority for use of that $100,000 should be based on the determination of how critical the areas are from an environmental standpoint and how ready the States are to assume ownership and management of the lands once surveyed, for public purposes.

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(Excerpt from Senate Committee on Interior and Insular Affairs, Legislative Committee Report to the Budget Committee, March 1976)

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THE PRESIDENT'S PROPOSED BUDGET

Two significant general observations are offered for the consideration of the Budget Committee and the Senate:

1. There are a number of direct Federal operating programs under the jurisdiction of the Interior Committee which have been established for many years. It is typical of such programs—for example, the operation of the National Park System—that a measure of the annual operating costs are associated with unusual maintenance, rehabilitation, and betterment measures which can often be deferred for accomplishment in future years. We have experienced several consecutive budgetary cycles under severe fiscal constraints imposed by the administration through detailed review of programs by the Office of Management and Budget. Successive decisions to defer necessary work results in diminution of services to the public, degradation of public assets and ultimately excessive costs to remedy the consequences of extended neglect.

An argument of high priority or critical need is difficult to make for the mundane operations of established programs, because a need which is being served does not produce public attention or crisis conditions. Nevertheless, there is a minimal level of support which is essential on a continuing basis if the public needs and crises we have dealt with in the past are not to return.

2. During the committee's review of the President's proposed budget, a chronic shortage of personnel adequate to carry out the congressional objectives appears in numerous, if not all, programs. There is, of course, a general effort underway to reduce Federal manpower. It appears to be time, however, for the Congress to give attention to the impact of staffing quotas imposed upon Federal agencies as a budgetary device.

Recent budget reforms were initiated to prevent the arbitrary refusal by the administration to carry out the levels of program accomplishments set forth by appropriations in excess of the President's budget requests. Elaborate procedures are now established for congressional control over rescisions or impoundments of appropriated funds. If the Congress is to have any effective control over program levels, however, the agencies must also have the capability to utilize appropriations. The principal factor controlling capability is personnel.

Personnel ceilings can be used to frustrate any congressional effort to establish higher priorities for programs other than those recommended by the President and there are indications that they are in fact being used in that way. Unless Congress is sensitive to, and prevents arbitrary staffing constraints, the elaborate fund impoundment rules will become largely ineffective.

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(Excerpts from Senate Report 94–991, from Committee on Appropriations, June 25, 1976)

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PERSONNEL LIMITATIONS

As noted in several sections of this report, the Committee has recommended increases that entail expanded employment. In many cases the Committee has spelled out required additions in permanent positions and has stipulated that these increases shall not be thwarted by position ceilings imposed by the Administration and shall not be accommodated at the expense of other agencies' personnel needs. The Committee has refrained from including language in the bill that would mandate personnel levels because of obvious problems associated with any employment number fixed by law. However, if its directives are ignored and approved program increases frustrated by inadequate employment levels—including the costly practice of "firing" so-called temporary personnel at year's end to meet synthetic ceiling requirement—the Committee is prepared to turn to bill language.

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The Committee has learned that a forestry program increase appropriated by the Congress for fiscal year 1976 could not be utilized as intended because position ceilings fixed by the Office of Management and Budget would not permit the hiring of required personnel. Although the Committee has reluctantly approved a reprogramming of the funds, it does not intend to permit this practice in the future.

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(Excerpts from Senate Report 95–276, from Committee on Appropriations, June 16, 1977)

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PERMANENT EMPLOYMENT

The Committee is again specifying positions increases that are inherent in the funding recommendations. Sound management of the Nation's resources require qualified career personnel, and artificial position ceilings are undermining the effort to recruit and maintain a competent work force. The Committee will expect realistic adjustments in permanent position allowances by the administration and urges an end to the growing practice of utilizing "temporary" positions which are in fact continuing, full-time personnel. The accompanying practice of contracting out work that could be performed more effectively and at less cost by Federal personnel is another wasteful device to maintain the arbitrary position ceilings.

Any decision to manipulate the permanent position allowance specified in the report should be subject to the same congressional scrutiny as the deferral or

rescission of appropriated funds. The Committee hopes the administration will consult with the Congress in resolving questions of adequate employment levels.

The recommendation for energy minerals and management involves reductions of $660,000 in onshore oil and gas leasing and $1,000,000 in coal leasing to reflect slippage in these programs resulting from policy judgments of the Secretary of the Interior. The full $57,581,000 budget request for offshore oil and gas leasing is recommended despite a slowdown in this program. Increased environmental concerns require this level of funding, which is $469,000 below fiscal year 1977 appropriations. The Committee concurs in a House increase of $300,000 to accelerate the oil shale leasing program. This recommendation for energy minerals, an increase of $6,621,000 over fiscol year 1977 funding, includes an increase of eight positions for oil shale leasing and a reduction of six positions in coal leasing.

Recommendations for renewable resources management include budget increases for public lands forestry and for range and wildlife habitat management at close to the levels proposed in the House bill. Recommended changes in this activity are detailed below:

Public lands forestry (+38 positions)	+$2,625,000
Livestock management (+100 positions)	+4,000,000
Wild horse and burro management	+900,000
Endangered resource protection (+5 positions)	+150,000
Wildlife habitat management (+41 positions)	+2,000,000

In agreement with the House, the Committee recommends a $1,000,000 reduction in multiple use planning that was budgeted for management studies and a like increase for California Desert land planning. This provides a total of $2,000,000 for management and planning in the California Desert.

The recommendation for cadastral survey includes an increase of $270,000 to duplicate survey records of the State of Oklahoma and make them available to the State archives.

The recommendation for administration and enforcement imposes a $251,000 reduction in enforcement, maintaining the fiscal 1977 level of funding. Substantially increased payments to states from Federal land activities are provided in this bill under recently enacted authorities, nearly $1 billion in total. This should reduce the need for Federal training support for state and local law enforcement personnel.

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Access Acquisition

Mr. Goodwin. On the land acquisition exchange area, my question is: Why BLM does not propose a more vigorous program of land acquisition and exchange to overcome this problem of lack of access?

You indicated that you sometimes deliberately do not seek access because once you get it you don't have the manpower to police it.

I wonder if you've done any kind of cost-benefit analysis of this type of program to get at the value of undertaking that kind of program; what kind of alternative options you have for purchase, exchange or obtaining easements. It seems to me that in many of these cases that access would more than pay for itself. And it's significant to me that the budget proposals that we have don't propose any expansion to deal with this problem.

Mr. Lowe. Well it does provide for a level of effort for easement acquisition. These are negotiated easements for purchasing reciprocal easements, and for whatever condemnations are necessary. There isn't any funding for acquisition, as such, at this time, although it's contemplated that after 4 years when our planning gets down the road farther, we'll be able to identify just what inholding acquisitions are going to be identified as blocking wilderness areas and so forth.

We do have the alternative currently in areas that have high value at this time of purchasing lands under the land and water conservation fund, which is not shown here in the 4-year authorization.

Mr. QUARLES. Excuse me. Could you repeat that again?

Mr. LOWE. We do have the capability of using land and water conservation funds for certain areas that meet that criteria for acquisition of lands.

Mr. QUARLES. But if I may, let me just follow up on that.

When we put into FLPMA a specific provision for acquiring access, including the condemnation authority, to public lands that are presently private landlocked, I am a little bit concerned that that may be viewed as solely a recreational access question.

Now I want to make certain that whatever you're planning to do under that provision you are not solely limiting it to land and water conservation funds.

Mr. VETTERICK. I think what Jess is referring to is that, in addition to the acquisition money shown in this authorization, there are funds available through BOR—Bureau of Outdoor Recreation—for BLM to acquire lands valuable for recreation out of that fund rather than our own acquisition funds. And the level in 1979 is contemplated at about $3.2 million from BOR's land and water conservation account. It will include inholdings for the first time because BLM now has the authority to use land and water funds for things other than specific authorizations under the Rivers and Trails Act or the King Range National Conservation Act.

Mr. QUARLES. The committee put real emphasis on the acquisition of access. Could you—just for my benefit later, for the committee's benefit—tell us whether there is, given this new authority, any indication in your budget of a dramatic increase in access acquisition moneys?

Mr. VETTERICK. There was a dramatic increase in the 1978 budget. Congress added something in the order of $800,000 to our right-of-way acquisition program in 1978 for the expressed purpose of supporting an increase in the public domain forest timber production program. And so a certain amount of priority in the right-of-way acquisition is going toward opening blocks of public domain timber that are now legally not available because of lack of access. There has been some increases in the access program in recent budgetary history.

Mr. ALLEN. As far as the 4-year authorization goes, we are looking at two aspects of acquisition, that of land acquisition and that of access acquisition. The authorization is pretty much limited to access acquisition and that primarily in support of the timber sale program. There isn't any dramatic increase for other access acquisition in it.

As far as the land acquisition goes, we are sensitive to concerns about acquiring additional Federal acreage. And, as you know, there's a big issue over just how much Federal land should exist in some of these States.

What we want to do is go through the planning processes that we have and get the local input so there is a good clear record of

what seems to be appropriate when it comes to BLM adding more land to the Federal estate.

Mr. QUARLES. I recognize that problem. As a matter of fact, the conference committee clearly recognized that. I think the conference committee though was fairly well satisfied that in the access acquisition question the whole purpose was to try to avoid having any increase in Federal ownership, instead, make better use of existing Federal land. And thus, the condemnation authority provided is very limited, to make sure it's a narrow corridor and the possibility of an easement is considered rather than total fee.

So I think that this question will come up during the hearings; I'm sure that BLM recognizes that members have already themselves addressed that question of additional Federal land ownership when it comes to access, and they view that particular provision as a way to minimize an increase in Federal ownership and yet at the same time making existing Federal lands more useful when available.

Mr. VETTERICK. But Congress did recognize, and properly so, that there will be need for the Bureau to acquire certain in-holdings that might be critical to our overall management, such as mining claims, for example, valid claims over in the wilderness areas, or critical winter deer habitat ranges that are critical to the rest of the animals that use the adjoining public land.

So I think what Tom was trying to say, particularly regarding the Appropriations Committees, that their attitude is, "Well you're already the biggest landholder in the United States. What do you need to get more land for?" And we're very sensitive to that at this point in time.

Mr. QUARLES. I think we share that.

At this point we'd like to ask any other people that may be here whether they have—I suspect that this will come largely in the following workshops when we get into really substantive issues—but whether you people either have statements to make to have recorded at this point or whether you have any questions you'd like to address to the representatives of the BLM that are here.

WITHDRAWAL REVIEW

Mr. ZAHN. I'd like to ask a question.

Mr. QUARLES. Would you identify yourself, please?

Mr. ZAHN. President, American Federation of Mineralogical Societies.

You indicated that you had 55 planned withdrawals within the next year.

Mr. CHANDLER. Right.

Mr. ZAHN. How much of that information will be given to the public on those withdrawals, 600,000 acres?

Mr. VETTERICK. Let me clarify your question. I think there's some misunderstanding.

As of October 1975, which is the date in the Federal Land Management Policy Act that said: Any natural or primitive areas that were formerly designated and existing at that date we must consider for wilderness potential and submit a report by 1980. So at least 55 areas were formerly designated in prior years, and in the aggregate total something in the order of 600,000 acres.

Mr. CHANDLER. Paul, as I understand now, many of those were not withdrawn, as you're saying. They are not segregated; they were merely designated.

Mr. ZAHN. There was planning, as I understand.

Mr. CHANDLER. Yes. Right. But not withdrawn as such.

Mr. ZAHN. They have not been withdrawn. I understand that.

Mr. CHANDLER. OK.

Mr. ZAHN. But what I was trying to get at was in the withdrawal process how much input will be given to the public so that they'll know just what those withdrawals are?

Mr. CHANDLER. Well all of our withdrawals are publicized in the local public press releases, copies of letters sent to interested agencies, and parties of interest. So I think it's pretty good publicity.

Mr. JONES. Also, all those 55 areas won't necessarily be proposed for wilderness designation. And the wilderness designation process will include I'm sure a major public involvement step also.

RESOURCES PLANNING ACT FOR BLM

Mr. WIESSNER. In light of what you said about multiple resource planning, would resources planning acts, what the Forest Service have, assist you in clearing up some of the problems, priorities, and policies? Would you see that as an asset in the future?

Mr. JONES. Well the main thing that the Resources Planning Act does is, as I understand it anyway, authorize the Forest Service to prepare an assessment of the future in terms of the demands and needs for various resource products and prepare some sort of an inventory of what's available, not only from Forest Service administered land but from all categories of land, and analyze these two together, and out of this come up with a proposed program for the national forests.

We already participate with them in that, of course, in providing a great deal of data on the supply side of it because they consider the land that we administer.

We have not had the authorization to do the other side of it, which is to build a program out of it, although we have used a lot of that data in the development of our own policies and programs.

I guess my reaction—and just my own reaction—would be that from a national public interest point of view it would make an awful lot of sense to have all of the public land needs presented in the same format. Now, just the Forest Service needs are under the RPA. It would be a lot of planning work for us to do that, but I think it would make a lot of sense for us to make those sorts of presentations and analyses.

LAW ENFORCEMENT IN ALASKA

Mr. WIESSNER. The other question I had was concerning the law enforcement, especially in the State of Alaska. What do you see there as the projected level of need and will you be able to meet th needs in terms of law enforcement in the State of Alaska?

Mr. LOWE. I haven't got a breakdown of the program by State here with us. We do have one special agent located in Alaska at this time. He's in the process of analyzing violations against the environment.

Predicated upon that then we would make a projection as to funding requirements to enter into contracting arrangements or augmenting that with in house capability.

I can't tell you just for the State of Alaska at this time.

Mr. PETTY. We would hope to use contracts there, but recognizing a tremendous expanse of land we're dealing with and the small population base that we're working with there in terms of Alaskan citizens and their relatively small police force, it's going to be difficult to really provide the intensive law enforcement effort there either in-house or contracting.

As roads open up, people start spreading out through that State. It's going to be very difficult.

Also setting aside a number of acres will shift at least some responsibility to other agencies to provide some of that, the Park Service, Fish and Wildlife, and what have you.

Its' a little early yet to really know what kind of or how intensive a law enforcement effort you're going to need in Alaska.

Mr. WIESSNER. Are provisions that are set up through 1982, are they going to take care of any projected needs that you see right now?

Mr. LOWE. We don't think so.

BLM SERVICES IN ALASKA

Mr. WIESSNER. Well let me ask one more question.

I know that it's very hard for the BLM to do much planning as far as services and activities in Alaska, not knowing what the ultimate detail will be, particularly in light of the fact the BLM knows very well that at least people on this side, people are talking about not only having BLM receiving residual lands but also the possibility of creating conservation areas. But beyond that, has the Department itself figured out what, if any, residual services the BLM will provide on designated areas in Alaska? For example, fire management. Has the Department begun to address whether or not the BLM can provide fire management for park lands and wildlife refuge lands, law enforcement and other services the BLM is now doing Alaska-wide.

Mr. PETTY. Well let's take those separately if we may.

Take fire protection. The Alaska Native Claims Act provides that the Federal Government in Alaska at the present time—when we speak of the Federal Government we're speaking of BLM—will continue to provide fire protection to those native-selected lands until the native corporations begin to show a profit.

Now just what that last phrase means, we don't really know. But at least for the foreseeable future BLM is going to continue to be the primary agency responsible for fire protection on the native lands.

So far as national parks, and fish and wildlife go, I see no reason it would be different in Alaska than in the Lower 48 where we are the primary firefighting force for the Department of Interior. Since we already have the organization, the equipment, the management capability in Alaska, I would think they would continue that way.

The only decrease that I can see in the fire suppression responsibility in Alaska is on State lands. The State has in the last few years

gone a long way toward picking up the fire suppression responsibility on State-owned land and private-owned lands. And I would hope that would continue and I see no reason to think it wouldn't.

As that process goes on, recognizing that the State and private lands are in the more populated areas, it's a different type of firefighting in those areas. We should be able to disburse our forces a little bit better without a major increase in overall cost because it is those State and private lands that really get to be expensive to try to hold the fires down.

So I don't see a great change in fire suppression.

In law enforcement, we really have not addressed that because we really don't know what to address. I don't know how we would go about it at the present time.

Law enforcement is going to depend upon what kind of land you're dealing with, what kind of capability that the natives have in their own corporations for the law enforcement. I can't believe that BLM would be involved in those 44 million acres in law enforcement. In fact, I think it would be inappropriate for us to be under any contract or any other arrangement in those areas. Depending upon how much land is set aside for parks, and fish and wildlife, I would assume that they would provide their own law enforcement. And then what's left over, the residual part, the intensive use would dictate to some extent just how far we'd go with law enforcement.

So I don't think the law enforcement problem in Alaska, at least for the next 4-year period we're addressing, is that big a problem in Alaska. It may 1 day get to be, but not now.

Mr. QUARLES. Are there any other questions or statements?

Let me add as a concluding note that, which I probably should have said at the beginning, in the final workshop we will be discussing a critique of the budget, the BLM quadrennial authorization request that wes prepared, at the chairman's request by two staff members of the CBO. And I know that some people have already left and we will have copies here during the next workshop as well.

The staff members who prepared it were Beth Blattenberger and Larry Oppenheimer.

We will ask both the BLM and outside interests to address that critque in an initial effort in trying to take what is basically a very dry BLM document which, in many instances, simply gives us budget figures without a great deal of cost analysis. It attempts to take that and try to put it not only in perspective but also to provide various budget strategies which might be adopted.

Copies of that document are over at the box at the press table and we will make it available again at each of the succeeding workshops.

The next workshop is scheduled for Thursday, February 2d, beginning again at 1 o'clock, and we will discuss nonrenewable resources, both OCS and on shore oil, gas, and coal leasing, and nonenergy hard rock mining on the public lands.

Following that will be February 7, when we will talk about renewable resources; February 9, when we will talk about tax payments, impact loans, and budget strategies.

Thank you very much.

[Whereupon, at 3:43 p.m. the workshop was recessed, to reconvene on Thursday, February 2, 1978.]

QUADRENNIAL AUTHORIZATIONS FOR THE BUREAU OF LAND MANAGEMENT

Workshop II

THURSDAY, FEBRUARY 2, 1978

U.S. SENATE,
SUBCOMMITTEE ON PUBLIC LANDS AND RESOURCES,
OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, D.C.

The workshop met, pursuant to notice, at 1 p.m., in room 3110, Dirksen Office Building, Steven P. Quarles, presiding.

Present: Steven P. Quarles, counsel; Ken Goodwin, Norman Williams, and Tom Laughlin, professional staff members; and Tom Imeson, professional staff for the minority.

Also present: Arnold Petty, Tom Allen, Don Truesdell, Pat Harvey, and Frank Edwards, Bureau of Land Management; George S. Dibble, Husky Oil Co.; and David Ortman, Friends of the Earth.

PROCEDURE

Mr. QUARLES. Today marks the second day of our workshops on the BLM quadrennial authorization. The purpose of these workshops, as originally sketched out by the former chairman of the Public Lands Subcommittee, Senator Metcalf, and as concurred in by the new chairman, Senator Bumpers, is to develop an overall view of the BLM budget request for the fiscal years 1979 through 1982.

The subcommittee then hopes to meet and have a staff briefing on the results of these workshops and select certain issues which they would like to have aired during subsequent full subcommittee hearings. The process will continue next week when the last two workshops will be held February 7, the renewable resources workshop, and February 9 is the funds to local jurisdictions and budget strategies workshop.

Both of those workshops will also be held in this room and they will also begin at 1 o'clock. The committee hopes to hold its hearings on the quadrennial authorization request sometime during the first week in March so that we will have time to markup the bill prior to the March 15 reporting date in the Congressional Budget Act when authorizing committees must make their recommendations on fiscal year 1979 budget requests.

We have what is obviously a very, very tentative list of people who are attending and participating today and we will pass it around and ask anyone else who is here whose name is not on it or whose name is misspelled on here to make corrections.

These workshops may seem as something new, as I said during the first one, but they are not. This will be the third time, to my knowledge, that we have employed staff-chaired workshops in the legislative process.

We began the use of staff-chaired workshops on, in fact, an authorization measure. Two years ago we held a series of workshops, by the subcommittee on energy research and development, to consider energy research and development strategies prior to the full committee's hearings on the ERDA authorization bill.

This last summer Tom Imeson and I held workshops in seven Alaska native villages concerning the so-called (da) land legislation.

The procedure for these workshops, is to have BLM make a presentation on nonrenewable resources in any way or manner that they feel most comfortable doing. Then the staff of the committee would hope to address some questions to them—at the conclusion of which we would hope that members from the public or outside organizations could either make a presentation if they so wish or address questions of their own, either to the committee staff or to the BLM.

All of these workshops are being recorded and will be printed in the form of a committee print.

With that, I think I would like to introduce the committee staff and then turn the meeting over to BLM and have them introduce themselves and make their presentation in any way they would like.

To my far left—far right, your far left is Norm Williams, who is a professional staff member of the Subcommittee on Public Lands and Resources; Caroline Clark, who is also with the subcommittee; Tom Laughlin who is with the Subcommittee on Energy Production and Supply; Ken Goodwin who is with the Public Lands Subcommittee; myself, Steve Quarles, counsel to the Public Lands Subcommittee; and Tom Imeson who is a professional staff member with the minority staff.

With that, whoever is the spokesman for BLM, let's begin.

Mr. PETTY. Mr. Quarles, let me begin. I am representing Mr. Turcett who remains ill in bed. He has the flu which will keep him out the entire week.

I would like to start by introducing the BLM staff at the table, if I may. We have Pat Harvey at the end of the table from our budget office; Don Truesdell, the Deputy Assistant Director for Minerals; Frank Edwards, the Assistant Director for Minerals; and Tom Allen, whom I think everyone at this table knows, in our budget office. And I am Arnold Petty, the Assistant Director for Administration.

We appreciate the opportunity to appear before you, particularly in the form of a workshop. This is new to us and I think, as well to some of the committee members.

I believe it is an excellent way to get acquainted with what we at least see as a budget outlook for the next 4 years.

Mr. Edwards has a few remarks he would like to make about the minerals program. Frank, why don't you go ahead.

Mr. EDWARDS. All right. I will have to ask the members' indulgence here. I still have a nagging cough from the flu of several weeks ago, so I keep a cough drop in my mouth. I hope that I can talk clearly enough that you can understand me.

I am pleased to participate in this workshop and talk with you about the Bureau of Mineral Management program. The public onshore mineral state consists of approximately 822 million acres, including public lands and acquired lands and lands which have been patented with some or all of the minerals reserved to the United States.

In addition, about 1.1 million acres of the Outer Continental Shelf are also under Federal jurisdiction, administered by the Bureau of Land Management.

BLM carries out its responsibilities in managing the mineral resources on the land within the context of three principal goals, which are orderly and timely development to meet national needs; to minimize the environmental impacts from development; and assuring the fair return to the public for the resources which are sold.

As you are aware, the workload in BLM's energy programs has increased dramatically over the last few years. To accomplish this work, the Bureau's energy minerals program, particularly coal and oil and gas, have received substantial fund increases.

In fact, funds for all energy programs have increased to 10 times the level we had in 1974. Positions to accomplish the added workload have increased about 2½ times the level of 1974. The workload in nonenergy resource management has also grown with funds and manpower approximately 2½ times the level of 1974.

This experience showed us that in looking ahead 4 years we had to assure ourselves the capability to respond to changes in program thrusts and priorities. The level shown in the 4 year authorization back-up provides this flexibility. Projecting mineral program needs for the next 4 years is a tough job.

Programs are changing constantly in response to both internal and external decisions, specifically an internal review of the Department's coal leasing program, as well as actions to conform to the rulings in the case of NRDC versus Hughes' law suit. These factors will shape the Bureau's program over the next 2 years.

An internal decision to reorient OCS Environmental Studies program to more specific special studies resulted in reduction of funds in fiscal year 1979. However, the Assistant Secretary for Land and Water Resources is currently reviewing the OCS program and legislation to amend the OCS Lands Act is now pending before Congress.

If legislation becomes law, implementation will likely require an added capability above that provided in the President's budget. Funding increases could also be required in 1980 or beyond to implement decisions resulting from the Assistant Secretary's review of the program and of the coal program.

Finally, Congress is wrestling with the issue of natural gas prices. The decisions they make and the outcome of other energy legislation will directly influence the agency's oil and gas leasing programs.

Our minerals request seeks to deal with those uncertainties by providing for a limited program expansion over the 4 year period. Generally, the thrust of our program is as follows: onshore oil and gas, maintain the program on a current basis which means we will eliminate existing backlogs and assignments of leases and will respond to lease applications in a more timely manner.

In coal we will conclude the current regional environmental impact statement effort, respond to lease applications which meet the short-term criteria as constrained by the court order and, after completion of the supplemental to the programmatic environmental impact statement which is also required by the court order, make new lands available for lease as necessary to meet regional production goals.

In the geothermal area we will offer for lease the remaining KGRA's, respond to noncomparative lease applications and facilitate development through prompt review of operating plants.

In the area of oil shale, we will monitor existing leases and insure protection of surface resources; compliance checks will be performed on existing operations in each of those programs to assure compliance with stipulations and thus protect the associated surface resources.

In the OCS we will maintain the current leasing schedule; administer the intergovernmental planning program for transportation of OCS oil and gas and conduct an environmental studies program to provide specific day-to-day data needed by OCS decisionmakers. Even that has recently changed with a cancellation of a sale in the North Atlantic this past week.

Material sales and nonenergy minerals will maintain existing programs to make these minerals available in response to public demand. In mining law administration, we hope to eliminate the existing backlog in patient applications and implement new regulations requiring surface management and protection on mining claims.

The department expects to publish these regulations again as proposed rulemaking this year and have them in effect during fiscal year 1979.

With that we will be glad to try to respond to any questions which one of the members might have.

OCS Environmental Studies

Mr. Goodwin. Okay. The situation in your budget has changed considerably since the September submission of the 4-year authorization request. As you went through the 1979 budget process you have come out with a radically different budget for 1979.

I would like to first clarify the amount of the reduction in OCS studies. I have lost a couple of million.

The Secretary's testimony yesterday and back-up material supplied by the Department, indicated a reduction of $18.8 million in OCS baseline studies and an increase of $4.6 million for transpor-

tation studies. That would net minus $20.5. But in other material that you have supplied us you have shown a difference as $18.5 million.

Ms. HARVEY. $18.5 already includes the $4.6 increase in transportation in the studies, so that the decrease is really $18.5.

Mr. GOODWIN. It is really $18.5; OK. I wonder if you might elaborate a little bit on what the substance of that cutback is, what it means in the actual work.

Mr. EDWARDS. I think I would like to have Don Truesdell who is my deputy and most familiar with those figures respond to that.

Mr. TRUESDELL. I think the OCS studies program, which is a major part of the OCS item, is probably one of our most complexing, somewhat controversial programs.

Everybody believes in the need to do some environmental studies or studies on the Outer Continental Shelf. There is a considerable difference of opinion as to what should be done and how much money should be spent.

To give you just a thumbnail background, this program originated in 1974 with something like $2 or $3 million. It accelerated into our current year to about $57.5 million which includes our whole OCS budget, but 80 or 90 percent of it is in studies.

About 1½ years ago, realizing that we had a rapidly expanding program, we initiated a study, at our expense, by the National Academy of Sciences. They looked at what we were doing, the utility of the information we were getting, and their report to us was issued last fall subsequent to our original budget figures that we submitted to you.

Mr. GOODWIN. This was an internal task force?

Mr. TRUESDELL. No, sir. It was a National Academy of Sciences report. We paid for it but it was entirely independent, an objective look at our program.

Based on this review, they came up with some recommendations that we have looked at carefully and our major budget expense was the baseline or bench mark program.

Their position was that the money we were spending was not a true bench mark establishment. This could only be established in 8 to 10 years.

We were budgeting 3 years, establishing bench mark or baseline. Therefore, I think they came to the opinion that we were doing rather detailed reconnaissance studies on which we were to base OCS decisions.

Based on this we have now undertaken an internal review within the Department to determine exactly the priority of studies, information that we need. Because of this we have projected at this time until 1979 that some cost savings will result.

It is too early to tell right now if these are going to be permanent. This is why in the out-years we still don't know what is necessary to obtain the required OCS information that we need, but I think we feel that there will be some cutdown in the next fiscal year because the baseline studies will be phased out and we will concentrate our money on more specialized studies which will give us shorter term information that will be more useful.

If we had all the money that we needed to spend on the Outer Continental Shelf, we could have both. But right now we are trying to get the best information we can for the money spent.

I guess specifically Pat has gone into the actual cut for 1979 as it differs from the papers which you were given. I believe the 4 year authorization was $67.7 million for 1979.

As Pat points out the 1979 appropriation requests totals up to $39 million. This represents a decrease in our baseline study program and some cutback on the special studies. But this is a very fluid thing and we are analyzing it very carefully.

Mr. GOODWIN. Are you confident that this cutback will not actually slow down the leasing and development of off-shore oil fields? And will it leave you vulnerable to legal suits that might tie up the leasing process?

Mr. TRUESDELL. I think we feel that we have not leased in any particular area without adequate information. I think, notwithstanding this court decision last week, the courts have substantiated the fact that we have had adequate information so far to make the leasing decisions to be made.

We don't at this time foresee an adverse effect on the leasing program by this cutback, but it is really too early to tell.

GEORGE'S BANK COURT DECISION

Mr. GOODWIN. The George's Bank decision then was not based upon an inadequacy of data? Could you tell us about that?

Mr. TRUESDELL. The George's Bank decision hinged on several issues. One was the pending OCS legislation which is going to change the rules under which the Government offers leases. The judge there felt that since passage of this bill was imminent and there was some question as to the retroactivity of some of the provisions, he felt that we could forestall action on this sale pending legislative action.

The second point he raised was concerning fisheries. He said that both the Secretary of Interior and the Secretary of Commerce had not considered the effect on fisheries adequately. This is a judgment call. We feel we have considered them.

We feel there are mountains of fisheries information in the North Atlantic area and it could be many years before we know actually what the OCS development would do to these fisheries. I think those were the principal issues raised.

IMPACT OF LEGISLATION ON AUTHORIZATION REQUEST

Mr. GOODWIN. This is a very substantial change in the BLM proposal for 1979. I assume you would have some downstream impacts in subsequent years also.

I wonder if the Secretary then will want to modify the authorization request, not only for 1979, but for subsequent years.

Mr. TRUESDELL. I think it is too early to tell. We are still doing our in-house review. It may come out that we could need at least the money that we project or it may be more. It is just a question of redirection of our efforts.

Mr. PETTY. Basically, the program has been operating in a 3-year cycle. The studies completed by the National Academy of Sciences, as well as some other people, believe that a true baseline would take 8 to 10 years to complete as Mr. Truesdell stated.

But to do that you are looking at $250 or $300 million program, at best. The feeling was that according to an ET monitor in one field season we will get almost as good as we would get for the 3 year period if we supplemented that by special studies. It is difficult to determine at this moment since this decision was so recently made, just how much special studies are going to cost. That is the biggest problem we have right now.

Mr. GOODWIN. So you would like to keep the amount that you have in the requested authorization to provide the flexibility to shift between baseline and special studies.

Mr. PETTY. That is correct because we still have to go through the appropriation process. As long as we have the authorization that would provide the leeway to get that appropriation, I think we would both be better off.

PENDING OCS LEGISLATION

Mr. EDWARDS. One more point on that is that the present bill specifies certain environmental studies are required. It did have some language concerning the initiation of studies and depending on how that language is finally drafted, could again cause some change in the program.

Mr. LAUGHLIN. I just wanted to clarify that the current budget does not assume passage of the legislation.

Mr. EDWARDS. No, it does not. If it called for more extensive studies than what we have planned for, this is possible.

Mr. GOODWIN. Did you have a fix yet on the amount that would be involved in the studies? Could you give us a range of what the magnitude of requirements would be if the OCS leasing amendments do pass?

Mr. EDWARDS. No——

Mr. TRUESDELL. The pending legislation does have the word baseline in it. Section 22 does have the word baseline studies. The Department has recommended for flexibility that this language be taken out. So this will depend on how we have to proceed as far as availability of information on studies.

Mr. GOODWIN. But I assume you are talking about a very large magnitude that would require amendment of the BLM authorization.

Mr. TRUESDELL. I really don't know. The initial bill as it was over in the Senate side had NOAA as the director of the baseline studies. I believe they estimated that for their program it would run $150 million a year to do what they considered necessary.

Mr. GOODWIN. Do you have a Department of Interior estimate?

Mr. TRUESDELL. We think what is in it right now based on our current program is adequate.

AUTHORIZATION FOR OCS SPECIAL STUDIES

Mr. GOODWIN. Many of the special studies in the 4-year authorization request appear to be contingent upon actual discovery of oil and

gas in this area. There are follow-ups such as pipeline studies to develop the field.

The CBO report has raised questions about whether you are programing funds for these studies that you are very likely not going to require. Do you have any more realistic estimate of what the probable requirements will be? Something short of asking for enough to cover all possible special studies in a certain area?

Mr. TRUESDELL. I don't know how many geologists the CBO has over there to know how much oil we are going to find. Naturally, if we don't find oil in certain areas, those studies will not be undertaken, but we are having it in there as a contingency because hopefully we will find oil, hopefully in some areas we will find much more oil than we anticipate and this will result in shifting to those areas.

Mr. GOODWIN. Nevertheless, it doesn't seem realistic that you are going to have special studies in each of these areas. As I understand it, your present request is based upon the strategy of providing funding for special studies on all of these areas.

Mr. TRUESDELL. Our present request is based on a conservative estimate on what is needed in a certain area if discoveries——

Mr. GOODWIN. Pending a discovery or if the discovery is made?

Mr. TRUESDELL. Pending a discovery. There is some work we have to do regardless of whether or not a discovery is made. The States need certain information. We can't wait for discovery and then all of a sudden get authorization to start studies and get the contracts let and so on. There is too much of a time lag.

Naturally, we would not initiate studies where no oil was found.

Mr. GOODWIN. There is a time lag, though, between the time you lease and discovery is made and follow-up studies that you undertake, particularly in light of the court setback on the George's Bank. I wonder if some of these funds requested, 79 or 80, should be shifted to later years?

Is it still realistic to have them cover that area?

Mr. TRUESDELL. Actually, I think it is. The George's Bank decision we anticipate is not that long a delay; pending judicial review and probably passage of the legislation, this may result in changing of the issues of the court case.

In summary, I think we have scheduled it as accurately as we can at this time.

Mr. GOODWIN. We have very little detail on the breakdown of the OCS studies. It is just lumped together in one gross amount. I wonder if you could provide a breakdown of the OCS budget and I would say, do it for both the original authorization request of September and for the figures provided in the President's 1979 budget wih the reduction and give us a breakdown of how these will break out the amounts spent for process, for management and administration, the baseline studies and for the special studies to follow after drilling for these years, 1978 through 1982 so that we can see where the funds are going within this?

Mr. TRUESDELL. Can we do this for the record?

Mr. GOODWIN. Yes.

[The information follows:]

OCS PROGRAM 4-YR AUTHORIZATION

[In millions of dollars]

	Presidents budget	Authorization request			
	Fiscal year 1978	Fiscal year 1979	Fiscal year 1979	Fiscal year 1980	Fiscal year 1981	Fiscal year 1982
Total	$57.5	$39.4	$67.7	$70.0	$75.0	$80.0
Leasing	9.2	9.4	9.3	9.4	9.4	9.5
Administration	1.9	2.0	2.0	2.2	2.3	2.4
Transportation Management		4.6	5.0	6.9	7.8	7.8
Prediscovery		(3.4)	(3.6)	(3.1)	(3.6)	(3.6)
Postdiscovery		(1.2)	(1.4)	(3.8)	(4.2)	(4.2)
Benchmark/monitor [1] (Lower 48 States)	14.4	2.1	13.8	13.0	14.6	18.5
Special studies (environmental)	10.5	1.5	16.1	15.8	17.9	18.6
Alaska studies	19.1	17.4	19.1	20.0	20.1	20.1
Social-technical studies [2]	2.4	2.4	2.4	2.5	2.6	2.8
Nonenergy [3]				.2	.3	.3

[1] Money split of all studies contingent upon maintenacne of existing situations.
[2] Includes Alaska socio-economic, bathymetric mapping, modeling.
[3] Includes potential nonenergy mineral leasing, coral protection regulation.

OCS Policy Development

Mr. Goodwin. One final question from me on OCS, on page 17 you refer to the development of a cohesive policy in transportation and biologic effects as being developed. I wonder if you could tell us what the status of that policy development is and where it stands and what the scope of it is, its purpose and when you expect to have it available.

Mr. Truesdell. OK. Really what this is, is a plan that we are trying to work out in cooperation with the States and with the other affected Federal agencies to provide as much pre-planning as we can for transportation of OCS resources onshore. This is both by pipeline and by barge, if necessary.

At the present time we have gone through about five drafts of this particular study plan. We have circulated it through the OCS advisory board. We have received a resolution from this board in December asking us to push it forward.

We are now putting it in final form. We will present it to the Secretary of Interior for signing as a Secretarial order. We are now working on the advisory board or the group over in OMB that has to rule on advisory committees.

We have been told by our departmental people that this will fall under the Advisory Board Act. We were trying to make it a subcommittee of the OCS advisory board that exists.

They say because of legal requirements that they would like it to be separate boards. So we are putting this together right now for the Secretary to determine his approach to OMB on it.

We look upon it as a long-standing need. One of the principal objections that the States had given to OCS development is where is it going to come ashore; when is it going to come ashore. They want to know as much as possible, as soon as possible, so they can make onshore plans. This is the whole purpose behind this pipeline transportation plan. We would hope the committees can be established within 90 days and boards can be set up.

Mr. GOODWIN. Is this being done in concert with the Office of Coastal Zone Management?

Mr. TRUESDELL. Yes. They are members of the committee. It is being done with EPA. All the Interior agencies, the Corps of Engineers, the Office of Pipeline Safety, the Coast Guard, every agency that is involved, plus the State agencies.

Mr. GOODWIN. It is in compliance then with the Federal consistency requirements on coastal zone plans?

Mr. TRUESDELL. Right.

Mr. GOODWIN. Do you anticipate that policies being drawn will have any budgetary impact that will call for new actions?

Mr. TRUESDELL. We have factored these into our out-year requirement. We hope that a lot of this can be done by costs being shared between agencies.

These are planning efforts with some States. It will mean dedication of people by other agencies and then by State agencies. Some coastal States are going to try to use coastal zone management funds to provide their input.

Mr. GOODWIN. That is all I have on OCS.

Mr. IMESON. I am fine on OCS.

Mr. QUARLES. Arnold, would you like to present the next part?

ENERGY ONSHORE

Mr. GOODWIN. The energy onshore.

Mr. EDWARDS. I ran through a summary of those in my introductory comments briefly outlining the energy onshore. The principal programs, of course, are oil and gas and coal and nonenergy resources. If you have any questions about those that were presented in this backup book, we will try to respond to them.

Mr. QUARLES. Tom.

GEOTHERMAL LEASING BACKLOGS

Mr. IMESON. In the onshore area, one of the concerns we hear about a lot is the time it takes to get applications processed. It is true in oil and gas leasing and I know in geothermal.

I see in geothermal that positions are going to remain constant. The dollars are going to remain the same, too, which has to mean a decrease due to inflation.

I wonder what that indicates. Is there a lack of interest in that? Or is it a problem with OMB?

I know in the northwest there is a lot of activity going on. Your program doesn't seem to be moving anywhere.

Mr. EDWARDS. Let me assure you that it certainly is not a lack of interest because we have been very much interested in this program. It is true that there has been in the earlier years of this program what appeared to be a rather slow-moving process, but we have now offered for competitive sale nearly all of the geothermal resource areas and we have been working on reduction of the backlog of applications that we had for noncompetitive leases.

From 1974 through 1977 we had issued 970 noncompetitive leases and for fiscal year 1977 we issued 230. The total number of lease ap-

plications that we have had from 1974 to 1977 has been nearly 6,000. That is noncompetitive lease applications.

About half of those lease applications were either withdrawn or rejected for various reasons, either the lands were not available or some such conflict as that. We have offered competitively through September 1977, 471 tracts of which we have issued leases of 215; during fiscal year 1977, we issued 51 competitive leases.

We feel that we are over the hump on the number of applications that have been applied for. Our continuing program will be, of course, to work on the noncompetitive applications that are remaining. These require considerable environmental analyses. Primarily, they are in California. California is particularly a perplexing problem because of the number of agencies, quite frankly, that an individual has to go through before it is cleared.

Somebody told me it is nearly 80 agencies. This includes State, Federal, county, a number of jurisdictions and a number of State agencies, so it is a slow process. Also, it has been rather controversial in California.

California has been particularly slower than the other States, but we feel that we can say now that we feel that we have made substantial progress in this area and that the needs for the future years we think we can handle with the program level that we have right now.

Mr. IMESON. What was the current backlog? You said you had 6,000 applications.

Mr. EDWARDS. Yes. We have a total of 6,000 applications; we have 322 pending applications. Now, we have had 600 applications filed in the last 12 months. So we are continuing to receive new filings.

I don't know whether 600 over a year's period could be expected to be continued, but that is where we are right now. The ones that are remaining primarily are for applications within the national forest, primarily in California.

Mr. IMESON. Is the delay with the Forest Service? I understand there is a real problem over there.

Mr. EDWARDS. Yes. Without trying to point the blame, it has been a long process in getting them through the National Forest Service primarily because the areas that are applied for have been in areas of very high controversy. The National Forest has had to go through a considerable planning process and environmental assessment. That process has been long and time consuming and so there has been considerable delay in their application.

Mr. LAUGHLIN. Does there still exist a committee which is named something like Institutional Barriers Panel? And are you participating in that?

Mr. EDWARDS. Yes. There is still an Institutional Barriers Panel. We have been participating with them. There is a work group, which is a subcommittee of that which is concentrating on trying to reduce or streamline the process to reduce the time period it takes to process applications, either by rejecting or issuance of leases.

Mr. LAUGHLIN. Have you had any results on that?

Mr. EDWARDS. Not any visible results as far as we have been able to see.

Mr. LAUGHLIN. Are you considering changing the BLM regulations?

Mr. EDWARDS. We would be glad to change if they can point to us a place that we can do that, but so far we have not identified short cuts or time saving that we have been able to see.

Mr. LAUGHLIN. So there is little change and you don't foresee changes in the law at this point?

Mr. EDWARDS. No. Basically, the problems are environmental. There was some concern that there should be an amendment in the law to increase the geothermal acreage limitation because they felt that the acreage limitation was preventing development. But the law contains in it a provisionl for increase in acreage limitation anyhow. But some people felt that that ought to be increased earlier, but it is mostly environmental.

Mr. LAUGHLIN. OK.

Mr. PETTY. Before we leave this, I would like to point out that we are aware of these things and we are trying everything we know of to try. We do have an interagency task force in which we have the Forest Service, Geological Survey, BLM and the Solicitor's Office all represented, which try to identify, if they can, the procedural changes that we could make to shorten this up. I believe there is a report due about the end of February. If they can identify something, then we will move on that.

Mr. GOODWIN. Just for information, how long does it take to process a typical application for geothermal development in the national forest?

Mr. EDWARDS. I am not sure, but I think it is at least a year and probably somewhere between 18 months and 2 years.

Mr. PETTY. The problem there is typical. We just don't seem to have typical leases. Each one is unique in itself.

Mr. IMESON. But it is not a problem of not enough people or not enough money.

Mr. EDWARDS. We don't feel it is a problem of not having enough people or money in the Bureau. The Forest Service may hold a different view in terms of what their problem is. But as far as the Bureau is concerned, we don't see that money and people is the problem.

OIL SHALE

Mr. GOODWIN. On the oil shale area, you are projecting no increase either. I wonder what the status is of the Superior Oil Land Exchange to get the oil shale development started in Colorado.

Mr. EDWARDS. As I recall on the Superior Land Exchange, the status of it right now is that they are developing appraisals on the value of the lands that are proposed for exchange.

Mr. GOODWIN. They will sue BLM?

Mr. EDWARDS. Yes.

Mr. LAUGHLIN. This has already been done in the past once or twice; hasn't it?

Mr. EDWARDS. Yes. It is something we have been working with for quite some time. The approach as to how the land would be evaluated is complicated because it is not just the value of the shale. There are

associated minerals with the shale that are of value. It is difficult to evaluate those, plus the surface values that might also be there.

Land Exchanges

Mr. Goodwin. We have discussed some of the problems involved in land exchanges with you in an earlier workshop and the Secretary yesterday, but the impression I get is that there is not a very vigorous effort proceeding with these appraisals and exchanges.

In the case of attaining access easements, are you satisfied that you are doing everything that you can to accelerate these appraisals and exchanges to facilitate the oil shale development? Is it a problem of resources?

Mr. Petty. Let me address at least part of that. It seems odd but part of the exchange problem is in the payments in lieu act, 94–565. It has a provision in there that just about shut down exchanges.

That provision, section 6(a)(4), if you may recall, provides that if the lands were not on the tax rolls at the time they were acquired by the Federal Government, then they are not eligible for payment of taxes which would then mean that before the exchange, the lands owned by the Federal Government, the local county gets payment for and after the exchange they get no payment. They don't get any payment for the land they acquired. That provision of the 94–565 is having and will continue to have immediate impact on the exchange program.

It is also going to make it exceedingly difficult even if we can get that section revised. If there is money taken out, it is going to make it exceedingly difficult to exchange lands in different counties, to transfer your lower tax to a different county. So there are some problems there that we did not anticipate.

Mr. Goodwin. The problem is not the aggregate payment, but the shift between accounts.

Mr. Petty. It is in the aggregate in the way the law stands right now.

Mr. Quarles. If I may interrupt for just a second, we now have a subcommittee chairman who is very interested in a particular program which he has introduced and I suspect when we have a hearing on that, we are almost certainly going to be in a position to take care of not the intercounty problem, but the problem of formerly tax exempt lands not being eligible for fill.

So I think we would like to get from you. recognizing that it is a guestimate at best, but some feeling about what if any changes are going to be in the budget should that particular amendment be taken care of? For the record, not for now.

[The information follows:]

Impact of Tax Exempt Land

There are approximately 6.9 million acres of land in the tax exempt category that are not subject to payments in lieu of taxes. If the law were changed to permit payments on these lands, the level of authorization would surely have to increase. It is not possible to readily estimate the budget impact because the payments formula is so complicated that an individual county by county calculation would be necessary. This would take up to 3 weeks to accomplish.

Problems Exchanging Land

Mr. Edwards. We might want to respond further to your basic question about exchanges.

I understand the land exchange question is not the only thing that is holding up development. We also have a problem with air quality standards.

In response to whether or not we are doing everything we can about exchanges, whether we have enough people and whether we are really interested, I think that we are interested and we are pursuing those areas where we feel exchanges can be beneficial.

But I have had a lot of experience in the Bureau in the area of land exchanges and they are probably the most complicated land management decision that there is, to wit, a number of exchange programs in years past where there have been charges of scandal, give-away, dealing under the table and everything else imagineable because of land exchanges. They are extremely complicated.

They are very difficult to evaluate, particularly mineral values. They are just complicated and they are difficult to get to and there is no expedient way to get around that.

Also, when we think we have an exchange that looks good, we have done all the appraisals and it is a good decision, quite often we find that our attorneys' review of the title raises many exceptions so that we are not able to accept title to the lands and they are almost incurable.

So we have a difficulty with the title quite often because of the land the proponent of the exchange holds.

Oil Shale Development

Mr. Laughlin. As I recall, you mentioned the oil shale exchange was primarily aimed at maintaining the current prototype basis. Does that mean that you have abandoned any idea of leasing on tracts? Have you made that decision?

Mr. Edwards. I don't know if we have abandoned it. I guess you could say we put it on the back burner. Mainly because of the situation we have now in Colorado.

We have a law suit filed against the C–a and C–b areas filed by the Colorado Open Space Council against the Department for approving the detailed development plans. In Utah we have a suit filed against both Utah A and B leases because of State land selections. The State thought that they were entitled to those lands.

So we really have litigation that gets both of those. The other problems we had were with air quality standards and the environmental analysis we have been doing on those tracts.

Mr. Laughlin. Could you explain how the litigation between Utah and Colorado effected decisions? One addresses the property and the other is a title question.

Mr. Truesdell. The Colorado plan was going to be developed. The other was an in situ situation. So, therefore, based on that, we put on the back burner the project that we had to develop two additional in situ leases.

Mr. LAUGHLIN. The reason you put them on the back burner——

Mr. TRUESDELL. The litigation, of course, we believe we were right, naturally.

Mr. LAUGHLIN. That is encouraging.

Mr. TRUESDELL. So it is just a question of waiting until justice triumphs.

Mr. PETTY. Our record has been pretty good in litigation.

Mr. LAUGHLIN. Are these any different from the technologies which would probably have been tested?

Mr. EDWARDS. I don't believe I could speak to that. I think that is a question that would be better asked of the Geological Survey.

Mr. LAUGHLIN. But evidently you made some sort of an assessment of that to reach the conclusion that something was being done in that area which was sufficient.

Mr. EDWARDS. Yes. In the in situ area, generically speaking, but whether there were specific things in the detailed development plan for these tracts that was different than what could be tested in the proposed site, I don't know that.

Mr. QUARLES. Norm.

COAL LEASING

Mr. WILLIAMS. I am curious to know whether the Federal Surface Mine Coal Reclamation Act affects your budget in any way.

Mr. EDWARDS. Well, as the 4-year authorization was drafted, we had anticipated some new leasing or resumption of possibly some leasing, if necessary. There is actually probably two things that will affect that. The decision of Judge Pratt that we can take no action indirectly or directly to issue any new leases until we have supplemented the programmatic environmental impact statement on coal, except in the short term as he defined.

So we have now rescoped our regional environmental impact statements to eliminate consideration of any new leasing. Those only cover mining plans, lease applications and related facilities.

We have not been able to determine yet how much the Strip Mining Control Act will affect either the mining or the leasing of new areas because we have not determined what land will be affected by the terms of prime agricultural or alluvial valley floors.

We don't know which lands fit those definitions at this point. So the law could have an effect on both types of areas that would be mined by strip mining or any new leasing.

That effect was not reflected in this authorization. We don't know what that effect will be.

Mr. WILLIAMS. Who will make the determination?

Mr. EDWARDS. We have a task force in the Department now, an interagency task force, in which we have a member of our Solicitors Office participating that is presently trying to define a set of standards or criteria that was intended by this term, alluvial valley floor and prime agriculture.

We are working with such agencies as the Soil Conservation Service and others that have had experience in this over the years. Hopefully, we will develop a set of stardards or criteria that define those two terms.

We will publish those as regulations so that the public has an opportunity to comment. Once established through the public process, that is what will be used as a definition of those areas.

Mr. WILLIAMS. But you are assuming that that process will take too long to effect this authorization?

Mr. PETTY. That is correct.

Mr. EDWARDS. I don't think it will effect the 1979 budget, but it might in the out years.

Mr. PETTY. It is new legislation. I don't think anybody knows where it is going. It is going to take awhile to work out what impact it is going to have. It is bound to have some impact.

But whatever that impact is, it is not factored in and it is not likely to have a great impact in the next 4 years.

SURFACE MANAGEMENT REGULATIONS

Mr. WILLIAMS. Well, the item of $1,250,000, coordinated surface management regulations that has to do with the——

Mr. EDWARDS. That is correct.

Mr. WILLIAMS. Are you talking about the whole system of degradation?

Mr. EDWARDS. No we are talking about the management and the use of the surface of those claims that were located under the 1972 mining law.

Mr. GOODWIN. This is under the new section, 302B, which requires you to prevent unnecessary degradation of public lands.

Mr. EDWARDS. That is right. The authority for the issuance of such regulations comes from FLPMA itself. The Secretary had never issued regulations under that law, but as you say, it is a mandate that was placed on us by 302B of FLPMA to avoid degradation.

We published about 1 year ago, approximately, a proposed rulemaking of regulations for the surface management regulation of claims under that act. It has been a very, very controversial issue, not well accepted by the mining industry.

We have had a number of public hearings and a number of comments, 5,000 I think was the last count. We are in the process of redrafting those regulations, including those comments that we received.

Our plan is to reissue those as a proposed rulemaking the second time sometime during 1978. Our estimates in the authorization anticipated those regulations being implemented by this time.

Mr. QUARLES. If I may, if I can follow up on this for a moment—I notice that they not only anticipated that they would be implemented by this time, but that you might require a supplemental for fiscal year 1978.

Has your schedule on those slipped so much that it actually effects your estimates for 1979 to 1982? Or at this moment does it only effect the need for asking for a supplemental?

Mr. EDWARDS. I think just 1978 is all.

Mr. QUARLES. One other question. I could not find in going through this document, I could not find set out separately any indication of what you have been saying, on several occasions that it would be con-

siderable additional expense to undertake the implementation of surface management regulations and you say it is reflected in these overall figures, but I never find it set out separately.

Did you, in fact, set it out separately and, if not, could it be provided for the record?

Mr. EDWARDS. We could provide it for the record.

[The information follows:]

COSTS TO IMPLEMENT REGULATIONS REQUIRING SURFACE MANAGEMENT ON MINING CLAIMS

[In millions of dollars]

	Fiscal year 1979	Fiscal year 1980	Fiscal year 1981	Fiscal year 1982
Mining law administration—Total	$4.1	$6.8	$10.7	$8.6
Implement surface management regulations	1.6	4.1	7.8	5.4
Patent processing and minerals support	2.5	2.7	2.9	3.2

Mr. TRUESDELL. I would like to add that this is very difficult to predict. We have had some experiences with the Forest Service because they have regulations on their forests. When you cover all the public domain lands, it is really a question mark as to what this really will do.

It really depends on the final form of our regulations.

Mr. QUARLES. Does it really, though? That is my question. Most of the budget figure, it seems to me, would have to do with implementing the procedures for policing those regs and whether a reg is slightly different or whether it depends on the mine himself, does that make a tremendous——

Mr. TRUESDELL. Yes. It depends on which action we will regulate, how much we will let him do before he has to be given a permit. If we are very lenient it will greatly cut down the number of permits necessary. If we are very strict, it will require a greater number.

Mr. QUARLES. I see. Well, if any extrapolation is possible from your Forest Service experience, we would like to have that to get a feeling of what that surface management is.

Mr. GOODWIN. It is my interpretation that substantially all of this increase of 1.2 million is for implementation of this program on surface reclamation. Do you have any feel what the magnitude of the overall problem is and what portion of the public lands will be adequately protected by State regulation?

We are really supplementing the State regulation.

Mr. EDWARDS. Are you referring to the surface reclamation concerning strip mining or are you talking about the mining plan?

Mr. GOODWIN. Under the mining plan.

Mr. EDWARDS. I don't recall—there may be some exceptions to this—but I don't recall that the States have the same type of surface management regulations as this is. Many of the States have very strict regulations concerning the filing of claims and the location of claims. But in terms of access to them and what they do to the surface and other resources and exploration activities on this type of area, not many States control that because that is principally on Federal lands.

Mr. GOODWIN. Some States like California control mining whether it is on Federal lands or not.

Mr. TRUESDELL. That is true. And where the States do have rules and regulations and they are equal to the Federal standards, they will not be duplicated and the States can handle it. It is provided for in the redraft of the regulation, but as Mr. Edwards points out, these are few and far between. The states have little control.

EXCHANGE OF LEASED COAL LAND

Mr. LAUGHLIN. I have a followup question to Norm's question.

Have you had any applications for these exchanges?

Mr. EDWARDS. I don't believe we have. No.

Mr. WILLIAMS. You have a system set up for handling those?

Mr. EDWARDS. No. I don't think there is.

Mr. PETTY. Well, the procedures are in draft. We anticipate some, but until they are drafted——

Mr. WILLIAMS. That same task force?

Mr. PETTY. Yes. You identify the hearing——

Mr. WILLIAMS. You are saying that is the way that you customarily proceed?

Mr. EDWARDS. Yes. It probably does because the individual who is holding the lease probably doesn't know that they are in a defined area, that is, an alluvial valley floor.

Mr. WILLIAMS. Surely, you get some criteria first.

Mr. EDWARDS. Yes.

Mr. LAUGHLIN. When did you say that these would be completed so you will be in a position to entertain an application? You said it would be effective by the 1979 budget, so I assume it will be over 1 year at least.

Mr. EDWARDS. Yes, because we will have to go through the rulemaking process and probably will require some public hearings and all of that processing, of course, we would not get done this fiscal year.

OIL AND GAS LEASING LOTTERY

Mr. GOODWIN. If we could turn to oil and gas leasing.

Oil and gas was $900,000 in 1979 and you have a $600,000 increase included in the President's budget, could you explain what this is for? What will you be doing with the backlog of oil and gas leases?

Mr. EDWARDS. Well, we hoped to process about 12,100 leases and about 4,000 assignments which are backlogged. We would have to increase the compliance checks for compliance with stipulations, environmental protection measures and so forth to cover about 1,500 leases.

Mr. TRUESDALE. The newest area that we have is this overthrust area in Nevada, Utah, Montana, and Idaho.

Mr. EDWARDS. Well, the overthrust does not cover Nevada, but there are some new oil discoveries in Nevada, new interests there.

Mr. GOODWIN. You have here an example, a Parkinsonian thing of generating your own workload; conducting a lottery for oil and gas leases and then processing transfers as they are sold.

I wonder if there are any steps that you can take to cut down on that traffic and minimize your workload?

You are operating under the statutory requirements to charge a fee. The fee specifies a minimum; you must charge at least 50 cents an acre, maybe it is a dollar.

Mr. EDWARDS. $1 per acre.

Mr. GOODWIN. That is a minimum. That doesn't have any upper limit on it and it says you must give the lease to the first applicant, which you have interpreted to be by regulation to be the one who comes in during the holding period; isn't it 1 week? Have you considered making changes in your regulations so that you minimize this workload, either changes along the line of raising the fee, eliminating the lottery or deliberately slowing down the processing of transfers to discourage this traffic and this degeneration of workload for your administration. I know that it is self-compensating, that you collect reimbursement for it. But it does use your manpower.

Mr. EDWARDS. We have tried all of those, either by plan or unintentionally. One of the biggest criticisms, like many others, is our delay in processing applications. So a delay in processing applications has certainly not been a discouragement.

It has been the source of severe criticism, but not a discouragement to the applicant. We did increase the fee 100 percent from 50 cents an acre to $1 an acre. I wasn't sure I was going to survive that because you are dealing with an area that some people are making a considerable livelihood off of and they have considerable strength.

They are a constituency of a lot of people, members of Congress, not the least. So there is tremendous pressure and there is great complaint any time we raise the fee.

But the raising of the fee from 50 cents an acre to $1 an acre certainly didn't discourage anybody because we have a continual increase in the number of applications we receive. As a matter of fact, we are up to 250,000 applications a month in Wyoming alone.

In terms of changing the system, we have tried a number of things. We have never been able to come up with anything better. If someone does, we would be glad to try it.

There was introduced into, I believe, in the 94th Congress, 1st session, a bill to change the system to an all-competitive system to eliminate the noncompetitive application, to make oil and gas onshore totally competitive as it is on the offishore.

Of course, that proposal did not receive favorable consideration in Congress and I don't know what might be the wishes later on, but as long as there is a situation where someone believes that they are going to get something for very little or nothing, you are going to have people playing in it. We don't like to run a lottery. We don't like the system at all, but we have never been able to have anybody come up with a better system.

There have been charges of fraud and corruption and everything else in this whole process. But let me say that every one of those situations has been investigated by someone; FBI, GAO, the Interior Department's investigative services and ourselves.

No one has ever been able to uncover or to identify that fraud has occurred. But we continue to have charges of that.

Mr. PETTY. I think that the committee should recognize that the greatest improvement we have made in the 17 years I have been with the BLM is to recognize it for what it is. For years and years we stuck our head in the sand.

I remember in 1957 when I was with the General Accounting Office, I called it a lottery then. And it is a lotery. Finally, 8 or 10 years ago we finally decided to call it what it is and we got a lottery and we are trying our best to make it efficient. We now have it with less manpower and less cost, although ten times the work we had 10 years ago. We did have three cards, now we use one. And what it is, is luck.

We have continued to experiment and tried to find better ways, more efficient ways to handle this tremendous volume. In Billings, Mont., for example, last month there were 93,000 filed.

We are running right now an experiment with the computer there in Cheyenne to try to computerize this. Recognizing the filing fee is $10 and the basis for that filing fee is recovery of cost and we are recovering cost. That is a profitmaking thing, if I ever saw that.

In fact, I would like to have a business do as well. The rental on the land is 50 cents to $1. As Frank said, they can definitely survive from 50 to $1.

There are a number of small companies that this lottery supports. Those companies have some support here in Congress. There have been at least three different proposals to amend that law to go to an all competitive system. To date, Congress has not seen fit to change it.

The Department of the Interior has supported the changes on all three occasions, but in the meantime we try to do the best we can, the most efficient we can.

Mr. GOODWIN. Do the complaints that you get about the delay in processing allege that your backlog, your slow processing is an actual impediment to oil exploration?

Mr. EDWARDS. Some are that, yes. Some charges are made along that line, that individuals who were successful drawees and they were entitled to a lease and they wanted their lease because in some cases they had a buyer for it or in some cases they had the possibility of somebody beginning drilling on it.

So some have charged it has been an impediment to exploring for oil and gas and discovering, but by and large, most of them are concerned that they have their lease because they have a buyer for it.

Mr. PETTY. One thing is the speed with which we put these leases up. The allegation is being made that we are putting them up too fast.

At the same time we have GAO and properly so, looking at us and saying, hurry up, faster because delay is not getting the money. So we have these two competing forces who are accustomed to dealing with that environment.

It is difficult to satisfy both.

Mr. EDWARDS. I think—you know, we couldn't be happier ourselves if we saw a change for the better in this system. We would be pleased to go along with that and support it, but you have to recognize that, for instance, a change to an all-competitive system is going to put quite a number of people out of business, frankly.

Those people are going to be very vocal and they are going to scream long and hard. So there is going to be that contingency of people.

Mr. PETTY. I doubt that we could handle an all-competitive lease, too, with the size staff that we have. I think it has to be highly mechanized and efficient to do it with a lot of part-time labor.

Mr. QUARLES. I think now we will switch to the last topic before we switch to the people on the other side of the table and the people in the audience so we will have time for other comments.

I am going to allow the staff up here each two questions on coal leasing and then we will come back to any questions we may have after we have heard from the outside witnesses.

Tom, why don't you begin on coal leasing, a couple of questions.

PUBLIC ENERGY LEASING

Mr. LAUGHLIN. I just wanted to ask you about two things: Can you tell us anything about a program which is mandated in the coal leasing amendments act last year for leasing public energies, where that stands and how you are proceeding on that with those set-asides?

Mr. EDWARDS. As I recall, we haven't had very many inquiries from public entitles, although there have been a few. Basically, our problem with that is, again, a matter of timing. Those areas are obviously subject to environmental assessment as any other areas are. We really hadn't moved into those areas.

Our emphasis had been in the regions and many of those cases are not in these regional areas. Then with our problems we have had over the litigation and the constraints that have been placed on us now, we really haven't progressed in that area at all.

There have been no leases issued.

Mr. LAUGHLIN. I meant other than the design which would accomplish that goal. Have you done anything in that area?

Mr. EDWARDS. I would have to say no; we really haven't developed a program in that area.

COAL LEASING IN TEXAS

Mr. LAUGHLIN. Another aspect of the act dealt with leasing coal and lignite in Texas. What have you done about that?

Mr. EDWARDS. You are talking about the Camp Swift area? We have been working with the Camp Swift—with the applicants for the Camp Swift area, the Colorado River Authority. There has been a land use plan prepared.

So we have proceeded with the applicant about as far as we can or are proceeding with what we can do. That is an area that appears to not meet the criteria spelled out by Judge Pratt.

So even if we had something done we could not issue them a lease. But we are proceeding with the things that can be done under the court order until——

Mr. LAUGHLIN. OK.

Mr. EDWARDS. Unless we have some changes. Now, of course, the Department is considering appealing part of the order and depending on what comes from that, we will see how far we will progress.

Mr. LAUGHLIN. Thanks.

COAL LEASING PROGRAM LEVEL

Mr. GOODWIN. In the coal leasing program in your September request, you had proposed a $3.4 million increase in 1980. Now in the President's budget you have a $2.1 million out in 1979. So you really have changed direction. Could you explain what is behind this reversal?

Mr. EDWARDS. I think the reduction was as the result of the fact that there would be no new coal leasing, no new coal leases issued. I believe that was an OMB reduction.

Ms. HARVEY. No, it was an internal decision. It was based on the court decision. We had to rescope the original EIS's and take those out and until we redo it programmatically to comply with other parts of the court decision, we had to reorient the program.

Mr. TRUESDALE. We had several EIS's that were completely oriented to coal leasing and those were eliminated.

COAL LEASING POLICY

Mr. GOODWIN. When do you expect to have a new coal leasing policy to guide the coal leasing program?

Mr. EDWARDS. The final culmination of that policy, of course, wouldn't be until we have completed the programmatic environmental impact statement or proposal. We are hoping to have outlined a new coal leasing program or policy early this spring.

We will have to proceed with development of the coal programmatic environmental impact statement. We are planning to have that completed and in place by mid-1980.

Mr. GOODWIN. Does that mean then your increased request for 1981 and 1982 is still valid or does it subsequently eliminate increased request on this authorization altogether for the 4-year period?

Mr. EDWARDS. No. We think it would still be valid because we are hoping that the new policy and program will be in place and the environmental impact statements will have been completed to the point that we could offer new coal leases if it was deemed necessary by the Secretary.

Mr. GOODWIN. In what year?

Mr. EDWARDS. Starting in mid-1980.

Mr. GOODWIN. So you would still stick with the numbers that you had in the request? Those don't show.

Mr. EDWARDS. Right. We will stick with those.

Mr. QUARLES. Norm, do you have any questions on coal leasing?

Well, in that case, I know we have one because it is here in front of me, one statement also. Whether they are formal or not, maybe several other people would like to speak or ask questions; whoever would like to begin, please do.

VOICE. George just stepped out.

Mr. QUARLES. Well, in that case, why don't we ask one more question.

ENERGY POLICIES

Mr. GOODWIN. I have one related to the overall leasing policy. The act establishing the Department of Energy requires the development of national energy policies by 1979. That is the first year of this authorization. We would expect that policy to impact this leasing program.

Can you tell us what the status is of the development of these policies? Have you established a joint memorandum of understanding between Interior and the Department of Energy? Have you established a task force? When do you expect to have the leasing policies developed that will then give you the marching orders for your leasing program?

Mr. EDWARDS. The Department has established contacts with the Department of Energy and we do have a committee working on a draft of the memorandum of understanding. It has not been finalized regarding the responsibilities of the two Departments.

We have also been working with the staffs of the Department of Energy on an informal basis to develop information for them in the area of establishing production goals, energy production goals which, of course, would be part of this overall policy. We are also working with them collecting information from our field offices with regard to production and resources that are available. So we will have an input in that respect.

There has been quite a lot of informal work with the staff and it has not all been formalized in official memoranda of understanding.

Mr. GOODWIN. Do you have any milestones established for when you will have leasing policies or targets established?

Mr. EDWARDS. I don't know that. I think probably I would have to furnish that for the record because it has been primarily departmental people who have been dealing with this area.

Mr. GOODWIN. Could you supply that for the record?

Mr. EDWARDS. Yes.

[The information follows:]

STATUS OF DOI–DOE MEMORANDUM OF UNDERSTANDING

A memorandum of understanding regarding development of mineral production goals is being prepared for signature by the Secretaries of Interior and Energy. Once the memorandum is signed, development of goals by commodity is expected to take approximately 14 months. About six months will be needed by Interior to formulate leasing schedules and provide the Department of Energy with other data related to leasing. With this information, the Department of Energy will develop production goals; this is estimated to take up to eight months.

Given the emphasis on coal development in responding to future short-term energy needs, the two Departments are currently working to provide production goals for coal. The target for completion of these coal goals is April 1978.

Mr. QUARLES. George, would you like to go ahead and give whatever presentation you would like or address whatever questions you would?

Mr. DIBBLE. I think in the interest of time, you have all received a copy of my testimony. I would just like to go through and hit a few of the highlights, if I may, and make a few comments.

I will introduce myself, Mr. Chairman. I am George Dibble. I am president of the Rocky Mountain Oil and Gas Association. Also, vice president of Husky Oil which is an integrated company operating in the Rocky Mountains.

I represent some 650 members of our organization who range in all sizes from majors to independents, and who are engaged in exploration and production of transportation, refining and marketing of oil and gas.

We are fully cognizant of the sheer mechanical problems that the BLM has in processing rights-of-way or leases or transfers or what have you. However, there are some areas where we think delays are unwarranted and not necessary.

I would like to also make a comment that one of the things we have noticed operating in this Rocky Mountain region is that there is a wide variance in the attitudes and get up and go of various BLM offices—so that the development of additional resources can move forward. Realizing they probably vary as much as the personalities of the state directors involved; I think that we have noticed—for instance, in a State like Wyoming where they certainly have a high volume of work as was mentioned.

As a matter of fact—I just make this as a parenthetical comment—that last year the revenues from simultaneous fillings in Wyoming were something like $17,300,022. I would like to be in that kind of a business myself.

It is a good lottery. So the volume of work is there and the attitude of the Wyoming office has been a good one. How can we work together? How can we accomplish it within the framework of our laws and regulations?

Let's move forward towards a common goal. I think probably we could give some kudos to that operation. In contra-distinction, I think the offices in Utah and Nevada, which are not necessarily in the Romoga area, but is our neighbor, as you know, with increased activity in oil and gas—I speak now with my Husky hat on because we are involved in exploration there—it indicates that sometimes there is an arbitrary and capricious manner in which regulations are administered.

I think the recent pronouncement by the Nevada director as to what was to be included in the inventory area has gone through about three revisions now.

I think the other thing, of course, is not only the delay in routine processing, but also it would be our desire to see that proper allocations be made within the present structure of the budget for the inventory process that has been mandated by the organic act or the Federal Land Policy Act of 1976.

I think the thing that concerns us in the extracting industry as far as hydrocarbons are concerned is merely that the law says you have to go through this inventory process. Fine.

But let's get on and get it done. Let's not drag it out until 1991, which is your statutory timeframe, your deadline. If you know of

lands, certainly you have no intention of ever including in the wilderness, but have to go through the inventory process, let's get them in the front door and out the back door so they are available for multiple use under the multiple use concept as soon as possible. The delay in any of this is a considerable delay. I don't want to go through the rise and fall of our dollar on the foreign market, but this has a direct relationship to it.

If we are ever going to decrease our dependence on overseas petroleum products, we have got to develop domestic. Well, if you tie up some of these properties until 1991, taking the outside case and then let someone go explore, it is a rule of thumb that it takes about 5 years from the time you discover a major field until you have got it developed in commercial production.

Well, here is 1996. If you read "The Crash of '79," it may be here before then. This is the other thing that concerns us, is that proper attention be given, whether it be in reallocation of manpower, or reallocation of the moneys within the budget, to move on with this inventory process and to get it done.

Certainly the gentlemen from BLM are not alone.

RARE II, is an other one of our favorite projects where this can apply as far as the Forest Service, the review of the previously withdrawal plans. There are some 38 percent of all Federal lands that are withdrawn from entry of any kind and an additional 10 percent under a highly restricted entry and 14 percent having some type of moderate restriction.

If you add that up together, about 62 percent of Federal lands are under some form of restriction and when you look at possible others that could be put in there, I think these restrictions are important.

The classic case is in California where five townships were withdrawn to protect the redwoods. Well, the redwoods have died and gone and the lands are still withdrawn and every one forgot about it.

I think this inventory review process is necessary because there may be some things that are in the category that need to be changed. I just can't emphasize enough that we need to move with dispatch.

We also appreciate on the other hand the sheer mechanical problems and physical problems of doing some of these things and we are the first to admit that we have been part of the problem, perhaps, in some instances.

Hopefully, I would draw your attention to one other area I would like to mention specifically, that is the right-of-way applications.

A lot of times, in some of the States, very simple applications that don't require a lot of background work or a lot of environmental work, but are necessary for access across a very small piece of BLM land have been held up because of the backlog.

Well, "for the want of the nail" applies in this case because for the want of being able to cross or have that right-of-way permit, substantial development programs have been held up. I think also that where data that has been reported with mineral potential in these areas, we would certainly want a close scrutiny of the reliability of that data.

I think we are all a little spooky after what happened to(d)(2) lands in Alaska and we hope that some of the mineral potential of

these lands in the process is not glossed over and is given proper attention.

As I said, our industry is very much in support of the accomplishments of the field personnel of BLM. Many of them are, I would say, the vast majority are very dedicated servants who have got a heck of a hard task to do. They are on the firing line. They are saddled with the laws and regulations made by Congress and regulatory agencies and they are doing a tremendous job working and administering those things. There are a few, however, who are a pain in the neck. I guess you find that in any organization. Mr. Chairman, that really is a summary of my comments.

Mr. QUARLES. Are there any specific questions you want to address to BLM on the basis of review of their authorization before us?

Mr. DIBBLE. No. I think they know best how to shift the dollars to get the job done. I just want to express our concerns over some of these areas that I hope are not neglected in the pursuant of some of the other things that we have to do.

Mr. QUARLES. Do you have any response to that? Anybody like to respond at all?

Mr. EDWARDS. Yes. I would like to respond to a few comments. I think the few points the gentleman made are very well taken. I understand the concern. I also understand the somewhat frustrating things that they run into from variability of doing business from one office to another and because of certain backlogs that stop us from doing work on other things.

And, of course, they are very real problems to them. I think that our budget requests that will be coming forward in 1979 have some substantial increases in the area that is needed to try to eliminate some of the backlog and some of the problems that get in the way, such as the right-of-way applications and also the concern about how long it is going to take us to review the wilderness areas.

We, too, are concerned about that and we are hopeful that our budget request for wilderness will be approved so we can get on with the wilderness inventory. Also, we are making a concerted effort toward trying to develop a program for the withdrawal review, to review those areas that have been withheld from mineral development and try to make them available, if we can.

Arnie or Tom may wish to point out to you some areas where there are some increases that would address the problems that the gentleman has just addressed.

Mr. DIBBLE. Excuse me. May I make a comment in that direction?

Let me give you a specific case, if I may. This is one of those horror stories—I see you flinching, but it is not atypical. I think that perhaps it is typical of some of the things that are happening.

Husky Oil, along with Avants and West Coast Oil and Gas and General Crude, thought we had the mother load as far as natural gas is concerned in the area south of Moab, Utah. We drilled a discovery well, and I won't go through all the problems we had getting the permit, because that would take all afternoon, but when we finally drilled the well to the tune of one million eight and it was producing on the initial production test 5 million cubic feet a day, we thought it was significant enough that we might be on the edge of a major gas field.

As you know, that sits close to the northwest transmission line and is in an area of much needed gas supply. When we went back to get a permit to drill the confirmation well, and I have this all documented—I would be happy to give you copies of 8 pages.

The problems that we had was the archeologists from the BLM said that there was chert in the area so we moved it again and we moved it a third time. We still haven't drilled that confirmation well.

At the same time, Ms. Davenport from the Department of Interior wrote us a letter and said, please do everything you can to increase natural gas production this winter.

Well, these are the frustrations. Needless to say, we hired a consulting archeologist and I think his conclusion was, well, it was really—for many millions of years before man appeared, mother nature was very busy making little ones out of big ones. That is where the chert came from.

Needless to say, it is a Catch-22 nightmare in frustration where we are trying to do what we can in an orderly fashion and with a desire to keep a balance between development of energy and the preservation of the environment.

But in some instances it becomes ludicrous really. The machinations we have to go through. For this one well, they now propose an additional $78,000 worth of archeological work before we can go back in again. We still haven't drilled the well.

Mr. EDWARDS. I am not trying to diminish anything that you say at all. We feel in a Catch-22 quite often too. For instance, the professional archeologist really believes that he is carrying out what he has been directed to by Congress and by the Executive. That is to protect those values that are on those lands and to recognize them. So we get caught in the bind also.

STREAMLINING PROCEDURES

Mr. QUARLES. If we could, I have a couple of things.

First of all, when the Department makes a determination that it is going to try to streamline the procedures for applications and the processing of applications, by what procedure does it usually develop that streamline process?

Does it review the existing application? Does it have an internal group that is the specialist in that, in reviewing such procedures? Does it contract out someone to review those procedures? How does it usually go about this?

Mr. EDWARDS. Well, of course, we have people in the Bureau who have had a lot of experience in the processing of applications for various purposes and they are well versed and know what the law requires, what the regulations require and what steps we have to go to get from here to there.

Each time there is a new requirement, a new law passed or a new regulation or a new directive that we must implement, it means that there is that additional step inserted into the entire process.

So we are always looking at ways in which we can short-cut or looking at ways in which we can minimize the time, but you reach a point where there is no way that you can shorten it any more than we have because we have legal points.

Mr. QUARLES. I understand your position on that, but my question is, is the effort to streamline an application process an ongoing mandate to the people who are, in fact, processing those applications, or do you have specialists in the Department at any place or hire outside specialists whose sole concern——

Mr. EDWARDS. We actually have both within the Department. The people are under a mandate to find ways to streamline and shortcut their efforts.

We also have management research people who continually review our procedures and try to develop ways in which they can reduce the time.

Mr. PETTY. The contract method has not proven to be very successful, particularly in this area because the contractor comes in cold, of necessity. He has to have a long learning period. He learns from the very people that we are trying to relieve the workload.

Generally, if we can do it in-house, we do have specialists in-house, if we can do it in-house, we can train the contractor.

It is an ongoing process. It is a constant review generally by the specialist in whatever area we are looking at. I can certainly sympathize with what the gentleman over here was talking about, archeology. He hasn't seen anything yet. Wait until you get into paleontology.

MPRA PLANNING PROCESS

Mr. QUARLES. Another point. I notice in your BLM authorization request under management, you speak to potential increases, funding necessary for the period after the completion of the MPRA study. You refer to surface management, development, plan review, and issuance and compliance. Yet I do not see that anywhere in the budget itself.

You mention it in the text in several cases in this document. I don't know if I am looking in the wrong place or whether, in fact, this would be in another area of the budget or whether, in fact, it is in there and is not set out as a separate item.

Mr. EDWARDS. It is not set out.

Mr. QUARLES. Is there any possibility at all that we can get at least some figures—again, recognizing that without completion of the plan and without further direction from Congress it is very difficult to peg those figures very closely. But if we could at least see what kind of figures you plugged in originally, it would be helpful to us.

Mr. EDWARDS. We could provide it.

Mr. QUARLES. The MPRA planning process is set out as a separate item in the planning portion of the budget. I would not like to set it out, but I would like to see the figures.

Mr. ALLEN. We can provide that figure for you.

[The information follows:]

COSTS FOR SURFACE MANAGEMENT IN NAVAL PETROLEUM RESERVE—ALASKA

Funding for onshore oil and gas leasing includes $1.0 million annually for surface management requirements in NPR–A.

Since Congress will not decide until 1980 at the earliest what additional activities will take place in NPR–A, BLM workload is not expected to increase

substantially during the authorization period. Should significant development activities be authorized, possible funding requirements in FY 1981 and FY 1982 would be $2.0 million per year. This would double existing capability and provide the beginning of a gradual expansion.

(d)(2) Lands Workload

Mr. Quarles. We talked a good bit about withdrawal review. I would like to ask a followup question, that is, in this budget process, both in the fuels and nonfuel minerals, has there been any attempt whatsoever to consider whether there will be an additional workload as time goes on because of lands freed under withdrawal review or the potential of having lands freed under the (d)(2) land process?

We recognize, of course, that there are proposals before Congress that would "lock-up" a good portion, a fairly heavy portion of Alaska land.

On the other hand, most of those Alaska lands are under withdrawal in one form or another at the present time and that may be very soon. That is, this year.

Mr. Allen. We have not provided any specific amount in the authorization for a contingency, if you will, for lands that would be opened up in the withdrawal review process.

Mr. Quarles. Do you expect that to be a heavy load? Do you expect that there could be, because of the long-time land freeze, a heavy application for oil and gas leases and claims registration shortly after passage of the (d)(2) act?

Mr. Edwards. For instance, in Alaska, we do have a considerable number of oil and gas applications that have been on file and suspended all of these years for those areas that might eventually be released.

Now, this doesn't cover all of the (d)(2) areas, but there are sizable numbers of applications that have simply been suspended until we know whether or not those lands would be available.

Mr. Quarles. That just concerns me because the withdrawal review would be an incremental thing, but I am worried about what would happen to the budget as far as particularly processing applications if the (d)(2) lands application legislation suddenly freed some major lands for oil and gas leases or for mining. So if there is any thought along that line at all in your Department, we would like to get a handle on what kind of work load that might be. I think we would want to build into this budget provision for the possibility of (d)(2) land extension.

Mr. Allen. We could provide that. I think the situation in Alaska, depending on the legislation, could change a lot quicker than that in the lower 48.

[The information follows:]

Possible Increases in Required Capability for BML Alaska Offices

The early 1980's will be a turning point for BLM land management in Alaska as the future land patterns emerge with the settlement of the (d)(2) issue and State land selections. The Bureau must shift from the traditional custodial and land disposal role to one of active resource management. While the specific program requirements will be dependent upon the particular lands remaining in Federal ownership, BLM manpower requirements to perform mul-

tiple use management activities could increase by up to 100 positions and $3.5 million in FY 1980—FY 1982.

Mr. QUARLES. I don't think there are very many members of our committee who have any idea as to whether the Department feels that they are going to see a mining rush shortly after the completion of (d)(2) lands or not, and if so, what the magnitude might be.

MINING CLAIM REGISTRATION

Another item that concerns me, again, I cannot find it in the budget. It is probably because I am looking in the wrong place. It is more information than anything else because the great portion of the workload would be over very shortly.

That is, the claims registration process. I would be interested to know what the cost of the claims registration process is, both within this 3-year period which, of course, is the heaviest, and then what you see it as being on an ongoing basis, year by year.

Mr. ALLEN. On the mining claim recordation, we have not included the costs for going through that process. The whole job of estimating the mining claim recordation has proven very difficult. There is just no record anywhere of the total number of mining claims that exist on public lands.

It is difficult to speculate as to how many might actually come in and be recorded. We were estimating several million. We have an estimate of manually processing the mining claim recordation operation and we are coming up with somewhere in the neighborhood of 400 man-years—that order of magnitude—400 man-years per year.

In that instance, we are talking perhaps $10 million a year. It could be that high.

We just don't think that that is an acceptable cost for doing that kind of business. We have just recently completed a survey sampling some courthouses to indicate what current interest there is in filing assessments on mining claims.

We think that the annual assessment requirement sampling would give us a good indication of the number of claims that are likely to be recorded. We are now estimating that by the end of fiscal 1979 we will have approximately 1,600,000—on that order of magnitude recorded.

We are right now coming up with some estimates on what it will take to use automation to handle as much of that process as possible.

Mr. QUARLES. It is mostly a mechanical process; is it not? It is mostly registration with a few stipulations or requirements associated with the registration that would require a policy review.

Mr. ALLEN. The process right now is one of receiving the money, running that through the accounting system, and establishing a case file on the annual process. We then have to prepare a card for an index file so that we can then annually check to see if the continued interest is shown in the claim.

Each year the person holding the claim must indicate that continued interest. So we have to have a tickler file on that. We have to set up the case files and go through that process.

Mr. EDWARDS. We also have a plat.

Mr. QUARLES. Under what budget item would this be?

Mr. ALLEN. That is under land and realty. There has to be a notation of the record, and that is the part we are comtemplating right now.

Currently, the system is one where we indicate on a plat the quarter section in which the mining claim is located. We are probably going to go with a listing rather than a plat that we can describe by township, range and section of location as indicated by the claim. That should help streamline it a little bit.

It will be about a week or two before we get that worked up.

Mr. QUARLES. And that recordation will be available while you are working up that management phase?

Mr. ALLEN. That is corect.

Mr. GOODWIN. Before we leave that, if you are going to develop an estimate in a week or two, could you provide that estimate for the record?

Mr. ALLEN. Yes, we could.

Mr. GOODWIN. We would like to have those estimates.

[The information follows:]

MINING CLAIM RECORDATION COSTS

Section 314 of the Federal Land Policy and Management Act of 1976 (P.L. 94-579) requires the filing with BLM of unpatented lode and placer mining claims located prior to October 21, 1976, within a three year period. The Act also requires that mining claims located after the above date be recorded within ninety days of their being located. Failure to file the required instruments in the designated period will be deemed conclusively to be an abandonment of the mining claim, millsite or tunnel site.

The Act also requires that an affidavit of assessment work performed, a copy of a detailed report of geological, geophysical, and geochemical survey required under 30 USC 28-1, or a notice of intent to hold the mining claim be filed with BLM. Once a claimant files proof of assessment work or notice of intent to hold a mining claim, the claimant must then file one of the above three documents before December 31 of each following calendar year.

Based on the number of new claims filed since the passage of FLPMA there will be an estimated 310,000 new mining claims received annually. In addition, an estimated 1.6 million "old" claims located prior to October 21, 1976, will be filed. The majority of these "old" claims will not be filed until the last several months before the deadline—October 21, 1979.

This will result in a peak of filings in late FY 1979 and assessment notice filings before December 31, 1979. However, due to the large workload associated with the recordation and assessment task, the majority of the work must necessarily be accomplished in FY 1980. After handling the peak workload in FY 1979 and FY 1980, an average annual operation will begin in FY 1981. It is then expected to gradually increase as more new filings are received and the number of annual assessment notices accumulates.

MINING CLAIM RECORDATION REQUIREMENTS

[Dollars in millions]

	Appropriation fiscal year 1978	President's budget fiscal year 1979	Fiscal year 1979	Fiscal year 1980	Fiscal year 1981	Fiscal year 1982
Budget authority	$0.7	$0.7	$5.3	$12.5	$6.0	$6.6
Permanent positions	11	11	61	121	121	121
Temporary positions	4	4	195	517	215	248

Costs include contracting of data entry associated with recordation and assessment backlogs. Automation will be used to develop mining claim status for public and management use and annual referencing of assessments.

Mr. QUARLES. Do you have a gross estimate in this document or is that absolutely new dollars?

Mr. ALLEN. Those would be new dollars.

Mr. QUARLES. So there is nothing in the authorization now for recordation?

Mr. ALLEN. The only thing in there now is some $700,000, and, I believe, 11 positions that we reprogramed to take care of the initial filings. We are not going to get the majority of the filings until 1979. Right now we are experiencing some 150,000 new mining claims per year.

Mr. QUARLES. And I expect fiscal year 1979 would be extremely heavy.

Mr. ALLEN. Very heavy.

BLM's ORIGINAL AUTHORIZATION REQUEST

Mr. QUARLES. One last thing for me is, I wonder if you might be able to provide to the committee what you originally asked under your first quadrennial authorization proposal for the Secretary under due process.

Mr. ALLEN. All right.

Mr. GOODWIN. I would ask that that be broken down by program, not just the total amount, but at least broken down to the line item level of the budget.

[The information follows:]

BUREAU OF LAND MANAGEMENT—4-YR AUTHORIZATION INITIAL PROPOSAL

Management of lands and resources (MLR)	Fiscal year 1979	Fiscal year 1980	Fiscal year 1981	Fiscal year 1982
Energy onshore	$34.4	$39.7	$42.6	$46.0
Energy offshore	67.7	79.8	80.9	83.3
Nonenergy onshore	9.0	17.1	19.8	20.5
Total energy and minerals	111.1	136.6	143.3	149.8
Lands and realty	28.0	31.8	33.7	35.4
Forest management	8.8	8.8	8.8	8.8
Range management	34.1	35.0	38.0	40.0
Recreation management	20.1	26.8	27.8	32.0
Soil, water, and air	20.1	30.5	38.1	43.6
Wildlife habitat management	11.0	12.0	14.0	17.0
Fire management	12.0	19.6	25.0	25.0
Total renewable resources	106.1	132.7	151.7	166.4
Multiple-use planning	12.8	12.8	11.9	11.9
Data management	17.0	20.0	23.3	19.5
Total planning and data	29.8	32.8	35.2	31.4
Cadastral survey	20.0	22.1	23.6	25.1
Firefighting and rehabilitation [1]	4.8	4.8	4.8	4.8
General administration	4.0	7.2	9.9	12.0
Law enforcement	1.2	3.2	4.1	5.1
Total administration and law enforcement	5.2	10.4	14.0	17.1
Total MLR	305.0	371.2	406.3	430.0

[1] Not subject to authorization requirements; initially included in error.

	Fiscal year 1979	Fiscal year 1980	Fiscal year 1981	Fiscal year 1982
Construction	$8.5	$22.8	$21.6	$24.2
Acquisition	2.0	2.0	4.0	6.0
Maintenance	9.4	10.5	11.5	12.5
Total	19.9	35.3	37.1	42.7
Payments in lieu of taxes	(1)	(1)	(1)	(1)
Mineral development impact loans	40.0	100.0	100.0	100.0

[1] Each year: Such sums as are necessary.

Mineral Patent Applications

Mr. Goodwin. I have just a question or two on minerals. We discussed almost entirely energy resources. While we are on backlogs, you have a backlog of mineral patent applications also, and the unit cost of processing seems to be very high.

Your budget request reads in terms of a program of something like $2½ million with 140 disposals a year which is something like $17,000 per case. That is expensive.

I recognize the complications involved in this, but just for comparison, that looks like it is about 10 times the unit cost for handling a mineral application under leasing. Can you give us any explanation of why these unit costs are so high? What you might be doing to bring them down?

Mr. Edwards. If I am not mistaken, I believe that includes more than just mineral patent application process; isn't that right?

Mr. Allen. Right. I think whoever made the analysis on the unit cost that you mentioned simply divided the number of patents and the number of patent applications into the total cost of the program. That was not the correct way to go about that.

In addition to the mineral patent applications, we do mineral character determinations which is another amount of work. The cost of processing a mineral patent application is in the neighborhood of about $9,000 or half what you were talking about. That is a rather expensive process on the average, because what we are involved in is an application for title to Federal land. When an individual makes that application and incurs some considerable expense in even making the application and performing the mineral survey, they have a real interest in acquiring the land. We have to make a mineral examination to determine if in fact that the claim is valid and if, in fact, it meets the requirements for patent; in those instances where the Government determines that the requirements for issuing a patent have not been met, we can in the large percentage of the case be assured that we are going to go to court.

We usually end up going through the administrative procedures and then into court. So the $9,000 turns out to be the cost of making field examination, paying for assays, time devoted to be prepared for a number of court appearances, and time necessary to prepare Government attorneys to represent the Government in the litigation.

Mr. Goodwin. I wonder if you could provide us a break-down table on that $2½ million by these major activities and show not only the

cost but what it is that is accomplished under those items. So many dollars per so many cases.

Mr. ALLEN. I would be happy to do that.

[The information follows:]

UTILIZATION OF $2.5 MILLION IN MINING LAW ADMINISTRATION—FISCAL YEAR 1978

	Thousands
Process 140 patent applications: includes associated field investigations, adjudication, contests and appeals work	$1,350
Continue processing oil shale patent applications in Colorado pursuant to Court order; 21 applications involving over 300 claims	400
Title review, investigation, and transfer; compliance	750
Total	2,500

Mr. QUARLES. Thank you very much Will both of you be back on Tuesday?

Mr. ALLEN. We will be back again.

Mr. PETTY. We will be back and hopefully Mr. Turcott will be here.

Mr. QUARLES. Excuse me. Did you have a question?

ENVIRONMENTAL ASSESSMENTS

Mr. ORTMAN. David Ortman of Friends of the Earth.

The budget document talks about times for processing surface mining claims; 10 days to process environmental analysis support and 2½ days to process onshore oil and gas leasing. With the preparation of environmental assessment record—I am not sure what the difference is. I would like to know what the current timeframe is and what is a realistic timeframe for the environmental analysis required by those leases.

Mr. EDWARDS. That total timeframe for processing the application?

Ms. HARVEY. Ten days I think relates to the surface management and 2½ days is for processing the oil and gas.

Mr. GOODWIN. That is the amount of time it takes to do the job. That is not the amount of waiting time until you get to it.

Ms. HARVEY. That is right.

Mr. ALLEN. I am not sure that I understand the nature of the question. Is it one that 2½ days seems to be rather a brief period of time?

Mr. ORTMAN. Is that time to do an adequate analysis?

Mr. ALLEN. What we are involved in are some pretty significant economies in the processing of the oil and gas leases. That is why we have been able to get them done on the average of 2½ days.

We have some broad scale environmental assessments that have been made in these areas. In several of those instances we have received a number of applications for the same area so we have some real significant economies of scale as compared to the cost of handling single applications for coal leases and things of that nature.

Mr. QUARLES. What is included in that 2½ days? Does that include the inventory or anything else or is that just actually taking the data once obtained and analyzing it and putting it in the files?

Mr. EDWARDS. It may include field examination or it may be that they have sufficient data on that area, but as Tom pointed out, it may be that they have a whole group of applications in one locale that are ajoining each other that can be worked in one field examination and one process. When you break it down per application, it comes out to 2½ days.

Mr. QUARLES. That is an average.

Mr. TRUESDALE. That is an average.

Mr. QUARLES. If there is a wildcat somewhere that hasn't been looked at, it would take longer.

Mr. EDWARDS. Also, as Tom says, it would depend on the amount of work that has been done in that locale. They may have an environmental assessment on a general area that has been pretty active in the past and may have done rather extensive work in that area so it is more a matter of site identification and updating of what has already been done.

Mr. QUARLES. Do you have any other questions or followup?

Mr. ORTMAN. Would this be projected down on an inventory basis?

Mr. EDWARDS. I would think it would be awfully hard to reduce the 2½ days any more than it is, but it is possible.

Mr. PETTY. I doubt that you will ever get down to 2½ days on a single application. When you have 20 applications in an area, 2½ days would give you 50 days on an average. Then you have 1 for 2½ days. I would doubt that would be reduced.

Mr. QUARLES. Do you have any other questions?

Mr. ORTMAN. Not now.

Mr. QUARLES. Norm, do you have any questions? In that case we will adjourn until next Tuesday at 1 o'clock on available resources.

[Whereupon, at 3:20 p.m., the workshop was recessed, to reconvene Tuesday, February 7, 1978.]

QUADRENNIAL AUTHORIZATIONS FOR THE BUREAU OF LAND MANAGEMENT

Workshop III

TUESDAY, FEBRUARY 7, 1978

U.S. SENATE,
SUBCOMMITTEE ON PUBLIC LANDS AND RESOURCES,
OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, D.C.

The workshop met pursuant to notice, at 1:45 p.m., in room 3110 Dirksen Office Building, Steven P. Quarles, presiding.

Present: Steven P. Quarles, counsel; Ken Goodwin, professional staff member; Andy Wiessner and Sharon Coakayne, Indian Affairs and Public Lands Subcommittee of the House Interior and Insular Affairs Committee.

Also present: Tom Allen, George Lea, Roman Koenings, Paul Vetterick, Arnold Petty, and Jesse Lowe, Bureau of Land Management panel; and Boyd Rasmussen, Michael Bean, William Towell, Michael Zagata, Lonnie Williamson, Maitland Sharpe, Debbie Sease, and Joan R. Blue, conservation panel.

Mr. QUARLES. I apologize for our starting late. It is because of the weather.

I will give my standard introduction so that those people who are here for the first time will know the purpose of this workshop and ask forgiveness of those who have already heard it two or three times, and could probably repeat it in their sleep.

I am Steven Quarles. I am the counsel for Public Lands and Resources Subcommittee of the Senate Energy and Natural Resources Committee. Sitting with me is Ken Goodwin who is on the professional staff of the subcommittee, and Andy Wiessner and Sharon Cockayne both of the Indian Affairs and Public Lands Subcommittee of the House Interior Committee.

The purpose of these workshops is to receive information on S. 2234, the Quadrennial BLM Authorization, under section 318 of the Federal Land Policy and Management Act of 1976—FLPMA.

FLPMA ended most of the Bureau's open-ended authorizations and instead put the Bureau on a quadrennial authorization timetable. It simply means that once every 4 fiscal years the Congress, has to pass a new authorization for most of the Bureau's activities for the next 4 fiscal years.

Under section 318, the first quadrennial authorization request was due to be submitted to this committee on May 15 of last year. Because of the hardship of working under a brand new act the Bureau was somewhat tardy in presenting that proposal, but it is before us now. And I believe that most of the people that are here today have

received from our committee or from the Bureau their justification document for the Quadrennial BLM Authorization.

We must, in turn, pass a bill, hopefully, at least get it out of committee, by May 15 of this year under both the terms of section 318 of the Federal Land Policy Management Act and the terms of the Congressional Budget Act. In fact, we hope to have the bill to markup by March 15 of this year, the due date for this committee to make its recommendations to the Budget Committee on fiscal year 1979 budget requests.

At the time that we received this bill and the justification from the Bureau, Senator Metcalf, then the subcommittee chairman, agreed to a procedure for considering the bill, the procedure that we are following today. Senator Bumpers, the new subcommittee chairman, has fully concurred in this procedure.

Just to review, we have planned and will continue to hold four workshops on the BLM budget. They are divided up. January 31 we heard from the BLM, both the procedures they used in developing their budget request and then their actual request for multiple-use planning and technical support and administration.

Last Thursday, February 2, we heard the BLM present the energy and mineral resources portion of their budget. Today we hear the renewable resources portion of their budget; and on February 9 we will receive their views on funds to local jurisdictions and then just a general wrap-up in which we discuss budget strategy.

This will be followed by a workshop session of the subcommittee in which the subcommittee staff will present what has been learned in the workshops and the members themselves will identify issues they would like to have addressed in public hearings.

We expect the public hearings themselves to be no more than 2 days and will probably occur in the first week of March. Anyone who participates in these workshops will, of course, be invited, at least to submit a written statement.

This process may seem new, but again it is not. This committee has used staff chaired workshops in the past to review the annual ERDA authorization request, and this summer the subcommittee staff chaired committee workshops in Alaska—in seven Alaska Native villages—to discuss the Alaska national interest lands legislation.

The purpose is simply to try to get a well-rounded picture of the legislative questions, a complete picture before we go into hearings where we may end up focusing on certain issues and not fully cover the entire budget.

The procedure we have used in the workshops has worked very well so far and we plan to use it again today. It is to have the BLM present their renewable resources budget and have questions from committee staff first and then members—staff members of individual members of the committee, and then receive presentations of outside interest groups.

Today we have many more interest groups then we had at the first two, so I propose to limit the questions from the committee staff and from the legislative assistants of the various members to three each until we have heard from the outside interest groups, and then come back for additional questions.

A couple of pieces of additional business, part of the last workshop—we will consider a critique of the quadrennial BLM authorization budget which was prepared by two staff members of the Congressional Budget Office, Beth Blattenberger and Larry Oppenheimer. If anybody has not yet received a copy of that, we will be able to give you one at the end of this workshop today.

Second, we do have an attendance list here, which we will send around. And if anybody's name is misspelled or isn't here, please put it on.

And with that, why don't you introduce yourselves?

Mr. ALLEN. I am Tom Allen from the Bureau of Land Management, Branch of Program Development.

Mr. LEA. I am George Lea, Deputy Assistant Director for Resources.

Mr. KOENINGS. Romen Koenings, Assistant Director of Resources.

Mr. VETTERICK. Paul Vetterick, Chief, Division of Budget and Program Development, BLM.

Mr. PETTY. Arnold Petty, Assistant Director of Administration, BLM.

Mr. LOWE. Jesse Lowe, Acting Assistant Director, Technical Services.

Mr. KOENINGS. I have a short statement I would like to read regarding various elements of the program.

RENEWABLE RESOURCES STATEMENT

Mr. KOENINGS. The renewable resource management is a large part of what BLM is all about. It is an area in which some of our toughest work has been cut out for us. Renewable resource management on public lands has suffered in both the distant and near past. Reasons and excuses for this are numerous, and we take turns in blaming the users, the Congress, the administration, and even the courts. Some segments believe there should be no Federal investments in public lands because they are to be disposed of. Let's set these factors aside and look into the future.

As you all know, the Federal Land Policy and Management Act of 1976 makes it clear that the public lands are to be retained unless it is in the public interest to dispose of them. The resources are to be managed. It is the Secretary's and our intention to fulfill that mandate. During the past half dozen years funding and manpower were directed primarily to energy related resources and associated activities.

The President's Fiscal Year 1979 budget changes that emphasis by giving priority to renewable resources. Our general approach is to use the planning system to obtain public input and to make management decisions. Then we will proceed with specific management activities.

Additional inventories will be conducted on which to base decisions. The management improvement practices will take place where plans are completed and there are no legal prohibitions in carrying out our programs.

I would like to briefly describe each of the renewable resource programs, and then we will be happy to answer any questions.

The renewable resource programs include forest, recreation, range, soil, water, and air, wildlife, and fire management. The authorization provides for accomplishments to reach long-range objectives for each program.

Our forest management objectives are to manage, protect and enhance forested lands. This includes both commercial and low-value forests. Commercial forest will be managed on a sustained yield basis to meet the Nation's need for wood products. During the authorization period the management will be increased on the most productive public lands. The annual harvest will increase from about 89 to 130 million board feet. This volume could provide material for 7,500 new homes annually.

Other accomplishments include planting 3,500 acres of trees annually; thinning 3,000 acres for timber and stand improvement; increasing annual permits for fuel wood, post poles and Christmas trees from 30,000 to 40,000.

Our range management program objectives are to improve the 135 million acres of rangeland considered to be in unsatisfactory condition and to provide for wild horse and burro populations as a natural part of the public land resources.

Accomplishments during the authorization period include completing environmental statements on 60 million acres and implementing 1,300 allotment management plans for on-the-ground improvement of 20 million acres.

We will also increase supervision of 24,000 grazing authorizations. Our accomplishments for the protection and management of wild horses and burros will include establishment of management numbers on areas where environmental statements have been completed.

We may remove up to 55,000 excess animals, provided a need to do so has been determined through land use planning. Research for improving management will also be increased. And the results are improving management for the wild horses and burros.

Recreation management is designed to protect unique areas such as historic and natural areas, rivers and trails, primitive areas, and special recreation lands. The program includes establishing and managing wild and scenic rivers, nominating historic places for the national register, identifying wilderness characteristics and wilderness areas, and managing the California Desert Conservation Area.

During the authorization period we expect to increase protection on historical sites from 50 to 125 units annually and to nominate 140 to 170 historic sites of the national register.

Off-road vehicles continue to place a major demand for use of the public lands. Over the next 4 years we will review some 130 million acres and determine what their appropriate ORV authorized recreational vehicle designation should be. That is, we will determine what land should be open, closed, or regulated in some fashion.

The number of recreation use permits issued can be expected to climb from approximately 1,000 in 1978 to 3,000 in 1982. These permits authorize groups, commercial and competitive users of rivers, trails, ORV areas, and use at designated recreation areas.

The authorization request would provide an increased level of use supervision in these high use areas, and will allow some visitor contact in other areas where use is highly dispersed.

Wilderness, a new program initiative has resulted in significant increased requests for funds and manpower during the 4-year authorization period. The Federal Land Policy and Management Act directed the Secretary to conduct a review of the 55 existing and formally identified natural and primitive areas for completion by July 1, 1980.

Increase requests for fiscal year 1979 would be the first BLM increase for meeting this task and are necessary to meet the deadline. These increases would also be necessary to initiate and carry out the accelerated inventory and studies required on the estimated 46 million roadless acres and roadless areas to be completed by October 1991.

Our wildlife habitat management objectives are to protect and manage the aquatic wetlands and terrestrial wildlife habitats on public lands and to protect and manage critical habitat for some 45 designated endangered species. To reach these objectives the authorization provides for implementing habitat management plans on 15.5 million acres through on-the-ground project improvement in cooperation with State and Federal wildlife management agencies.

On a continuing basis we will supervise and evaluate management practices on 31 million acres within habitat management plans. To support wildlife habitat improvement and other efforts, including land use planning, we propose to conduct 40.3 million acres of habitat inventory.

Our soil, water and air programs' primary role is to provide support for the protection and improvement of water shed conditions. These support functions are provided by conducting basic resource inventory and supplying expertise and technology for accomplishing resource objectives.

In addition to support, soil, water and air is responsible for protection and management of the endangered plant species program to assure that these plants are adequately considered in all management proposals.

The support functions provided are necessary for the success of other resource programs and are developed to meet program needs. Accomplishments in the authorization necessary to provide this service include soil inventories needed to prepare the grazing environmental statements on 55 million acres, and other purposes as well; interpreting geological information for land use planning in areas of critical environmental concern; gathering baseline information on air quality; and developing projects for improving watershed conditions and water quality.

Goals for the fire management program are to protect the natural resources and other values from loss or depletion due to wildfire or to use fire as a tool in resource management.

The authorization seeks to increase our level of fire management and to achieve a reduction in the cost of suppression and loss of resources. We would do this by replacing old equipment, much of which was obtained on surplus, and adding equipment where needed. Opportunities to use fire as a tool to improve vegetative conditions for wildlife and other uses would be identified.

The staff and I would be happy to discuss these programs further and answer any questions at this time. And we thank you.

Mr. QUARLES. Is there anyone else who wants to make a statement?

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Recreation Program

Mr. Goodwin. On the recreation program I am wondering what priority BLM is giving to the recreational use of the public lands and whether you have developed a long-term recreation plan just to spell out what you are trying to do?

Mr. Koenings. In the recreation program I think we have spelled out the general elements of the total program. We have not identified all of the specific elements of that program. We are doing this through the land use planning process.

For instance, we are continuing to uncover potential historic sites, potential archeological sites. We are also identifying areas that could provide recreational opportunities which would go through the process, such as wild and scenic rivers not necessarily designated but available for public use.

So to say that we have identified all of the individual component elements of a recreation program, the answer is "No." But we have considered the broad aspects of recreation and we are trying to develop a program to cover these.

Up until the passage of the act we were responding primarily to public safety and health rather than trying to go out and provide facilities. And we don't intend to do that in the future.

Mr. Goodwin. But you seem to be planning from the basis of input you are going to make, so many acres of inventory rather than as some recreation agencies do, looking at how many visitor days of recreation they are trying to provide to meet the public demand.

Mr. Koenings. Let me go back and try and explain where we are a little differently. Let's refer to the Organic Act. It provided specifically for the first time recreation that would be carried out.

The lands have not been inventoried but there were just never any funds available to inventory these lands. Our policy has been, as a multiple-use land management agency, and I think correctly so even today, one of providing facilities for the public to use the resources rather than to go out and try to build facilities to entice the public to come to the lands.

We are different than the National Park Service. We are different than the Fish and Wildlife Service in terms of the management of the refuges, and probably the closest we would come to is the U.S. Forest Service as far as a multiuse management agency is concerned.

Now if we can provide over a period of time the facilities necessary for the public to enjoy their resources, I think we will have met our goal. It sounds like rather a tight program, but we also have, if you would recall, the Recreation and Public Purposes Act, so that we can transfer lands to the State, the county, or the local units of government where activities are more of a development type of nature, such as golf courses and tennis courts. To be blunt about it, we don't think as a resource management agency, that we should get into the tennis court-golf course business because these are normally associated closer back to the urban areas than they are to the type of areas that we would be managing.

Mr. Goodwin. It seems to be a very tight program. In the authorization proposal you recommended a total of increases of 3.1 million for recreation. That included 1.2 million to regulate the use of off-

road vehicles and some portion of a 1.4 million increase for the protection of recreation values of the public lands, including the California desert.

But in the fiscal year 1979 budget on which Secretary Andrus testified last week there is no increase provided for recreation, except for the wilderness reviews. What is the administration's rationale for eliminating any increase for recreation?

Mr. VETTERICK. It is a matter of priority. Given that you've got a certain amount of funds that the administration is willing to use to incrementally increase the program, clearly the priority is to review the wilderness areas and the rest of the program, at least for 1979, will remain essentially at prior year levels.

That doesn't mean that once the wilderness program has been provided for based on the assumptions we've made about acres of roadless areas that need to be evaluated from a wilderness standpoint and assuming those assumptions are correct for 1980, 1981, and 1982, we will not be seeking additional increases for the other aspects of the recreation management program.

Mr. GOODWIN. Would you need to increase those outyear authorizations then so you could catch up on what was not done in 1979?

Mr. VETTERICK. Well, the current 1979 President's budget provides about $17.5 million level for recreation overall. The authorization out to 1982 increases to $30 million which is a doubling of the program over that four year period from 1979 to 1982. Whether or not, of course, these funds will come about, your guess is as good as mine. But we are hopeful that we will get recognition on the part of the administration and accommodation within the President's budget on some of these other aspects which are also important. But at least in 1979 they are not as important as wilderness review.

Mr. KOENINGS. We just don't have all the data yet we need to make decisions that are necessary before increasing spending. I have to agree that you have to grow into this kind of program. At least to have the Secretary put a bunch of money in there and not really knowing what it can be spent for.

And after we go through the inventories and everything else we may come back and ask, based on hard data, where we are going.

Mr. GOODWIN. You apparently have quite specific activities in mind that were the basis of the Secretary's recommendation for the authorization. You do have a backlog of activities that could be undertaken in the recreation area?

Mr. KOENINGS. Yes.

WILDLIFE HABITAT

Mr. GOODWIN. And a similar type of situation in the wildlife habitat.

I would like to ask what BLM is doing to implement the Sikes Act. In Senator Culver's hearing last December on the Sikes Act there was discussed a very large backlog of projects that have been proposed by the States. I would like to ask whether BLM is requesting adequate funding for improvements to the wildlife habitat? If not, what is constraining your request in this area?

Mr. KOENINGS. Well, in the wildlife habitat in the Sikes Act, I happened to be at Senator Culver's hearing and tried to explain to the best of our ability that we did not ask for any authorization under the Sikes Act because we had been able to get some funds, not sufficient in the sense that a bureaucrat normally thinks is sufficient, but some fund increase in the programs to implement the habitat management plans that were being prepared under the Sikes Act.

And in the balance of all the resources, I think, as Paul has explained, we just did not get all of the things that we asked for. And, yes, we probably could implement more habitat management plans under the Sikes Act. But the fact is that we cannot maximize all programs.

Mr. GOODWIN. That is all I have.

OFF-ROAD VEHICLES

Mr. QUARLES. On page 58 of your budget justification you talk about the ORV problem, off-road vehicles. You mention the President's Executive order and your schedule for ORV designation of various BLM land areas.

Many of us followed the agonizing over that presidential order, but I must say at this point I am not certain as to what is the status of nondesignated lands in the BLM.

Mr. KOENINGS. You know we were sued over the ORV's.

Mr. QUARLES. Yes.

Mr. KOENINGS. An environmental impact statement is due to come out shortly. Until that time we were advised by the Solicitor that we could not take much action until that environmental impact statement was completed. Then we could publish regulations implement them.

Now to be very blunt about it, we have intermingled lands. Some of you are very familiar with those. We have other problems. We have people who use ORV's for many types of activities and not just generally to hear the engines run and all that stuff. It includes the fishermen who go back into the backcountry, the hunter who goes back in the backcountry, the rancher, the miner, and a whole series of people who use it.

Now where they are doing damage we are going to go out and try to identify those areas and to control the ORV's. But our law enforcement capability is rather minimal. The lands have not been posted. And as I think you were told previously, some of them have not been surveyed yet, to be honest about it.

So our problems are many, and all I can tell you today is that we are going to make the maximum effort to meet the President's desire, to meet the requirements of the law, and to carry out those requirements to the best of our ability. But we will come up with designations of those areas that are closed and those that are open to specific trails and those that are just generally open.

Mr. QUARLES. I am still not certain, though, what the status is once you have written the EIS. In other words, once you have written the EIS, before you have made the official designation, are those areas open to ORV use generally, or only open to ORV use under permit, or closed to ORV use?

Mr. KOENINGS. At the present time they are open unless they are specifically closed. We have closed some areas. We have designated some areas open only for trails where we have some control and much of that is in the southern California desert.

REFORESTATION

Mr. QUARLES. Another issue which came up very strongly at the time of the congressional work on the National Forest Management Act is the question of reforestation. I did not see that set out as a separate budget item. And I would be interested to know in general, what is the status of BLM's forest lands? Do you have a backlog of reforestation needs, or are you keeping current? What is the total in dollars and acreage that you plan to run each year in reforestation?

Can anyone comment on that? I would appreciate it.

Mr. VETTERICK. In western Oregon, we did have a backlog at one time of something in the order of 40,000 acres. This was due in part to a ban on the use of Endrin-treated seed, Endrin being a repellant for rodents but a very highly toxic chemical that could cause secondary poisoning.

In other words, as rodents pick up the Endrin in their bodies, that is passed on to their predators. This caused a delay in the use of seed. In the past, at least half of our reforestation effort was through seeding. It took us a while to get nursery orders in and funds to support that. At the present time, we are pretty much on a trajectory to eliminate the backlog in western Oregon by 1978 and 1979.

Of course, that depends on survival rates of prior plantings which aren't always predictable.

In the public domain outside of western Oregon there is a small reforestation backlog. Part of the funds that we have increased our forestry budget to 1978 is going toward—is ordering tree seedlings to catch upon that backlog. And, of course, with seedlings, once you put in an order, you have a 2- to 3-year delay before you actually get a tree that you can plant in the ground.

Those seedlings are being ordered in fiscal 1978 and will be available for planting in 1981 and 1982. At the same time, there is an ongoing reforestation program. I don't recall the exact acreage, but I think the backlog in the public domain outside of western Oregon is something in the order of 8,000 to 12,000 acres.

This is land that is economical and feasible to treat. There are, of course, areas that are denuded of forest that are not economical or feasible to treat at this point in time. So western Oregon is in good shape, and the public domain backlog will be caught up presumably by 1981 and 1982.

USE OF INVENTORY DATA

Mr. QUARLES. One last question from me on this first go-around. I notice that in your fiscal year 1979 budget request, rather than the quadrennial budget estimates, the second largest increase, $5,115,000, goes to fund soil vegetation and wildlife inventories.

Now, I understand that part of this answer, of course, is all wrapped up in how both the Bureau and the Congress address the

NRDC. But when would we see most likely, particularly in areas not covered by management plans on the ground, activities reflecting the information learned in soil, vegetation, and wildlife inventories? When will we begin to see implementation and actual work on improving wildlife habitat and watershed management and other matters?

Mr. LEA. The inventory data that we will be collecting, will be used, on a current annual basis, to implement our habitat management plans.

As far as implementing on the ground range management practices, it is tied up by the court case, and we do have eight statements that cover some 7 million acres that should be ready for implementation this fall.

Mr. QUARLES. So most of this increase in inventories is going to lands that will be covered by allotment management plans?

Mr. LEA. Yes.

Mr. QUARLES. Are you also doing it on nongrazing lands as well?

Mr. KOENINGS. It is data for those areas that will be covered by the environmental impact statements, so we can go ahead and implement whatever practices we might. So as soon as we can get these eight environmental statements out and we've met the requirements of the law and considered suitable practices, then we can immediately start implementing those as quick as we can.

Mr. QUARLES. How do we regard this $5 million increase in fiscal year 1979? The standard level of inventory need we are going to have over a period of time or a simple effort to speed up the inventories within a time frame in order to complete the EIS's?

Mr. LEA. We are going to have to maintain that level, about this same level for several years. It is geared into our land-use planning program. And it is geared into the grazing EIS schedule. And it is applicable to all of the 170 million acres in the Lower 48.

Mr. VETTERICK. I don't want to give the impression that just that 5 million is all the money that is going into the inventory in support of the forest and livestock grazing statements. The three key program areas that are going to contribute most of the inventory data for the growth statements, although certainly not all of it, are the range program, and the vegetative data will be funded from that. The soils data will be funded by soils, water, and air program; and the wildlife data will come from the wildlife budget.

In the aggregate, those three budgets in 1979, for strictly inventory in these areas where we are planning to do grazing. EIS's will be something on the order of $15 or $16 million, of which the 5 million is only a part. The 5 million is an increase to bring us to the capability of doing about 13 or 14 million acres a year. Thirteen million or fourteen million acres of soil surveys, of vegetative surveys, and the wildlife inventory.

Now, in addition to that, there is other inventory money funded by the other programs that will contribute to the overall plan to deal with the key areas. But the 5 million is certainly not the total amount.

Mr. LEA. This information is not just for impact statements, although that is what it is driving toward. But it is basic soil and vegetative information that we need for all of multiple-use planning.

Mr. QUARLES. But it is safe to assume that most of the inventory will be done in the near future will be done on grazing lands?

Mr. LEA. Yes.

Mr. KOENINGS. But they will be consistent so you don't think we are doing different inventories in different programs. The basic data will be such that we will be able to use it for wildlife, range, esthetics, watershed—whatever the case might be. And we do have the requirement in the Policy Act that says we will inventory these lands, and we had to come down with a system for doing this that would be currently consistent with all of the other Federal agencies and the States. So we can also meet a requirement of the act that says we will interchange planning data with the States and local units of government. If we don't have a base, then you are going to have a hodgepodge of trying to put planning data together, each one on a different kind of criteria.

And where we don't have this common base and we try to allocate forage to wildlife, to wild horses, and domestic livestock, we are in serious trouble. So we are trying to work it out so that it is going to be that way.

Mr. VETTERICK. There will be other inventories ongoing. The forest inventory which will also be ongoing with our rangeland inventories but outside the scope of the grazing EIS areas. There will be inventories, for example, for rare and endangered species that would be outside this scope.

The point I am trying to make is there will be other inventory efforts other than those that are being driven by the grazing EIS schedule.

Mr. QUARLES. Let me ask you one final question along that line. Of course, we tend to focus, and certainly I am sure that a number of the people in the outside groups will focus on the *NRDC* v. *Morton* question. On the O&C lands, the nongrazing lands and generally wherever they might be, are you at the stage now where every plan, every timber sale you are planning is on an area that already has a management planning, or are you still in the process of catching up the management framework plans on your other lands as well as these other grazing lands?

Mr. VETTERICK. We have a first-generation family of plans on western Oregon, and they are being updated as the 10-year reinventory cycle and recalculation of allowable cut, which is done in western Oregon on a 10-year basis. Those plans are presently being updated, and an EIS is being prepared of the Josephine and Jackson units in the Medford District. This updating will proceed through all of western Oregon on what they call master units so that we will be undating our planning and updating allowable cut calculations and preparing EISs on this effort.

INTRODUCTION OF CONSERVATION PANEL

Mr. QUARLES. If we could have the conservation panel, whatever you are calling yourselves, environmentalists or wildlife interests or whatever up here first, I think we could take care of major issues. Why don't you just come up and sit along here?

These are the representatives of the Wilderness Society, American Forestry Association, National Audubon Society, the National Wildlife Federation, Wildlife Management Institute, and the Izaak Walton League of America.

Let me also say that we have statements here today from the American Horse Protective Association, the Inland Forest Resources Council, Friends of the Earth, and the Environmental Defense Fund. We will take each of those people after we are done with this Panel—with the conservation panel.

We will begin in any order you would like.

Mr. RASMUSSEN. I would like to talk about the range program first.

Mr. QUARLES. Each of you introduce yourself, please.

Mr. RASMUSSEN. Boyd Rasmussen, with the National Wildlife Federation.

First of all, the Bureau of Land Management is responsible for more acres of soil than any other agency, and I am not sure that this budget proposal authorization reflects the real need to stay on top of the productivity of the soil, on top of the users.

On page 42, I particularly refer to the goals. And I am not sure but what the goals are pretty narrow; certainly the objective of range management is not only to provide forage to stabilize the livestock industry but that is a very narrow goal, and that it is much broader and they should expand it.

On page 49, on the objectives, they provide for adequate use provisions for 2,700 allotment management plans. My question is, What about the remaining proposed 7,000 or 8,000 grazing allotments without plans? These are just as important for management as any of the allotments that would have plans. So my question is what about these? And I can go through them and ask the questions——

Mr. QUARLES. No; if you could just complete whatever questions you may have, and everyone on the panel, and we hope they will be taking notes and then they can respond after the whole panel.

Mr. RASMUSSEN. I went back to pages 45, 46, and 47, and the tables there seem to me to be based mainly on 1965 data. I am not sure that may or may not reflect today's conditions. I believe the present inventory is out of date and does not meet the needs to stand up against the challenges today.

Soil inventory and information on soil potential are badly needed. There are about 100 million acres of soil surveys needed. But the 4-year plan, and I may not be interpreting it right, shows about 32 million acres, and I wonder if this is enough in this period. I think it is very critical because of the many elements that are based on inventories—the suits, the management plans.

We have a number of new laws. They are laws that require more information and more data, the endangered species, plants, and animals. And I don't think anyone has realized the impact of this work.

The protection of cultural resources and water quality control. I don't think the present inventory data is adequate to make EIS statements that will stand up. I just don't think that the material that is going into the statements is good enough in today's market. It is being challenged, and successfully challenged. So this dives right back into the inventory.

Planning is on an 8-year basis, an 8-year cycle, and I don't think that is enough in today's changing market. Perhaps a 6-year, or even a 4- to 5-year period.

There is some mention of trespass in here which is a reflection of a degree of management. With greater emphasis on management more grazing trespass is being discovered every day. The 1978 budget provides about 600 cases. I don't know whether this is right or not, but certainly it is an area that really needs a great deal of study. Trespass must be drastically reduced if management plans are to succeed.

And I understand that somewhere between $200,000 to $250,000 was collected in Nevada for range trespass last year. If this is any indication, it means that there must be an intensified program.

Page 52, one the top, under "Positions," personnel for range increased from 658 to 702 in 5 years, or 4 years. I don't think this is enough personnel to do an adequate job of all the increased jobs that have to be handled.

On wild horses and burros personnel increased from 31 to 100. Perhaps this is a better reflection of needs. Back on page 43, the 1978 budget reflects a $300,000 research and study. I just wonder if this is adequate. It seems pretty small and I don't see it mentioned anyplace.

But if we have all these things that are going on on the range, we certainly need a greater emphasis on research and study. I urge some flexibility in the establishment of authorizations. I suggest that they be as high on the appropriations level as possible.

I think the appropriation process annually can go down item by item and you could thrash out the changing or reflect the changing conditions. But I wonder how low you are thinking about putting your authorization.

Thank you. That is all I have to say.

Mr. QUARLES. Who is next, please?

Mr. BEAN. Steve, there are apparently some individuals who have agreed to allocate their responses, so maybe I should pass over before giving EDF's response.

Mr. QUARLES. Sure.

Mr. TOWELL. I am Bill Towell, the American Forestry Association, and I will address myself briefly to the total renewable resources budget and then more specifically to the forestry and fire control segments.

As I indicated in my prepared statement, I get a strong feeling of inadequacy all through this natural resources section of this 4-year authorization. I was hoping that under the new BLM Organic Act that we could see some bold, aggressive new planning and assumption of the real management duties and responsibilities that are needed on these lands. I don't see it reflected in the rather conservative figures that I see here under renewable natural resources.

I have the feeling that there may be some OMB constraints here that professionals could not be overcome, because I know some of the professional people in the Bureau of Land Management and I think that they would plan a little bit more aggressively and boldly than I have seen reflected in this authorization request.

Specifically what bothers me is an inadequate level of funding. I can't see how any organization can do an effective job with the

same money year after year. This shows several places in the budget on range improvements that Mr. Rasmussen just talked about and forest management, O. & C. lands. It is just not realistic in this day and time.

The plan indicated goals I think are expressed well. If they could be fully implemented financially I would feel much more comfortable. But I don't think that the amounts requested here are adequate.

And the same with manpower. The level of manpower in forestry management over a 4-year period of 228 bodies is just not good management planning as we look at it. And specifically in fire control even though it does show fairly good progression from 12 million up to 22 million over a 4-year period, you should know that that 12 million is 3 cents per acre per year. Three cents per acre and progresses up to 5 cents per acre.

A good many years ago I was in fire protection work and I know you can't do an effective job for that. You must be pretty thin in lots of places at that level of protection funding.

I visited Alaska last year and I got the feeling that we have an organization in BLM protecting most of Alaska's lands that would like to do a job but are pretty much held back by lack of facilities, manpower, funding, and the whole works. And we know from the records that the fire management program in Alaska is maybe a little bit too much "let it burn." I have nothing wrong with the use of fire but I feel very uncomfortable with the rationalization that "Well, this is part of the natural fire ecology and we will let this one burn." If it needs burning, I say burn it. If it doesn't, put it out. But I think the important thing about fire management is to be able to control all fires in a reasonable period of time.

So in forestry I feel that the budget is inadequate, and I feel quite positive that BLM cannot do the effective job of fire management that is needed on this vast quantity of land with the amount of funding that is being requested.

[The prepared statement of Mr. Towell follows:]

STATEMENT OF WILLIAM E. TOWELL, REPRESENTING THE AMERICAN FORESTRY ASSOCIATION

Mr. Chairman and members of the Committee, I am Wililam E. Towell representing The American Forestry Association, a citizen conservation organization concerned with all public lands and natural resources. For many years we have been trying to help the Bureau of Land Management become a land management agency and to get them the necessary money and personnel to do an effective job. We now have a law to enable BLM to do a complete job, and that is what this bill should propose, but it fails to come up to our expectations.

Because of limited time and knowledge, I will confine our comments to the renewable resources portion of this four-year proposal. It is all important, but we are most concerned about forests, rangelands, fish and wildlife and the management of these resources and related uses. Our immediate reaction to the four-year funding requests in the renewable resources areas is one of inadequacy. Nothing is more important than proper management of land and resources, yet these seem to be secondary in total BLM program planning.

Forest management, for example, other than O and C lands would remain level at $8.8 million for the four-year period. Range improvement would be stationary at the same $8.8 million figure. Fish and wildlife would gain from $9.9 million to $17 million, but even at the high figure would represent only two cents per acre. Even recreation funding in the first year climbs to more than forestry and fish and wildlife combined.

Past BLM fire control efforts have been inadequate, particularly in Alaska, so we are pleased to see increased funding proposed here. That increase should continue until a satisfactory level of protection is reached on all BLM lands. We hope the funds requested are adequate.

Our recommendation is for further increases in funding authorizations directly related to management and protection of land and renewable resources. More should be spent on rangelands and rehabiiltation, a neglected responsibility in the past. Grazing management alone will not restore these lands to where soil, water and wildlife values are fully protected. Forest lands should be adequately protected and managed for their optimum benefits. Fish and wildlife habitats should receive more attention than this plan proposes. I realize that these comments are too general to be of much value to the Committee, but they do reflect the feelings of most conservationists.

Thank you for the invitation to comment on this legislation.

Mr. QUARLES. Next, please.

Mr. ZAGATA. Mike Zagata from the Audubon Society, and I have some specific comments, though I will stick to the text.

The Audubon Society shares the concern of the Western States and, indeed, the American public about the declining trend in wildlife habitats which is directly affecting the fish and wildlife population. BLM cannot prevent habitat loss on private lands but can stabilize, improve and develop habitats on public lands.

However, if it is going to accomplish that objective, the Congress must provide BLM with a severalfold increase in its wildlife budget because the current expenditure of about 1 cent per acre is totally inadequate. The Forest Service is currently spending four times as much. The Fish and Wildlife Service is spending 137 times as much per acre on their national wildlife refuge lands.

RESOURCES PLANNING ACT

The Audubon Society is concerned the 4-year reauthorization process may be inadequate to meet BLM's and hence the public needs. The existing process does not set goals for BLM's various programs, nor does it tie the goals to the funding levels necessary to achieve them.

The BLM should be provided with legislation like the Forest Service's Resources Planning Act (RPA) legislation to require preparing an assessment and achieving certain goals. I realize there is an assessment being conducted but it is not quite the same as the assessment and the identification of goals pursuant to the RPA legislation. For example, Forest Service's RPA legislation directs the Forest Service to undertake an inventory of the Nation's forest resources, to make an assessment of the resources every 10 years and recommend a balanced program for the management of these resources, accompanied by a cost estimate, to the Congress. And I think the cost estimate is a very important part of this.

We can identify the goals. We can tie a cost estimate. And then we can hold the BLM, and actually the Congress can hold those people accountable for the fact we are not meeting those objectives.

It might be possible to accomplish this by amending the RPA to bring the BLM into the RPA process with the Forest Service. If this were done, it would reduce costs and should yield a more unified approach toward managing the public lands under the multiple-use guidelines provided for in the Forest and Rangeland Renewable

Resources Planning Act, the Forest Management Act, and the Federal Land Policy Management Act.

Personnel Needs

Now I have broken this down to three categories. Those needs associated with the NRDC court decision, the Sikes Act, and the endangered species. And BLM is woefully understaffed to meet its congressional and court directed mandates. As a result of the *NRDC* v. *Morton* court decision, the BLM must prepare 212 environmental impact statements. To accomplish this, 13.5 million acres must be inventoried annually. BLM is encouraging the States by providing the needed dollars to undertake the inventory but still needs administrative support and biological expertise of its own. Without it, it will be extremely difficult, if not impossible, to make sound decisions on the allocation of vegetation uses as required in the NRDC suit.

The Sikes Act

As directed in the 1977 Senate Appropriations Committee report BLM is attempting to expand the cooperative program with the States. They have 57 habitat management plans underway and plan to add 41 next year. However, without additional people they will not be able to implement the plan and, therefore, no benefit will accrue to fish, wildlife or other multiple-use values. Last year Congress authorized 27 additional people for the Sikes Act program under its mandate to expand but OMB impounded them.

Endangered Species

Under a recent presidential directive in the environmental message, it is mandatory that BLM engage in consultation with the Fish and Wildlife Service with regard to endangered species. It is also mandatory that they gather and analyze data within 2 years on 38 endangered species found on BLM administrative lands and they also must inventory the critical habitats.

By being understaffed they will not be able to meet this charge, and I use as an example, the fish situation in the White River. The data may be inadequate to determine if the endangered species are present and if they are, what will be the impact of oil shale development on those fish. This is only one example of the problem that the Audubon and other conservation organizations are concerned with.

An analysis of BLM's personnel problem may shed some light on what has been happening. Under its program management of land resources about 16 percent of the budget went to hiring temporaries and outside contracts in 1970. In 1977, 50 percent of the budget is expended for these purposes. It is obvious that they are not being allowed to add to the in-house expertise that they need to meet the mandate imposed by both the court and Congress.

Remember that this shift has occurred at the same time that BLM has been charged with greater responsibility under the Sikes Act, Endangered Species Act, and the NRDC court decisions, and in general an awakened public interest in the national resource lands.

In 1977 Congress authorized 363 plus new positions. After negotiating with OMB, BLM got 294 permanent positions. However, none went to wildlife. This illustrates again a need for RPA legislation so that both Congress and the agency could be held accountable for the development and implementation of a balanced program.

At this time we view the need for additional positions to equal, if not exceed, the need for additional moneys and recommend the following personnel additions: 171 for 1979; 209 for 1980; 247 for 1981; and 300 for 1982. And what we have done is shift the recommendations up a year and then add our own figure on what we can estimate for 1982.

In the wildlife budget I think we can document some needs again. Under the NRDC court decision BLM is going to have to inventory about 13.5 million acres per year, and this does not account for land that they are going to have to inventory under the accelerated wilderness review programs. Originally BLM field personnel estimated that it would cost up to $1 per acre to conduct the mandated inventory but this was later scaled down to 30 cents per acre. The calculations that I will use will be based on the lower figure and thus represents a minimum need, not a maximum, not an exaggerated need but a minimum need.

BLM State directors have stated that there will not be enough money to conduct the 1978 inventories. This shortfall will result in an estimated deficit of 1.5 million that will be carried over into fiscal year 1979. The scheduled fiscal year 1979 inventories will cost about 4 million, and that is a minimum figure. It could be up to 13.5 million if we use the $1 per acre figure. Thus BLM will need a minimum of 5.5 million for fiscal year 1979 to meet its court ordered mandate.

Under the Sikes Act, page 4 of the 1977 Senate Appropriations Committee report states that:

> Accordingly, the committee directs the Bureau of Land Management, Fish and Wildlife Service, Forest Service, and other agencies managing lands with fish and wildlife habitat values to plan for wider implementation of the Sikes Act in preparation of their program budgets for fiscal 1979.

Well, what more can be said? Congress has made that mandate. The BLM has 57 habitat management plans totaling 8.24 million acres underway and will spend about 3 million as the Federal share in 1978. According to BLM figures this level of expenditure will result in a $4 million deficit that will carry over to fiscal year 1979.

In compliance with its congressional directive, BLM is developing another 41 HMP's totaling 9.4 million acres, which are scheduled for implementation in fiscal year 1979. According to BLM summary of the Sikes Act it takes about $1 per acre to implement an HMP, so we are going to have to spend about 9.4 million for fiscal year 1979. This 9.4 million coupled with the $4 million carryover gives us a need of about 13.4 million for 1979.

Endangered Species

The BLM must collect and analyze data on threatened and endangered species and their critical habitats. Thirty-eight known and forty-two suspect species, including plants, and submit this infor-

mation to the Fish and Wildlife Service for their review of its adequacy. BLM estimates that it will cost between $2 to $5 million in 1979 to meet their mandated schedule. And if the mineral developments that we see on the horizon are going to be allowed to proceed in compliance with section 7 of the Endangered Species Act, then this schedule has to be met.

In addition, BLM must engage in consultation with the Fish and Wildlife Service on endangered species and their critical habitats, and we are trying to put together an estimate of about $500,000 for the conservation funds. So when you add that up, you are talking about a minimum, a documented minimum of $21.4 million for wildlife in fiscal year 1979. This differs from the authorization proposals by $11.5 million and from the administration's proposal by $13.3 million. And I have constructed a table with the figures that we see for 1979, 1980, 1981, and 1982, and it is difficult to extrapolate but I have simply added the difference between the authorization proposal and what our needs were projected to be. And it comes up $21.4 million for 1979, $22.4 million for 1980, $24.5 million for 1981, and $28.5 million for 1982, or $96.8 million in 4 years, which is nearly a doubling of what the request is.

And I emphasize again that that is a minimum.

In closing, I would like to emphasize, as I said this is a minimum and it does not include funds for existing programs like the birds of prey natural area. The BLM is going to need to expand its nongame type programs if it is going to gain credibility that BLM's programs are solely for the benefit of the western big game hunter. I don't believe that. I don't think BLM believes it. But they need some moneys to document their efforts in other directions.

Thank you.

[The prepared statement of Mr. Zagata follows:]

STATEMENT OF MICHAEL D. ZAGATA, REPRESENTING THE NATIONAL AUDUBON SOCIETY, FEBRUARY 7, 1978

The National Audubon Society has a deep and abiding concern for fish and wildlife and the habitats upon which they depend for their survival. It is because of this interest that we are participating in this workshop about the Bureau of Land Management's (BLM) quadrennial authorization.

The BLM administers about 447 million acres known as the National Resource Lands (NRL). Those lands provide habitat for "nearly all of the caribou, grizzlies and bighorn sheep, 80 percent of the moose, 65 percent of the mule deer and 45 percent of the antelope."[1] They also harbor hundreds of species of nongame wildlife. At present management levels, it is estimated that by the year 2000 that there will be a decline in antelope, deer, bighorns and elk.

The National Audubon Society shares the concern of the western States, indeed the American public, about the declining trend in wildlife habitats which is directly affecting fish and wildlife populations. The BLM cannot prevent habitat loss on private lands."[1] However, if it is going to accomplish that objective, the Congress must provide BLM with a several fold increase in its wildlife budget because the current expenditure of about one percent ($0.01) per acre is totally inadequate. The Forest Service (FS) is currently spending four times as much and the Fish and Wildlife Service (FWS) is spending one hundred and thirty seven times as much per acre on the national wildlife refuges.

SPECIFIC RAMIFICATIONS

Resources Planning Act (RPA) legislation for BLM

The National Audubon Society is concerned that the four-year reauthorization process may be inadequate to meet BLM's, and thus the public's, needs.

[1] Four year authorization—fiscal years 1979–82.

The existing process does not set goals for BLM's various programs, nor does it tie the goals to the funding levels necessary to achieve them.

The BLM should be provided with legislation like the Forest Service's RPA legislation and charged with preparing an assessment and achieving certain goals in the public's interest. For example, the FS's RPA legislation, Public Law 93–378, directs the FS to: Undertake an inventory of the Nation's forest resources; to make an assessment of these resources every ten years; and to recommend a balanced program for the management of those resources, accompanied by a cost estimate, to Congress. We feel that this is a desirable approach and that it has had preliminary success for the FS.

It might be possible to accomplish this by amending the RPA to bring the BLM into the RPA process with the FS. If this were done, it would reduce costs and should yield a more unified approach toward managing the public lands under the multiple use guidelines provided in the Forest and Rangeland Renewable Resources Planning Act of 1974, the Forest Management Act of 1976 and the Federal Land Policy and Management Act of 1976.

Personnel needs

NRCD court decision—BLM is woefully understaffed to meet its congressional and court-directed mandates. As a result of the *NRDC* v. *Morton* court decision, BLM must prepare 212 environmental impact statements (EIS's) under the National Environmental Policy Act (NEPA). To accomplish this, 13.5 million acres must be inventoried annually. BLM is encouraging the States, by providing the needed dollars, to undertake the inventory, but still needs administrative support and biological expertise of its own. Without it, it will be extremely difficult, if not impossible, for BLM to make sound decisions on the allocation of vegetation uses as required in the NRDC suit.

Sikes Act—As directed in the 1977 Senate Appropriations Committee reports (No. 95–276) BLM is attempting to expand the cooperative programs with the States provided in the Sikes Act. They have 57 habitat management plans underway and plan to add 41 next year. However, without additional people, they will *not* be able to implement the plans and no benefit will accrue to fish, wildlife and other multiple use values.

Last year, Congress authorized 25 additional people for the Sikes Act program under its mandate to expand, but OMB impounded them.

Endangered species—Under a recent Presidential directive (environmental message), it is mandatory that BLM engage in consultation with the FWS with regard to endangered species. It is also mandatory that they gather and analyze data, within 2 years, on 38 endangered species found on BLM administered lands and also inventory their critical habitats. By being understaffed, they will not adequately meet this charge. For example, the data on fish in the White River may be inadequate to determine if endangered species are present and, if they are, what the impact of oil shale development will be on those fish. This is only one example of a problem that concerns the National Audubon Society.

An analysis of BLM's personnel problems may shed some light on what has been happening. Under its program "management of land resources" about 16 percent of the budget went to hiring temporaries and to outside contracts in 1970. In 1977, 50 percent of the budget was expended for these purposes. Remember, that this shift has occurred at the same time BLM has been charged with greater responsibility under the Sikes Act, Endangered Species Act and the NRDC court decisions.

In 1977, Congress authorized 363-plus new positions. After negotiating with OMB, BLM got 294 permanent positions. However, none went to wildlife. This illustrates the need for RPA legislation so that both Congress and the agency could be held accountable for the development and implementation of a balanced program.

At this time, we view the need for additional positions to be equal with, if not greater than, the need for additional monies and recommend the following personnel additions: 1971—171; 1980—209; 1981—247; and 1982—300.

Wildlife budget

NRDC court decision—To comply with the court settlement, BLM must inventory about 13.5 million acres per year (the accelerated wilderness review programs will add to this figure and thus escalate the funding needs). Originally, BLM field personnel estimated that it would cost up to one dollar ($1.00) per acre to conduct the mandated inventory, but this was later scaled

down to thirty cents per acre. My calculations will be based on the lower figure and thus represent a *minimum* need.

BLM State directors have stated that there will not be enough money to conduct the 1978 inventories. This shortfall will result in an estimated deficit of $1.5 million that will be carried into fiscal year 1989.

The scheduled fiscal year 1979 inventories will cost about $4 million (13.5 million acres × $0.30/acre) based on the lower per acre estimate but could cost $13.5 million. Thus, BLM will need a minimum of $5.5 million ($1.5 plus $4.0) for fiscal year 1979 to meet its court ordered mandate.

Sikes Act—Page 4 of the 1977 Senate Appropriations Committee Report (No. 95–276) states that "Accordingly, the committee directs the Bureau of Land Management, Fish and Wildlife Service, Forest Service and other agencies managing lands with fish and wildlife habitat values to plan for wider implementation of the Sikes Act in preparation of their program budgets for fiscal 1979." What more can be said?

The BLM has 57 habitat management plans (HMP's) totaling about 8.24 million acres underway and will spend about $3 million as the Federal share in 1978. Accordng to BLM figures, this level of expenditure will result in a $4 million deficit that will carry over to fiscal year 1979.

In compliance with its congressional directive, BLM is developing another 41 hmp's totaling 9.4 million acres which are scheduled for implementation in fiscal year 1979. According to BLM's summary of the Sikes Act, it takes about one dollar ($1.00) per acre to implement an hmp. Therefore, the 41 new hmp's will cost about $9.4 million for fiscal year 1979 (9,381,917 acres × $1.00/acre). Thus, BLM will need $13.4 million ($4.0 plus $9.4) to meet its Sikes Act mandate in fiscal year 1979.

Endangered species—By Presidential directive, BLM must collect and analyze data on threatened and endangered species and their critical habitats (38 known and 42 suspect species including plants) and submit this information to the FWS for their review of its adequacy. BLM estimates that it will cost between $2–$5 million in fiscal year 1979 to meet their mandated schedule. If mineral and energy developments on the NRL are to proceed in compliance with section 7 of the Endangered Species Act, this schedule must be met.

In addition, BLM *must* engage in consultation with the FWS on endangered species and their critical habitats. This cost has been estimated at $.5 million.

Total needs for fiscal year 1979:	*Million*
NRDC—court decision (inventory)	$5.5
Sikes Act (HMP)	13.4
Endangered species	2.5
Total	21.4

This differs from the authorization proposal by $11.5 million ($20.9 needed—$9.9 authorization proposal) and from the administration proposal by $13.3 million ($21.4 needed—$8.1 administration proposal). By using these figures, we have constructed the following table for the four-year authorization.

BUDGET AUTHORITY FOR WILDLIFE

[In millions of dollars]

Category	Fiscal year 1979	Fiscal year 1980	Fiscal year 1981	Fiscal year 1982	4-yr total
Proposed	9.9	10.9	13.0	17.0	50.8
Required	21.4	22.4	24.5	28.5	96.8

In closing, let me emphasize that the figures I have used were based upon mandated needs. They did not include funds for existing programs like the "birds of prey natural area." The BLM will need to expand that type of program to gain credibility with the nonhunting public and to avoid criticism for representing the sole interest of the western big game hunter.

Mr. WILLIAMSON. I am Lonnie Williamson, secretary of the Wildlife Management Institute.

To begin with, I would like to submit for the record, if I could, a short statement. The president of the Wildlife Management Institute wanted to be here today and could not. I think you have a copy of that.

Mr. QUARLES. All right.

[The prepared statement of Mr. Poole follows:]

STATEMENT OF DANIEL A. POOLE, PRESIDENT, WILDLIFE MANAGEMENT INSTITUTE

I regret that field travel prevents my participation in this Workshop Session on the BLM Quadrennial Reauthorizations. I trust that the staff will closely question the Department of the Interior's spokesmen in an effort to discern if there are any discrepancies between the BLM's actual program need and opportunity costs and the request ceilings that have been imposed by the Office of Management and Budget.

The Federal Land Policy Management Act. (Sec. 318)(b)) specifically directs that the Secretary provide Congress with information regarding the amounts that "can be efficiently and effectively utilized in the execution of his responsiblities for each program, function or activity notwithstanding any budget guidelines or limitations imposed by any official or agency of the Executive Branch." The reauthorization process will fail its congressionally intended mission if the Secretary is prevented from providing the Congress with a straight-forward analysis and statement on agency needs and program costs.

My reason for requesting an associate to submit this brief statement today is to outline one apprehension and one recommendation shared by many members of the private conservation community. The apprehension is that, in the absence of Committee vigilance, the reauthorization process could become a mechanism whereby the program and activities of the BLM may be forced, through either the revision, denial or provision of appropriations authorizations, to respond to largely local or regional concerns that may be in conflct with the national interest. There exists to this day in Congress, unfortunately, a notion that BLM lands are "owned" by the West. Improperly used, the reauthorization process could make it exceedingly difficult, if not impossible, for BLM to mount and implement a truly balanced and objective program of public land management. This comment is not made in the form of an accusation. Rather, it is a very practical apprehension that rises from nearly a quarter-century of continuous effort of the private conservation community to obtain needed comprehensive authority, adequate manpower and funding to enable the Bureau of Land Management to discharge the tremendous responsibility vested in it as the administrator of more public land than all the rest of the federal agencies combined. Only in late 1976 was BLM given organic authority, whereas such other land management agencies as the National Park Service and Forest Service have had organic authority for more than six decades.

Turning now to the suggestion. Many members of the private conservation community view the reauthorization process as being inadequate to BLM's need. BLM should be charged with a Resources Planning Act authority, similar to that borne by the U.S. Forest Service; that Act, P.L. 93–378, directs the Forest Service to undertake necessary resources inventories, assessments and analyses all for the purpose of presenting to Congress, at appropriate intervals, its best recommendations for a truly balanced program of managing the national forests and the costs involved. Quite possibly, this could be accomplished by amendment of the Resources Planning Act to bring BLM into the process as an equal partner and participant with the Forest Service. Such an approach would appear to offer opportunity to reduce duplication and costs while yielding a more broadly integrated approach to the problems and opportunities of administering lands of the Federal Government. Such an approach, it seems to me, offers the best assurance for a broad, responsive and even-handed program to restore, develop, maintain and use the great variety and wealth of resources represented in the hundreds of millions of acres of public lands entrusted to the care of the Bureau of Land Management. The quadrennial reauthorization process treats with the bits and pieces, rather than with the problem as a whole.

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Mr. WILLIAMSON. I would like to agree with what Dr. Zagata of the National Audubon Society has said about the wildlife management program in the Bureau of Land Management. I think without question it is one of the most lacking of the entire Bureau's and can be documented about as well as any of the other programs as not having the amount of support that it needs from Congress and from the administration.

I think that considering the historic neglect of fish and wildlife on BLM lands that the Bureau of Land Management has done, in my opinion, an excellent job in trying to keep their heads above water and trying to essentially just to more or less save what they have out there at the present time.

Just as a little aside, from the figures that Dr. Zagata mentioned, we did some work similar to his and came up with a little different figure, but they are very close. And I think that he is in the right ball park when he says that the $20 million figure is what BLM should have to do a good job. And it is quite easy to see the discrepancy between what the administration has requested and what this 4-year authorization proposes.

I think, since we are talking about an authorization and not an appropriation, that we should lend ourselves more toward need than what might be practical down the road in getting funds out of the Appropriations Committee. When we start dividing up the taxpayers' money, that is a little bit different question from what we are talking about here in an authorization.

I would like to point out that there is a lot more at stake in getting adequate funding for the Bureau's Fish and Wildlife program than just wildlife itself. Without these added programs of inventories and what-have-you, that have been talked about here this afternoon, BLM is heading toward, in my opinion, a conflict between the wildlife resource, and energy, mineral, and other types of developments on the public land.

Without an adequate wildlife program, for example, I think the agency is inviting court action, if it were to, say, issue a coal lease without knowing the threat to endangered species would be affected, nor to what extent.

Now is the time, I believe, to gather the information to do the work to prevent such costly delays in development of the resources on the land. And at the same time while we are doing that, we can be assured that the habitat of the fish and wildlife of these national resource lands is not needlessly diminished, nor destroyed. And the road to improving that program starts here with this authorization.

Thank you.

Mr. SHARPE. I am with the Izaak Walton League. Just a couple or three comments. First, I would like to associate myself and the Izaak Walton League with the remarks of Mr. Williamson and Dr. Zagata. My prepared statement also focuses on the same problems, the shortfalls in funding for fish and wildlife programs of the Bureau of Land Management. The figures that I came up with are very similar and indicate the same quality, certainly indicate the same quality of unmet need.

Second, I would like to say that I share the feeling of pervasive inadequacy in the proposed authorization levels that has been mentioned and commented on by each of the other members of this panel. We feel that the program goals and funding levels that have emerged from the executive budget review process are insufficient to hold or reverse the declining activity of public lands for fish and wildlife and for other renewable resources, so that we look more closely at the fish and wildlife issues.

To our way of thinking, the administration's proposal perpetuates the excessively shortrun perspective on public investment in the land resource that has for so many years kept BLM undernourished and contributed directly to the erosion of quality of that resource. I might mention that I share Mr. Towell's perception that the lack of adequacy may stem more from OMB-imposed constraints or to similar constraints at the departmental level perhaps but stemming from the same source than from any input on the part of the professional land managers within the Bureau of Land Management.

With that in mind, I would like to pose very simple questions which might be discussed by the gentlemen from the Bureau. First, what level of funding could be effectively and efficiently utilized in the language of 318(b) in meeting and identifying these fish and wildlife managements over the next 4 years?

Second, would an unconstrained or optimal schedule, assertive schedule, envisioned in the language of 318(b) be something on the order of the figures that Mr. Zagata mentioned or those on page 6 of my own testimony which are very similar except that they include endangered species which I assume Dr. Zagata's did not? So that the schedule that we postulate as being close to an optimum but still efficient schedule for investment in fish and wildlife management, does as follows: For fiscal 1980 we see a need of about $25.5 million; for fiscal 1981, a need of about $30 or $30.5 million; and for fiscal 1982, some in that $35.5 million range.

In each case far more than proposed in the administration request.

Third and finally, we might ask the question of what personnel levels would accompany a program of the sort that I have just mentioned, a program that would involve expenditure at the $25, $30, and $35 million levels for fiscal 1980 through 1982? I would be very interested to know what you would need in new positions in order to manage the land at that level.

Thank you.

[The prepared statement of Mr. Sharpe follows:]

STATEMENT OF MAITLAND SHARPE, REPRESENTING THE IZAAC WALTON LEAGUE OF AMERICA

Mr. Chairman, I am Maitland Sharpe, Environmental Affairs Director for the Izaac Walton League of America. The League is a citizen-based conservation organization of approximately 50,000 members from all parts of the country. It is dedicated to promoting the conservation and wise use of the Nation's natural resources, our soils, woods, waters, wildlife, and air.

We appear at the request of the late Chairman of this Committee, Senator Lee Metcalf, a staunch defender of the public lands and a man whose absence will be deeply felt. We are pleased to have this opportunity to present our views on the Administration's four-year authorization request for the Bureau of Land Management.

In what follows we will confine our comments to the fish and wildlife portion of the Bureau's renewable resource program. However, that should not be taken as an indication that we are satisfied with the program goals and funding levels proposed by the Administration for management of other renewble resources. Quite the opposite is actually the case.

Our review of the Department's justification for its four-year authorization requests leaves us gravely concerned that the proposed program would merely perpetuate the serious deficiencies in funding that have crippled BLM's renewable resource management efforts for many years. Our more detailed analysis of the fish and wildlife program indicates that the Administration's authorization requests are very largely the product of OMB's desire to save money rather than the result of the best professional judgment of the resource managers within the Department of the Interior as to the levels of investment and activity necessary to carry out the Bureau's statutory missions.

FISH AND WILDLIFE MANAGEMENT

In 1976, BLM reported that over half of the fish and wildlife habitat on BLM lands outside of Alaska was in unsatisfactory condition and that the trend was downward. As shown in the following table, BLM estimated that, at the prevailing rate of deterioration, all of the small game habitat would be unsatisfactory by 1983, with 100 percent of the stream and big game habitat declining to an unsatisfactory condition by 1989 and 1990 respectively.

TRENDS IN WILDLIFE HABITAT CONDITION ON NRL—(EXCLUDING ALASKA)

Habitat	Unsatisfactory condition (percent)		Percent decline per year	Date all will be unsatisfactory
	1968	1974		
Big game	38.5	55.4	2.8	1990
Small game	25.1	56.1	5.2	1983
Streams	32.4	51.5	3.2	1989

NOTE.—Assuming no increase in present rate of deterioration.

In the "Range Condition Report" submitted to the Senate Appropriations Committee in January 1975, the Bureau stated that "the general trend under the current situation is for wildlife habitat conditions to continue in a gradual decline." Table No. 10, from the Report reproduced below, shows that only about 10 percent of wildlife habitat is improving while the balance is static or declining. The severity of the situation is compounded by the fact that these data include BLM's Alaska lands, where wildlife habitats remain in generally satisfactory condition.

TABLE 10.—WILDLIFE HABITAT TREND PRESENT SITUATION

Class of Wildlife	Improving	Static	Declining	Total
Big game:				
Acres	13,037	95,908	52,348	161,293
Percent	8.0	59.5	32.5	100
Small game:				
Acres	17,230	100,408	51,244	168,882
Percent	10.2	59.5	30.3	100
Nongame:				
Acres	16,725	91,201	51,463	159,389
Percent	10.5	57.2	32.3	100
Fish:				
Miles	60	171	33	264
Percent	22.7	64.8	12.5	100

[1] Bureauwide data are incomplete in these categories.

In light of this alarming status and trend of fish and wildlife habitat, it is difficult to believe that the fish and wildlife management program called for in the Administration's four year authorization request represents an adequate, much less an optimal, level of activity. Section 318(b) of the Fed-

eral Land Policy and Management Act of 1976 requires the Secretary to designate the levels of funding that "*can* be efficiently and effectively utilized . . ." (emphasis added). With respect to fish and wildlife programs, the authorization request embodied in S. 2234 clearly does not meet that requirement.

FISCAL YEAR 1979

The funding needs of two of the three major components of BLM's fish and wildlife program are seriously understated in the Department's authorization request. First, under the Sikes Act (P.L. 93–452), the Bureau is scheduled to undertake 41 habitat management plans (hmp's), at an estimated cost of approximately $9 million in FY 1979. Implementation of some 57 hmps that are already underway will require an additional $4 million in FY 1979, carried over from fiscal 1978. The total price tag for Sikes Act habitat management programs thus totals $13 million in FY 1979.

Second, the Bureau's responsibilities under the Endangered Species Act will impose significant additional costs that are not reflected in the authorization request. Since the time that the four-year authorization proposals were developed, the number of species of wildlife listed as endangered or threatened and known to occur on BLM lands has climbed from 30 to 41. An additional 44 species of listed animals and plants are now suspected of being present on lands managed by BLM. The Bureau's statutory obligation to identification of critical habitat and protection of these species will require spending $2 to $5 million in addition to the budget proposed for FY 1979.

Third, under the terms of the court order in *NRDC* v. *Norton*, the Bureau must conduct wildlife inventories on 13.5 million acres of BLM lands each year, at a cost of approximately $4 million. However, inventories on 5.1 million acres of the fiscal 1978 quota will not be completed and must be carried over to FY 1979. Erasing the backlog will necessitate an increase of $1.5 million in the FY 1979 budget and 15 additional positions. The total fiscal 1979 cost of discharging BLM's court-ordered inventory obligations will be $5.5 million.

The total funding requirements for BLM's fish and wildlife program in FY 1979 thus equal $20.5 milling—exceeding the authorization request by $10.6 million and surpassing the Administration's FY 1979 appropriations request by $12.4 million. The authorization levels recommended are woefully inadequate to meet identified needs.

Total program requirements for fiscal year 1979

	Millions
Inventories:	
Scheduled commitment (13.5 million acres)	$4. 0
Fiscal year 1978 backlog (5.1 millions acres)	1. 5
Sikes Act implementation:	
Implementing 41 HMP's developed in fiscal year 1978	4. 0
Carry over on 57 approved HMP's	9. 0
Endangered Species responsibilities (minimum estimate)	2. 0
Total	20. 5
Fish and wildlife requirements for fiscal year 1979	$20. 5
Authorization request	−9. 9
Shortfall	10. 6
Fish and wildlife requirements	$20. 5
Administration appropriation request	−8. 1
Shortfall	12. 4

FISCAL YEAR 1980–82

While we do not have precise data on fish and wildlife management needs for the fiscal years subsequent to 1979, it is difficult to believe that the authorization requests for FY 1980–1982 do not also fall far short of probable funding requirements. A more realistic and acceptable estimate of future fish and wildlife management needs would program an increase of approximately $5 million per year over the next several years, starting from a base of $20.5 million in FY 1979. That estimate of program needs forms a stark contrast to the Department's authorization.

	Fiscal year 1980	Fiscal year 1981	Fiscal year 1982
Fish and wildlife:			
Needed	$25.5	$30.5	$35.5
Proposed	10.9	13.0	17.0
Shortfall	14.6	17.5	18.5

The program goals for wildlife management that forms the basis for the Administration's authorization requests are patently out of scale with the magnitude and urgency of the need to reverse the steady decline in the quality of fish and wildlife habitat management. The 1982 goal of bringing 31 million acres under habitat management would still leave unmanaged over 90 percent of the wildlife habitat for which BLM is responsible. Less than 10 percent in four years is not enough, in light of the status and trend reported by the Bureau.

PERSONNEL

In addition to higher levels of funding, BLM will need sharply increased personnel ceilings in order to address identified fish and wildlife habitat management needs and investment opportunities on the lands it administers. The increases in fish and wildlife positions proposed in the authorization request fall short of actual need.

For many years, BLM's ability to carry out its management responsibilities has been restricted as much by shortages of personnel as by inadequate funding. Now, despite the Bureau's greatly increased management obligations under NEPA, the Endangered Species Act and, most importantly, the Federal Land Policy and Management Act, the pattern of chronic understaffing is continuing. In the report accompanying the FY 1978 Interior Appropriations Bill, the Senate Appropriations Committee directed the Bureau to expand the cooperative wildlife habitat management program by 41 positions and $2 million. However, the Office of Management and Budget declined to authorize the additional positions, and as a result, the Bureau was unable to commit any significant amount of new resources to implementing cooperative habitat management programs under the Sikes Act.

It appears that strong Congressional action will be needed to break out of the vicious cycle of inadequate manpower—hamstrung programs—reduced expectations—inadequate manpower. To make a beginning, Congress should insist that the 41 new fish and wildlife positions called for by the Senate Appropriations Committee in FY 1978 are filled in FY 1979. Additional positions will have to be authorized, and filled, to keep pace with funding increases; as program goals are raised to a more adequate level, personnel authorization must follow suit. At a minimum, the schedule for personnel increases presented in the Departmental authorization request should be accelerated by a year.

SUMMARY

In conclusion, Mr. Chairman, the Izaak Walton League finds that the four-year authorization requests submitted by the Administration are far from adequate. The program goals and funding levels that have emerged from the executive budget review process are insufficient to halt and reverse the declining productivity of the public lands for fish and wildlife and other renewable resources. The Administration's proposal perpetuates the myopic, excessively short-run perspective on public investment in the land resources that has for many years kept BLM undernourished and contributed directly to the eroding quality of the resource.

We urge this Committee to reaffirm your commitment to good stewardship, responsible investment, and restored productivity embodied in the Federal Land Policy and Management Act of 1976, by rejecting the Administration's four-year authorization proposal as woefully inadequate and adopting an accelerated funding and staffing schedule that is comensurate with the magnitude and urgency of the need.

Mr. RASMUSSEN. Mr. Chairman, I would like to present for the record a statement by the National Wildlife Federation on the wildlife management figures. Our figures agree with the other gentlemen very closely.

[The prepared statement of Mr. Clapper follows:]

STATEMENT OF LOUIS S. CLAPPER, REPRESENTING THE NATIONAL WILDLIFE FEDERATION

Mr. Chairman, I am Louis S. Clapper, Director of the Conservation Division of the National Wildlife Federation which has its national headquarters at 1412 16th Street, N.W., Washington, D.C.

The National Wildlife Federation is a private organization which seeks to attain conservation goals through educational means. NWF affiliates 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 National Wildlife Federation, number an estimated 3½ million persons.

We appreciate this opportunity to present our views on S. 2234, and we commend the Subcommittee for its timely attention to this important piece of legislation. The next four years will be important, if not critical ones, for the Bureau of Land Management (BLM) as it proceeds to implement the Federal Land Policy and Management Act of 1976 (FLPMA). Funding and personnel authorizations will define the Bureau's capability to meet its statutory obligations.

Before addressing specific areas of concern to us within the renewable resources program proposed by the Bureau, we would like to make a few more general comments. In particular, we would like to urge Congressional consideration of a renewable resources planning act for BLM along the lines of those in effect for the Forest Service and the Soil Conservation Service.

While it is true that FLPMA provides statutory authority for an inventory of all public lands and for land-use planning, it is our contention that this information needs to be translated into long-range program objectives and into assessments of the dollars and manpower required to realize these long-range objectives. On a piecemeal basis, the Bureau has, in the past, done something along these lines. The 1975 *Range Condition Report* prepared for the Senate Appropriations Committee comes to mind. In this document, the current resources condition as well as its potential were laid out. Program requirements were then detailed for three different levels of management and associated levels of range improvement over 10, 20, and 30 year periods.

Mr. Chairman, we believe a comparable assessment is necessary for renewable resources across-the-board. Only by spelling out where the renewable public land resources are now, where we desire them to be at a given point in the future, and what is necessary to arrive at desired objectives, can Congress have an adequate basis for measuring progress and appropriating funds. With a statutory mandate to prepare across-the-board long-range program objectives and needs, the Bureau would be better able to recommend priorities and to allocate its funds most effectively. The quadrennial authorization of appropriations mandated by FLPMA would, in our view, be made from a sounder base if a resources planning act were in effect and it would be a more meaningful process.

NWF urges this Subcommittee to consider drafting such legislation. We would, of course, be ready to assist the Subcommittee staff in any way.

Our specific comments on two areas we believe to be seriously underfunded in S. 2234 follow.

WILDLIFE

Underfunding of BLM's fish and wildlife programs is hardly surprising. It has been a chronic problem. In our view, the figures proposed in BLM's quadrennial authorization of appropriations do little to alter this situation—rather they would perpetuate it in the next four fiscal years. A breakdown of dollars expended on wildlife per acre by federal agencies based on the President's FY 1978 budget and excluding later congressional add-ons is revealing. While BLM currently is able to spend $.01/acre, the Forest Service spends $.14/acre and the Fish and Wildlife Service $1.37/acre on wildlife programs. While it may be argued that the disparity between the Fish and Wildlife Service and BLM expenditures is logical given the agencies' different missions, the same cannot be said of the Forest Service and BLM. The Bureau's wildlife budget history for FY 70–FY 78 shows that in this eight year period expenditures per acre did not exceed—in fact were less than $.02/acre.

Dollar figures tell only one part of the story—personnel is the flip side of the same coin. It is nothing short of awesome that, on the average, a BLM biologist is responsible for habitat management on 3.7 million terrestrial acres and 147,700 aquatic acres. And this responsibility has expanded con-

siderably in recent years with the shift toward more intensive management of the public lands in general.

Passage in 1976 of the Federal Land Policy and Management Act (FLPMA) provided the Bureau with clear statutory responsibility and authority for many activities which had evolved over the years in response to increasing needs and demands on the Bureau. In the wildlife area specifically, FLPMA raised management of the wildlife resource to an equal status with other public land natural resources. By virtue of this fact, the Bureau is directed to place increased emphasis on its wildlife program. Combining the general shift within BLM to more intensive management with the importance attached to wildlife in FLPMA, it is clear that greater demands have been placed on the Bureau's wildlife personnel and programs. Support of other Bureau functions such as land-use planning, range management, and environmental impact analysis consumes an increasing portion of the biologist's time. New and continuing wildlife program initiatives in response to FLPMA as well as to other legislation such as the Sikes Act and the Endangered Species Act have also taxed the Bureau's wildlife capabilities.

Three areas in which the wildlife responsibilities of the Bureau have been significantly augmented merit particular attention and more detailed discussion. Extensive wildlife habitat inventories are essential if the Bureau is to meet new statutory and other legal obligations including the agreement made by the Bureau in its settlement of the suit brought by the Natural Resources Defense Council (*NRDC* v. *MORTON*) requiring environmental impact statements in conjunction with allotment management plans; and the accelerated wilderness review program mandated by Section 603 of FLPMA. Without the data generated by these inventories, planners and decision-makers cannot hope to make intelligent multiple use assessments or recommendations.

Bureau responsibilities under the Sikes Act (PL 93–452) have also expanded. Congress directed the Bureau to intensify its cooperative wildlife program in the FY 1978 appropriations bill. To date, 57 habitat management plans (hmps) covering areas with high wildlife values have been approved and the Bureau estimates that it will require over four million dollars to implement them. Another 41 hmps are in the planning stage. The Bureau's Sikes Act responsibilities, it should be noted, extend to BLM/state cooperation in matters concerning state-listed threatened or endangered wildlife species. Title II, Section 202(c)(3) states that cooperative agreements must ". . . provide adequate protection for fish and wildlife officially classified as threatened or endangered pursuant to Section 4 of the Endangered Species Act of 1973 . . . *or considered to be threatened, rare or endangered by the State agency* . . . .

Finally, new Bureau responsibilities have been created regarding endangered species by the regulations for Section 7 of the Endangered Species Act. These regulations require the Bureau to: 1) conserve listed species; 2) ensure that the continued existence of listed species is not jeopardized; 3) ensure that the critical habitats of listed species are not destroyed or adversely modified; and 4) to cooperate, consult and assist in the endangered species conservation effort with other federal agencies such as the Fish and Wildlife Service (F&WS) and the National Marine Fisheries Service. The President's environmental message requires the Bureau to submit detailed information to the F&WS on known endangered species and sensitive species by FY 1981.

Given the above, the proposed Bureau authorization figures for wildlife fall far short of what is needed. It is estimated that the funds actually required for BLM to carry out its wildlife management programs most effectively are more than double those proposed in the authorization document. Therefore, the NWF urges the Subcommittee to raise the budget authority for wildlife management to the levels suggested below:

BUDGET AUTHORITY—IN MILLIONS

Wildlife—Suggested authorization:[1]	
Fiscal year 1979	$24.8
Fiscal year 1980	26.8
Fiscal year 1981	31.0
Fiscal year 1982	39.0

[1] Includes $5 million each year for Endangered Species Act obligations.

SOIL AIR AND WATER MANAGEMENT

Many of our comments regarding BLM's wildlife programs may be extended to include soils, water and air management programs. Again, the situation is

one of increasing responsibilities and strain on limited personnel and funding resources. We do not see how the inventory requirements for planning and wilderness review commitments can be met effectively unless the proposed funding levels are significantly augmented. Compliance with the formal consultation requirements of Section 7 of the Endangered Species Act in regard to threatened or endangered plants cannot be acomplished, in our view, at proposed funding levels. Finally, new responsibility has been added to the soils, water, and air management program—paleontological resources. Unless additional funds are provided for this function specifically, it will draw resources from other programs which, as we have said, are already overtaxed.

The National Wildlife Federation, therefore, urges the Subcommittee to increase the funding authorization for soils, water and air management to the levels shown below.

BUDGET AUTHORITY—IN MILLIONS

Soil, Water, Air—Suggested authorization: [2]

Fiscal year 1979	$36.2
Fiscal year 1980	40.2
Fiscal year 1981	45.4
Fiscal year 1982	57.6

[2] Includes additional funds for paleontology and funding for endangered plants double that proposed in the Bureau's authorization request.

Thank you for this opportunity to present our views.

Mr. QUARLES. Who else would like to speak from the conservation panel?

Ms. SEASE. I am with the Wilderness Society. I appreciate this opportunity to express the Wilderness Society's views on the BLM budget as described in the 4-year authorization. While we are not in a position at this time to say exactly how much money the BLM would require over the next 4 years to proceed with their wilderness review, we would like to draw some comparisons between the current figures for the wilderness review and other programs.

For instance, a total figure for timber management in fiscal 1978 was 8,776,000 and 228 positions. The total figure for wilderness in 1978 was 1.9 million and 14 positions. Considering that BLM manages only 2.1 million acres of commercial forest land but would be involved in a wilderness review of a minimum of 30 million acres according to the Bureau's estimates, these figures seem somewhat disproportionate.

A comparison can be drawn between the amount allocated for resource inventory of range, $9 million, and the total 1978 budget for wilderness review of 1.9 million. An example of how this discrepancy breaks down at a district level can be seen in the following figures from the Southwestern BLM District Office. For fiscal year 1978 in this district, there are some 960 total man-months, and these 13 man-months are allocated to wilderness. The same district allocated approximately $80,000 worth of time for doing range estimates, and $1000 worth of flight time during wilderness review in 1978. We feel that this imbalance is represented in these figures. If it continues, it would result in a closedown of wilderness review process.

The funding need of a program of the magnitude of the wilderness review is substantial. The overall 4-year budget for wilderness of $38 million, which increases in 1979 to 9 million with 196 positions, is more reasonable.

However, we are dubious that this level of funding and positions do provide for an expeditious wilderness review. And it is unlikely the budget will allow the BLM to meet the deadline set in the act.

In setting a ceiling for the wilderness review budget, it should be kept in mind that this is a first-time program, needing adequate staffing and funding to assure that it does not take an inordinate amount of time to complete.

We would also urge that it consider the long-term ramifications of the review process and the resulting decision and allocate position funds.

Thank you.

Mr. BEAN. I am Michael J. Bean, chairman of the Environmental Defense Fund and author of the book, "The Evolution of National Wildlife Law." It is a pleasure for me to appear here at the invitation of this subcommittee to testify with respect to the wildlife management component of the 4-year authorization request which the Bureau of Land Management has suggested pursuant to section 318(b) of the Federal Land Policy and Management Act.

The Environmental Defense Fund believes that the BLM request is for an unrealistically low level of funding and that it fails to give adequate emphasis to the need to enhance nongame conservation of the national resource lands. In addition, the EDF also submits that the BLM wildlife management program is otherwise deficient in various respects to be described hereafter.

The BLM has responsibility for the management of nearly 450 million acres of federally owned land known collectively as the national resource lands. No other Federal agency has responsibility for managing such vast acreages of land. Because these lands have been relatively undisturbed by the most destructive forms of development they serve as, or at least offer, the potential for being among the most significant remaining areas of wildlife habitat in the United States.

Indeed, for many species of wildlife, including endangered species and several big game species, suitable habitat is unavailable or nearly unavailable except on public lands. Because of the importance of the national resource lands to wildlife conservation the Federal Land Policy and Management Act explicitly directs that they be managed so as to provide food and habitat for fish and wildlife. This mandate is further underscored by the act's definition of multiple use to include balanced and diverse resource use that takes into account the long-term need of future generations for a variety of named resources, specifically food, fish, and wildlife. And measured against the critical importance of the national resource lands for wildlife conservation and to the express purpose of the Federal Land Policy and Management Act to promote wildlife conservation, the BLM requested budgetary authority for wildlife management is woefully inadequate.

Although BLM states at page 69 of its justification document that its wildlife program "now plays an equal role in the multiple-use management of the public lands natural resources" a 4-year request of 50.8 million represents scarcely 2 percent of the total requested authority for all BLM programs.

Indeed there is even evidence that BLM itself recognizes the inadequacies of its wildlife management request. Following hearings in November before the Resource Protection Subcommittee of the Senate Committee on Environment and Public Works, Senator Culver wrote to BLM for further information regarding matters discussed in the hearings. Senator Culver's letter referred to a March 31, 1977, letter to Senator Magnuson in which BLM indicated that it would need $49.1 million just to implement the Sikes Act, through fiscal year 1980.

Senator Culver requested an explanation for the discrepancy between this figure and BLM's much reduced subsequent figures. The 4-year BLM request under review here shows only $27.2 million in budgetary authority for all wildlife programs in fiscal year 1978 through 1980.

I was just advised this afternoon by a member of the Culver subcommittee staff that BLM has only recently responded to Senator Culver's inquiry, though I don't know the details of their response.

The second concern which EDF has is that BLM's requested budgetary authority fails to give adequate emphasis to the need to enhance nongame conservation on the national resource lands. Apart from a limited discussion of certain activities relating to endangered species and a single reference to the obvious fact that the various lands administered by BLM as big game habitat, small game habitat, and waterfowl habitat also provide habitat for many nongame species. The BLM justification document makes no mention of the need to enhance nongame conservation on the natural resource land.

This omission is rather striking. When one considers that in his May 23, 1977, message to Congress on the environment President Carter scored the Federal Government's traditional emphasis on game management as an outdated view and directed the Secretary of the Interior to propose measures to improve the conservation of nongame wildlife. An appropriate way of implementing this presidential directive would have been to make a firm commitment to enhance nongame conservation on the national resource land. No such commitment is made here, however. There is little question but that the principal interest of BLM's wildlife conservation effort has traditionally been and continues to be on game management.

Only about 5 percent of BLM's total wildlife budget for fiscal year 1974 was spent for nongame wildlife other than endangered species. That this relative emphasis remains unchanged is attested in the December 29, 1977, letter to Senator Culver from Lynn Greenwald, Director of the U.S. Fish and Wildlife Service in which Director Greenwald stated that there was no question that the emphasis on management of game species on public lands tends to preclude programs for nongame wildlife.

Elsewhere BLM has submitted itself to enhancing the status of nongame conservation in its overall wildlife management program. A paper presented in 1975 by officials of BLM's Division of Wildlife identified as one of the long range objectives of the BLM wildlife program a sustaining of "an overall wildlife habitat management program on all national resource lands that is responsive

both to wildlife needs and public demand, including a progressive balancing of the Bureau's wildlife program as it relates to gaming versus nongame species."

The failure of BLM now to restate this goal in its justification document may reflect the fact that to do so would only underscore the inadequacy of the level of funding requested.

Finally, EDF believes that the BLM wildlife program is deficient in various respects not addressed in the authorization request. A major component of BLM's wildlife program takes place under the authority of a statute known commonly as the Sikes Act. Under that act the Secretary of the Interior acting through BLM must develop, in consultation with the appropriate State fish and wildlife agencies, the so-called comprehensive plan for wildlife conservation on land under BLM jurisdiction.

Those comprehensive plans are then to form the basis for the cooperative development of more specific conservation programs in which the States and BLM share responsibility in accordance with the signed cooperative agreement.

In implementing the Sikes Act BLM has neither promulgated regulations which describe or require the content in developing comprehensive plans, nor has it established procedures which assure effective public participation in the development of such plans. These omissions are serious and need to be corrected promptly.

Section 102(a)(b) of the Federal Land Policy and Management Act requires the Secretary of the Interior in administering public land statutes to establish comprehensive rules and regulations after considering the views of the general public. The Secretary's failure to do this cannot be excused by the newness of the Federal Land Policy and Management Act because the duty it imposes is essentially a restatement of the pre-existing duty imposed by the Administrative Procedure Act.

Further, the failure to provide for effective public participation in the development of the Sikes Act comprehensive plan is inconsistent with the fact that wildlife is a public trust resource. The opportunities for public participation in the development of broad land use plans or management framework plans for tracts of BLM land is an inadequate substitute for participation in the more focused concept of developing a comprehensive wildlife plan.

Thank you.

Mr. QUARLES. Well, that certainly was a comprehensive statement covering all the aspects of the renewable resources budget. Just one thing before we have a response, and I think it would be appropriate if the Bureau could provide us with, since it is now on the record, both Senator Culver's letter and the Bureau's response mentioned by Mr. Bean.

[The letters referred to follow:]

JANUARY 28, 1978.

Hon. JOHN C. CULVER,
Chairman, Subcommittee on Resource Protection, Committee on Environment and Public Works, U.S. Senate, Washington, D.C.

DEAR SENATOR CULVER: This will reply to your letter of December 7 to Roman H. Koenings, pertaining to the Bureau of Land Management's (BLM) implementation of the Sikes Act. We appreciate your concern over the implementation of this program on public lands. We thank you for the opportunity to

participate in the recent hearing on the Sikes Act programs and to further explain the BLM's program as it currently exists.

In regard to question one, you cited a difference between our March 31, 1977, figure—$49.1 million to implement the Sikes Act through Fiscal Year (FY) 1980—to our most recent figure—$33.8 million to implement the BLM's entire wildlife program through FY 1980.

As a matter of clarification, the figures developed for the Sikes Act implementation that were submitted in March of 1977 totaled $30.2 million from FY 1979 through 1981 compared to the 4-year authorization figures for the same period of $33.8. Although the difference in these two numbers is in the reverse direction, your observation remains valid since overall demands on the BLM's Wildlife Program would not likely permit such a large share of potentially available funds to be devoted solely to the Sikes Act work.

This apparent inconsistency is due to the fact that the March 1977 figure was developed in the context of a single program, without regard to the BLM's needs and abilities to expand other programs concurrently. On the other hand, the 4-year authorization has had to consider all BLM programs and has been developed to effectively utilize funds over the entire spectrum of activities during the FY 1979 through 1982 period. Thus, the ability to enlarge the BLM's Wildlife Program in this context is less than if it were the only one under consideration.

It should also be noted that the legislation for the 4-year authorization has been prepared at the appropriation level rather than specifying amounts for each individual program. If Congress enacts the authorization on that basis, it will provide the necessary flexibility to shift additional levels into wildlife work as the opportunity arises.

In response to your second question pertaining to specific deficiencies within the BLM's cooperative management program under the Sikes Act, the major concern again lies with the lack of manpower to effectively expand the program. Biological expertise must be available for planning and identification of wildlife objectives to precede on-the-ground protection and rehabilitation programs. The BLM is in the process of updating an analysis of its wildlife program, including the Sikes Act, which will identify total wildlife commitments. That part of this analysis, which relates to the Sikes Act programs, will be submitted to your committee when finalized.

In regard to question number three dealing with the Appropriations Committee's directive "to plan for wider implementation of the Sikes Act" for FY 1979, we submit the following. Congress increased wildlife appropriations by $1 million in FY 1978 and recommended that BLM's cooperative wildlife program has been increased by 25 positions. The increased funding has been directed to the field for on-the-ground rehabilitation and protection projects developed under the Sikes Act with the Western States. However, BLM did not receive any increase in positions for the wildlife program which, as a result, does not allow for any significant increased effort in implementation of the program in FY 1979. The BLM will have an additional 30 cooperative management plans prepared in FY 1978 and ready for implementation in FY 1979. Further information on the FY 1978 effort will be included in the analysis to be submitted.

With regard to your question on conservation of nongame species, BLM has developed several cooperative management plans with the Western States which highlight nongame species. Planning efforts emphasis protection and rehabilitation of total biological systems to be managed: however, both federally and State listed threatened, endangered, and sensitive species are specifically provided for in these plans.

If Congress passes S. 1140, authorizing assistance to States for conservation of nongame species, BLM would plan to incorporate any increased effort by the States for on-the-ground conservation programs within its existing Sikes Act planning framework. At the existing program level, there may be some difficulty in keeping pace with a State that takes full advantage of the programs authorized by S. 1140.

We thank you for the opportunity to discuss the BLM's Sikes Act Program with you. It you have need for further information, feel free to contact us.

Sincerely,

DANIEL P. BEARD,
Deputy Assistant Secretary for Land and Water Resources.

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, D.C., December 7, 1977.

MR. ROMAN H. KOENINGS,
Assistant Director for Resources, Bureau of Land Management, Department of the Interior, Washington, D.C.

DEAR MR. KOENINGS: Thank you for appearing before the Resource Protection Subcommittee to testify on the implementation of the Sikes Act. Your testimony will be most useful in our preparation for reauthorization of the Act next year.

Time limitations did not permit us to discuss all the issues that should be raised. Accordingly, I would appreciate your responding to the following questions for the hearing record:

1. In a March 31, 1977, letter to Senator Warren Magnuson, the Bureau of Land Management indicated that $49.1 million would be needed to implement the Sikes Act through FY 1980. However, BLM recently submitted to the Senate Committee on Energy and Natural Resources a document which states that only $33.8 million will be needed through FY 1980 to support your agency's *entire* wildlife management program, which includes much more than implementation of the Sikes Act. Would you please explain the discrepancy in these figures?

2. Has BLM identified specific deficiencies in the cooperative programs authorized under the Sikes Act? If so, has a report concerning these deficiencies been prepared for Congress? If not, the Subcommitte would appreciate receiving such an analysis.

3. In its FY 1978 Committee report, the Senate Appropriations Committee instructed BLM "to plan for wider implementation of the Sikes Act" in preparing for its FY 1979 budget. How has your agency responded to this directive?

4. (a) How much emphasis has BLM placed on the conservation of nongame species in implementing Sikes Act programs?

(b) Congress should soon approve S. 1140, which would encourage the conservation of nongame species by Federal and State agencies. How might this bill be administered in conjunction with the Sikes Act?

It would help us greatly if you could respond to these questions by December 31, 1977. I hope we can work together to accomplish the objectives of the Sikes Act. Thank you again for your assistance.

Sincerely,

JOHN C. CULVER,
Chairman, Subcommittee on Resource Protection.

Mr. QUARLES. Please feel free to answer any of the questions raised or any of the issues raised in any order you would like, or any way you would like. Go ahead.

Mr. KOENINGS. Well, let's try and take the questions in the way they were asked. Allotment management plans were first brought up by Mr. Rasmussen. None of these allotment plans can be implemented until we complete the environmental impact statement process, and we are well aware of this. And we hope that in the process of going through the entire impact statement process, by the time we get through we will have these allotment management plans, and we will be in a position to implement them as rapidly as possible once the EIS has been finalized and we can move forward.

We have some constraints on us, which we just can't ignore. We hope that once we have finished the environmental statements, all of those areas that are susceptible or amenable to allotment management planning will have allotment management plans and we will move out on them.

And I think a statement was made in terms of the numbers of plans that have been included in the authorization and in terms of the numbers that should be included, and I have no argument there.

Mr. Rasmussen also referred to numbers on pages 45, 46, and 47. I think the data used there might be a couple of years old, but it still is good data in terms of the range trend condition and the other things. And I think that as we go through the inventory and we get additional data, we will plug it in.

Hopefully, as we get data to prepare and complete the statements—now, here is a difference between getting data to prepare statements that will result in additional data for management decisions on plan implementation. We are trying to get part of that information on the condition of lands through the inventories for the watershed program in terms of soils and water.

So I think we are trying to address these problems and they are legitimate points to be raised, but we are aware of them and we are trying to address them as fast as we possibly can under the circumstances.

In regard to the cycle of inventory, I don't disagree, with the statement that the cycle of inventory probably is too long. However, having had no basic inventory or no authority to go out and make a basic inventory of these public lands in the past, it is going to take us a while to get this first basic inventory done. Once we have the basic inventory completed, we will not have to go back out in the same cycle and take the soil samples and all of these things that do not change that drastically over a period of years. We will update and add the information to it and hope we can shorten the planning cycle as a result of this. But we do have to get this basic inventory done, and we try to be as realistic as possible under the circumstances to address the time frame that the inventory would be completed.

I would like to have it done next month, but it is not physically nor financially possible to do so.

In terms of positions raised for both the range program and the wild horse program and the money and research studies, they may be low. We hope that over time as we develop additional information through the impact statements and get better justifications for some of these things, that we can come back and ask for the manpower needed. And I would be the first to admit that probably these aren't going to solve all our problems. But under the circumstances, this is where we are.

Mr. Rasmussen, Mr. Towell, and others raised some issues that are perfectly legitimate. I don't argue about the inventory or the speed at which we are going through the whole process. But again I want to go back. We never had any authority for many of the things that needed to be done on these lands, and we are trying to get caught up now to where we can.

We are trying to integrate all of the resource interrelationships as we go forward from this point. For instance, the inventory and analysis for range management and watershed purposes also includes data and impacts on endangered species. So they are all interrelated in the sense we are trying to get these all coordinated to come forward, and this is either one of the blessings or the curse of multiple-use management, whatever the case might be. Whether we have been asking for enough money on manpower to do it with a great

deal of speed as we should, I think remains for discussion. But as far as the process is concerned, I think we are well aware of it. We would like to move out as fast as we possibly can.

In terms of the assessment mentioned by Mr. Zagata, we are in a limited way trying to get some kind of assessment of what our problems and goals are and where we are going and this does not only include those that are directly related to renewable resources. We are including cultural and other resources in it as well as the recreational opportunities. Hopefully, we will be able to get additional data as we go along.

No first inventory is going to give us everything that we need. It is just not possible at this time under the constraints of which we are operating to get that much of a full-blown inventory. It just isn't in the cards, and I would be the first to admit it. And if anybody can figure out a way we can do it more efficiently or effectively then we would proceed.

Under the circumstances, I have serious doubts in my mind whether we can complete the endangered species inventory in the period of time which we are going to be directed to do so.

To go out and inventory these lands for these endangered species, and to identify the critical habitat in the time frame available, we will probably have to shift manpower, and we have been doing that to the best of our ability but you finally reach the end of that, also.

What do you take it from, energy development? Do you take it from habitat development? Everybody has a No. 1 priority. So these are, I think, somewhat justified criticisms in terms of trying to get some of the things done.

Now, in terms of some of the questions that were raised as to what level of funding would be effective. Are we at a restrictive level? Could we use $20 million to $25 million in doing this work, as Mr. Zagata raised? I think probably we could use that kind of money and use it effectively. I won't argue that.

But there were constraints and there are constraints in terms of budgetary requests and authorities. And there is 170 million acres out there and you don't have to be any magician to take a pencil and add up dollars and draw out acres and the work to be done and you get your own answers. We do it everyday, and then we just go beat our head against the wall and do the best we can. But that is a problem.

In terms of the wilderness review, our review procedures are not out yet, and that is why you don't see much showing up in the 1978 budget in terms of wilderness activities. We had our briefing with the Secretary a short time back and we are hoping that the wilderness procedures will be approved and out within 2 weeks, or at least a letter is going out saying they are coming out and will be reproduced, and we will start on our study of, first, the 55 areas required by the act to be done within a short time frame, and then we will be concentrating on the inventory of those areas that are roadless and have wilderness characteristics. We want to get that inventory out as rapidly as we possibly can.

And we hope to go out with a full participation plan for public review so everybody can see how we intended to proceed, and to

gain public approval for the total wilderness review program. It is a big job. It is not a matter of just looking at land because we have to, once we go through the process and identify areas of having wilderness characteristics, identify other values. We have to coordinate it with the Bureau of Mines and the Geological Survey, to have a mineral survey made, and we have to develop a plan for this. So it is just not going out and saying this is a wilderness area and this is not a wilderness area. The whole process has to be completed and Congress has reserved the right to make the final determination on whether an area should or should not be included in the wilderness system once it is identified as having wilderness characteristics.

It is a rather long process and takes a great deal of study and a lot of expertise. And again we will be calling upon some of the other allied activities, such as wildlife, watershed and other expertise to do the job.

Response To Wildlife Management Questions

Mr. Vetterick. I will start in reverse order. First, with regard to the Sikes Act it is quite true that we haven't to my knowledge put out regulations of a procedure. I think it should be recognized, though, that we have taken action and have agreements with all Western States, and that we are actively engaged in developing habitat areas and plans and the implementation thereof.

There is about $1.1 million out of the $6.4 million wildlife budget in fiscal 1978 going directly into the implementation. And I think that should be a matter of record.

With regard to the nongame species, perhaps we are somewhat remiss in the basic authorization document by not highlighting that. But in practical areas, and that is the implementation programs on the ground, BLM has done a great number of projects on behalf of nongame species. Some of them, ones I can rattle off, include the desert tortoise in California, the white pelican in middle Colorado, a number of squaw fish and chugs that are certainly not a game species, the peregrine falcon we are actively engaged in, as well as the protection of the birds of prey in the Snake River Canyon.

So it is true that we probably do not highlight that in the document, but I think the record should show that BLM has undertaken and completed a considerable number of projects on behalf of the nongame species.

I think your third point was the Culver-Magnuson letter exchange. The Culver letter was inaccurate as to the amounts of money for the comparable period, and we did correct those figures, although we admitted that in essence the thrust of the letter—that is, that we would not be funding Sikes Act to work the degree that we indicated to Senator Magnuson we could—is quite valid. However, there isn't that much difference between the Sikes Act money we identified and what our total 4-year authorization is.

The reason being that if you look at a program in isolation, and that is the only program you have to gear up for and worry about, you can expand that at a much faster level than if you have to look at that program in concert with advancing a whole series of pro-

grams. So that was the explanation for that difference. And again I will be happy to clarify or have some dialog on that point.

Response To Wilderness Management Questions

The wilderness budget, you are quite correct, was $700,000 in fiscal 1977 as a result of reprogramming out of other areas. It was $1.9 million in 1978 and certainly less than our forestry program. But if you look at the 1979 budget it is at a $9.5 million level.

In this next budget it will exceed our forestry program in terms of dollar magnitude. We feel like that program has gotten very good attention at OMB and the Department, and very good support because of the tremendous ramifications of wilderness in terms of not only wilderness values in and of themeslves, but their impact on other potential programs.

If any program is laid out in the 4-year authorization in what we think are adequate terms, we think it is the wilderness program. Now we may be under, as everybody's gut reaction is, and that there is a pervasive shortfall. If that is true, wilderness, I think, is less short than anything.

Mr. Sharpe, with regard to your question of what we could gear up to, I think your figures of something on the order of 25 or 30 million a year are valid, if in fact you are looking at that program in a vacuum without regard to any other programs and without a need for a balanced gearing up across the board.

I think if you look at it in an overall context those figures are perhaps somewhat too high. I am not prepared to get into specifics but perhaps maybe half too high. But the positions that would go with your figures would be on the order of 500 to 600 positions which would allow front end positions of permanent people to do the necessary planning followed by a reduction in the growth of positions commensurate with an increase in dollars for contracts and implementation program.

Response To Wildlife Management Questions

It is true, Mr. Williamson, there has been historic neglect. I think the Bureau would recognize this, and we appreciate your recognition of what we have done. We have pushed the wildlife program, traditionally at least, within the Bureau. There have been events outside the Bureau that have precluded the gearing up to the levels that we would like.

Response To Forest Management Questions

Dr. Zagata, your personnel figures are correct, but I would like to put some clarification on it. The programmatic positions were only 70 out of the 294 which would give us a balance of 224 positions for the agency-wide positions which in fact could be oriented to the programs. But the principal factor is to put the young people to work and sometimes you get an imbalance in priorities between where you need the work done and where you have these camps for the population that you are trying to put to work.

So it is correct, but out of the 336 positions which the House Appropriations Committee directed we get we only got 70. The other 224 were later allocated for YACC.

As far as the public domain forestry program is concerned, it is a level fund but I think you have to look at that in historical perspective. The 1978 budget was increased $2.6 million over the 1977 budget. And our best estimate now is that as far as commercial forestlands are concerned the funding we now have is adequate to meet our sustained yield objective of 130 million board feet per year by 1981.

There may be other needs in survey, access, and road construction that might require increases to support that level of cut over a long period of time. Now as far as the rest of the woodlands that BLM manages, that is a different story and that might be an issue that you meant to raise.

On allotment management plans, we did give emphasis in our authorization toward evaluation and supervision of those plans but that is not to imply that we don't have supervision throughout some of the rest of the grazing lands. In other words, all of the range use supervision is not restricted to existing allotment management plans, but in fact is spread over, across all the rangelands that we have mentioned.

And that is all I have.

Wildlife Habitat

Mr. Goodwin. Paul, if I could just ask one question to clarify a comment that you made about the wildlife budget. You said that out of, I believe, a total of 6.4 million that 1.1 million was going for implementation of the projects.

Mr. Vetterick. And maintenance.

Mr. Goodwin. It looks to me as if 5 million is going for inventory and research and administration and only 1.4 million for plans—for planning and implementing projects. That is only 22 percent of the budget.

Mr. Vetterick. That is correct.

Mr. Goodwin. Why is it that such a small proportion of the budget is going into implementation? Have you considered the alternative of perhaps trying to tackle fewer areas but do more implementation in the areas where you do work?

Mr. Vetterick. Well, this gets back to some of the issues that we were talking about—that the grazing EIS schedule is driving a lot of BLM programs, wildlife being one of them. If you are going to allocate forage for vegetation, you are going to allocate vegetation and you are going to allocate it for one of several purposes. You are going to allocate some of it to horses and burros. You are going to allocate some of it to livestock. You are going to allocate some of it to wildlife.

Now, without the critical wildlife information, particularly the species that utilize the forage, then you've got a serious problem. And as Mr. Rasmussen pointed out, he is quite right, we find the data we have now is inadequate to make these decisions. And I think

everybody recognizes the Challis EIS statement we were trying to do with data we had available, was just not acceptable.

So we have shifted gears in several ways, subject to court approval, and one of those ways was to do an EIS based on how we allocate this vegetation. We need the wildlife data in addition to the soils data and in addition to the vegetative condition data. We need that data. That schedule is also in fact driving the need for a great deal of wildlife coordination on State government which is a partner in the administration and actual inventory gathering of our own.

Of course, the lower the level which a program operates, the more it is consumed in overhead and in planning and less in actual develment work. That is a factor of life.

Interim Range Improvement

Mr. Goodwin. We have talked a good deal about the constraints of *NRDC* v. *Morton*, and I understand your agreement. But I would like to ask you to clarify your policy concerning what range of improvements you can undertake under the court-approved agreement and what interim steps you are taking to improve range in advance of the completion of the EIS and the allotment management plans?

Mr. Koenings. In terms of the areas that have not had an environmental impact statement, we can carry on any range improvements that will not have an adverse impact upon the environment. If we are to carry out any projects that would have an adverse impact on the environment, we would have to do an impact statement on that project. And this would compound the number of environmental statements we would have to do. So we are trying to get the statements out as rapidly as we possibly can. We have not been holding up range improvements that do not have an impact on the environment and are moving out as fast as we possibly can.

Mr. Goodwin. How do you construe the phrase of "impact the environment"? Would it include all fencing projects, for example?

Mr. Koenings. No; it would not include all fencing projects. Let me use a fencing project as an example. We can construct a fence if it would not substantially disturb the soil, or otherwise. Assuming that the cultural resources, endangered species, and all these things have been taken care of, which have to be done, we could build that fence. But if we were going to build a fence where it was necessary to do a substantial amount of bulldozing or other works of improvement of that nature, then we would have to consider that it would be an action that may have a significant impact on the environment and there would be some constraints on that project.

Range Improvement Policy

Mr. Goodwin. There has been some concern that your policy may not be clearly communicated to the district managers.

Mr. Koenings. I will let George answer that. He has been communicating with them.

Mr. Lea. There has been a misunderstanding that for some reason there has been a moratorium on range approvals, and this is not the

case and never was the case. We communicated this to the field and to the public time and time again, but they don't want to hear what we are telling them apparently.

Mr. GOODWIN. For the record could you provide us a copy of your policy statement and your instructions to district managers.

[The information follows:]

U.S. DEPARTMENT OF THE INTERIOR,
BUREAU OF LAND MANAGEMENT,
Washington, D.C., December 12, 1977.

To: AFO's.

From: Director.

Subject: Range Improvement Policy.

The range improvement policy of the Bureau has recently undergone a thorough review. This has been done in recognition of a need for an update and to develop a uniform interpretation of the effects of litigation and recent legislation on range improvements. Substantially greater rangeland improvement activities can be carried out in some areas once a uniform policy is established.

The objective of the range improvement program is to use structures, development, and treatments in concert with management to rehabilitate, protect, and improve the public land and its resources to arrest range deterioration and to improve forage conditions, fish and wildlife habitat, watershed protection, and livestock production, all consistent with land use plans.

It is the policy of the Bureau to encouorage range improvements where they are needed to achieve the land use plan objectives. This policy is to be carried out in light of the requirements and exceptions contained in NEPA, the court ordered agreement in *NRDC* v. *Morton, et al.*, the Federal Land Policy and Management Act (FLPMA) of 1976, and annual appropriations.

DEFINITIONS

1. "Range improvement" means a structure, development, or treatment used to achieve the objective stated above.

2. "Implemented allotment management plan" (AMP) means an AMP, or its equivalent, (a) which has been developed in consultation with the affected livestock operator(s), (b) which has been placed in effect either cooperatively or by decision, (c) under which some action has been taken to control livestock and/or range improvements have been made, and (d) under which all actions are in concert to achieve the objectives in the AMP.

REQUIREMENTS, LIMITATIONS AND EXCEPTIONS REGARDING RANGE IMPROVEMENTS

1. Land use plans provide the guidance for sound resource management. They identify the objectives which must be the basis for taking resource management and improvement actions. Therefore, a management framework plan (MFP) must be completed for the public lands involved before a new range improvement is initiated. Exceptions will be limited to those urgent situations which have been justified and cleared through the annual work plan (AWP) process.

2. Corollary to the total job of planning is the environmental assessment. That assessment must be completed on all range improvements. It provides the basis for analyzing the affects of the range improvements on the environment so that necessary mitigating measures and stipulations may be developed. If it is determined that a range improvement, or combination of range improvements, may be a major Federal action significantly affecting the quality of the human environment, these improvements shall be deferred until the grazing environmental statement (ES) has been prepared.

3. The MFP and the environmental assessment are tools for total planning which must be completed before range improvements are included in the AWP; they are key elements in the preparation and executive of a stable annual budget.

4. Section 401 of the FLPMA states that the use of range betterment funds shall not be considered as a major Federal action requiring a detailed state-

ment pursuant to Section 102(2)(c) of NEPA. An environmental assessment is required.

5. The court order agreement in the *NRDC* v. *Morton, et al.*, case prohibits implementation of any AMP or its equivalent after the end of fiscal year 1975 (June 30, 1975) prior to the completion of an ES covering such AMP. Notwithstanding the fact that a range improvement that is determined to have a significant impact on the quality of the human environment requires an ES, the above statement is the *only* restriction in *NRDC* v. *Morton, et al.*, prohibiting range improvements.

6. Current Bureau policy provides that projects such as plowing, chaining, and spraying which alter the vegetative aspect as irreversible actions and will be delayed until livestock grazing ES's are completed. The absolute prohibition of projects such as these without an ES is hereby changed. Vegetative manipulation projects may be undertaken in those urgent situations where an environmental assessment indicated that impacts are not significant, where thorough input has been received from all interested parties—particularly State wildlife agencies, and where necessary provisions have been made to protect the investment in those improvements through appropriate management and use. This exception is provided to allow those urgent projects lacking significant environmental impact that sound management dictates should not await completion of the ES schedule. It is expected that such vegetative manipulation projects will be limited in number.

7. Maintenance of range improvements will be carried out to protect the Federal investment and continue the benefits expected of the improvements. However, maintenance must be in conformity with the guidance contained herein.

GEORGE L. TURCOTT,
Acting Director.

Mr. LEA. Yes. We just recently, last month, updated the policy. And as Mr. Koenings said, we are continuing with range improvements. We see no difficulty in handling and expanding the funding we do have for range improvements, in spite of the NRDC court case.

There is a problem here that you should be aware of. To do good range improvement work requires good planning. To do good planning in this instance you need really an allotment management plan or a plan of grazing. You cannot implement a plan of grazing unless we have had impact statements. So we find ourselves chasing ourselves around.

But nevertheless we have many opportunities to expand the funds that are available. As we get these impact statements out, this year we have eight of them in the pipeline, the amount of acreage that is freed up to intensive management is going to snowball on us, hopefully.

Mr. WEISSNER. That assumes, of course, those EIS's are deemed adequate.

Mr. LEA. We feel they are adequate.

Mr. VETTERICK. Your point is well taken.

RANGE IMPROVEMENT OPPORTUNITIES

Mr. QUARLES. Larry, do you have a question?

Mr. OPPENHEIMER. How much do you reckon would be spent in the fiscal 1979 budget on the ground if all the EIS schedules go through on schedule? And if none of the EIS's go through by 1979, what would be the difference in on-the-ground expenditures?

Mr. VETTERICK. Let me just check out something for a minute here. I have some data on that.

On the EIS's that are scheduled for completion in fiscal 1978 I believe there are about 420 allotment management plans incorporated

in those eight environmental impact statements. As a rough rule of thumb, you can figure about $50,000 for implementation of each one. So we are looking at something, a potential expenditure right there of up to $22 million.

Now, unless I have slipped a decimal point—I guess I did. Yes, $2,250,000 to implement those. There is also some additional work that is being done that doesn't involve the implementation of an allotment management plan or an equivalent thereof which is the keyword in the court suit. You do run into the end of investments you can make before crossing that threshold, when you are really implementing the equivalent of an allotment management plan.

So I think that some of the reluctance in the field has been that language in the court order. No State director wants to be found in contempt of court. Therefore, if there is any question of whether this cross fence or this waterhole was in fact the equivalent of the implementation of an allotment management plan, he refrains from doing that.

Mr. OPPENHEIMER. In 1978 it was calculated for us that in addition to the ranch improvement funds, $4.6 million I believe——

Mr. VETTERICK. $4.8 million.

Mr. OPPENHEIMER. No; the $4.8 million was range improvement. But in addition to that $4.6 million for the expansion project development, or dirt work.

Mr. VETTERICK. In 1978, right.

Mr. OPPENHEIMER. OK. In 1979 what would that $4.6 million become if all the EIS's got through?

Mr. VETTERICK. Approximately $6 million.

Mr. OPPENHEIMER. And if none of them go through?

Mr. LEA. At the current level. About the current level.

Mr. VETTERICK. Probably less.

Mr. LEA. Or less.

Mr. OPPENHEIMER. Aren't you running out of projects to develop?

Mr. LEA. Yes; we would, so it could be less.

Mr. OPPENHEIMER. OK.

Mr. VETTERICK. There is another factor here to keep in mind, too. That as EIS's come off the production line and free up large investment opportunities, there is also the requirement to keep a court mandated schedule on track and there is going to come a point in time where these two are going to start conflicting very seriously, or competing very seriously, with each other for whatever available funds we have.

Because in time as more and more environmental impact statements are, hopefully, successfully, concluded which open up those investment opportunities, they are going to start competing for funds that are also going to be needed to go into inventories, planning, and EIS preparation statements for the fiscal years out in the future. So we are going to reach a point where these things are going to start to collide in terms of competing for available dollars. And I think that is a point to keep in mind when you deliberate whatever levels we are setting for the range management programs.

Mr. QUARLES. Thank you very much.

Should any member of the conservation panel want to respond, because we do have to get on, we would appreciate receiving any

statement in writing on the issue which we will then certainly submit to the BLM.

We also have several other statements submitted for the record. In particular, the one submitted by Charles Callison of the Public Lands Institute. It is quite comprehensive. It covers all four of the workshops and not just renewable resources, and we will give those to you in case you would wish to respond to any of them in writing.

We have several other statements submitted. I believe the people are here and wish to read them. I also see a number of other people who wish to make statements. The submitted statements we have are from the Inland Forest Resource Council, and this will be submitted for the record. We also have statements from the American Horse Protection Association. I see that Ms. Joan Blue is here. We also have a statement from Friends of the Earth.

[The statements follow:]

January 16, 1978

PUBLIC LANDS INSTITUTE
1740 High Street
Denver, Colorado 80218

Statement by Charles H. Callison, President, Public Lands Institute, on S. 2234, a bill to authorize appropriations for the Bureau of Land Management.

To Senate Subcommittee on Public Lands and Resources:

The Public Lands Institute, a non-profit research and conservation organization, was founded to promote the better management of the public lands of the United States. By better management we mean the protection and husbandry of the lands and resources that are fragile and require protection, and we also mean the orderly development and wise use of those lands and resources that can and should be developed and used for the long-range social and economic benefit of the people who own them.

The most extensive -- the greatest expanse -- of federal public lands are the some 447 million acres (the "National Resource Lands") administered by the Secretary of the Interior through the Bureau of Land Management (BLM).

A brief, further word about the resources we are talking about. Lands owned by the various federal agencies and administered by them for public purposes total about 750 million acres and comprise one-third of the land area of the United States. (This is not counting the outer continental shelf for which BLM has important managerial responsibilities.) Of these 750 million acres, approximately 60 percent are under BLM. Even after transfers to the State of Alaska under the Statehood Act and other transfers take place under the Alaska Native Claims Settlement Act, BLM could still be responsible for nearly 300 million acres -- one and one-half times as much as the U.S. Forest Service, the second largest federal land manager.

Moreover, BLM has the responsibility of administering the Mineral Leasing Act in the National Forests and also the General Mining Law of 1872 on National Forest Lands, on some National Wildlife Refuges and on certain other areas that have been withdrawn for special purposes from the Public Domain. It administers these laws also on patented lands in which the mineral rights were reserved to the United States.

Mr. Chairman, the lands directly under BLM for management purposes increase in value as America's Commons. They range from Arctic tundra and alpine splendor to lush forests, vibrant prairies, colorful canyons, desert, swamp, marsh, lake and seashore. They have within their diversity great value for mineral development, livestock grazing, timber production, and wildlife habitat. They have great importance also for public recreation and scientific studies.

There are archaeological treasures within them, and also specimen ecosystems of extraordinary beauty and fragility. Some such habitats and ecosystems, which under the Federal Land Policy and Management Act are to be identified and protected as Areas of Critical Environmental Concern (ACEC), mean the difference between survival and extinction for certain endangered species of wildlife.

When Congress passed the Federal Land Policy and Management Act in 1976, it gave BLM the policy guidance and statutory authority that it needed to plan for, manage and protect the National Resource Lands in the broad public interest. Although not perfect, it was a landmark legislative achievement. For the first time in its history, BLM was given authority, although in a somewhat ambiguous way, to enforce its regulations and prevent the illegal and needless waste or despoliation of resources that are essential to the economic and environmental well-being of the American people.

But merely spelling out policy and putting responsibility and authority into statute doesn't get the job done. It takes personnel and it takes money. To decide how many and how much is the purpose of this hearing.

BLM has always been grossly understaffed and underfunded to do the job expected of it, even before passage of the Federal Land Policy and Management Act, especially so considering the revenues that accrue to the federal treasury and the long-range, substantial benefits accruing to the public from the prudent use of National Resource Lands.

A few comparisons will illustrate how understaffed:

The U.S. Forest Service, manager of the second largest system of federal lands, is a lean and efficient agency. Years of personnel ceilings, hiring freezes and budget restrictions have left it short-handed in several vital programs and services. But some comparisons will illustrate how deplorably understaffed the Bureau of Land Management really is.

BLM, I pointed out, presently is responsible for all administrative and management services on 447 million acres. Even after disposals in Alaska it will be responsible for some 275 million to 300 million acres of National Resource Lands.

The U.S. Forest Service presently has 17,337 permanent, full-time people taking care of the 188 million acres in the National Forests. This is about one person per 11,000 acres.

BLM has 5,619 comparable, full-time people taking care of 447 million acres. This is one person per 80,000 acres.

Even if BLM had only 300 million acres to manage with present personnel, the ratio would be only one person per 54,000 acres. And please keep in mind that BLM has lease-management responsibilities for the outer continental shelf and important responsibilities even in the National Forests and other federal areas.

The Forest Service actually has a total of more than 20,000 permanent, full-time positions but for purposes of this comparison with BLM, I have subtracted those engaged at research stations and in state and private forestry cooperation programs to which BLM has nothing comparable. The 17,337 USFS positions are those directly engaged in managing the National Forests. (In addition, the Forest Service lists over 12,000 permanent but less-than-full-time employees engaged in National Forest Management.)

Granted, there are general differences between the lands in the National Forests and those under BLM. But the differences in resource and environmental values aren't all that great. BLM lands are equally deserving of good management and husbandry in the public interest. They also have timber and grasslands and minerals and wildlife and scenic splendor, although in different patterns. They also provide an essential and invaluable outlet for the recreational needs of the American people. They also are subject to erosion, pollution, vandalism, theft and other abuses.

Granted that BLM isn't going to catch up with the Forest Service quickly, we think the Bureau, the Department of the Interior and the Office of Management and Budget have been far too conservative and short-sighted in their requests as reflected in S. 2234. For the sake of the economy and the resource, BLM should expand programs and personnel faster than proposed during the next four fiscal years. There should be increases in some functions where none is proposed or requested. Let me be specific:

Energy Development

It doesn't make sense that with rapidly growing energy demands upon both onshore and offshore areas, and with leasing and production bound to expand, BLM can service the industry and protect the environment with such modest increases in funding for 1979 and 1980. Could it be that the requests totaling only $108.3 million in 1979 and $118 million in 1980 reflect the lobbying pressures of the oil and coal industries? I suspect they like to keep the federal overseers strapped and dependent upon them for essential data.

Mining Law Administration

We support the increased staffing proposed for mining law administration: from 71 positions to 117 in 1979, to 207 in 1980, and up to 275 by fiscal 1982. Under the Mining Law of 1872 as reinforced by the Federal Land Policy and Management Act, BLM has important responsibilities in the supervision of mining activities on public lands. A person or company filing a mining claim must now notify the federal government. Nobody knows how many old claims clutter the records in county courthouses. Estimates go as high as six million. Those holding old claims must now file plans of operation if actual mining is to begin. And BLM has new authority and responsibility to regulate surface disturbance and prevent needless environmental degradation. BLM's field offices expect as many as 5,000 operational plans on mining claims next year. Yet the Bureau is asking only for enough funds and personnel to process 1,050 plans in 1979.

Would this not create an intolerable situation? I can forsee the results: Legitimate claimants so frustrated that many may be tempted to start operations contrary to the intent of the law and the regulations. Some may go to court to force attention to their claims. There will be editorials and other howls of rage at the slowness of the federal bureaucracy.

Mr. Chairman, I urge the Congress to provide the funds -- at least $8 million for 1979 -- and insist that BLM catch up to the workload in Mining Law administration.

Although it isn't the subject of this hearing, the Public Lands Institute believes that the 1872 Mining Law should be revised or replaced to provide for a fair royalty to the government on the minerals (ores) that are extracted and marketed under its provisions. The give-away aspect of the 1872 law is grossly unfair to the public.

Forest Management

In the requests for forest management, once again BLM is stuck with the inadequacies of the past. It may be doing a good job handling sales from the 2.1 million acres of commercial timber under its jurisdiction. Is it doing a good job policing the cuts and protecting the land from erosion and pollution? It couldn't possibly be doing a good job managing some 22 million acres of non-commerical woodlands on public lands outside of Western Oregon with only 202 positions, only 160 of whom are professional foresters.

The U.S. Forest Service has 4,426 professionals supervising timber management in the National Forests. That is one per 43,000 acres -- a big load even for a competent forester. But BLM has only one professional forester per 138,000 acres of woodland.

The Forest Service averages 92 positions per million acres. On its 22 million acres of forests outside the O. and C. Railroad Grant Lands of Western Oregon, BLM averages nine per million acres.

Range Management

One of the directors of the Public Lands Institute, a rancher who runs livestock on the public lands, recently asserted that "BLM could stop overgrazing if it did its job."

BLM estimates that of some 172 million acres of grazing land that it administers, only 3.2 million acres are in excellent condition, another 24.4 million acres in good condition. The condition of 135 million acres -- 78 percent of the total -- ranges from bad to only fair. Moreover, the condition of 132 million acres is not improving; 26 million acres is getting worse.

One basic reason why BLM is not getting on top of the grazing situation is that it is short-handed for the job. It has only one range conservationist per 325,000 acres. One person can't possibly keep up with range conditions and trespass problems on 325,000 acres, an area one-third the size of the State of Delaware.

Still the proposal before you calls for no increase in range management personnel in 1979 and minimal increases in the future. I urge you to authorize the funds for at least 50 more positions in 1979 and at least 200 more by 1982.

Recreation Management

On the face of the figures before you, BLM seems to be taking a more realistic attitude toward its growing responsibilities to manage and protect the recreational resources under its jurisdiction. However, the requested increases are primarily directed to new responsibilities in wilderness area review and preservation, as required by the Federal Land Policy and Management Act.

I think its plan to designate all public land areas as open, closed or regulated to off-road vehicles is far too slow. ORV damages to soil and vegetation are already intolerable in many areas. The work of bringing the problem under control must be speeded up.

We strongly support all the increases requested for recreation management, except the ORV task force should be built up faster and its sights set higher.

Soil, Water and Air

Set against the task on 300 million or more acres, the soil, water and air conservation programs are token at best. We support the amounts requested but with the uneasy feeling that more needs to be done to protect and restore the basic resources of the public lands.

Wildlife Management

As in its other basic conservation programs, BLM needs to expand its capabilities in wildlife management faster than is proposed in the authorization requests before you. The resources are extensive, the stakes in ecological values are high, and the

opportunities to provide recreational benefits to the public are tremendous. BLM cooperates closely with the state wildlife agencies as a matter of policy, and such cooperation is commendable. However, the States cannot do the planning nor monitor the performance under wildlife habitat management plans that are the keystone of the program. Neither can the State agencies, operating themselves on limited budgets, identify, manage and protect the habitats of endangered species on the public lands. These are BLM responsibilities.

As in the case of range management, the plans for increasing wildlife personnel run too little and too late. I strongly recommend that the proposed authorization for 1980 be moved up to 1979, the 1980 goal to be increased to 209 positions, the 1981 goal to 247 and the 1982 figure be 300.

It is inconceivable to me that the goal for lands under wildlife management should be only 31 million acres by 1982. This would be little more than 10 percent of the total under BLM jurisdiction. Unless the program progresses faster than that, there are likely to be more than 30 endangered species to pain the conscience of the nation.

Planning for Multiple Use

BLM's planning arm is essential. The proposed authorization levels may be adequate. I won't try to say now. One thing worries me. Nowhere do I see more than passing reference and token budgeting for one of the most important planning functions required by the Federal Land Policy and Management Act. I refer to the directives to identify, designate and take appropriate measures to protect Areas of Critical Environmental Concern (ACEC). The only place I see ACEC mentioned is under wildlife management. Other vital environmental factors besides wildlife are involved. It has to be a broader planning activity than that, and it must receive major attention in 1979 and during the subsequent three years.

Law Enforement

To protect the legitimate user from the illegitimate user and to protect the resources of the public lands against vandals and thieves, BLM must have a strong law enforcement capability. Yet the Bureau or the Department seems reluctant to face this reality. Leaving the major responsibility to local law enforcement agencies via the contract route will not be generally dependable. The local agencies lack the training, the interest and the motivation. It would take more personnel than is scheduled just to carry out training programs, should the main thrust be toward the contract route.

BLM has only ten special agents now. It asks authorization for only 15 special agents plus 13 uniformed rangers in 1979. It will be no great task, Mr. Chairman, to recruit and train twice that number next year. And the number should be redoubled in 1980.

Mr. Chairman, I thank you for the opportunity to present our views. Having passed the Federal Land Policy and Management Act with real progress and real goals in mind, Congress must now see that these programs are carried out, the goals reasonably attained.

So long a have-not agency, so long a neglected step-child among the federal bureaus, BLM can't quite believe OMB and the Congress will give it the funds to do a first-class job. Or else it and the Secretary of the Interior have let themselves be cowed by OMB, a single-track money-saving agency that probably has not understood that like running a farm, running the public lands requires some investment to produce optimum benefits. And not just annual dollar revenues. Properly managed, the National Resource Lands can yield tremendous harvests of esthetic, recreational and environmental benefits as well as material resources for hundreds of years. The good management must start now.

IFR INLAND FOREST RESOURCE COUNCIL
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STATEMENT OF
LARRY B. BLASING
OF THE
INLAND FOREST RESOURCE COUNCIL
BEFORE THE
SUBCOMMITTEE ON PUBLIC LANDS & RESOURCES
OF THE
COMMITTEE ON ENERGY & NATURAL RESOURCES
ON
S. 2234

I am Larry B. Blasing, Director of Forestry Programs for the Inland Forest Resource Council of Missoula, Montana. The Inland Forest Resource Council is an association of forest products companies that operate mills and plants in Montana, northern Idaho, and eastern Washington. Member companies harvest timber on private, state, and federal lands and process it into lumber, plywood, particleboard, hardboard, pulp for paper and packaging, and other wood products. These companies employ approximately 15,000 people and the combined annual payroll exceeds $125 million.

While our testimony here today is directed at the funding level of the timber management program, we recognize that other resource values are equally important. We support a level of funding that will provide for a full and balanced resource program.

The forest products industry in our area is mainly dependent on National Forests for its raw material supply. However, the BLM lands also provide a very important source of timber for our sawmills. In recent years the National Forest timber sale program

has been severely reduced. This makes the BLM lands much more important as a stable source of raw material. Both our industry and the communities that are dependent on our industry rely in part on the BLM for our social and economic well-being.

In recent years the BLM in Montana and Idaho have sold a volume of timber that is substantially below its potential. With the tight raw material situation in our areas, this is a serious concern to us. We request that the BLM be funded at a level that will allow them to both increase the level of timber management on their lands and put up their sustained yield allowable cut. This is extremely important for our industry and the dependent economies.

28-453 O - 78 - 15

National Forest
Products Association

Forest Industries Building • 1619 Massachusetts Avenue, N.W.
Washington, D.C. 20036 • 202/797-5800

February 20, 1978

Mr. Ken Goodwin
Professional Staff Member
Senate Energy and Natural Resources Committee
Public Lands and Resources Subcommittee
3208 Dirksen Senate Office Bldg.
Washington, D.C. 20510

Dear Ken:

I appreciated the opportunity to attend the workshop on BLM's quadrennial authorizations held Tuesday, February 7. A prior engagement prevented me from remaining through the entire workshop and presenting a statement on behalf of NFPA. We do have some thoughts on BLM's proposed authorization levels which I would like to be made a part of the record.

The forestry industry concerns on S. 2234 center around BLM's timber management program. Generally speaking, the industry feels that BLM's timber management program has been very good. The agency has regularly sold timber at or near the sustained yield volume from the O & C lands, and somewhat below sustained yield levels from the public domain lands. We agree with BLM's goal of selling the sustained yield harvest volume from public domain lands and applying intensive forest management to increase the overall sustained yield levels of harvest. We very definitely feel that this can be done without harmful environmental effects.

However, we do have some concerns over the authorization limits for BLM's timber management program on public domain lands as proposed in S. 2234. Our concerns include:

1. The authorization level over the 4 year period does not seem to provide sufficient appropriations to allow expansion of BLM's timber sale program through application of intensive forest management techniques. We note that the authorization level stays the same ($8.8 million) over the 4 year period, but that sale volume is expected to increase significantly. We question whether this is a realistic projection.

2. There should be come assurances that there are sufficient funds authorized for forest inventory, cadastral surveys, and road construction to accompany authorized timber management funds. Lack of sufficient funding for any of these related projects may preclude effective timber management, even though timber management funds are sufficient.

3. Sufficient funds should be included in the proposed authorization to cover unforseen contingencies in BLM's timber management program such as future law suits which have to be defended. We do not feel that this should be overlooked.

I would be happy to discuss these concerns with you at your convenience. Also, we would welcome the opportunity to testify during the upcoming hearings on S. 2234. Thank you very much for your cooperation.

Sincerely,

Joe Hinson

Joseph M. Hinson
Forester

International Association
of
Fish and Wildlife Agencies

(ORGANIZED JULY 20, 1902)

February 6, 1978

Subcommittee on Public Lands and Resources
Senate Committee on Energy and Natural Resources
Attention: Kenneth Goodwin
A-420 Immigration Annex
Washington, DC 20510

Dear Sirs:

This letter incorporates the views of the International Association of Fish and Wildlife Agencies on S. 2234, a bill to authorize funding for the Bureau of Land Management. We regret that time constraints are such that we have not been able to make a detailed study of the bill or the process it would authorize. However, we have these general views that may be helpful at this stage of Congressional consideration of the problem.

First, given the trend in federal budget management in the recent past administrations, it seems highly unlikely that any realistic funding of the BLM wildlife can be realized. The reason has nothing to do with the needs of the resources on the ground which are substantial, well known, and generally ignored. It is in fact compounded in our view by equal parts of basic hostility in the OMB to investments that produce largely unmeasurable amenities, the greater political clout of interests that put higher priorities on functions that do produce economic returns, and a lack of interest on the part of some BLM officials. These problems have plagued wildlife agencies for years.

This pessimistic concept ties in with the subject in that the chances of a four-year funding plan eventually being appropriated, based on the past performance, are pretty small.

Assuming that there might be a chance of getting the amounts a carefully tailored program for fish and wildlife might merit, the figures developed by the staff of FLM look reasonable. Without an opportunity to test the estimates against the facts, and opinions of BLM personnel, and state wildlife officials who have a better concept of the real world perhaps than exists in Washington, we accept them for what they are, the best guesses that anyone could come up with. That is not to disparage the work that has gone into the development of the wildlife estimates. We think they have done the best they can with what they have. Moreover because of the diligent effort of the BLM wildlife and planning staffs,

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these estimates today are far more realistic than they would have been five or ten years ago.

BLM has augmented its staff substantially in the wildlife field and has instituted closer cooperation with most states than ever before. All this makes for a more creditable effort. At the same time, however, its wildlife staff is being diverted from its wildlife planning and implementation function to handle the work stimulated by energy development on the public lands. Thus, while the staff is larger there has not been a proportionate increase in the amount of work done that is essential to the planning and carrying out of wildlife activities designed to increase wildlife populations.

Severe as these diversions of effort have been in the past, they appear even more forbidding in the immediate future. BLM is under court order to adhere to the provisions of NEPA in its leasing of lands for range, timber, coal, and other energy resource developments. The Endangered Species Act regulations require that BLM busy itself immediately with surveys to determine what such species inhabit the public domain, what should be done with and for them, and having done that to get busy with restoration for protection projects. Endangered species may be given a break; but work needed for wildlife species in general, all of which contribute to the public good, and some of which are important producers of recreational and food benefits, will drop in the priority scale.

Still another factor leads to a pessimistic view of the BLM capability to deal effectively with its wildlife conservation responsibilities. We refer to the growing tendency to provide money at the same time that tighter and tighter restrictions are placed on federal staffing. The usual ploy is to contract for the needed work. We submit that this is not only an extremely wasteful practice, but one which fails in its basic purpose. It is immediately wasteful because most contractors for wildlife studies are required by the nature of their consulting business to charge substantial overhead fees. Many of them accept contracts with time limits which require that they depend on the agency itself of the state wildlife agency for their baseline information. This information is usually obtained for the purpose of establishing appropriate hunting or fishing regulations, not environmental impact statements. The result is apt to be conclusions based largely on conjecture, incorporated in reams of paper, in fancy reports. At some point as this phenomenon grows, the wildlife personnel find their time completely usurped by the demands of contract supervision. The result is that smaller and smaller bits of really useful work are accomplished.

It has been suggested that one way to work around this growing dilemma is to contract or in some other way engage the state wildlife agency to carry out the basic studies and actually do the habitat management work on the public lands. The states have a core of trained personnel,

distributed strategically about the country and ostensibly are in an excellent position to accomplish the work.

There are several problems in this approach also. In the first place more and more states are following the lead of the federal government and placing ceilings on employment.

Beyond that there are the vagaries of federal funding and the ingrown distrust many state administrators have for contract funds coming from federal agencies. In their view the wise administrator accepts these only when he is able to protect himself from unscheduled decreases. He will go very slowly in the direction of becoming dependent on federal funds unless he has what he considers to be iron-clad guarantees that money will be forthcoming in the planned sequence.

A further consideration is that many state administrators have an ingrown reluctance to place themselves in the somewhat subservient position of being a government contractor. In the first place he knows that while he may only have agreed to perform a certain technical service for the government, there will undoubtedly be a government bureaucrat, usually junior grade, trying to tell him how to do his work.

Perhaps even more fundamental, particularly in the western states where the bulk of the public domain exists, is the ever-present fear and resentment of domination by the federal government. The states would like to look toward a partnership arrangement in their wildlife relationships akin to that which has existed, albeit somewhat uneasily, for the last several decades. They know that there are many federal officials who respect the current arrangement. They also know that there are a growing number who challenge it, particularly when it comes to the management of wildlife on federal lands. They recognize that the growing political power of the urban centers, mostly in the east, poses a lurking challenge to what they believe to be a functional wildlife management system. They see the system responding to the actual needs of wildlife and people rather than those imagined by people living thousands of miles away who have had no first-hand experience with the out of doors and view the users of the public lands as trespassers on a domain that they hold part title to.

This dissertation leads to my concluding point, namely, that we believe if the problems outlined above are recognized they can be dealt with constructively. We believe that a cooperative approach, in which guarantees of funding for cooperative work could be made a part of a four-year funding cycle and a long-term resource assessment program, that most states would be gratified to come in with full-fledged planning and management commitments in return for federal funding.

These matters have not escaped the attention of the state wildlife agencies. Three years ago, John Phelps then Director of the Utah Division of Wildlife and the President of this Association, undertook to review

this subject in his Presidential Address. He was prompted to do so after an informal survey of the Utah field forces revealed that they were already responding to some 235 requests for assistance or information from federal agencies or federal program contractors. He felt that his Division had already become a captive of the "feds."

At our last Executive Committee meeting, December 13, 1977, there was a lengthy discussion about the potential problems forced on the states by the various planning and resource assessment programs. In order to develop some depth to the overall consideration of the problem, our President was directed to appoint an ad hoc committee to study this problem, evaluate it, consider alternative approaches that the state agency heads might wish to consider, and report back at our March business meeting. That cannot be done, but a report doubtless will be scheduled for our annual meeting in September. It is likely that this effort will develop into a more extensive effort than originally anticipated.

To reiterate and conclude, the states generally are willing to cooperate and contribute; and they can make a constructive contribution to the solution of a vexing problem. They must, however, be brought into the process as partners who have a real and high stake in the outcome.

Sincerely yours,

John S. Gottschalk
Executive Vice President

FRIENDS OF THE EARTH

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DAVID BROWER, *President*

S. 2234, A BILL TO AUTHORIZE
APPROPRIATIONS FOR THE BUREAU OF LAND MANAGEMENT

TESTIMONY

by

David E. Ortman
Research Associate
Friends of the Earth

To the

Subcommittee on Public Lands and Resources
U.S. Senate

7 February 1978
Washington D.C.

S. 2234, A BILL TO AUTHORIZE
APPROPRIATIONS FOR THE BUREAU OF LAND MANAGEMENT

Public participation in land use decisionmaking under BLM has reflected broad support for multiple use management of the public lands. The National Environmental Policy Act of 1969 is a recognition of the fact that if future generations are to enjoy a quality environment, the present generation will have to modify its present attitudes and approaches to natural resources, open space, and the integrity of the environment. On the public domain lands, excessive exploitation of resources and headlong modification of ecological relationships have taken place, and much needs to be done to correct errors and to redirect activities.

Only when it became generally recognized in recent years that America's supply of natural resources was indeed limited and insufficient for the support of old policies, did a unifying concept arise with the passage of the Federal Land Policy and Management Act of 1976 which gave new meaning to the mission of the public lands.

The success of the BLM organic act, as it is called, is directly tied to the authorization budget requests under consideration and the assumptions upon which that budget is based. Therefore, we would like to propose the following for consideration by this Subcommittee:

A. The Federal Land policy and Management Act of 1976 established a new requirement for a quadrennial authorization of approporiations for the activities of the Bureau of Land Management. Coupled together with a BLM Resources Planning Act we would recommend this quadrennial authorization

be amended to provide for the same sort of general authorization currently utilized for example, by the Forest Service. We believe that this combination would generate more accountability, better planning and resource scrutinization and avoid the inevitable fight against weakening amendments under the current reauthorization process.

B. In addition to reviewing funding allocations with the BLM, the amount of money spent per acre must be compared with that spent by other resource agencies on other public lands. It is clear that money spent per acre by BLM is far under that spent by the National Park Service or the Forest Service. Funding levels should be set that would equalize these differences. A society that has no way to stretch its existing land base must reevaluate its committment to the public lands which are now the nation's largest single land asset.

For example, quality recreation should be avilable on BLM land as well as National Parks and National Forests. Overflow areas adjacent to the following National Parks or Monuments:

a. Yellowstone & Grand Teton N.P.
b. Carlsbad Canyon N.P.
c. Grand Canyon N.P.
d. Mount McKinley N.P.
e. Sequoia Kings Canyon N.P.
f. Rocky Mountain N.P.
g. Redwood N.P.
h. Death Valley N.M.
i. Craters of the Moon N.M.

total between 10 and 15 million acres. If the overflow concept is applied to National Forests as well as to National Parks and Monuments, we find approximately 45 million acres of public domain land adjacent to these heavily used lands. Viewed in this light the budget amount proposed do indeed appear

inadequate to provide an optimum level of protection and development of the national resource lands.

C. Internally, the proposed budget does not move fast enough in the direction of balanced funding of the multiple use concepts and renewable resource programs embodied in the Federal Land Policy and Management Act. Authorization funding for fire control for example, remains significantly higher through 1982 then for wildlife. While the recreation budget takes a giant lead forward int 1979, nearly all of the increase is due to mandated wilderness study reviews and funding for other recreation categories remains virtually constant.

More specific comments on the proposed BLM budget are as follows:

ENERGY ONSHORE/OFFSHORE

While at one time the BLM focus may have been heavily weighted toward grazing interests it is clear that the single largest budget line is for offshore energy development and in FY 1978 the total for Energy & Minerals makes up 27% of the budget. While this situation has been mandated by BLM responsibilities in this area, the rush to expolit mineral and energy resources on the public lands must not become the next dominant use of those lands.

According to page 8 of the budget document, approximately 11,000 oil and gas leases will be issued, each requiring about 2.5 days of effort. This includes a field exam, preparation of an environmental analysis record, adjudication and office work. Since no breakdown is provided or projected funding to determine percentages allocated to EIS's, environmental monitoring, reclamation efforts, etc, for its energy leasing programs, it is impossible to evaluate whether adequate funding does exist within these programs for environmental protection.

NONENERGY MINERALS ONSHORE

Page 24 of the budget document states:

> "Meeting the objective for sufface management of mining claims will require major funding increases during the authorization period. Principal workload componets include processing notices of exploration and plants of operation . . .Processing a plan of operation include preparation of a cultural/ archeological inventory of the area, preparation of an environmental analysis report and technical exam to determine specific protection stipulations and general office work. On the average, it is estimated that a plan of operation would require 10 days to process, including one day of followup compliance during the year."

While we do not wish to delay processing of surface claims unduly, we are skeptical that an adequate environmental assessment could be completed in so short of time. Again, it is impossible to evaluate whether adequate funding does exist within these programs for environmental protection. In addition, the existence of massive backlogs (noted in other programs as well) raises the question of whether with the graduated budget increase requrested, BLM can ever catch up.

LANDS AND REALITY MANAGEMENT

While this section does attempt to give a timeframe for liquidating part of the backlog problem, BLM should indicate under current projected spending levels the estimated number of backlog cases remaining in 1982 as an extension of the table on page 29 and the projected funding levels that would be needed to dispose of them.

FOREST MANAGEMENT

The funding levels and intensive management proposals listed do not appear to justify an almost doubling of the allowable cut within three years. Considering that up to 1.5 million acres of commercial forest lands will be affected, reforestation efforts on 3500 acres per year do not indicate whether

this will take care of any reforestaion backlog. In addition, no budget increases are proposed to maintain and enhance 22 million acres of forest and woodland areas for production and protection of watersheds, wildlife habitat, recreation and assorted wood projects. We question whether such maintenance and enhancement are being adequately met under current budget authorizations.

RANGE MANAGEMENT

The thrust of this section deals with the Bureau's burro problem rather then the contined deterioration of our public lands. For example on page 48 of the budget document:

> "Competition for forage between wild horses and burros, livestock and wildlife is keen. This intensive use has accelerated the decline in range conditions."

The number of wild horses and burros is less then 1% of the number of grazing cattle and sheep. To imply that cattle and sheep levels are automatic givens suggests that the BLM is overly concerned with wild horses and burros and is giving short shrift to the need to readjust grazing allotments for range improvements. The Challis draft environmental statement for example, proposed an increase in total AUM's for the area. Thus public expenditures for range management take the place of reducing grazing permits. While it is true that project developments await completion of other grazing statements, it is not clear from the text that range management practices even with grazing statements and improved inventory will result in improvements that will benefit both the rangeland and wildlife. To fully develop a suitable program, we would recommend increase levels of funding for range management geared toward more positions to develop an adequate inventory and assess wildlife needs and assure

that wildlife plays an equal role in multiple use management on our public lands.

RECREATION

This has already been partly discussed earlier. A great potential exists for meeting outdoor recreation needs on BLM lands. Within a 40 mile radius of the 16 major population centers of the Western U.S., the Bureau administers approximately 6 million acres of land. 66 million acres are located within a 120 mile radius of these major metropolitan areas. Funding levels should be high enough to insure that maintenance schedules, to include the clean-up of undeveloped sites, roadsides and waterways, are carried out.

Page 58 states: "Designation of all public land areas as open, closed or regulated should be accomplished by 1987." Even with completion of specified areas under ORV designation by the end of 1981 and 1983, unless attention is given to enforcement of these areas, the use of public lands for off-road use will continue to mount. The potential for land surface abuse in fragile areas, poses a special management problem. Executive Order 11644 sets out the framework for controlling ORV abuse, but BLM enforcement is crucial to insure protection.

WILDLIFE MANAGEMENT

Outside of Alaska it has been estimated that as many as 62 million acres (54%) of big game habitat and 75 million acres (55%) of small game habitat are in unsatisfactory condition (BLM 1976 figures). Funding levels appear to be grossly inadequate to undertake either the inventory surveys needed to formulate wildlife management plans or to restore habitat in unsatisfactory condition. While wildlife management may in theory play an equal role in the multiple use

management of the public lands, much more needs to be done to adequately deal with both game and non-game wildlife needs. The endangered species program should be especially marked for increases in funding. No amount of money spent by Congress will ever bring back an endangered species once it has become extinct.

LAW ENFORCEMENT

The positions projected appear to be far under what Alaska alone may require. Attached find a report from our Alaska FOE representative concerning problems of BLM underfunding and understaffing which leave it drastically unable to meet its numerous past Alaska Native Claims obligations or its vast expanses of federal land in Alaska. To sum up- "Alaska'a lands need strong protection now, not later when all the speculative monied interests have torn away their ton of tundra."

Thank you for inviting these comments on S. 2234.



FARTHEST NORTH: ALASKA REPORT

By Jim Kowalsky

Alaskan Wilderness Is Being Torn Up Without Permanent Protection

Disorder and chaos characterize events surrounding the announcement by the US Bureau of Mines' (BOM) discovery of uranium in a small creek on federal lands northeast of Fairbanks. The lands here are a part of the proposed Yukon Flats National Wildlife Refuge which is supported by the Alaska "d-2" Coalition. This legislation—H.R. 39 (Udall) and S. 1500 (Metcalf)—pending before Congress would protect the Yukon Flats and its high density waterfowl and furbearer habitat by protecting the inflowing drainages which course from the upland setting surrounding the Flats.

Officials for the US Bureau of Land Management (BLM), who have interim management authority for all lands contained within the conservation proposals, had to learn of the BOM discovery by reading splashy news accounts in the press which strongly suggested readers who want to strike it rich had better get out and stake their claim. Press accounts were based upon the BOM press release.

Had the two agencies coordinated the announcement under the Secretary of Interior, an emergency land closure could have been imposed to prevent the disorderly stampede which resulted in the staking of about 200 square miles of lands currently under consideration by Congress as part of the national wildlife refuge. As it is now, the BOM press release, and the subsequent sensational implications which the press played upon in their accounts, were like tossing kindling onto the fire of heated debate over Alaska land use decisions. Everyone with the slightest illusion of instant wealth went crazy.

Although BOM discovery information is, properly, released to the public rather than withheld, this incident was clumsily orchestrated to throw sand into the gears of legislative consideration of the refuge proposal.

Refuge proposal or not, one hand of Interior didn't know what the other was doing, and disorder in public land policy now reigns supreme. Under the new Federal Land Policy and Management Act of 1976 the BLM has gained authority to carefully regulate such activities as mining and the use of off-road vehicles on public lands. It could do neither in this case because 1) apparently no one in BLM knew about the pending BOM press release in time to plan for it, and 2) no new mining and off-road vehicle regulations have been promulgated, leaving BLM temporarily without authority to act. Without any regulation off-road vehicle traffic has resulted in some damage to tundra and vegetation as people swarmed to stake their uranium claims.

Similarly, non-Alaskan miners working a placer gold mining claim on the Glacier River—smack within Secretary Andrus' and the Udall-Metcalf-Alaska Coalition proposals for a Gates of the Arctic National Park—are tearing up tundra in substantial areas of the proposed park, using Nodwell tracked vehicles. Again, it continues unchecked and unregulated.

The Glacier River is a tributary of the North Fork of the Koyukuk River in the southern flank of the central Brooks Range. The miners are working west of the little settlement of Wiseman—all great wild country explored by Robert Marshall and chronicled in his Alaska writings. The placering is also highly suspected of being in violation of water quality laws.

The question again: who is in control here? The BLM, without mining regulations and without off-road vehicle regulations—understaffed and underfunded for its enormous tasks on public lands in Alaska—appears to be able to do little. And, without revision of the 1872 Mining Act, these archaic ways of tearing up the country remain standard procedure in Alaska.

Opponents of permanent wilderness protection for Alaska's federal lands include US Senator Ted Stevens (R-Alaska) and none other than radio commentator Paul Harvey; both insist that Alaska wilderness will go on being wilderness without the specific protection necessary as proposed under the Udall-Metcalf-Andrus measures.

It isn't so, of course, and we're only at the beginning of a new age in Alaska—of industrialization, hordes of new residents, oil, gas, coal, mining, highway and other development. Alaska's lands need strong protection now, not later when all the speculative monied interests have torn away their tons of tundra.

Mr. QUARLES. Is David Ortman here? He was here just a second ago, I believe.

Is there anyone else who would wish to make statements or address questions to the Bureau of Land Management who is here today?

WILD HORSES AND BURROS

Ms. Blue, if you could give your presentation and then if we could have the Cattlemen's Association give theirs, then maybe we could have a response again from the BLM.

Ms. BLUE. I am Joan Blue of the American Horse Protection Association. Our association views the BLM 4-year authorization with grave concern insofar as the authorization deals with the Bureau's administration of the Wild Free-Roaming Horses and Burros Act.

The Bureau's wild horse programs traditionally have placed heavy emphasis on "management," a concept that has meant rounding up and removing wild horses from the public lands. Its 1979–82 authorizations are intended to continue these programs. BLM plans to gather 55,000 horses over the next 4 fiscal years; at $300 per head [see p. 51 of the authorization proposal] the cost will be $16.5 million, or almost two-thirds of BLM's total authorization for wild horse programs. Presumably a large part of the remaining one-third will be spent for salaries and surveys intended to calculate how many more horses should be removed, and from which locations.

BLM justifies the large expenditures for its wild horse removal program on the grounds that many horses are "excess" and are causing severe damage to range and water resources. There are several flaws in this rationale. First, AHPA challenges BLM's wild horse and burro population figures. AHPA's advisers find it extremely difficult to credit the 159-percent population increase BLM claims to have found since 1971, and consequently doubt that BLM's figure of 70,000 animals is accurate.

[See testimony of Hope Ryden, "Hearings on Oversight of the Wild Free-Roaming Horses and Burros Act of 1971 Before the Subcommittee on Public Lands and Resources of the Senate Committee on Energy and Natural Resources," 95th Congress, 1st sess., Public Law No. 95–30, at 104 (1977).]

Furthermore, the graph on page 47 of the authorization shows a fairly small increase in numbers since 1973—from approximately 55,000 to 70,000. Assuming these numbers to be valid, the wild horse and burro population levels have been reasonably stable during the past 4 years. Yet, during that same 4-year period, BLM claimed vociferously that horse and burro numbers were increasing at the rate of 20 to 30 percent each year.

The truth of the matter is that no one—especially BLM—knows exactly how many wild horses and burros there are, or how fast they reproduce. For example, despite the claim in the authorization proposal that there are 70,000 animals, the BLM's Acting Chief, Division of Range, wrote to an AHPA member this month that the number was "in excess of 60,000." A 10,000-animal variance is hardly precise.

Furthermore, the BLM does not know that much about the relative burdens placed on the public lands by wild horses and burros and

domestic livestock. It is clear, however, that persistent overgrazing by domestic livestock is the reason that our public lands are in less than satisfactory condition. The scars of 100 years of overgrazing—lasting at least until the mid-1960's—do not disappear overnight.

It is ludicrous to assume, as the BLM does, that an increase in wild horse and burro numbers since 1971 has done much to influence range conditions.

The large majority of the public rangelands are in improving or stable condition. Their condition will improve even more as better livestock management is initiated. Where does that leave wild horses and burros? Their numbers, when compared to the number of domestic livestock that BLM authorizes to graze on public lands, are insignificant. The extent to which they, rather than livestock overgrazing, are responsible for poor range has never been clearly determined. Information is incomplete concerning their diets, behavioral patterns, reproductive patterns, and other matters that make intelligent range management possible.

Why then does BLM want to reduce wild horse and burro populations to their 1971 levels? AHPA believes that it is to restore the status quo existing prior to passage of the Wild Horse Act in 1971—in effect, to neutralize the act's effect for the benefit of cattlemen. AHPA's conclusion is strengthened by the fact that as the conditions of the range improve, its ability to support larger animal populations—domestic and wild—will increase. Yet even after 1987, BLM wants to keep wild horse and burro numbers at a steady, reduced level.

And what if BLM's population and reproductive rate estimates are wrong? Removing 55,000 wild horses and burros over the next 5 years, and 116,000 by 1987, may well eliminate many herds and do others injury that will take years to repair. Instead of 30,000 horses, we will have only 10,000 or 15,000—and we will have provided governmental sanction for the situation the Wild Horse Act intended to remedy.

The committee must not forget that the Wild Horse Act was primarily intended to "protect" and "preserve" wild horses, not "manage" them to extinction. AHPA therefore will vigorously oppose any budgetary authorization that favors massive roundups.

AHPA does support adequate funding for BLM programs designed to improve the range. Rather than spend $16.5 million for roundups, why not devote that money to research, reseeding, improving water supplies and vegetative resources, and other programs that will help wild horses and burros, wildlife, and domestic livestock? AHPA does not want our public lands to be destroyed by overgrazing. But even more, AHPA will fight to insure that wild horses and burros are not made the scapegoats for longstanding range problems they did not cause. Intelligent planning, and proper protection and preservation of horses and burros under the Wild Free-Roaming Horses and Burros Act, are AHPA's goals. The proposed BLM budget authorization for fiscal year 1979 to 1982 cannot accomplish either.

Mr. QUARLES. Would you like to come up and give your presentation, or whatever, at this point?

Mr. SMITH. I am Jim Smith. I am representing the National Cattlemen's Association of the Public Lands Council, and we would be

glad to present a full statement for the record of the hearings when they are scheduled.

I would just like to state very briefly and emphasize that we are in favor of essential range improvements to help rangelands achieve their full potential for all multiple-use purposes. We support the multiple-use concept, and we are hopeful that sufficient funds will be authorized to increase the carrying capacity of rangelands for all important uses, including livestock, wildlife, and for environmental considerations each of which we think are important.

Thank you.

Mr. QUARLES. Any response?

[The information follows:]

NOVEMBER 3, 1977.

MS. HOPE RYDEN,
Defenders of Wildlife Magazine, 1244 Nineteenth Street, NW., Washington, D.C.

DEAR MS. RYDEN: We are extremely disheartened by the two articles written by you which appeared in *Defenders of Wildlife*, October issue, 1977, concerning the Howe horses and the management of wild horses and burros by the Bureau of Land Management (BLM).

You have taken what was meant as a humane attempt to find happy homes for the Howe horses and to put an end to protracted litigation as to their ownership and portrayed it as a scandal engineered by the Bureau of Land Management to extort an illegal agreement from the American Horse Protection Association and to withhold information from Congress. We believe this to be irresponsible reporting.

You point out that Defenders of Wildlife was not a party to the agreement that prohibits use of the animals for publicity purposes and that you felt it was your duty to develop the story. We understand your personal interests in making the details known, but we feel that you also had a duty to report factually and fairly. Your article states as follows:

"The agreement drawn by BLM not only violates the Bill of Rights, but makes a mockery of the independence of the Congress. It specifically states that no information regarding these animals can be made known to a Congressional committee."

The conclusion drawn in the foregoing paragraph does not reflect an accurate reading of the agreement, which is also quoted in your article. The agreement provided that the animals not be used for the purpose of "publicity" by AHPA and makes clear that this includes congressional hearings if the horses are used for "publicity" purposes. The agreement does not prohibit use of the horses or any information surrounding them for educational, instructive, historical or legislative purposes by the Congress. The intent by all parties was that the horses find homes as quickly as possible under the BLM's Adopt-A-Horse program and to guarantee that the custodians of the animals would not parade the horses in front of news cameras or around the Capitol building in an attempt to find support or raise money for any cause by capitalizing upon the highly emotional nature of the torment these animals have suffered. We point out that Mr. Robert C. McCandless, attorney for AHPA, discussed the history of these very horses in written materials presented to the Senate Energy and Natural Resources Subcommittee on Public Lands and Resources at oversight hearings last spring on the Wild Free-Roaming Horse and Burro Act. We were aware of this at the time and of course had no objection because the materials were not intended as publicity for AHPA, but as informational to the Congress. In this respect, BLM has a tremendous stake in providing Congress with the fullest possible information concerning implementation of the Wild Free-Roaming Horse and Burro Act.

Also a part of the overall agreement was that the Idaho ranchers involved waived any interest they claimed to the Howe animals. For your information, there was no determination by the Court that the horses were, in fact, wild free-roaming animals. To reach an amicable settlement, it was agreed by all parties to settle the issue in the above manner.

In addition, we point out that the stipulation "extorted" from AHPA was drawn up in the presence of and with the participation of BLM and attorneys representing AHPA, the Justice Department and the Solicitor's Office of the Department of the Interior. Certainly, this stipulation was not wrested from

AHPA by intimidation as the word "extortion" suggests. We feel that your loose use of this term is extremely unfair and misleading and that it may help to damage the public respect that BLM feels is necessary to successfully implement the Wild Free-Roaming Horse and Burro Act.

Concerning the article on BLM's management of wild horses and burros, we agree that the 1971 count of such animals on public lands was too low. When the Wild-Free Roaming Horse and Burro Act was passed in 1971, BLM provided the best population estimates available, but did not conduct an inventory at that time. From the outset, this agency acknowledged the tentativeness of its first figures.

The key point is the management responsibility charged to the BLM by law. The agency has a responsibility, along with the protection and management of wild horses, to protect and maintain the plant, soil, and water resources of the public lands in a suitable condition. The BLM does not use 1971 population figures as a basis for its land use planning decisions, nor its long-term programs for the management of wild horses. The agency is in a continuing process of determining the optimum number of horses or burros by geographical areas through the multiple use planning system which requires an equitable balance of all land resources and other uses in the national interest. The number of horses or burros retained depends upon the suitability, the area, the historical use, public recommendations, and other values of the area. After the optimum number of horses or burros is determined, recommendations are made to remove any excess animals from the area. Where wild horses or burros are causing deterioration to the range by overpopulations, an environmental assessment record (EAR) is prepared to analyze the impact of removing excess animals. In this regard, BLM seeks public involvement and widely publicizes the fact through the news media.

Finally, your article suggests that BLM's policies toward wild horses and burros are dictated by pressure from the livestock industry to grant them even more use of the public land. Grazing authorizations on the public land have not increased; in fact, they are declining. This is borne out by the Secretary of the Interior's annual statistical report. In 1965, grazing use authorizations were granted for 13,677,000 AUM's (animal unit months) of use; by 1975 11,936,000 AUM's were granted. This is a reduction of 1.7 million AUM's of domestic livestock authorized over a 10-year period.

Once again, we can only express our deep disappointment in your misleading and unfair reporting.

Sincerely yours,

GEORGE L. TURCOTT,
Acting Director.

Mr. KOENINGS. Before we answer any specific questions, I would like to read a brief statement.

Mr. QUARLES. No problem at all.

Mr. KOENINGS. The Bureau's land use planning efforts address the wild horse and burro's specific geographic areas and provides for management decisions on the location and number of animals, including the allocation of forage to sustain the herd. While forage was exclusively allocated to livestock and wildlife prior to the 1971 Wild Horse and Burro Act, adjustments are now required in livestock and/or wildlife numbers to provide the proportionate share of the forage for wild horses and burros in those areas identified for wild horse and burro management through the planning system.

The BLM reaches a decision on forage allocation for wild horses and burros, domestic livestock, and wildlife through subsequent steps in the planning system process. Thirty thousand animals are assumed for a base population for planning purposes in the budgeting process to portray costs over a 4-year authorization period. We will not know the actual number until the planning process is completed. The management plans have been prepared for each herd area, upon completion of a planning process.

The plans contain a history, habitat requirement, facilities available, and objectives to be reached, studies needed and skilled evaluations to insure protection and management for each herd. The present Bureau policy is to dispose of excess horses and burros through its adopt-a-horse program. The American public, young and old, has an opportunity to enter into a protection program for wild horses and burros. BLM through this program captures and removes excess wild horses and burros. Individuals and organizations who adopt animals must treat the horses and burros humanely and provide adequate feed and facilities.

We are expecting difficulty in placing animals on a timely basis after capture. Our largest holding facility is the Palomina Corral, 18 miles north of Reno, Nev. This operation began receiving excess animals last summer. We encountered some management and administrative problems aggravated by weather conditions with this facility, which we have corrected, and are changing facilities through improvements in drainage and feeding.

We now have this facility properly manned. Many persons indicating an interest in excess animals, cannot travel the long distance to pick up the horses or burros; therefore, the BLM is negotiating under contract with various individuals or organizations for the transportation of excess animals to distribution centers near large metropolitan areas. The applicant would be required to pay a fee for getting the animal through the center. Individuals have been contacted in California, Oregon, and Massachusetts in regards to opening distribution centers. Presently, negotiations are underway in Texas and Arkansas on proposed centers.

Centers are operating in Douglas City, Calif. One center will be ready in Massachusetts as soon as the winter weather conditions become less severe. And Texas A. & M. College is studying the possibility of opening a center. Other land grant colleges are being contacted to see if they can help with this program.

We are experiencing difficulty because of limited personnel and followup checks of the animals after adoption. We now have horses in all States, including Alaska. The distribution center concept still does not provide a solution for handling of the older, less desirable animals. Wild horses and burros are often accused of being responsible for all of the deteriorating range conditions in the Western States. This is not true. However, due to their protection under the 1971 act for the past 7 years without adequate control measures being taken they are becoming a major cause of overgrazing in some areas.

The BLM regards as its mission the implementation of laws relating to wild, free-roaming horses and burros to provide for the thriving population of sound, healthy animals at a level that is in harmony with other legitimate uses of the public lands.

Thank you.

Wild Horse Population Estimates

Mr. Quarles. I wonder if you might respond to the concern about the figures question in Ms. Blue's statement. As I recall, in response to the testimony in the Wild West Oversight hearing, the response from the Bureau was an admission that perhaps the 1971 figures

were not entirely accurate but that the figures that the Bureau is using today, because of improvements in the census taking were within a management level margin of error that was good enough for management purposes.

But I was concerned in looking at this budget authorization, that as Ms. Blue has noted, the figure you ultimately come up with as a manageable figure on the public lands is very close to the 1971 figure of 30,000 versus 27,000 at a time when we were being assured by the Department that the 1971 figure was not a magic figure for management of wild horses and burros.

And, second, I am a bit concerned if the numbers or figure, the numbers of animals that the Bureau is suggesting will have to be removed from the land, is an extrapolation from the 1971 figure to the existing figure as far as the numbers of horses that will be born. If that is the case, and if the 1971 figures are erroneous, particularly if they are erroneous from the standpoint of an undercensus, then it seems to me that the figures, or the percentage figures that the Bureau is using for projecting population increases may be inaccurate.

And, finally, I am concerned in general about the identification of any figure at this time as overall figure for management of wild horses and burros on the public lands.

I can recognize that in certain areas where wild horses and burros are regarded by either the manager himself or by the district personnel and the Bureau themselves or the other interest groups that there is a possibility, through the planning process, to identify the proper number of animals as to carrying capacity range.

But given your earlier statements about the present condition or the condition of the Bureau's planning effort Bureauwide, I am concerned about how you define the target figure at this point.

Mr. LEA. Well, you have asked several questions. Let me start by saying the current figures you are using of roughly 60,000 is a reduction from an earlier figure of 70,000, because we have collected and have adopted out roughly 5,000 animals this past year plus some privately owned horses that were collected. So we are down to what we feel is around 60,000. That is the difference between the 70 and 60.

These figures are not an extrapolation. They result from the best professional abilities we have in censusing wild animals with helicopters and other types of onsite, on-the-ground counting. So we feel that these are real and very valid population figures.

Mr. QUARLES. The existing ones, but how about the future ones?

Mr. LEA. The future ones, as we explained in the statement that Mr. Koenings read is strictly a planning figure. We have not established a predetermined level of horses. These will be decided through our planning system, and our planning system is guided to a great extent by public input. It is not on the whims of the area or district manager. He is guided to a great extent by the public input and expression on what the private sector wants to exist on the public lands. And there is no predetermined level of the horse population.

Mr. ALLEN. Could I interject something concerning the 30,000 figure that is in the authorization? When we put it in there is was considered that it may be too high and it may be too low, but we felt as though we were in a very difficult situation in attempting to

respond to the authorization requirement in that the budget contained authority, or authorization bill contained the authority to have enough money appropriated should it be necessary to remove the numbers of horses to get down to 30,000 at some time in the future.

Our view on it is that as each year goes by and as we go through the planning process we will then determine the appropriate numbers and then in the actual annual appropriation process we will identify specifically the amounts of money related to the number of horses that should be removed. We felt we were in a situation where we had to put some number in there and, again, 30,000 may have been too high and it may have been too low, but it does give us an authority if the Congress should go along with that. It would give us an authority to be able to carry out a program.

There is certainly nothing magic about the 30,000 and there is certainly no preplanned effort in the Bureau to get to that number.

Mr. LEA. Our roundups, our collection process right now, I see as an interim, as a holding action. We are taking action when there is a demonstrated resource deterioration that is caused by wild horses. In this past summer we have had to do some collections because of drought, because of requests by private landowners to remove the wild horses from their private lands, that were mixing in the public lands.

So what we are involved in with our collection activities is a holding action at this time. We are not trying to attain any particular level.

WILD HORSE RESEARCH

Mr. QUARLES. One other item dealing with the budget that came out of these oversight hearings was a concern expressed by several of the Members as to the lack of commitment of research funds to the wild horse effort. Now I believe I was informed and a presentation was made to others, on both research in wild horse habits in general and research on methods to control the numbers of wild horses.

I believe I was informed by someone that the Bureau is, in fact, considering or begun, I am not sure what, a temporary sterilization program.

Is there anything in this budget or is there any plan by the Bureau to increase both its studies of wild horses behavioral patterns in general and also its efforts to more applied research efforts in wild horse controls other than removal of excess animals from the range?

Mr. LEA. We have several research projects going right now, particularly with food habits and population dynamics. And until the results of these are available to us we don't see any major new research into that area. We are investigating a means of fertility control. But we feel that with the ongoing research we have had, when we get some results from that plus the knowledge that we have on hand, that we are in pretty good shape unless something new is developed.

WILD HORSE ADOPTION PROGRAM

Mr. QUARLES. One final question from me on the wild horse issue. We have heard on a number of occasions that the adoption program

is almost at its limit, and later we hear again that it is near its limit. It sounds to me from your description of trying to place centers for adoption of wild horses closer to population centers that you at least are hopeful, if not secure in your feeling, that there may still be an additional market for the adopt-a-horse program.

Without getting into the question of how you establish what is an excess animal or what is not an excess animal in the future, does the Bureau feel that the adopt-a-horse program will at least tide you over until wild horse numbers can be considered in the natural planning process, in the management framework planning process?

Mr. LEA. We have on our computer in Denver right now roughly 5,000 names. Now, about 15 percent of the people contacted are valid, really live people who have the facilities and the ability to adopt a horse. So we haven't exhausted the prospective parents, and I am sure that as the program gains attention, there will be more people who go on the list. But we can see down the road that we may run out of adoptees.

One of the problems we are having is the more horses we do adopt out, we are still responsible for them. For example, we have got 20 head of horses in Idaho that were returned to us; now we've got to find new homes for them. And the more we get out, the more the problems compound in fulfilling our responsibilities to make sure the horse is taken care of.

Mr. QUARLES. I understand. But what I was trying to arrive at is that some of the members of our committee, I am sure, would be much more confident in the definition of excess versus nonexcess wild horses if that definition and those figures were arrived at in an overall multiple-use planning process rather than prior to the completion of the management framework plans or the allotment management plans.

Mr. LEA. That is the case.

Mr. QUARLES. You were either prioritizing your management framework plans where you have heavy competition from wild horses and burros or potential competition, or perhaps the adopt-a-horse program can last until that management framework planning process can identify the excess wild horses in the same way that it identifies the excess cattle or whatever that may be on the range?

Mr. LEA. Well, the existence of conflicts between wild horses and wildlife and livestock are identified through our district managers. And this comes into his thinking of setting the priorities on his planning. So it is inherent in the way we do business that these conflicts are identified and it drives our planning priorities. And these population levels will be established through our planning process.

Our grazing impact statement has a bearing here. In this process we are modifying, if the court agrees, our whole strategy for these impact statements, and we are going to be addressing in those statements the allocation of forage and the allocation of vegetation between competing uses. And the competitors are wild horses and burros, livestock and wildlife.

There is going to be an allocation of available forage among these, particularly these large consuming herbivores. And in that process there is going to be worked out production of livestock to accommodate wildlife, production of wildlife to accommodate wild horse, or whatever, various mixes of uses.

Wild Horse Population Assumptions

Mr. Goodwin. It seems to me that Ms. Blue has raised a very fundamental point about your planning assumptions. She pointed out that your figures in 1973 show a population of 55,000. You are now talking, since the recent removals, about 60,000, or very little growth. Or if you go back to before the removal 70,000, which is not anything like a 20-percent increase per year.

The budget that you have proposed for removal of excess horses has two components. One is to remove the annual increase, and there is a second factor in getting down to a reduced population. I wonder in light of this comparison between 1973 and 1977 whether you still think a 20-percent annual increase is at all realistic?

Mr. Lea. I have no reason to change it? We are still watching a select group of herds to get at a very accurate account on the population increase in annual increments. And the information we have indicates they haven't changed.

Mr. Goodwin. You are doing this on very selected samples. This is not at all a random sample. I am puzzled by this discrepancy between the small samples where you are getting 30 percent increase and the aggregate figures which show a much smaller annual increase.

Mr. Koenings. Well, the herds that were selected were selected at random. They weren't specifically selected because they had a high population. I think this is what George is trying to tell you. They were selected but we have to follow the same herds. If we are dropping the same number of colts, how many of the colts live, what happens to some of the old ones and some of the other things to get that kind of a figure.

Mr. Lea. What we are involved in here is the same old population problem that all wildlife biologists and agencies have. It is difficult to actually count them by the sheer nature of the animal and the terrain that they inhabit. You know we do the best we can with the conditions we have. You can always play a numbers game with wildlife and have a big time doing it, but we are doing the best we can using the most modern techniques in assessing changes in population levels.

Mr. Vetterick. You also have to keep in mind that we have removed 10,300 horses and addtional 6,500 horses that belong to other people. If you take those reductions into account, you can account for the reduction because these animals do not reproduce on the public land.

Mr. Goodwin. If you just take your graph on page 47, as Ms. Blue pointed out, it shows a figure of 55,000 in 1973 and 70,000 in 1977. So those figures don't show anything like a 20-percent increase per year.

Mr. Vetterick. This was because of the control on the population by virtue of removal.

Mr. Quarles. Didn't you say you removed a total of about 16,000?

Mr. Vetterick. About 16,000.

Mr. Goodwin. 10,000 of those 16,000 were included in the 70,000. You are now using a figure of 60,000. But the trespass horses are not involved in this. If you take then out, you are talking about going from 55,000 to 70,000 in 4 years and that does not reconcile

with the figures of 20 percent annual growth which is the basis for your budget proposal.

Mr. ALLEN. I think it might make a difference where we are talking about these claims of 20 and 30 percent increase, you might have some localized claims that might be as high as 20 percent but it isn't clear that there has been a 30 percent claim bureauwide over all of these lands. I am sure in some instances there hasn't been any increase due to weather conditions and the makeup of the herd.

I think it is a very tough thing to do to generalize about the entire population and to make assumptions about increases, especially relating back to some prior year when perhaps different methods were used to count the animals when we were using more fixed-wing aircraft than we are using right now.

Mr. QUARLES. Well, you can understand this problem of the number of animals that sometimes it obfuscates the more important policy questions on how you control the animals, I agree. But on the other hand, it also leaves a number of people very nervous about the Bureau's decision on numbers to control simply because we keep bumping up against the Bureau's use of what many people regard as a high percentage of increase in the number of animals annually, and we come up with a question of the Bureau's first count or early census. It is a continuing problem and it is reflected at least in the budget figures that you have provided us for your estimates of needs over the next 4 years. So it is of a continuing concern to us.

REMOVAL OF AGED HORSES

Mr. GOODWIN. One more question for clarification. You mentioned that in the Palomino Valley holding area you have a problem of a large number of old, undesirable horses. I would like you to tell us why you round up and retain undesirable, old horses when you know that you are going to have an adoption problem with them? Why not return them to the range immediately rather than bringing them to the holding facility?

Mr. LEA. Well, it has been suggested that we do that. Some of these horses are coming off of checkerboard ground where the private landowners ask us to remove them. Some of them are removed because of drought, water and forage circumstances. We are not so certain that returning these older animals that are not of a breeding age is really proper. Maybe that is one way to build in population control but——

Mr. GOODWIN. I am concerned about the expenditure of the taxpayers' money for capturing, transporting, and holding old horses in the holding facility when you know they are not going to be adopted.

Mr. LEA. You are suggesting that we return them to the range?

Mr. GOODWIN. Yes; immediately rather than bringing them to the holding facility and spending $3 a day on keeping them.

Mr. LEA. Well, we could return some of them to the range. However, we have used an emergency type of advertisement to find homes. A year, 1½ years ago we had a group of old studs and we found homes for them thanks to many of the horse protection groups.

But we don't feel that it is proper to simply return them to the range unless we are trying to control the populations by reducing their breeding ability. That is not our desire at this point in time.

Mr. GOODWIN. I think the phrase would not be to return them to the range but not to remove them from the range even though they are included in the roundup.

Mr. LEA. Of course, you can't be that selective when you are in the process of gathering them. You don't know you have an old stud until he is in the corral, into the holding pen.

Mr. GOODWIN. You can be selective before you load then on the trucks to transport them to the holding facility.

Mr. LEA. Yes; you could and then return the older ones to the range.

COSTS OF WILD HORSES AFTER ADOPTION

Mr. IMESON. I have a couple of questions. I missed a lot today that was covered, but I think the figure that is used for removal of the wild horse, I believe it is $550——

Mr. LEA. It is about $300.

Mr. IMESON. That is just for removal. What about the follow-up?

Mr. LEA. Well, this is up to the time that we adopt a horse, an average cost of feed——

Mr. IMESON. What kind of money is budgeted after adoption? I just want to know a little bit about what that involves in cost and work and everything else.

Mr. VETTERICK. I don't think we have a specific dollar figure after adoption to be quite honest with you.

Mr. IMESON. What generally do you do after they are adopted?

Mr. LEA. Well, we hope that they are taken good care of by the adoptees because they are so widespread that we are calling on local humane groups to assist us. Right now we are relying to a great extent on the individual who adopts the horse to take good care of it.

Mr. IMESON. Have you had many cases where there has been a difficulty?

Mr. LEA. We have had several cases of a problem.

Mr. IMESON. About how many, say, as a percentage of horses that have been adopted?

Mr. LEA. I am sure there is a lot we haven't heard of yet, but we had some horses that ended up here in Baltimore last winter that we had to take care of. You know, take back into the program at a very high expense. The cost of feed, of hay gets pretty expensive and these people can't dispose of an animal. It belongs to the Federal Government; they must return it. They can't sell it; they can transfer it to someone else.

Mr. IMESON. Is the trouble usually in the early part of the adoption? I mean if someone is going to have a problem, they decide that is not what they really had in mind?

Mr. LEA. Yes. After a year's time, they are pretty well established and have committed themselves to taking care of the animal. We do try to screen these people and only pick those people who are willing and have the facilities and desire to take care of them.

Mr. IMESON. Would it be possible to get some sort of breakdown at some point of the cost you are anticipating in this budget for taking care of horses after adoption and just what that involves?

Mr. ALLEN. Right now we are in the process of gathering statistical information for a report and our people who are doing that are including a request for some information on complaints that

have been received after having the animals adopted. We will be able to make some type of an estimate once we get that information in.

Mr. QUARLES. That would be helpful. And I think if you could, just to be sure that everyone is aware that there are several proposals for legislation on wild horses in general and at least one that would provide for a transfer of title only after a term certain. It would be helpful to us if in your submission you could identify where possible at what time frame in the adoption process most of these problems seem to occur. In the first year, first 6 months, whatever, that would be very helpful to us.

TIMELINESS OF BLM RESPONSES

Mr. LANGSTROM. I represent a small business concern in Los Angeles. I have other, more general interest with the Bureau of Land Management some years ago. I think I will limit myself just to one theme which I have heard expressed here in general today, which is the question of timeliness of actions by the Bureau.

This has been a longstanding problem as some of my friends over there realize as well as I do. And this problem I think is becoming more acute as we go along. In view of the added requirements for the collection of basic data or planning and then for implementation of plans to the decisionmaking.

I appeared a little over a year ago at the University of Denver along with a number of other people. And my assignment in that forum was to analyze the divisions of the most recent public land policy act concerning its efficiency from an operational point of view.

It seemed to me in that paper, and by the way, the papers presented at that seminar will be printed and available for public use about April, I have been informed. But it seemed to me at that time that the new act along with a series of other laws such as the Wilderness Act and the National Environmental Policy Act and others have placed a much greater burden upon the professional people in the land managing agencies to perform these functions efficiently.

In my paper I did question some of the provisions of the act itself as to whether they in fact did not promote inefficiency or duplication of effort and caused delays which were unnecessary in the carrying out of the functions. And I said, as I recall, specifically that I felt the Congress had confused planning with decisionmaking in these processes. And that in fact you have to have a double accounting rather than a single accounting in the environmental impact statement process. Theoretically you could have an environmental impact statement four or five times before any decision can be made. You have it after Congress passes the act before the regulations are issued. You have it then after the regulations are issued and before the administrative construction is issued. After they are issued you have the regional or district level plans and then you have them after they are made before you actually make a decision.

And I feel that the Congress and this committee particularly should take another look at the efficiency of the processes for which they have committed the Bureau and the Forest Service and others to take care of. It has been over a year since the act has been enacted

and it might be time to take that kind of a look once again for the OSI project to see if there are any inefficiencies that have been built into the processes that could be eliminated.

Now we have heard today listening to the environmental and conservation groups, they have expressed their doubts as to whether there is adequate funds made available to carry out these planning and decisionmaking processes in order to accomplish the legislative objectives. I add my own voice to that fear. I have to say that I have not looked at this 4-year plan so I cannot speak about it.

But I feel in general that that is a very acute problem, and if any of the gentlemen there from BLM wish to comment on it, I would be very happy to hear very briefly what they have to say.

Now more specifically about geothermal energy, this came to our attention very forceably when it required 3 years for the Congress to pass the Geothermal Act before regulations could be issued because of EIS requirements so-called. We doubted this at the time, and I still doubt it, that it was necessary. It took until 1977 for our committee to obtain its grandfather rights on particular lands in the BLM domain, after court proceedings which were necessitated because of ambiguities of the act.

The company still has grandfather rights which are unsatisfied despite very clear congressional mandates, a statement of its congressional intent limiting the time for these rights. And I speak of rights that are on national forestlands.

We were told in recent months that the Forest Service finally has been able to budget plans by which it can carry out its collection of basic data and planning so that it could proceed with its part of the process. But I don't think it is quite proper for the Department of the Interior to wait idly by when a sister agency is dragging its feet so to speak, and I am not so sure that sufficient pressure has been placed at times by the Department of the Interior which is basically responsible or was until the Department of Energy was established for our energy policies to allow other agencies, let's say, to drag their feet in turning out their part of the planning process.

That specifically was what I wanted to say and I appreciate the opportunity.

Mr. QUARLES. Thank you, Carl. I thought the first half of your comment was more, I think, addressed to the Congress than the BLM. I was much more pleased, as a congressional staff member, when the comments need to be responded to by the agency than the Congress, and I cannot respond to it because I am a staff member only.

But I wonder if the BLM has any comments they would like to make in response to it.

Mr. LEA. I think that Mr. Langstrom is referring to the problem we have with being timely and reacting for example to applications for right of ways in an efficient manner. I think that is the heart of your question. The key to being responsive to the public is to have on hand good, current resource information. With the new mandates being given to us we are behind the power curve; the endangered species, the cultural resources, the NEPA requirements, all take time and if we had the resource information on hand it would speed up the process dramatically. That is what we are in the proc-

ess of doing here, to intensify our inventory, collect new information required, and make our old information more accessible.

We are also concerned about our responsiveness to the public, and we don't have any quick solutions to it.

Mr. QUARLES. Well, I thank everyone very much. If anybody has any additional responses or questions that they would like to address to the BLM, or if BLM has any responses they would like to make, we hope you would submit them in writing.

Our next workshop is on Thursday in which we will briefly discuss, hopefully fairly briefly the payments to local jurisdictions and get into the whole question of budget strategies.

Thank you.

[Whereupon, at 4:30 p.m. the workshop recessed, to reconvene Thursday, February 9, 1978.]

QUADRENNIAL AUTHORIZATIONS FOR THE BUREAU OF LAND MANAGEMENT

Workshop IV

THURSDAY, FEBRUARY 9, 1978

U.S. SENATE,
SUBCOMMITTEE ON PUBLIC LANDS AND RESOURCES,
OF THE COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, D.C.

Present: Steven P. Quarles, counsel; Ken Goodwin, professional staff member; and Tom Imeson, professional staff member for the minority.

Also present; Larry Oppenheimer and Beth Blattenberger, Congressional Budget Office; George L. Turcott, Arnold Petty, Paul M. Vetterick, and Thomas J. Allen, Bureau of Land Management; and Bob Wolf, Congressional Research Service.

The workshop met, pursuant to notice, in room 3110, Dirksen Office Building, Steven P. Quarles, presiding.

Mr. QUARLES. I believe we will begin today's workshop with a statement of introduction similar to that I have given on other occasions. Once again, my apologies to those who have heard it several times already.

Today's activity is a workshop scheduled by the Public Lands and Resources Subcommittee of the Senate Energy and Natural Resources Committee. The workshop is to consider S. 2334, a bill which would provide a quadrennial BLM authorization for fiscal years 1979 through 1982.

The purpose of this legislation is to implement section 318 of the Federal Land Policy and Management Act of 1976. This section set the BLM on a quadrennial authorization timetable, which means once every 4 years this committee and the House Interior Committee must report to the Congress, and Congress must pass a statute to authorize appropriations for the forthcoming years.

These workshops were agreed to by the former chairman of this subcommittee, Senator Metcalf. When Senator Bumpers assumed the chairmanship, he also approved the procedure. The procedure is this. We have held four workshops in total. This will be our fourth workshop on S. 2234. The first workshop, January 31, was to hear the Bureau present the procedures it used in developing its quadrennial authorization request and also the specific justification for the multiple use planning, technical support, and administrative portions of the request. At the second meeting, we had the Bureau present the nonrenewable resources, and on Tuesday of this week they presented the renewable resources portion of the request.

Today we are going to hear the last portion of their budget request, funds to local jurisdictions. Then we will discuss budget strategies in general. We are also going to discuss a critical analysis of the BLM quadrennial budget request prepared by staffs of the Congressional Budget Office.

The workshops are not a new procedure at all. They are new to us sitting around this table; not new to the committee. The committee has on two other occasions adopted the workshop approach. The time was in relation to another authorization statute before this committee, the Energy Research and Development Administration authorization. At that particular workshop there were discussions in general about Energy Research and Development funding strategies and the Senator chaired hearings on the particular bill. Tom Imeson, who is sitting on my left, and I held staffchaired workshops in Alaska in seven Native villages on the Alaska (d)(2) lands this summer.

The procedure here is to follow the workshops with a staff presentation to the subcommittee; the subcommittee will then select the issues it wishes to focus on in open public hearings. We hope to have those hearings, if possible, before the March 15 reporting deadline from this committee to the Senate Budget Committee. But at the worst before the end of March.

We have followed a procedure in each of these workshops wherein BLM personnel would present their portion of the budget request tabbed for discussion, and we have followed it with questions from the committee staff, and then statements from outside witnesses and questions outside witnesses may wish to address to BLM personnel. We will do that today for the funds for local jurisdictions portion of the program. Then, hopefully, have a presentation from CBO personnel on their report and an answer from the BLM.

Wild Horse Articles

We have one bit of old business. Ms. Blue of the American Horse Protection Society asked at the last meeting on renewable resources that two articles from Defenders of Wildlife magazine be inserted in the record. The staff has reviewed those articles and they are quite critical of the BLM. For purposes of fair time we would plan to hand these over to you and ask you if you would like to respond on them for the record in writing.

Mr. Turcott. We are well aware of the articles and we have responded to the author of them and to the periodical that published them. We would like to submit our response for the record.

[The articles and response follow:]

AMERICAN HORSE PROTECTION ASSOCIATION, INC.
1312 - 18th Street, N.W., Washington, D.C. 20036

FALL 1977 NEWSLETTER SUPPLEMENT



by Hope Ryden
Photographs by the author

Managing Mustangs In Deep Ignorance

BLM roundups pose the question: What is two-thirds of an unknown?

A TRAVELLER in the harsh, beautiful terrain where the wild horses found their last strongholds still sees the traps, corrals, and holding pens used by the mustangers in their heyday. The horse runners, of course, were put out of their cruel business six years ago by the Wild Horse and Burro Act.

Today, ironically, it is the United States of America, through its Bureau of Land Management, that is routing the animals from their isolated retreats.

Throughout the summer, BLM has conducted massive wild horse roundups, culling large numbers of animals from herds scattered widely across twelve states.

Herds in Nevada are being cut by two-thirds. In Oregon, reductions are also high. And along Wyoming's Red Desert, oversized holding pens have been built to accommodate all the wild horses being gathered in Colorado, as well as those caught in Wyoming.

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At home on the range: Mustangs cavort, and fight, and run away, and huddle together to make each sweep of their 'broomtails' do double duty against flies. Stallion at far left, ironically, has the safest home: an Air Force practice bombing range. Targets can be avoided, and BLM's 'managers' can't get at him.

If they weren't lassoed and hauled away, you see, they would suffer from the drought.

BLM's decision to make life easier for the horses by removing most of them is not a policy that all their friends agree with. To be sure, if the drought is as severe as everyone says (and there is no reason to doubt it), the horse population will either stabilize or crash without assistance from BLM. But there are deeper reasons for questioning BLM's drive for such drastic reductions.

For one, the bureau's horse counts are unreliable. Moreover, the culling of two-thirds of a herd could, for example, remove every breeding mare in an area. Finally, it is not the bureau's responsibility to prevent natural population crashes from taking place. The law was written to allow for such occurrences. The bureau is ordered to keep its hands off as much as possible—to provide its management only "at the minimum feasible level."

BLM, of course, has been caught between conflicting interests. The livestock and hunting industries resent mustangs and the fact that their numbers have rebounded from an all-time low in 1971. They complain that wild horses are eating public grass that might otherwise feed animals of commercial importance. Their philosophy can be paraphrased:

"If you can't hunt it, and you can't eat it, and you can't wear it—and I can't sell it—it should not be allowed on my public lands."

SUPPORTERS of wild horses, naturally, embrace a different view. They hold that the wild horse is beautiful in itself and lends both esthetic and historical value to the American landscape. They do not accept the 1971 level of mustangs as the optimum number. Moreover, they dispute the claim that the mustangs are proliferating at an alarming rate. Many are convinced that BLM, in making such drastic reductions, is simply responding, as customary, to pressure from the livestock industry.

Certainly, that industry has actively sought the end of the mustangs. In 1974, a calculated act on the part of the New Mexico Livestock Board nearly toppled the Wild Horse and Burro Act.

A lawsuit developed when the New Mexico Livestock Board impounded 19 unclaimed burros and sold them at auction. The federal government demanded the animals be returned to the public lands. Instead, the state of New Mexico took the matter before a Federal District Court, which ruled that burros were state property and that the Wild Horse and Burro Act was unconstitutional.

The implications were enormous. If in the Wild Horse and Burro Act the federal government had, indeed, exceeded its authority and encroached on the states' prerogative to regulate wild animals, then other federal regulations concerning wildlife would come into question. Perhaps the states could force the federal government to permit, say, hunting in the national parks and refuges. Other laws, such as the Marine Mammal Act, might well be challenged.

The Bureau of Land Management found itself on both sides. Whatever BLM's private view of mustangs, the interests of Interior's other divisions—the National Park Service and the Fish and Wildlife Service—had to be defended. An appeal was filed, and the Supreme Court agreed to hear the single issue:

Does the property clause of the United States Constitution grant Congress authority to regulate wildlife on federal lands?

New Mexico said no. At the same time she held that the federal government possessed the right—even the obligation



Frantz Dantzler, HSUS



Photos courtesy of BLM

—to protect vegetation on the public domain. New Mexico saw no inconsistency in her stand that the federal government had authority to kill any wild animal that might be overgrazing; but none to protect wild animals.

The Court did not agree. In a 9 to 0 ruling, it upheld the Wild Horse and Burro Act. The justices, beyond expectation, defined federal authority over wildlife on public lands as superseding that of the states.

This upset threw sportsmen into a panic. John Gottschalk, head of the International Association of Game, Fish, and Conservation Commissioners, darkly warned the press:

"Anything can happen!"

"Any attempt to require federal fish and game licenses on federal lands would run into one hell of a fight."

Even BLM, in whose name the suit was won, was taken aback by the scope of the decision. BLM's George Lea tried to assuage the fears of hunting groups:

"I hope to hell the court decision doesn't disrupt our good relations with state wildlifers. We have made beautiful music together for a long time."

EVEN WHILE THIS LAWSUIT was in progress, BLM was busy, both thinning wild horse herds and complaining about a mustang population explosion. Newspapers obligingly reported the problem. BLM's solution—gather excess horses and put them up for adoption—also made good copy. Public response was heartening. More people sought to adopt the culled animals than BLM could supply. (Currently, the waiting list is 8,000 names long.) For a change, BLM's public image was positive.

But the whole program may be built on guesses and blue smoke. No one knows how many horses there are out there. In 1976 skeptical mustang supporters brought the issue before a federal Court. After hearing testimony from the Humane Society of the United States and the American Horse Protection Association, Judge Charles Richey dismissed BLM's horse counts as unreliable. He barred the government from conducting a scheduled roundup in the Challis Wilderness Area of Idaho.

BLM headcounts simply defy natural laws. For example, from 1973 to 1974 BLM reported the wild horse population grew from 26,121 to 45,207. Such an increase could never happen. If every female, including newborn fillies and nursing yearlings, miraculously produced offspring, and had no horse died of any cause, the total population would still have fallen short of the BLM inventory by 6,000 animals!

To understand the limits to horse reproduction, it is necessary to be acquainted with some biological facts:

• The gestation period is 11 months; a mare can produce but one offspring a year. Obviously, annual herd increase can never exceed the number of adult females in a herd.

• Wild horse herds contain approximately equal numbers of adult males and females.

• Not all females are able to reproduce. Females under age three cannot bear young. Aged or barren mares do not give birth.

• Not even every fertile mare reproduces every year. Energy demands on a mother that has nursed throughout the winter often prevent oestrus.

• Not every mare that conceives bears a live foal. Fetal absorption or abortion may result from infection, injury, stampeding, and malnutrition.

• Not every foal survives its first year. Some causes of foal mortality: mother's failure to lactate, birth defects (particularly overbite), disease, injury (particularly to the legs and feet), maternal neglect (rare), competition from an unweaned sibling who will not permit the newborn to nurse, death of the mother, accidental separation from the herd, predation (insignificant), severe weather.

BLM's data for the following year, 1975, are equally implausible. In 1974 the bureau, appropriately, made its count in January, after winter die-off and before the birth of the foals in the spring. The next year, however, BLM counted horses in May, after the birth of the foal crop. The bureau personnel then proceeded to compare the net population of 1974 with the gross population of 1975 and concluded that the horses were increasing at the annual rate of 21 percent. They published this misleading information in the Congressional Record (December 18, 1975), with a request to Congress to modify the Wild Horse and Burro Act to enable them to cull excess horses more efficiently.

Recent official counts released by BLM report 58,000 to 70,000 horses on the public domain. Given BLM's 1971 tally of 9,500 horses, and granting that in each ensuing year all mares of breeding age produced live foals and no horse died of any cause in six years time, the mustang population today would stand at only 28,985 horses—half of BLM's figure.

OBVIOUSLY, something is wrong. Either the present census is too high or the 1971 count was too low. In either event, wild horses are being threatened with overmanagement, for BLM now plans to cut some of the herds to the low 1971 level, and others as much as two thirds. One cannot help but question if BLM is managing the horses at "the minimum feasible level," as the law requires.

Frantz Dantzler, HSUS



Twin-engined cayuse starts a BLM roundup; conventional cowpokes take over by the steel corral. Author Hope Ryden charges that the Bureau of Land Management has no valid census base for its 'management' activities. The bureau's figures contradict the basic biology of the wild mustangs; their populations could not grow so quickly. Ms. Ryden testified to this effect before a federal court in 1976; Judge Charles Richey dismissed the bureau's figures as unreliable.





(Back in 1971 I challenged BLM's low horse count. Before the Senate Subcommittee on Public Lands I said: "I hope that this drastically lowered figure is not an attempt on the part of the bureau to arbitrarily eliminate numbers of horses from any future program." That statement now looks like prophecy.)

Meanwhile the bureau has made several appeals to Congress to modify the Wild Horse and Burro Act. In 1976 a provision was tacked to the BLM Organic Act, authorizing the use of aircraft and other mechanized vehicles in roundups.

Currently, BLM is asking Congress to allow it to pass along legal title to the horses it removes from the public lands. Unless permitted to do so, BLM complains, it soon will run out of adoptive homes for the large number of animals that must be culled.

Today, an individual who gets a mustang under the "Adopt-A-Horse" program does not receive title to the animal and therefore can never sell it. If, for some reason, he cannot keep the mustang, he must return it to BLM. Either it will be humanely destroyed or placed in another adoptive home. This regulation safeguards against the adoption of wild horses by individuals who plan to sell them to meat packers.

BLM wants this changed. And Congress, after hearing about the wild horse "population explosion" and the burdensome cost of wild horse management, may give the bureau what it asks.

But BLM's horse problems will not be solved by weakening the Wild Horse and Burro Act. They arise from no fault in the law, but from the fact that the bureau is staffed, not with wildlife biologists, but with range managers trained to grow grass and serve the livestock industry. Management of wild horses conflicts with these goals.

Little is understood about mustangs. How many wild horses exist? How rapidly is the population growing? At what level will the herds stabilize? As population increases, do birth rates drop? Does the culling of the horses actually stimulate the birth rate? Does population fluctuate cyclically? Is reproduction tied to weather cycles? How many horses can be supported in their various habitats?

BLM is in a position to seek answers to these questions. Should it ever decide to do the proper research, the managers of wild horses and the supporters of wild horses might find themselves in unaccustomed accord.

That would be a good day for the mustang.

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by Hope Ryden

Whatever Happened To the Howe Horses?

Why, BLM held them for ransom to extort an illegal silence

FOUR YEARS AGO, a good deal was written about the brutal massacre of wild mustangs near Howe, Idaho—a horror story of multilation and cruelty that stirred indignation across the country. Photographs of the roundup victims were carried by many newspapers, the story was a big one.

Last February, after four and a half years of litigation, that case was finally resolved. Oddly, the outcome has not been reported. This strange silence, Defenders of Wildlife has learned, results from neither a fickle press nor a short public memory. This strange silence, it turns out, was engineered by the United States Bureau of Land Management. This is how it was done:

BLM had custody of the impounded survivors of that brutal roundup. The American Horse Protection Association, the organization that took BLM to court for permitting the roundup, was anxious to gain the release of the surviving horses for placement in homes. In exchange for the animals, BLM extorted absolute silence from AHPA and all those who gave homes to the horses.

The agreement drawn up by BLM not only violates the Bill of Rights, but makes a mockery of the independence of the Congress. It specifically states that no information regarding these animals can ever be made known to a Congressional Committee!

Since Defenders of Wildlife signed no such agreement, and since Defenders of Wildlife does not believe any government has the right to suppress any information concerning animals, we have developed the story. We now will reveal the unappetizing details surrounding the Howe, Idaho, wild-horse incident.



IT ALL BEGAN in 1971 when Congress created a new category for the animals. The wild horse was declared to be a "living symbol of the historic and pioneer spirit of the West, contributing diversity of life forms within the Nation and enriching the lives of the American people."

Because wild horses were found almost exclusively on the public lands administered by BLM, that agency was entrusted with their protection and management. Some horse lovers feared this meant the mustangs were being delivered into the hands of a traditional enemy. BLM has ever seen its primary function as the protection and enhancement of those vast stretches of the public lands cheaply leased for livestock grazing. The Bureau's range managers came to view most other grass eaters—rabbits, wild horses, prairie dogs, whatever—as pests and trespassers on the public domain. Now bureau personnel were being asked to reverse their policy toward wild horses and protect them. Most people, however, had faith that the bureau would apply itself to this new job with the same sincerity and dedication it devoted to its other tasks.

But the bureau got off to a poor start. One of its district managers in Idaho orchestrated an illegal wild horse roundup which turned out to be one of the bloodiest mustang massacres on record. According to BLM's own Investigative Report on the matter, which was later introduced as evidence in court, this is how it came about:

The new federal law allowed ranchers 18 months to gather any of their own stock that might have run away to join the wild horse bands. BLM District Manager Walter Ed Jones used this period of grace as an excuse to get rid of some 60 unbranded and unclaimed horses that had long roamed freely on federal land near Howe, Idaho. None of the animals were considered property of any known individual.

But Jones wanted them removed, so he called a meeting with local ranchers. William Robison, who held grazing privileges for cattle on the public land where the horses roamed, attended that meeting and later reported that Jones told him to be sure every horse was removed, even if it meant shooting them. According to others, Jones also assured the assembled men that, to make the roundup appear legal, BLM would be glad to take wrist-slapping action against them for having horses "in trespass."

THE FIRST TWO ATTEMPTS to capture the Howe horses were made by helicopter, in defiance of yet another federal law then in effect (P.L. 86-234), which prohibited the use of motorized vehicles in roundups. Six animals were corralled by this method. Before being sold to the Central Nebraska Packing Company, two of these were castrated to give them the appearance of being domestic.

The roundup crew then decided to complete the job on saddle horses and snowmobiles. During February, 1973, the wild herd was pursued nearly every day. Although the mustangs were thin from wintering, 32 continued to outsmart and outrun the grain-fed domestic horses that gave them no rest. But at last, even these holdouts were driven up a narrow canyon and trapped on a rocky shelf.

Having barricaded the horses, the ranchers took the next day off to attend church. Monday morning they returned, to find that some of the animals had plunged over a cliff to their deaths. Those that remained were so panicked by the reappearance of the men, they began rearing and jumping about until a number had jammed their hoofs into rocks. This situation prompted the men to sew hog rings into the noses of the fettered horses in order to make them more manageable for transport to the cannery. In the Investigative Report one of the participants described the event as follows:

> The white mare was standing there with her feet in the rocks and we thought, well, right now is a good time to put these rings in her nose . . . and then we decided we better get her foot out of





Ugly death in Idaho—after the roundup near Howe, designed to forestall the effects of the Wild Horse and Burro Act, the horsemen took a Sunday off to go to church. They returned to find part of the terrified herd, some with their nostrils wired shut, had plunged over a cliff and died. This began an unsuccessful four-year effort to bring offenders to justice.

Photos by Frantz Dantzler, HSUS



and hauled to Rexburg and run through the chute. . . . There was a sorrel horse that fell off the cliff that was still alive when we left. We just left her.

To justify their brutality, the ranchers later contended that the horses were "worthless, starving to death . . . only good for dog food." Yet it had taken a crew of 18 men using relays of fresh saddle horses, snowmobiles, and even helicopters 45 days to trap them.

THE 31 HORSES that survived all this were shipped to Central Nebraska Packing House and inspected by a state brand inspector. None had brands. And since no bills of sale accompanied the shipment, three ranchers were asked to sign a certificate of ownership. They did. No further proof of ownership was demanded.

And so the matter might have ended, but for the fact that a number of dead and mutilated horses, including an aborted foal, were discovered at the foot of that Idaho cliff. The Humane Society of the United States was called to the scene.



Photos by Frantz Dantzler, HSUS

the rocks. . . . We worked there for up to 30 minutes on her and gave up. . . . So we went to roping these other horses, and the first one we roped was a sorrel mare. And we laid her down right there and put these rings through her nose. And while she was getting up . . . she was flying around there . . . she got her feet caught in the rocks. The next one was a black horse. And we caught him and laid him down. And in the process of laying him down, we broke his leg. When we turned him up, he floundered out and fell over the cliff. Well, we didn't know what to do. We disposed of them by cutting their throats with a knife and cut their legs off. I mean it was gruesome. It was pretty tough. We sawed that one sorrel mare's legs off with a chain saw. . . . And now that's the truth. . . . After we brought the remaining horses down from the ledge, we corralled them at Robison's ranch. . . . Then they were loaded in a truck the next morning

Photographs of the carnage were taken and published widely. It was the first violation of the widely supported Wild Horse and Burro Act; people wanted to know if the new law meant anything. Would the violators be brought to justice?

The Department of the Interior, together with the Department of Agriculture, responded by preparing their joint Investigative Report on the incident. But despite the incriminating evidence it con-



'Worthless, only fit for dog food' declared the ranchers who led the slaughter at Howe. Yet the wild horses had eluded their pursuers for 45 days before being trapped on the cliff top. The survivors spent four years in a stockyard pen (left) while court hearings droned on. Finally, BLM released the horses for adoption — on the agreement that what happened to them in the future would be secret from the public, even from Congress. Today, they are sleek and healthy (above).

tained (parts of which have been quoted above,) the United States Attorney in Idaho declined to prosecute.

At this point the American Horse Protection Association and the Humane Society of the United States, appalled at the government's refusal to enforce the law, stepped in. They filed suit against Interior, Agriculture, and several government officials, accusing them of misfeasance and failure to protect the horses.

Much time, money, and effort was spent in obtaining the government's own Investigative Report of the incident. Finally, at the direction of a federal court, BLM turned over the damning evidence and the real issues could be examined.

So began the four-year suit which finally ended this February when a United States Appeals Court overturned a lower court ruling.

BUT VICTORY in the Appeals Court did not carry with it the satisfaction of knowing that the offenders would be brought to justice. It merely opened the way for further proceedings by declaring that decision-making authority over wild horses belongs not to the states, but to the federal government.

By this time, however, only 11 victims of the brutal roundup were still alive. Joan Blue, president of the American Horse Protection Association had to make a hard decision. Further court action might bring the offenders to justice, but the impounded mustangs had already spent four years in a stockyard pen. These animals could not be served by delay. Mrs. Blue decided to agree to a settlement. In exchange for custody of these poor creatures, the American Horse Protection Association dropped its suit. The horses were then turned over to Mrs. Blue for placement on private farms. Not, however, before she consented to sign the following outrageous stipulation drawn up by someone in the U.S. Bureau of Land Management:

> These animals shall not be used for purpose of publicity by the assignee or by the individual having custody, or made available to any other person or organization for such purpose, including photographs, articles, exhibition, newspapers, newsletters, congressional hearings [!], posters or any other printed material or similar uses for fund raising, membership drives, etc., except that there will be one "story" which may be published, to which "story" BLM agrees.

It is understandable that BLM would prefer that the public forget the Howe massacre. It is understandable that BLM does not want the 11 survivors of that massacre to serve as reminders of the government's participation. It is understandable that BLM would rather the public remain ignorant of how truly lovely were the horses in that Idaho herd, now wiped out at the government's direction.

For today, after five months of pasture life, the last of the Howe horses are unrecognizable. They have lost the hangdog look they wore during their long confinement in the stockyard. Tone has returned to their muscles, defiance to their spirits. Their hides glisten. They behave like the wild horses they were born to be.

Do they remember past events on the Idaho Mountain? Some say horses' memories are mercifully short. Would that the same were true for the rest of us. It is not easy to live with the hard truth that no one received so much as a fine for breaking the Wild Horse and Burro Act and cruelly smashing one of America's finest herds of wild horses.

Ms. Hope Ryden
Defenders of Wildlife Magazine
1244 Nineteenth Street, N.W.
Washington, D.C. 20036

Dear Ms. Ryden:

We are extremely disheartened by the two articles written by you which appeared in Defenders of Wildlife, October issue, 1977, concerning the Howe horses and the management of wild horses and burros by the Bureau of Land Management (BLM).

You have taken what was meant as a humane attempt to find happy homes for the Howe horses and to put an end to protracted litigation as to their ownership and portrayed it as a scandal engineered by the Bureau of Land Management to extort an illegal agreement form the American Horse Protection Association and to withhold information from Congress. We believe this to be irresponsible reporting.

You point out that Defenders of Wildlife was not a party to the agreement that prohibits use of the animals for publicity purposes and that you felt it was your duty to develop the story. We understand your personal interests in making the details known, but we feel that you also had a duty to report factually and fairly. Your article states as follows:

> "The agreement drawn by BLM not only violates the Bill of Rights, but makes a mockery of the independence of the Congress. It specifically states that no information regarding these animals can be made known to a Congressional committee!"

The conclusion drawn in the foregoing paragraph does not reflect an accurate reading of the agreement, which is also quoted in your article. The agreement provided that the animals not be used for the purpose of "publicity" by AHPA and makes clear that this includes congressional hearings if the horses are used for "publicity" purposes. The agreement does not prohibit use of the horses or any information surrounding them for educational, instructive, historical or legislative purposes by the Congress. The intent by all parties was that the horses find homes as

quickly as possible under the BLM's Adopt-A-Horse program and to guarantee that the custodians of the animals would not parade the horses in front of news cameras or around the Capitol building in an attempt to find support or raise money for any cause by capitalizing upon the highly emotional nature of the torment these animals have suffered. We point out that Mr. Robert C. McCandless, attorney for AHPA, discussed the history of these very horses in written materials presented to the Senate Energy and Natural Resources Subcommittee on Public Lands and Resources at oversight hearings last spring on the Wild Free-Roaming Horse and Burro Act. We were aware of this at the time and of course had no objection because the materials were not intended as publicity for AHPA, but as informational to the Congress. In this respect, BLM has a tremendous stake in providing Congress with the fullest possible information concerning implementation of the Wild Free-Roaming Horse and Burro Act.

Also a part of the overall agreement was that the Idaho ranchers involved waived any interest they claimed to the Howe animals. For your information, there was no determination by the Court that the horses were, in fact, wild free-roaming animals. To reach an amicable settlement, it was agreed by all parties to settle the issue in the above manner.

In addition, we point out that the that the stipulation "extorted" from AHPA was drawn up in the presence of and with the participation of BLM and attorneys representing AHPA, the Justice Department and the Solicitor's Office of the Department of the Interior. Certainly, this stipulation was not wrested from AHPA by intimidation as the word "extortion" suggests. We feel that your loose use of this term is extremely unfair and misleading and that it may help to damage the public respect that BLM feels is necessary to successfully implement the Wild Free-Roaming Horse and Burro Act.

Concerning the article on BLM's management of wild horses and burros, we agree that the 1971 count of such animals on public lands was too low. When the Wild Free-Roaming Horse and Burro Act as passed in 1971, BLM provided the best population estimates available, but did not conduct an inventory at that time. From the outset, this agency acknowledged the tentativeness of its first figures.

The key point is the management responsibility charged to the BLM by law. The agency has a responsibility, along with the protection and management of wild horses, to protect and maintain the plant, soil, and water resources of the public lands in a suitable condition. The BLM does not use 1971 population figures as a basis for its land use planning decisions, nor its long-term programs for the management of wild horses. The agency is in a continuing process of determining the optimum number of horses or burros by geographical areas through the multiple use planning system which requires an equitable balance of all land resources and other uses in the national interest. The number of horses or burros retained depends upon the suitability, the area, historical use, public recommendations,

and other values of the area. After the optimum number of horses or burros is determined, recommendations are made to remove any excess animals from the area. Where wild horses or burros are causing deterioration to the range by overpopulations, an environmental assessment record (EAR) is prepared to analyze the impact of removing excess animals. In this regard, BLM seeks public involvement and widely publicizes the fact through the news media.

Finally, your article suggests that BLM's policies toward wild horses and burros are dictated by pressure from the livestock industry to grant them even more use of the public land. Grazing authorizations on the public land have not increased; in fact, they are declining. This is borne out by the Secretary of the Interior's annual statistical report. In 1965, grazing use authorizations were granted for 13,677,000 AUM's (animal unit months) of use; by 1975, 11,936,000 AUM's were granted. This is a reduction of 1.7 million AUM's of domestic livestock authorized over a 10-year period.

Once again, we can only express our deep disappointment in your misleading and unfair reporting.

Sincerely yours,

Director

Mr. QUARLES. That is excellent. I am sure that is all we will need. It is good to see you here today, George.

Mr. TURCOTT. Thank you; I am glad to be here. I long ago learned there is nothing more important than congressional hearings involving appropriations and now, of course, authorizations, because it is our nickel. But when you are flat with pneumonia, you just cannot do it. I am very pleased you are going ahead with the hearings because of the press of your time and ours. I am pleased with what has been the candor and preciseness of my associates in answering the questions. I am here for the last one in pretty much of a conservation capacity unless something major comes up, so let the experts proceed.

PAYMENTS IN LIEU OF TAXES

Mr. PETTY. With your permission, I will address the two issues or two payments separately, the payments in lieu of taxes and the minimal impact load fund, as two separate issues. When Congress passed Public Law 95–465, "Payment in Lieu of Taxes," in spite of the fact it had been studied, and introduced for a number of years, the bill was done rather hurriedly and impacted a lot of things neither we nor Congress knew at the time.

We have wrestled with this bill over the past year. At the very last moment, we did get payments of the initial $100 million appropriation for 1977 distributed. There still remains a number of legal issues involving the bill and some inequities.

But for purposes of the quadrennial authorization, we based our estimates on the bill as we knew it then, the legal interpretations without regard to amendments or future legislation that might have an impact on that bill. I am happy to say the figures that appear in the authorization are those worked up by the Bureau. There were no reductions made by the Department or by OMB.

These are our best estimates based on the present legislation of what it would take to make the full payment. The 4-year authorization provides for the $105 million in 1979, increasing in increments of $3 million a year through to 1982. The increases are based upon our judgment of the increases that will be required as a result of the additional land acquired by either the Park Service or others that will be included in the definition of entitlement lands through the Land and Water Conservation Fund.

There are some legislative changes that may occur and some legal interpretations that may yet be necessary that could have an impact on that amount. However, if the amount appropriated should be less than the full entitlement, then there will be a proration of that amount.

I will be glad to answer any questions you might have on that particular material.

FUNDS TO COUNTIES

Mr. QUARLES. The first question that comes to mind is the way the act reads; the amount of funds owing the counties from the Federal Government depends in part how much of the funds from revenue sharing and others are in fact transferred from the States down to the counties. I know the Department has been wrestling with this problem in general. I wonder both from a policy position

and, two, from the standpoint of being able to see what your budgetary needs would be, whether you are confident you have correctly projected the amount of funds that will be transferred down to the counties.

Mr. PETTY. Due to the fact the bill is only 1 year old, we have only 1 year's experience working with it. We have only a limited history on which to make our projections. We do know, in response to your question, that at least one error was made last year with regard to the past payments, the distribution of Mineral Leasing Act payments as well as others.

We get at that in accordance with the act by having the Governor of the State advise us on the amount that was passed on by the State to the local units of government. In at least one case, the Governor did make an error of some $800,000.

Consequently, the counties in his State, in that particular State, were shorted by $800,000. We know of no other cases where that occurred. I believe now, since payments were made last September, we would know of this by this time. The deduction is quite controversial by a number of localities. Some bills were not included. There are 10 specific revenue sharing acts were included but other revenue sharing acts were omitted.

It is hard for us as well as others to determine why some were and some were not. But nevertheless, 10 acts were included. The State as a rule has freedom to pass those payments on or not as it sees fit. We assume the payments will not change, the pass-through payments will not change materially in future years and give rise to the way we produce our figures.

Mr. QUARLES. You do not see a conscious strategy on behalf of the Governors to hold back more funds for the localities as they become more familiar with the program?

Mr. PETTY. That could very well happen. I would not be at all surprised to see that happen. But we did not take that into account in working up these figures. Recognizing when we did produce these figures—the language provides a fixed amount and it is modified in each case.

In other words, the bill specifies an amount and such additional sums as are necessary for payments. Provided that language stays in, then we should have no difficulty.

ACCESS AND LAND EXCHANGES

Mr. QUARLES. The other day you mentioned, when we were talking about the possibility of a more aggressive land exchange program, the problem of the tax-exempt provision of the payment in lieu of taxes problem. I wonder if you might flesh out for us the reason. I think there is no question the committee, in the legislative history of the Federal Land Policy and Management Act, was very interested in placing a high priority on both the problem of providing access to private land-locked public lands and also consolidating public lands for better management without adding to the total acreage.

Obviously if the payments-in-lieu-of-taxes act is presenting problems in this regard, I think we would like to know about it.

If nothing else, when we are trying to make a decision about how much money to provide for land exchange and land acquisition.

Mr. PETTY. Section 6(a)(4) of that act is presenting more problems than any other section at the present time. That section, I will quote it, that section provides: "Nothing in this section shall authorize any payments to any unit of local government for any lands otherwise entitled to receive payments pursuant to subsection (a) of this section if such lands were owned and/or administered by a State or local unit of government and exempt from the payment of real estate taxes at the time title to such lands is conveyed to the United States."

That section has two major problems with it. One, dealing with the exchange and one dealing with lands donated or acquired by the Federal Government at no cost. The State-owned lands now that we might be working with in trying to consummate an exchange would in virtually every case be tax exempt. It would not be subject to real estate tax.

Should the State enter into an exchange agreement whereby they acquire Federal lands and we acquire State lands, the Federal lands that are currently receiving payments in lieu of taxes would then be acquired by the State and would not be eligible for such payments.

At the same time, the land acquired by the Federal Government being tax free would also not be subject to payments. So, the net effect is the unit in the State would receive less payment. That is not to say a change in this section is going to solve the entire problem. If that section did not exist and only if the exchange could be made in the same county, then you would not have any problems with it. Even if we exchange lands from one county to another, you change the payment-in-lieu-of-tax payment. So there are still some problems with it, even if that section were amended.

TAX EXEMPT LANDS PROBLEM

The other significant problem applies to lands in the tax exempt status. States such as Michigan, North Carolina, and Virginia in the early days, particularly in the early thirties and the early forties, were picking up tax delinquent land and purchasing other land to block up large segments and then donating that land to the Federal Government for the National Park or National Forest Systems.

Shenandoah National Park was acquired primarily that way. As a result, that land came to us in a tax free status. None of that land is currently defined as entitlement lands for this act. It is very difficult for those States and local jurisdictions of the Government, to figure out why they are being, to use their language, "penalized" for acquiring the land on behalf of the Federal Government.

Mr. QUARLES. Just off the top of your head, when you say you doubt if you have such a statistic, can you tell us what is the percentage of your land exchange program of lands that are tax exempt. In other words, do most of your exchanges involve private land owners or States?

Mr. PETTY. The higher percentage would be State-owned lands for tax purposes.

Estimating Increases For in Lieu Payments

Mr. Goodwin. I would like to pursue a little bit the projections that the payments of taxes will increase $5 million next year and $3 million each year after that. It is based upon acquisition. But do you have any numerical basis for those projections?

Mr. Petty. I can furnish that. I do not have those with me, exactly how we worked it out. It is based upon anticipated purchases to the Land and Water Conservation Fund.

Mr. Goodwin. What total amount of the acquisition of the Land and Water Conservation Fund will go for land that will require increases in payments in lieu of taxes?

Mr. Petty. About $300 million.

Mr. Goodwin. Out of 625?

Mr. Petty. Right. You can use roughly one-half, a little over one-half.

Mr. Goodwin. If the proposed expansions of the Redwoods National Forest passes, what effect will that have on that requirement?

Mr. Petty. At this moment it is difficult to tell. I reviewed the Senate bill. I had some problems with the Senate bill trying to figure out what that impact would be. The estimates run anywhere from $700,000 up to $3 million.

Mr. Goodwin. $3 million would be well over your authorization limit.

Mr. Petty. The acquisition of the Redwoods, if I understand that bill correctly, that would not be purchased through the Land and Water Conservation Fund; it would come out of the general fund of the Treasury. We did not take into account any such acquisitions.

Mr. Goodwin. Then the local jurisdictions would be entitled to payment under this law?

Mr. Petty. That is correct.

Mr. Goodwin. Therefore, the Congress would need to include a change, a provision, in the Redwoods Act to provide for an increase in this authorization?

Mr. Petty. If the language currently provided in the 4-year authorization bill stays there, that language calls for such additional amounts as may be necessary. I believe that would cover us. At least that would give the Appropriations Committee the opportunity to appropriate money if they so desire.

Mr. Goodwin. That is all I have on payment in lieu of taxes. Tom?

Mr. Imeson. I do not have anything.

Mr. Goodwin. Anyone else have questions on payments in lieu of taxes before we go on?

Mineral Development Impact Loans

Mr. Petty. The Federal Land Policy and Management Act provides in the act as currently written that the Federal Government would make loans to those juridictions impacted by mineral development at a rate of 3 percent. These funds would be used to offset the additional cost to that community to provide for the public services. The administration has proposed language to amend that interest

rate. The authorization that we are requesting in the bill anticipates such language will be enacted by Congress. Basically, the change that the administration is requesting is that the interest be equal to the current Treasury rate of borrowing. Only if that provision is enacted would the administration be looking for funds to implement this section of the bill.

Mr. QUARLES. You are aware that our committee is committed to passing the bill to solve that problem, in a letter from Senators Metcalf, Hansen, and Haskell. Two issues have come up, however, and I wonder if you could simply tell us or supply us with whatever difference there may be between the figures you have here and how those two issues might be answered.

The first one is that there was testimony at our coal leasing program oversight hearings by, among others, the Governor of Wyoming, that the interest rate that should be charged should not be the 3 percent, which is admittedly way too low, but it should be or should not be higher than the interest rate than could otherwise be obtained on tax-exempt county bonds, which I gather would be lower than the Treasury rate. I understand this is one of the alternatives the committee plans to consider when it throws the administration bill in the hopper and the bill prepared by the chairman of the Energy Production and Supply Subcommittee. I wonder if you could supply us with whatever might be different based upon that rate? I assume you would likely receive more requests for impact loans, if the impact loan interest rate is as attractive as present bonding of local governments.

The second situation is or concerns the other provisions of the bill sent up by the administration. It is also my understanding that the other provisions will be looked at carefully during the hearings on the legislation by the chairman and other members of the Energy Production and Supply Subcommittee.

Of course, they have not by letter committed themselves to any of those other provisions. I would also appreciate it if you could provide us with any difference in your estimate if those other provisions such as the length of activity for which an impact loan can be granted and a number of other provisions that are there, if you could provide us with any indication whether that would change your assessment.

Mr. PETTY. To respond to the first question, I really do not know exactly how we would go about getting those interest rates because they will vary by jurisdiction, by town. We could take a sample but recognize this, too; depending on what level you are going to make the loan at and a corresponding interest rate reply, the interest rate will fluctuate in accordance with the financial stability of that particular locality. It would be very different to arrive at such a figure. It could vary from year to year. Any projections we might make at the present time depends upon the present borrowing rate of that community—if one exists—and would be very hypothetical.

Mr. QUARLES. That in itself may be a reason for any provision in a policy hearing at another point, because we will have to react to this budget depending on what the committee does on that other bill and they recognize the other bill has a high priority if they do want to see this funded. I suspect there is probably some kind of statistical reporting service that gives the average interest rate for all of the

municipalities and counties in a State or something of this nature. If any such figure can be arrived at for the purposes of providing us or anything you feel may be a difference in the estimate level depending on whether such a procedure would be accepted——

Mr. PETTY. We will certainly supply that with the caveat it is an estimate, subject to great change.

Mr. QUARLES. Understood.

[The information follows:]

IMPACT OF AMENDMENTS TO MINERAL DEVELOPMENT LOANS

If loans are made to the State rather than to local communities, we could expect the State government to act as a filter in the review process. They would be likely to reduce the number and amounts of the loans. However, we have no way of gaging the impact of this provision.

Mr. PETTY. The second part of your question regards the administration's bill. It provides that loans will be made to the States as opposed to the local governments. The draft bill or at least the Secretary's draft bill provides we would have authority to make loans to 1988. The loans would be made for 20 years or less with the repayment to be made out of the Mineral Leasing Act payments. That, too, might have an impact on payments in lieu of taxes.

We are dealing in an area where we have absolutely no experience. What we are talking about is very hypothetical. Guesswork on our part as well as the committee's part, I should think. We will furnish the estimates and how we arrive at the present figures as well as what the change would be for either the Secretary's proposal or for any modifications.

Mr. QUARLES. Even if you cannot give us an estimate, I think it might be worth while. The message sent with the bill does not detail the justification for each of the provisions. We are not certain to this day what is the reason for these various provisions. We would certainly like to know in the context of the quadrennial BLM authorization if those reasons are budgetary in nature and if there is any possibility there may be a major impact in one form or another where one of these provisions is not adopted, then obviously, even if you cannot give us a gross figure, we would like to know if there is a possibility of such an impact.

Mr. PETTY. We will certainly do that.

[The information follows:]

MUNICIPAL BOND YIELDS

Standard & Poor Corporation's Statistical Service dated December, 1977, discloses that the yield for municipal and local government issues for the 12 month period ending November 30, 1977, ranged from a low of 5.33% during the week ending September 7, 1977, to a high of 5.81% which was reached for for the week ended February 23, 1977, and again for the week ended March 9, 1977. The November 30th yield on these issues stood at 5.37%.

The yield on short term U.S. Treasury bills during the same period ranged from a low of 5.27% for the week ended December 27, 1976, to a high of 6.95% for the week ended November 19, 1977, and carried the rate of 6.71% during the week of November 30, 1977. Intermediate term Treasury rates yielded approximately .4 to .6 and higher than the short term issues.

Moody's Bond Record disclosing ratings of municipal and local government bonds indicates a range for 1977 of 5.39% to 5.85%. The lowest interest rate for the highest rated bond issues (Aaa ratings) was 5.07% in December. This is approximately two percent higher than the rate in FLPMA Section 317(c).

Mr. PETTY. It only stands to reason as the interest rate goes down, the loans are going to go up. If the rate is high, there is very little incentive, if any, for the communities to borrow funds. If the rate is too high, there would be very little use of these funds.

BASIS OF LOAN AUTHORIZATION ESTIMATE

Mr. GOODWIN. You have proposed to have a separate appropriation for the development funds. It is not clear to me that section 317 really requires a separate appropriation. It is quite conceivable you could do it out of your other appropriations. Do you feel a specific authorization and a separate appropriation is required?

Mr. PETTY. Yes; I do. I would certainly rather see it as a specific authorization. I certainly would feel much more comfortable with it. Without it, I would have some doubts as to whether we actually use it at all.

Mr. VETTERICK. The current appropriation of the Bureau could justify it on another basis, but not on lending funds to local governments or States. If we propose the change in this legislation, I doubt seriously whether our Appropriations Committee would want us to use existing appropriations to make loans, particularly of the magnitude of the funding we are talking about, $40 to $50 million.

Mr. GOODWIN. What is the basis for your estimates that the requirements for loans will increase by $5, $7, and $8 million for the fiscal years 1980 to 1982?

Mr. PETTY. The increase is based upon about $7,000 for each increase in population. The population increase is based upon an estimate of increased coal production at the rate of 15 to 20 million tons per year.

Mr. GOODWIN. What has been the recent trend in bringing new coalfields into production? I am wondering how your projections compare with what the recent history has been of bringing new coalfields into production.

Mr. PETTY. That is the basis on which our estimate was produced. We looked at the recent experience in the new coalfields and rapid increases in population.

Mr. VETTERICK. It is a tonnage figure rather than a new versus older coalfields. In many cases, existing coalfields are also increasing production impacting the population of those areas and the communities.

Mr. GOODWIN. You have used an estimate of $7,000 per capita associated with coal development?

Mr. PETTY. That is correct.

Mr. QUARLES. Does anyone else have a statement they would like to make in relation to this portion of our workshop today, the funds to local jurisdictions or any questions they would like to address to the BLM.

AUDITING OF PAYMENTS IN LIEU OF TAXES

Mr. WOLF. I am Bob Wolf, Congressional Research Service. Looking over the material the BLM publishes, which is rather extensive, there are some problems they may be getting into that the committee may want to consider at this point in terms of writing the authorization, in terms of procedural changes the BLM may want to undertake.

One aspect, and I was going through it in connection with another assignment on a totally different subject, that is related to PILT, is that the amount the BLM shows having been paid to a county by an agency was substantially less than the amount that agency shows that it allocated for payment to that county. Specifically, the Forest Service payment to counties shows they paid more than this shows. The way the BLM has gathered its data would make it very difficult to audit it and compare it; in addition to dates they are using, the result would be in fiscal 1977, they would appear to have overpaid a number of counties.

Then the next year's payments when they finally trickle down and come through this process will not be readily traceable. If you look at what the Forest Service says it has paid county by county and it gets out a publication on it, you will not be able to trace any relationship. In discussion with members of your staff, Arnold, who handled this, they said they were grappling with this problem.

I wonder if you would care to comment on that and how you intend to address it.

Mr. PETTY. Where the payment is made directly to the county, it is reported by the agency making that payment. Then we use that figure. That we have a pretty good handle on. Where the payment is made to the State for passthrough, we have to accept the statement from the Governor or the responsible official of that State, whoever might be responding to the inquiry. The passthrough payments from the State would of necessity generally be much later than the current year in which we paid the State, we or any other Federal agency. The bulk of the payments of the big money is, of course, going to the State being passed on to the county. The State may or may not pass it on, and they may pass on this year's payments they received last year or a combination of the two.

You are correct. We have no way nor does the bill provide for us to do an audit of these payments that the States say they paid.

Mr. WOLF. Don't you have an automatic requirement of authenticating the propriety of the statement of payment?

Mr. PETTY. I doubt seriously we have the legal authority to do it. When funds are paid into the State treasury by law, they lose their identity; and by the loss of their identity, we no longer have the authority to audit those.

Mr. WOLF. I think a specific scheme under the 1908 act specifically states the payments to counties for schools and roads, and the funds are apportioned on a well-established formula. One would think you could look at the Forest Service tabulation of what it paid to a particular county in Arkansas and look in here and find the exact same figure and find a different figure.

Mr. PETTY. Not necessarily. I will have to go back in my own history when I was with the General Accounting Office. I wanted to make a review of this very subject as an auditor. The determination at that time by the General Acocunting Office was there was no legal authority on which this might be reviewed, whereas, I don't know how the State, any one particular State, handles the Forest Service receipts but they could very well not make a direct payment. They could finance the schools through the State treasury.

That is a way to get around this direct payment. Whereas we can only deduct the cash payments made to the local government.

Mr. WOLF. This is the committee that wrote the bill. This is the committee that devised what was a formula and a concept, and the basic idea as I read the legislative history was this was to be a supplemental payment to counties which would bring them up to a level which would compensate them for expenses and costs they incurred because of the presence of Federal lands where the payments generated under the payment scheme, be it Forest Service, BLM or otherwise, was not adequate to represent an equitable payment in lieu of taxes.

On top of this, there are other things the Federal Government is doing. For example, in the field of cooperative law enforcement branch, if this act was supposed to take care of the added costs local governments had in law enforcement, and they are getting a PILT payment, that they are also under the Sikes' Act, getting a payment for law enforcement.

Is this in accord with the basic concept the committee had in what it was trying to do? If it is, fine. There is no problem. But fundamentally what the PILT Act was supposed to do was produce an equalization to take into account those extra burdens occasioned by Federal lands. Then the committee may want to examine whether the act as passed and as being implemented follows that legislative purpose.

I simply point that out.

Mr. QUARLES. I appreciate your pointing that out. I think there are a couple of issues here. First of all I might say this committee did not write the bill. We had to accept the House bill verbatim on the final night of the Congress.

Mr. WOLF. It was processed through the jurisdiction of this committee.

Mr. QUARLES. Yes. We have a double problem here. I think it has also become clear to this committee as it looked at this thing there is no way you can write a bill less than 400 pages long that would hew to the purpose of applying the sinker. It is absolutely clear you just cannot discount every conceivable kind of payment that would otherwise appear to be double payments. But there are a couple of issues I find very interesting.

One, I am very surprised that you cannot, or feel that you cannot, in fact, certify whatever the Governor has certified to you as correct. I can understand that in the sense of revenue-sharing funds which have no strings attached at all. But when a string is attached that it must go for roads or schools, and the string is attached that priority is to be given to impacted counties and public facilities, planning and public services, I am surprised that funds lose their identity in their entirety. I can understand with revenue sharing funds and PILT funds because there are no strings attached to general revenue sharing or PILT funds.

Mr. PETTY. I am only addressing PILT payments when I speak to auditing. On the mineral impact loans, I am sure there will be some sort of requirement. Those are for very specific purposes. I cannot believe they would go into the general fund of the State treasury and thereby lose their identity. There may be some requirement there.

Mr. QUARLES. When the Governor certifies to you as to how those funds were distributed, it seems to me you could in fact audit his certification. You are not talking about either revenue sharing funds or PILT funds at that point.

Mr. PETTY. The committee may wish to address that and GAO may wish to initiate such action.

Mr. WOLF. I was originally involved in the drafting of the bill for Congressman Blatnik and then for Congressman Evans. I have got in my personal files some effusive congratulations from Evans on enactment of the bill. Fundamentally, the idea they had in mind in the House and the propelling force behind this legislation in earlier times was an equalization over and above the inadequacies of existing formulas that make percentage payments.

But 100 percent of nothing was nothing. And the county argued it was entitled to something in lieu of taxes. This was an effort to deal with this and as you know, the administration opposed it. While not suggesting this was a perfect piece of legislation by any means, I think to the extent it is imperfect the question is whether in developing the authorization it also triggers some oversight activities that this committee, as an authorizing committee wants to take into account.

You know, within this act there is a provision that the sum of moneys to be paid to the counties in any given year can be fixed arbitrarily by the Congress. They do not have to provide the 75–10 alternative, they can reduce the formula and tell the BLM, you figure out how to distribute it.

Mr. QUARLES. No. They don't tell the BLM that. If it is reduced, it is simply pro rata.

Mr. WOLF. I think the risk that occurs in legislation such as this is that unless there is some followthrough what you wind up with a couple of years later is the contention it has been badly managed and there is a great deal of consternation as to whether the act was faithfully administered or whether the Congress made a mistake. Usually the Congress does not admit a mistake, so they say it is badly administered.

CONGRESSIONAL BUDGET OFFICE ANALYSIS

Mr. QUARLES. At this point I suggest we turn to the Congressional Budget Office. The Senate has asked Larry and Beth to appear here today and present their critique.

Mr. OPPENHEIMER. I am Larry Oppenheimer, and with me is Beth Blattenberger, of the Congressional Budget Office. Beth and I recently completed a report on BLM's proposed 4-year authorization.

Our report on BLM's requested budget authorization addresses three questions posed by the subcommittee staff.

First, does the requested budget levels enable BLM to comply with the intent of the Federal Land Policy and Management Act.

Second, are the requested authorizations well justified in the proposal?

Third, if Congress chooses a different mix of policies, what budgets would be required to implement those policies?

The first question, that is compliance with FLPMA, gave us the most trouble because insufficient data was available to perform any

rigorous analysis and therefore the conclusion depends mostly on judgment. Nevertheless, our conclusions are that the proposed increase and reorientation of the budget which was proposed by BLM falls somewhat short of the shift in priorities toward renewable resources which is intended by the Federal Land Policy and Management Act.

Next, Beth will describe her critique of the budget justification, after which I will summarize our analysis of some alternative strategies to that proposed by BLM and how budgets can be used to implement those strategies.

Ms. BLATTENBERGER. The nature of these comments is more of a suggestion on how the authorization request could be utilized in the future rather than as a criticism of BLM or of the committee.

The presentation of the BLM 4-year authorization request provides little evidence upon which to evaluate the relative merits of different programs. BLM officials believe that the kind of information presented in the request is that desired by the Congress. It is the opinion of the CBO, however, that a different kind of presentation would be more useful. Greater information on the accomplishments of programs, as well as information on the profitability of revenue-yielding operations, would demand a more time-consuming and costly preparation of the budget request but might be appropriate on a 4-year basis.

Present policy in FLPMA and other recent legislation is that a fair market value should be received for public resources. Many BLM programs are essentially commercial operations in the sense that the sole reason to operate the program is to facilitate sale of a public resource. If fair market value is received, then a commercial operation should be able to produce a profit (whether to the Treasury, BLM or another governmental authority). If it is profitable, there would be no reason to restrict its operations by limiting funding; if not, discontinuation of the program should be considered.

It would then be appropriate to conduct a 4-year review of the profitability of BLM commercial operations, taking into account all costs to the public, including costs incurred by other agencies such as USGS, and costs of associated environmental disruption and rehabilitation. Such a review might necessitate different or more elaborate bookkeeping. It could be requested in advance by the Congress only for those programs that seemed questionable on the last review. The data made available in the 4-year authorization request suggest that commercial timber operations outside of O. & C. lands are not very profitable, and the coal leasing program is also expensive relative to its returns.

Many programs do not operate chiefly to facilitate sale of public resources, but to provide a public good such as recreation opportunities. They must be evaluated on a cost-benefit basis. Assigning proper values to complete costs and benefits is difficult, but certainly could be done to a greater extent than in the present request. For example, in the land acquisition program, we are told that BLM has legal access to only 44 percent of 470 million acres of land, but we are not told what difference the proposed program will make to the remaining 56 percent.

Colorado River salinity control will cost $24,550,000 in the 4-year request. Benefits are stated as $27 million for every 10 mg per liter reduction in salt. But will the program accomplish 10 mg per liter reduction, or some other amount? What percent of the benefits of the range program are for livestock; what percent for erosion prevention and watershed control; what percent for game or for other wildlife or recreation? These percentages could be evaluated in relation to public priorities.

In the fire management program, the projected resource savings—the increased savings over the past years—are less than the increased cost to the public of fire management and fire fighting. It would appear from the figures in the request that the extra spending is not worth it.

It must be emphasized that the above examples allow no firm conclusions because the evidence is incomplete. They are meant to show the value of added information or a different kind of presentation. An understanding between BLM and the authorizing committee prior to preparation of the next 4-year authorization would allow the 4-year authorization process to become more valuable.

Next, Larry will discuss alternative strategies and their budgets.

Mr. OPPENHEIMER. Designing a budget to implement a selected policy is more complicated than it seems, because most agencies are very elaborate systems which require precise adjustment of a number of budget accounts in order to accurately reflect a general policy. Budgets can provide signals of program priorities and incentives for personnel to work toward certain objectives; however, it is easy for an inappropriate budget to provide undesirable signals and thereby fail to achieve the program objectives.

The BLM budget is a mix of different programs—including several kinds of both renewable and nonrenewable resources—and of different potential goals for those programs. Passage of FLPMA began a period of transition for the Bureau toward new goals but it remains for Congress, through the budgetary process, to establish those goals and the strategy through which they can be attained.

In CBO's report, two broad sets of alternative goals for BLM were postulated. One would encourage production of energy, the other of renewable resources. Given the program goals, three separate strategies were developed to emphasize production of renewable resources. In all, four alternative illustrative budget strategies for the Bureau were analyzed.

They are: (1) emphasize energy production; (2) develop renewable resources by emphasizing short-term work on the ground; (3) develop renewable resources by emphasizing planning and data collection in the short run; (4) develop renewable resources by both planning and on-the-ground work.

The strategies were developed by projecting how the different policy issues which face the Bureau would be resolved in order to accomplish certain long-term objectives.

These long-term objectives are to be obtained after the timing of this report. What we are facing is a transition period of 10 or 15 years toward these longterm objectives and in this report, of course, we focused on the immediate or short-term issues. These issues in-

clude coal leasing, OCS research, range rehabilitation, and more. For example, the objective of the first option is to emphasize energy production. This could be done by accelerating leasing of energy resources such as coal or oil, encouraging development of new resources such as oil shale and geothermal reservoirs and by improving the research on the environmental and social consequences of certain forms of energy development. From a budget perspective, this shift in priorities can be accomplished in a straight-forward fashion by changing the mix of funds available to those different programs.

Our analysis of the outputs of that strategy found that changing the budget mix in favor of energy would provide only limited benefits in energy production in comparison to the outputs resulting from the budget proposed by BLM. Furthermore, this approach would have a substantial adverse effect on renewable resources because their budgets would be cut in order to provide funds for energy. This budget strategy would not comply with the purposes of FLPMA and was considered by us to be relatively undesirable.

The other three options, of course, increase various program budgets in renewable resources and decrease some energy programs. Each mix, however, is different, and the aggregated budget totals vary, as well. Option II emphasizes work on the ground—mostly for wildlife and recreation—during the 3- to 4-year transitional period, while planning continues. This option is designed to accommodate congressional concerns with the lack of tangible work being accomplished in the field.

Option III takes a different approach. It emphasizes planning and inventory collection in the short term—2 to 4 years—so that field work can be done in the longer term. We found that to effectively implement this strategy, about 8 percent more funds should be available than BLM proposed in their 4-year authorization.

The last option combines planning and ground work. It was the most difficult option to develop, in part because it was intended to represent the maximum level for renewable resources which can be "efficiently and effectively utilized," according to section 318 of FLPMA.

I found that it was very difficult to estimate the outputs from these budget strategies because so much of the direct output is intangible; for example, plans or studies. It is simply not clear that planning can be more effective—or better—by putting more money into the process, but planning can certainly be curtailed if funds are withdrawn. Other programs, such as inventory collections, can be improved by allocation of more funds, but the potential for mismanagement becomes higher as the program level is increased in the short term.

On balance, CBO believes that options II, III and IV are more desirable than option I, the energy option, or BLM's proposal because they are designed specifically to comply with FLPMA. Their approaches, however, are different and they have different costs, benefits and risks. In keeping with our mandate to provide nonpartisan analysis, we can make no recommendations among them.

Mr. QUARLES. We have provided the BLM with a copy of this staff draft analysis. We would at this time hope the BLM would respond, not just to this short statement, but to the entire analysis. Also I

think it is fair to say we are going to ask, and I think they are more than willing to do so, that Beth and Larry, on the basis of the critique you provided and others may provide to them, will revise this once again for use by the members during the actual working hearings we will have on the measure.

BLM Discussion of Authorization Critiques

Mr. Vetterick. I would like to comment generally on the critiques we have read. I have read a number of critiques both by CBO, GAO and the Congressional Research Service based on their individual reviews of the 4-year authorization. I think it is well to point out for the record that in the critique of the basic document, to go back to section 318 of the Federal Land Policy and Management Act requiring this authorization. As I read that requirement, it does not ask for analysis of total costs and resulting benefits including revenue. It does not ask for a presentation of alternative approaches. It does not require priority ranking of various program entities or special program analyses of certain cross-cutting functions, such as inventory activity, et cetera. I will come back to this in a minute.

Instead, section 318(c) asks that, and I think this should be brought out, the Secretary identify to the committee those funds that he determines can efficiently and effectively be utilized by "each such program function activity." In my opinion, the document does that.

I think probably one very valid criticism of the document is there is a lack of an umbrella, something to tie it together and put all of the programs under some kind of cohesive roof. I think we have learned from that, with hindsight, the next 4-year authorization will certainly include that type of umbrella that elevates all of these individual program objectives and goals up to somewhat of a higher level. I thing the record should also show the BLM worked very early with this staff and the staff of the House to try to work out formats for the authorization, and that the document produced generally reflects those consensuses that were developed between the Bureau and the committee on this side and the House committee.

As I recall our deliberations, brevity was one of the requirements so this did not become the size of the Arctic pipeline environmental impact statement. I think, in fact, for decisionmaking or for additional requirements, it is certainly reasonable to ask that within your requirements for the next 4-year authorization. This is not to say there is not room for improvement in this document in the future—but I think a useful thing might be done for those who did the critique to provide samples, specific concrete examples. Show where the PILT program can be analyzed in its entirety. In forestry, identify how the total benefits and costs to society, including those mills that might be dependent on the timber volume, or the alternate cost of paying welfare or unemployment are measured as opposed to selling timber on a marginal basis.

I would invite that kind of analysis, and a specific concrete example which I think might be quite useful maybe in the next go-round as far as the analysis is concerned. I think a lot has been made to do about the rearrangement of the authorization. Portraying crosscuts on inventory, of course, is a common thing throughout most of the critiques I have read as well as portraying a planning crosscut.

I think they ought to stop and reflect on that because to do so instead of displaying the needs on a programmatic basis as we have done here I think would lead to equally serious criticism that each individual program was not discernible as an entity since it was scattered over a number of job-related tasks. Furthermore, to take that kind of approach, the 4-year authorization would not be convertible directly to the appropriation structure since we don't have such a job-related structure in our appropriations account.

Finally, I would ask why just inventory and planning? Why not cut it across field examinations, use authorizations, compliance, trust, environmental analysis and impact statement preparations. These are all equally vital to public land management as inventory and planning.

So in summary I think the BLM has made a fairly credible effort to meet the requirements of the law, the express wishes of this and the companion committee in the House and have, I believe, produced a usable document which in 142 pages does outline the goals and activities to be carried out in a broad plan of action.

Certainly the programs of the bill are diverse and complicated but I think all in all, notwithstanding some of the criticisms—I think there are some good things to say about it, and I think we have met the requirements of the act.

Mr. QUARLES. Before we go back to Larry, I would like to say a couple of things. We did indeed meet with the BLM staff early on. As a matter of fact, we met at their initiative and did sit down with them and attempt to design a method of presenting the quadrennial bill and budget. I can remember very well that very high on that priority list was brevity and a number of other items.

There were two problems, of course, that have not fully come out, not because we were not forewarned. We recognize among other problems BLM had the problem of adjusting to all of the mandates of FLPMA in a very short period. This is not meant as a criticism. As a matter of fact, there is some indication that it could not even be done in the present wording of section 318. I would like to discuss that a bit in any case.

First, we did ask for some cross-cutting analysis, recognizing your statement that if you cross-cut on one why don't you cross-cut on many. I think we are talking about two kinds of cross-cutting analysis. Not only a cross-cutting analysis that goes between the various items discussed within the 4-year authorization budget request, but also between items that are found in the 4-year authorization request and those which are not not found, those which the committee has no responsibility within the context of the 4-year authorization bill to effect, such as the range improvement funds.

We have already discussed in an earlier workshop a very concrete problem which is: Should the two Houses make a determination to place a moratorium on grazing fee increases this year, what that will mean in terms of additional funding that would have to come out of direct authorizations; but in general there are certain issues which I think are most amenable to cross-cutting analysis. I would hope in the future, perhaps even if we proceed to the hearing process we may request it, but the committee could benefit from such analyses.

RESOURCES PLANNING ACT APPROACH

The second one, which I think is more serious and perhaps can really be addressed in the context of section 318, and addressed certainly by Larry and Beth, more in the report than in the summary, has to do with the effort of the Congress through this document to make policy decisions among alternate budget levels. One of the things BLM was asked to do throughout this authorization workshop process, or what they have counseled indirectly as well as directly, both by statement and by inference, is they would like the budget items set high enough to provide all of the flexibility in the world. Of course, it can be argued if you set them too high, Congress is not doing any oversight or taking any responsibility for setting agency goals at all. But we are serious in that, I think, that all of their goals should be stated. They are not stated in any kind of numerical or measurable form and certainly not related to funding in an incremental sense which would allow the members of the committee, to see what would be the result if they changed funding levels.

I say this recognizing there are exceptions. I also say this recognizing that section 318 does not call for that. But I raise it in this context because I am aware a number of people have already made recommendations to staff and I suspect a number of people will make recommendations in the open hearings, that the committee, when it thinks about the next quadrennial BLM authorization, should also think about the possibility of altering the statute to more closely approach the Resources Planning Act system of permitting congressional oversight of agency budgets.

With that statement, would you like to make a comment?

Mr. VETTERICK. I think the Resource Planning Act approach has been useful, particularly to the Forest Service, which is the principal land management agency under that kind of thing. I do not think the Bureau of Land Management is in the shape at this point in time to approach this. Now perhaps within 4 years with adequate inventory capability in all program areas, adequate data, capability to store this information, manipulate it, utilize it, I think perhaps in the next 4 to 8 years we would probably be in a better position to respond to that kind of approach.

The Forest Service has been at this very thing a lot longer in terms of having some kind of permanency to the kind of land base they administer and have probably gotten in much better condition to handle this kind of thing.

Mr. QUARLES. You also have a second problem. You have more ministerial functions than the Forest Service, ones not easily addressed in budget setting. I think in particular of numerous land transactions which are not set in relation to the specific agency goals. Much more paper shuffling, not only for you own agency but the other land management agencies in general.

This would present problems, I would think, in doing an RPA type of approach.

Mr. OPPENHEIMER. I would like to comment on the RPA. A 4-year time frame, I think, is a worthwhile time frame for this authorization process we are going through now, but for an RPA you must take a much longer time frame. You have to take a time frame long

enough in which you can acocmplish true outputs of the program so you are not in a position as we found ourselves to be with this, that we were counting as outputs things I normally would consider inputs, inventory collections, environmental impact statements, which are really means toward ends.

We would have liked to have done much of our analysis along the framework or the form of an RPA. We found, as Paul has said, it was ideally the way the world wants to be treated but it was infeasible for us at this time and probably for BLM in the longer term though, that is in my opinion the best analytical way to go.

Mr. QUARLES. Is it possible to wed the two in the sense you could have an RPA in which a 4-year authorization would be addressed. In other words, the goals set would be 20 years if you could justify each 4-year authorization and how you approach those goals.

Mr. OPPENHEIMER. Yes. That is the way it should be.

Mr. TURCOTT. I would like to talk to this a little bit. In the first place, in terms of one title, the Forest Service does participate in assessing resources the Bureau administers. But with what we have, we do it for 4 years. It is a custodial approach to land management by this Bureau and its predecessors as far as data is concerned. But we do do that. As far as the program submission part to the Congress of RPA, no, we don't get in that.

But I know for a fact in informal and formal sessions the legislative history, the real detailed legislative history of the Federal Land Policy and Management Act should show in both the 93d and 94th Congresses there was serious consideration given to almost lifting word for word the RPA Act portion of the program submission and putting it in in lieu of what we have in the 4-year authorization, and Congress in its wisdom, declined to do it.

The administration in its submissions did not do it that way. I do not know all of the reasons for that. But in fact the administration at one time opposed the whole idea of an authorization approach. I think my last point would be, as Paul said, right now for us to do a really meaningful job of analyzing inventories, conditions, and projections, and tying them into the planning of a program budget with the data we now have that is probably at least 4 to 6 years away. If certain things happen with respect to our data management program are included in this 4-year authorization, and of course, the appropriation request then maybe we could do something like this. But I just think there may be some attempt here for theoretical budget analysis from an economic approach to get at policy alternatives. You may be trying to make a silk purse out of a sow's ear too fast and that is a long ways off.

Mr. WOLF. It might be useful to recall, however, and I might say CRS did an analysis for you, as I know. I abstained from doing it. I had Alfred Greenwood and Wendell Fletcher do it because I had some previous association with the BLM and I wanted to be sure it was done as objectively as possible. And while I hoped I could be objective, I knew their lack of association with the BLM would be of help. I must say they agreed with the CBO analysis.

In the closing period of the Eisenhower administration, the Department of the Interior prepared a long-range program for the

public lands. The Forest Service had developed a similar program for the National Forests both of which were executive documents based on concepts of long-term planning. Those things fell by the wayside. But the concept of long-range planning within those agencies, particularly BLM, is not something that never has occurred to them and it is not something they have never tried.

In displaying the fact that I have some lack of objectivity, when I was in the BLM we used to annually argue with the Department and the BOB that what we had developed was a balanced budget. I have no doubt when Congress enacted FLPMA, even though it used the precise language Paul read, it presumed by writing in the context of multiple use and sustained yield that what it was going to go with was a balanced program with discrete parts displayed but still the umbrella there.

I have great difficulty in envisioning the Congress felt in writing that specific language they were taking the umbrella concept away because Congress had not only gone through the exercise of RPA, it had gone through the exercise of the BLM Act. But they had created the Congressional Budget Office, created the Budget Impoundment and Control Act, and had done a number of things to create a situation in Congress where it could have an overview as well as a display of discrete parts. I do not think it is an exercise in theoretical budgeting. I think it is an effort on the part of Congress to more effectively weight the consequences of decisions it makes on discrete budget parts.

Mr. QUARLES. I don't think anyone is arguing there should not be an umbrella. I think Paul himself said there should be an umbrella. But we are discussing whether even if you put an umbrella on this particular format that that is really the kind of document that is best usable by Congress. Certainly we have staff members on the authorizing committees and I suspect it was also true of the Senators themselves tend to think in terms of policy roles rather than budgetary terms. The Congressional Budget Act and other matters will hopefully have us thinking more in budget terms than in the past. But it is absolutely clear—at least it is to me—that when a budget item is displayed in a policy framework, it is much more readily discernible and consummable by the staff of this committee and I suspect of the Senators themselves.

However, I also realize clearly in the case of the BLM, where the point is very well taken, that you need a very good inventory base in order to make those kinds of projections. I also realize, as I said before, many of BLM's activities are not the classic activities that are amenable to long-range planning and goal setting insofar as RPA.

But I must add as a caveat to the whole thing we are in a sense operating in the dark, over here in any case, because as we have talked about on several occasions, an ironic situation is that there is no legislative history of section 318 on the Senate side. As a matter of fact, the Senate members of the conference resisted it manfully. So any suggestions on this side that the Congress would hitch to the next 4-year authorization or to consider the RPA approach is a new suggestion and it is written on a clean slate. It is not on the House side.

Procedures for Future Authorizations

Mr. Goodwin. I would like to comment first on the CBO and CRS critiques. I think we need to recognize that we really have two tasks before us. One is to deal immediately with the authorization request. We have to come up with a set of numbers for this bill.

The second is to follow that up with how can you do it better 4 years from now. CBO in particular was asked specifically to make comments and recommendations, to raise questions about how this process might be improved in the future. I think we ought to look at their comments from that perspective. They have raised a great many questions during the course of their report, far more than we can go through in the time we have today.

I would like to ask BLM to go through the report and to respond to those specific questions, perhaps in two phases. One would be immediate feedback on errors, or clarifications that may be needed to rewrite the report to make a final draft. The second would be more substantive comments for the future process and for the basic budgetary policy questions.

Mr. Quarles. One of the reasons why I think we asked the CBO to do this is that I don't think any of us would like to admit we will be sitting around this table 4 years from now and doing this exercise again. There is not the same continuity in a 4-year authorization procedure as there is in an annual ERDA authorization or the annual appropriations process. So if we do not catalog very well now how we think the effort can be improved next time, we may end up making the same mistakes over and over again.

There simply is no continuity from 1 year to the next. That is the reason why as we have gone through this we have also tried to look at future revisions.

Mr. Vetterick. That is why I suggested our critics take a program or a block of programs, if you are going to work with a cross cutting thing such as inventory, and come up with a specific concrete example of what you mean. You can talk words about a complete analysis, the total cost to the public sector and the total benefits. But until you wallow around in that problem and get your hands dirty working that problem out, then all you are doing is talking. I would challenge our critics to actually produce a specific concrete example.

It could be a small program limited to one geographic area. I think it could be a series of programs with hypothetical examples. But I think a concrete example of those criticisms would be much more effective than just criticisms of a general nature.

Program Evaluations and Benefit-Cost Analysis

Mr. Goodwin. If these can be done in-house as well, I have been wondering to what extent BLM is doing internal program evaluations and benefit-cost studies. What is the status of these programs?

Mr. Turcott. I will take the benefit-cost studies first. The amount of that we do across the board is rather scattered. We have an agreement with OMB at the time we made the court settlement with NRDC on *NRDC* v. *Morton* on the range program, that all AMP's would go through a cost-benefit process. I think that is the most comprehensive thing we do.

We do have cost-benefit approaches ability to assess about anything. Timber has been under cost-benefit now as long as I have been at the Bureau because it is easier to do it. To say we have an overall comprehensive cost-benefit approach to any investment we make or any service we provide, no we don't. It is on a case-by-case basis and it os somewhat limited.

Mr. VETTERICK. There are cost-benefit analyses on control of salinity in the Lower Colorado River; the most effective approach is the least cost approach to controlling that.

Mr. TURCOTT. That is another good example. Now, as far as evaluation is concerned, yes; we have just recently within the last year modified our evaluation program. Rather than just an auditing type approach or checking to see if some district or some State office has filed a manual, we look to see if they reached the goals and accomplishments they are supposed to do in their annual work plan? Do they understand policy?

We have both a functional evaluation system and we have a general program management evaluation system. The latter affects every State office and a sampling of the district offices. We go through a general rigorous management evaluation every 3 weeks in each State, led by a Washington team.

The new feature which is maybe something you are getting at here, is what you might call a base zero programmatic-type evaluation. We are going in looking at programs from the ground up. The first one is wildlife management.

We ask why we have a wildlife management program? What are the statutory goals, regulatory goals, policy goals? Then we start to get at what we are doing and what are some alternatives and analyses that can make the program more efficient, or why are we doing well.

We are doing that. We started it with a functional evaluation of wildlife. We have done one on our planning system. Out of that has come major modifications to the planning system. Of course, it is never static. We have done it with respect to what I call awareness in the Bureau, the fact that everywhere we go across the spectrum of our clientele, from the ultraenvironmentalists to the most rampant hard-rock mining digger out there. The new people in BLM, the cultural specialists, such as anthropologists and archeologists or hydrologists or fishery specialists or economists, don't understand public land management, and they don't understand "them" as a class, whomever they are, and they don't understand their needs and their problems. To a great extent when you look at the Bureau, how we have evolved and expanded the last few years, there is a lot of truth to this and there is a lot of truth to the fact a lot of our younger people, men and women, advanced degrees most of them, are people who have come in from the outside. Whatever their age or generation, they do not understand the Bureau. They don't know the Bureau and its traditions. They want to start from right here and go.

That is fine. But they had better understand some of the background and traditions at first. They are going to get caught up if they don't. This came out of a programmatic evaluation, and we have a corrective program on that. So that is some explanation.

Mr. GOODWIN. Thank you. I am glad to hear you are starting with the wildlife program. We had a number of witnesses on Tuesday

that asserted the wildlife program proposed is only about half of what they estimate would be required to carry out the mandates of FLPMA. I think the overall conclusion or the most significant conclusion out of the CBO study is that the base case, your proposal, does not really do the job in carrying out the mandates of FLPMA.

BLM Capability To Utilize Larger Budget Increases

I would like to ask whether you believe BLM has the capability to utilize larger budget increases efficiently and effectively to accelerate both planning and on the ground rehabilitation work as CBO has outlined in their fourth option.

Mr. Turcott. Yes; within reason.

Mr. Goodwin. It would be a 12- to 14-percent increase?

Mr. Turcott. Whether it could in all respects be that percent, I don't know. I would like to present some kind of analysis to show it, but in general, we could give a positive reaction to that.

Mr. Vetterick. I think the 4-year authorization does give emphasis to FLPMA. The priorities are on renewable resources and the planning. We can debate how much or not. But where I have problems with some of the CBO alternatives is the massive reduction of authority on our options, particularly in the coal program, and even to some extent OCS because we are not sure what the requirements would be in the next four years. Certainly coal has been ratcheted down. I notice it was singled out as not being a very cost-effective program. Anytime I can invest 90 cents and in 4 years get $1.69 back, I consider that a pretty good investment. We are asking for $90.6 and a projected return of $169 million.

I think as we pointed out earlier, massive shifts out of some program areas to benefit others is going to cause us some problems. What we did develop was what we thought was a fairly reasonable approach to all of the resources we were charged to administer. Perhaps we can use increases in some of the renewable areas. Wildlife was one that was mentioned as being somewhat understated in the authorization. Recreation outside of wilderness is another area. But to increase these at the expense of coal leasing and other demands I think is a mistake.

Again, I think we are hopeful we are not going to have authorizations for coal as opposed for geothermal steam, as opposed to oil and gas. We are hopeful the guidelines the authorizing committees want are not enacted in the authorization bill but are part of a report that gives us additional direction outside of FLPMA and outside of other laws. Keep in mind FLPMA is not the only authority we operate under. There is a Coal Leasing Amendments Act which increases the cost tremendously of any coal leasing operation.

There is the Horse and Burros Act, Endangered Species Act, the Geothermal Act; I could go on ad nauseum. I don't think we want to lose sight of other bills that also impact the need for funds. If we get too myopic around FLPMA, we may create some problems for future budget processing.

Coal Leasing

Mr. Goodwin. I believe CBO had some questions about the figures on the coal leasing program. Do you want to respond?

Mr. ALLEN. If I could interrupt and say something, I think that is an area where there was a mistake. I looked at that. The coal publication that was provided to CBO had a graph in it from which they took their figures, and they had come to the conclusion the program did not seem to be paying. From what I can tell they did not read the graph correctly. I think that is something we can provide in our comments unless they want to comment on it now.

ACQUISITION, CONSTRUCTION AND MAINTENANCE

Mr. GOODWIN. All right. In addition to the response to FLPMA, the BLM request seems to be quite restricted in general support areas such as the acquisition, construction, and maintenance—particularly the maintenance—construction projects are cut back. I wonder if you could explain the principal differences between the ACM budget that was in the authorization and that that is included in the 1979 budget, the President's budget. You may want to provide some kind of summary of this.

Mr. VETTERICK. I can explain the difference. If you discount the budget request for a pay raise, the difference is $2.7 million between the budget request and the 4-year authorization request. That reflects postponement of additional construction at our Boise interagency fire center, and that accounts for $2.5 million of the $2.7 million; the balance of $200,000 is attributable to acquisition and access.

We will provide a summary of our original request for the record.

[Subsequent to the hearing the following information was received for the record:]

SUMMARY COMPARISON, ACQUISITION, CONSTRUCTION, AND MAINTENANCE ACCOUNTS

BUREAU OF LAND MANAGEMENT, 4 YR AUTHORIZATIONS

[In millions of dollars]

	Fiscal year 1979	Fiscal year 1979		Fiscal year 1980		Fiscal year 1981		Fiscal year 1982	
	President's budget[1]	BLM initial request	Proposal to Congress	BLM initial request	Proposal to Congress	BLM initial request	Proposal to Congress	BLM initial request	Proposal to Congress
Acquisition	1.5	2.0	1.7	2.0	1.7	4.0	1.7	6.0	1.7
Construction	8.5	8.5	11.0	22.8	12.1	21.6	14.6	24.2	16.1
Maintenance	7.3	9.4	7.3	10.5	8.2	11.5	8.7	12.5	9.2
Total	17.3	19.9	20.0	35.3	22.0	37.1	25.0	42.7	27.0

[1] Does not include pay raise.

OCS BASELINE STUDIES

Mr. GOODWIN. I would like to raise a few specific questions out of the CBO report, and you can respond to the others in the comprehensive analysis. The table B–4 in the CBO report shows a breakdown of the OCS budget. The OCS budget has been cut back by $23 million.

Mr. VETTERICK. It is $18.5 million. There was a cut in baseline and special studies, but we have new initiatives in onshore work and transportation planning that resulted in an offsetting increase of $4.6 million for that type of work.

Mr. GOODWIN. This is a very large overall percentage cut, reduction in the OCS program. I wonder if you could provide a revised table in the format of table B–4 that would show what the requirements of OCS will be over these 4 years in light of the new direction you have taken in the 1979 budget.

Mr. VETTERICK. That is my point. I can update 1979, but as far as I know, 1980–81–82 figures may very well be valid. The reduction in the budgets in 1979 reflected an approach that said 18 months of data collection is sufficient for baseline studies. What the Department is going to do is redirect its efforts for more specific type studies for all I know in 1980 will equal this authorization, or 1981 or 1982. We really do not know but what that may be the correct level.

Mr. PETTY. If you recall, Mr. Beard, the Deputy Assistant Secretary, in making his statement, pointed out the OCS program as well as the coal program were under rather intensive review. These figures are very much up in the air. We do not know at this point where we are going with those figures. We are asking the committees not to be too harsh on us there. We just don't know at this time, but we have pending legislation, particularly on the OCS, that could have a tremendous impact.

REQUESTS TO OMB

Mr. IMESON. It seems to me in the budget process, one thing we are trying to get at, get a better hold of, is the process you go through within the agency and the Department, and the Department submits its budget to OMB. In trying to learn a little bit about the options that were considered at that level, we see the final product, and we don't know everything that went into each step of that.

One thing that people always try to do around here, usually with respect to their favorite program, is find out what might have been done under optimum funding. I think a request has been made for your budget as it was submitted to the Department, and I wonder if we will also get with that the departmental request to OMB so we can see what things happened where.

Mr. VETTERICK. A standard request by the House Appropriations Subcommittee that handles Interior and related agencies is to outline the BLM dollar request to the Department and the subsequent request to OMB and how those requests compare with the actual request pending before the committee. That is produced every year for Mr. Yates and his committee. That certainly is available.

Mr. QUARLES. You will give us those as well, which I assume was not requested as far as this 4-year authorization request since I assume the Yates request does not go to the 4-vear authorization.

Mr. VETTERICK. Generally, they tend to follow our requests as they go through various steps. Much of our 4-year authorization that was presented was built from field submissions. We have an annual process whereby the field identifies their needs in these various program areas. That particular submission is reviewed fairly extensively in developing these figures. A lot of people are talking about anywhere from $25 to $35 million in wildlife over that time frame. I think my answer was we could probably absorb in any year about half of those numbers, given all of the other program needs. If you just want a whole BLM level, then we could easily absorb it, the $25 or $35 million.

For instance, the wildlife program. When we go talking about advancing a series of programs, there is only so much you can absorb in any given program because of the need to expand in certain other areas.

Mr. QUARLES. Presumably you prepared a document which was then submitted to the Secretary. I think we already asked that.

Mr. ALLEN. Yes. Maybe I could say something here so that the record does not appear incomplete. We prepared an estimate for the 4-year authorization. That document was submitted to the Department which in turn submitted it for review and consultation by OMB. So there was only one earlier document as far as a 4-year authorization proposal is concerned. We will be submitting that as you asked us to the other day.

WILDLIFE AND RECREATION PLANNING

Mr. GOODWIN. Another specific is in the wildlife and recreation planning discussion of option 3. I guess this is really directed to CBO; the last bullit suggests that if the wildlife and recreation planning were increased field implementation would be decreased. I am puzzled as to why that would follow, why it would be necessary to decrease field work. The field work at the present time is only 22 percent of the wildlife budget and the States appear ready to implement a lot of projects. Could that option be modified to do both? I would like a response from BLM as to whether they could not undertake both accelerated planning and accelerated implementation of projects?

Mr. VETTERICK. That would be feasible, given not only adequate funds but adequate positions.

Mr. OPPENHEIMER. I thought so and that was how I went about devising an option for it. Option 4. Option 3 was constrained in that. I wanted to provide an option which would emphasize planning with budget constraints and budget four would relax those constraints somewhat more than option 3. Option 4 was designed to go about as far in the renewable resource realm as we could officially and effectively utilize funds for, whereas options 2 and 3 would go that far with only certain aspects of the renewable resources.

Mr. VETTERICK. But at the sacrifice of energy.

Mr. OPPENHEIMER. In all three cases.

Mr. VETTERICK. I take exception to that.

Mr. OPPENHEIMER. The emphasis was on renewable and the sacrifice came from energy to a greater or lesser extent.

Mr. VETTERICK. Do I understand your question related strictly to wildlife and recreation?

RECREATION

Mr. GOODWIN. Yes; I would like to turn to recreation now. There is the suggestion on page 94, there is very little urban recreation until 1982, then all of a sudden there is a $10 million expansion in the recreation program. Could I ask the reason for that, and whether it would be feasible to move up some of that recreation development to earlier years?

Mr. VETTERICK. Is this exclusive of the wilderness review? Are you referring to the 4-year authorization or the CBO report?

Mr. GOODWIN. Look at table B–8, page 95. We have wilderness evaluation holding steady from 1979 to 1982 and very slow increases in the other. All of a sudden in 1981, the other jumps from 12 million to 20.5 million. I am asking whether a good portion of that could not be carried out, moved up and carried out in earlier years.

Mr. ALLEN. That might be possible if totals for those years could be changed. But we would not want to do that at the expense of the proposed changes that were identified, for example in rangeland management.

Mr. GOODWIN. That is a matter of constrained budget. What I am really getting after is what could be done without constraints, I'm looking to see if there are any internal constraints, such as you cannot implement the recreation program until you have studies completed or planning is completed, or in fact whether those budgeted activities can be ready to go earlier?

Mr. ALLEN. It would take an acceleration of the recreation planning to carry out some of the activities we had in mind in 1982, where we identified those funding levels.

FIRE MANAGEMENT

Mr. GOODWIN. The final question is on the fire program. The CBO report suggests the figures in your proposal would appear to suggest no further expansion of the fire program would be warranted on a cost/benefit basis. I would like to ask if you agree with this assessment, are the figures correct or do you have revised figures to justify expansion of the program?

Mr. ALLEN. I think—we have looked at that. I don't know if we should take it lightly but the problem with economists is getting them to agree on what a supply/demand curve looks like. It is difficult right now to comment on the accuracy. One person's views of cost/benefit analysis versus another. As I recall the numbers put together in the CBO report showed it was close to the margin all the way across. In 1982 the figures we provided showed a cost of some $3.6 million in increasing costs. I think all we could say at this time is that it is really tough to project that far in the future and make those kinds of determinations based on the idea it may cost $3 million or so to go with the level of protection program we are talking about.

What we are attempting to do is to shift the expenditures to the presuppression side or the fire management side and reduce our emergency fire money and our suppression costs. We feel if we can get them up front, we will be dealing in a lesser area for speculation as far as what will suppression costs be, and what will the damages to lands be.

It is impossible to predict where fires will occur. We can speculate on that. But it is difficult to speculate what the damages will be. I think a pure cost damages approach using data that must be as highly qualified as projecting costs in 1982 of fires and the amount that may burn is really working on the fringe of making good decisions when that is the primary element in making the decision.

Mr. GOODWIN. You don't have a revised estimate of those reductions in damage in 1982?

Mr. ALLEN. We do not have any estimates right now.

Mr. VETTERICK. For example, the 1977 fire season the supplemental is in excess of $50 million or $29 million value consumed. For all I know, in 1979 where we show resource damages of $13.4 million, that could be $40 million or it could be zero or very minor depending upon weather conditions, various fire seasons in various locations, and the capability we have toward those emergencies.

Mr. GOODWIN. This is about as pure a case as we find of how much is enough.

Mr. WOLF. How much of the cost and loss was in Alaska versus the Lower 48?

Mr. VETTERICK. Most of the fires were in Alaska in the 1977 season.

Mr. WOLF. That is where you spent most of that money?

Mr. VETTERICK. That is where we spent most of that money.

Mr. WOLF. What effect would the completion of the Alaska Native Claims Settlement Act have on this?

Mr. VETTERICK. That is an interesting situation. The Alaska Native Claims Settlement Act says we will continue to provide fire protection for the Natives until such time as their revenues are such they can afford to provide that protection for themselves.

To me that sounds pretty much like an open ended, forever and ever type situation, unless they find some more North Slopes on some of those lands and are bringing in the per capita income of Abu Dhabi. Then I think we would have a legitimate reason to go out of the fire prevention business in that region.

Mr. WOLF. Who makes that determination? The Secretary or the Natives?

Mr. VETTERICK. We will pose that problem to the Congressional Research Service.

Mr. PETTY. I cannot say there is going to be any decrease in our fire responsibility for those Alaskan Natives. I would hazard a guess within the next 8 years there will not be any decrease. We have addressed that question repeatedly. It is certainly not clear who is going to make that determination. I would like to see it made.

Mr. WOLF. What I was getting at, you have got these heavy costs in Alaska. There may be some changes in land tenure. They will still be Federal or they may be Native. Will this change the BLM's part of the cost load or will BLM continue to be the firefighting agency? There are things the committee needs to know about.

Mr. VETTERICK. The probability is the BLM will be the major fire agency in Alaska. The only difference is the State of Alaska is picking up more of the responsibility in the populated areas around the Anchorage-Fairbanks area, which allows us then to relocate our firefighting forces to the interior, outside of those areas.

Mr. QUARLES. You would not see the additional 35 million acres of State selections after the inclusion of (d)(2) lands? In other words, the State is not showing any predilection for assuming fire control over its rural holdings?

Mr. VETTERICK. We have agreements with the States where we provide protection overall and they will start alloting more protection in the populated areas. We are sort of phasing out of the Anchorage-Fairbanks corridor and letting the State take that responsibility while we shift ours to the wilder areas.

Mr. QUARLES. Anyone else here who would like to address any questions to the BLM or the CBO?

[No response.]

Mr. QUARLES. In that case, we are adjourned. The next time we see you I assume will be at the public hearings, hopefully in the first week of March.

[Whereupon, at 3:10 p.m., the workshop adjourned.]

Appendix II

Staff Analysis by the Congressional Budget Office

THE PROPOSED FOUR-YEAR AUTHORIZATION FOR THE BUREAU OF LAND MANAGEMENT

An Evaluation of Issues and Alternatives

STAFF DRAFT ANALYSIS

Congressional Budget Office
Washington, D.C. 20515
January 27, 1978

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SUMMARY

BACKGROUND

The Bureau of Land Management (BLM) is an agency within the Department of Interior which has responsibility for most of the federally owned lands, which are primarily west of the Mississippi, in Alaska, and offshore on the Outer Continental Shelf. Historically, the attitude toward this federal land was that BLM would merely hold the parcels until they could either be converted to private ownership or be designated for an alternative federal use, and transfered to the appropriate agency. For this reason little authority was given to the BLM to undertake the normal inventory and planning functions which are a prerequisite to effective management. Due to the increasing value of both renewable and non-renewable resources on the federal lands as well as an increasing interest to hold the areas for future public use, Congress has redirected the program priorities of the Bureau with the passage of the Federal Land Policy and Management Act of 1976 (FLPMA).

Although a definitive interpretation of the intent of the FLPMA is open to question, the legislation essentially directs the agency to provide additional efforts for the management of renewable resources and in general

to undertake more aggressive inventory and planning programs. Specifically, the legislation directed the BLM to:

- o Conduct systematic inventories of its lands and resources.
- o Protect environmental values of its lands.
- o Develop long-term plans for resource management consistent with a policy of multi-use.
- o Charge fair market value for the sale or use of resources.

For purposes of gaining additional control, the act also converted the BLM authorization from that of permanent to that which requires enactment every four years. To begin this process the FLPMA included a requirement that the Bureau propose what budget authorizations it could "effectively utilize" for the next four fiscal years. The purpose was to use the budget authorization submission as a baseline for the Congressional debate on the appropriate program categories and respective authorization levels for the final enacted four year authorization.

PURPOSE

The overall purpose of this paper is to critically analyze the BLM authorization request, to provide a discussion of the major policy issues facing the agency, and to develop alternative strategies with their required budgets. Of a more specific nature, a major objective is to evaluate the

budget justifications incorporated into the authorization request and also determine the extent to which the request is consistent with the newly mandated priorities included in the Federal Land Policy and Management Act. The paper also discusses the major policy issues which tend to drive the various budget priorities. While most of these are program issues, e.g. the level of inventory collection or rate of coal leasing, some procedural considerations are also discussed in an appendix. In addition, alternative budget strategies are examined. All the options are relatively consistent with the intent of the FLPMA, but display various rates of attaining the objectives as well as alternative program emphases.

MAJOR FINDINGS

The major findings and conclusions of this study are summarized below. Care must be exercised, however, in interpreting the results since many of the points depend upon judgement rather than analytical rigor. The purpose is to bring forth questions and points which will form the basis for further debate, and not to represent a final evaluation.

Compliance with FLPMA

As previously stated, the major budget shifts which were mandated in

FLPMA were for additional funding of renewable resource programs and within this category toward inventory and planning functions. Since the act requires so many explicit activities in renewable resources, total compliance is virtually impossible in the short run, and thus a several year transition is necessary. The question then, is whether or not that transition is effectively displayed in the BLM authorization request for the next four fiscal years.

Over the four year period (1978-1982) the request incorporates an increase in the renewable resources budget from $75 to 146 million dollars, which represents approximately a 12 percent real growth (after inflation is deducted). While this constitutes a substantial departure from previous trends, it is the judgement of CBO that such a re-orientation falls somewhat short of the shift in priorities intended by FLPMA.

For planning and inventory for renewable resources, the budget indicates a projected increase from 36 to 53 million dollars between 1978 and 1982. This is a real increase of about 4 percent per year. While the magnitude of the planning priority that was mandated by the FLPMA is open to interpretation, it is the judgment of the CBO that the BLM request does not attain the planning objectives during the next four year transition period.

Budget Justification

The BLM budget contains little in the way of "justification" since it focuses on inputs rather than program accomplishments. Certain other weaknesses are also evident. First, there is too much emphasis on the previous years' program plus increments for newly mandated responsibilities, rather than a more total program justification. Second, within the renewable resource area two categories—watershed and wildlife—have not justified the large proposed expansion. Specifically, there are no new major responsibilities and no quantitative analysis of the proposed accomplishments. Third, the FLPMA has stressed the charging of a market value for minerals and renewable resource leases. The relationship between these market values, which are converted into total revenues, and program costs could be further expanded in the justification. Such considerations bring into possible question the coal and timber programs. Fourth, the justification varies considerably across categories and is especially lacking in the energy and minerals areas.

Program Issues

As with any budget or authorization request there are a number of program or policy issues which underline the overall strategy. Six broad program issues have been identified in this analysis for further discussion.

Each is summarized below.

Inventory — The BLM does not have a baseline of inventory information which in turn causes substantial inefficiencies in planning and overall land management. In a report to the House Appropriation Committee BLM has proposed a ten-year, $320 million program, but to date very little of this amount has been appropriated. Congress must, therefore, focus on the issue and decide whether or not it is in the national interest to have these lands effectively managed during the next 10-20 years. If effective management is desirable, then substantial additional funds must be made available for inventory.

Planning and Coordination — The coordination between the inventory, planning and management functions within the Bureau are a serious issue. To date, the Bureau's success with land use studies has not been particularly good—in part because of lack of data, and in part because of the lack of experience and technical ability. The Bureau's reaction to this has been to defer decisions until additional studies have been completed. In order for the Bureau to effectively accomplish their mandated objectives, a long term view of the interaction between the inventory, planning and management functions and their respective funding levels is necessary.

Maintenance of Range Quality — One of the major problems facing the Bureau is to restore and maintain the quality of their grazing lands, especially in light of a long-term trend of overgrazing and the more recent drought. The problem is aggravated by the fact that much of the land is fragile and has limited ability to recover without substantial investment. While the agency has devised allotment management plans to control the number of animals that graze on specific areas, the implementation of these plans has been delayed and challenged by litigation. At issue is the annual level of forage which can be consumed in specific areas and the allocation of it among wildlife, domestic animals and wild horses. In general, decisions must be made regarding the auality of rangeland, the amount of grazing, and the appropriate funding levels to attain the desired quality.

OCS Research Studies — At issue is whether the BLM is programming funds for studies which might never be required, which might be done by private industry and which might be excessive for the task.

Coal Leasing — In the authorization request the BLM has given high priority to a new coal leasing program. Since the amount of coal under current lease is substantially in excess of our projected needs over the next 20 to 30 years, it is questionable why such a high budget priority is given to

this program. Furthermore, there is now a court order enjoining BLM from conducting activities related to new coal leasing. A more moderate program which focuses on a short-term leasing program may be more in line with national interests.

Personnel Ceilings — For several years, the executive branch has had a policy of restricting expenditures through its authority to limit agency personnel. Because OMB allocated ceilings to the Department of the Interior and the department gave higher priority to energy programs, the BLM's renewable resource programs have suffered. To some extent program managers have offset such a policy by substituting additional capital and temporary labor. Such a strategy, however, causes program inefficiencies. To date, the appropriations or authorizing committees have not written personnel targets into the legislation, although at times they have been included in the reports. Congress might wish to consider legislating specific personnel floors to offset the ceilings imposed by the executive branch.

Alternative Budget Strategies

The paper provides a number of alternative budget strategies to the budget proposed by the BLM (called the "Base Case"). These are options for Congressional debate which incorporate alternative program priorities.

The first option stresses short-term energy production. Option II emphases on-the-ground work in range rehabilitation, recreation and wildlife. Both these options reflect different program priorities but maintain the same overall budget level contained in the BLM submission. Option III on the other hand would increase the budget by 8 percent in 1982 and emphasizes renewable resource planning and data collection as opposed to ground work. The last Option (IV) is a combination of Options II and III, and would involve a 1982 budgetary increase of 12 percent over the BLM proposal.

The analysis concluded that Option I did not adequately comply with FLPMA in that it provided very limited benefits in energy production over that of the Base Case. A reprogramming of budget resources toward energy seemed to have a negative impact on renewable resources and a relatively small benefit to energy production. Conversely, a reprogramming of resources toward renewable resources would comply with FLPMA and not adversely affect energy production.

The three policy and budget options which emphasize renewable resources have different outputs, risks and costs. This analysis makes no judgement on their overall effectiveness. However, the following observations may be helpful to the debate on the appropriate four-year authorization. First, Option II (On-the-ground Field Work) defers planning so

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that more ground work can be accomplished. It is a pragmatic approach within accepted budget limits, and accomplishes some tangible results on rangeland in the short run. Its impact is limited in the short term because lawsuits have restricted ground work until environmental impact statements can be completed. In the district offices, however, the policy would require managerial courage, judgement and tact in order for program officers to program field work that complies with National Environmental Policy Act. Option II is a short-run strategy, because it does not develop an adequate planning process. In the long run, Option II suffers in comparison with Options III and IV unless planning programs are supported.

On the one hand, the Planning Option (III) demands sophisticated analysis and coordination. On the other hand, the Field Work (II) Option demands practical judgement. BLM's management clearly prefers a planning alternative such as Option III, but it is not clear that they recognize the risks or difficulties inherent in that approach. The risks are that the study process might simply be a failure, and during the period when it is failing, little tangible ground work would be accomplished. The difficulties with Option III are that the planning requirements are truly formidable, and might be beyond the reasonable capability of the Bureau. Both options probably require some reduction in expectation—either in planning requirements, ground work, or both.

Option IV (a combination of planning and rehabilitation) has been designed to acomplish as many as possible of the outputs of Options II and III, but of course is more expensive. In some respects it is superior to Options II and III, and in at least one respect, inferior. It accomplishes the planning required by FLPMA and which is necessary to properly implement management practices. At the same time, it gets work accomplished on the ground and takes positive action to improve wildlife habitat and recreational facilities. But on the negative side, it would be expected to strain the managerial capabilities of the Bureau and therefore, this strategy incorporates more risk than the alternative strategies.

CHAPTER I. INTRODUCTION

The Bureau of Land Management is an agency within the Department of the Interior which has responsibility for managing federally owned lands. Most of the lands are west of the Mississippi, in Alaska or offshore on the Outer Continental Shelf (OCS). The objective of the bureau is to manage the lands such that the renewable resources (range, wilderness, and some timber) and non-renewable resources (energy and minerals) are maintained or developed in accordance with Congressional intent.

During the last several years there has been increasing concern within Congress that the bureau has been without explicit Congressional guidelines concerning program priorities and overall management direction. Consequently, in 1976 the Federal Land Policy and Management Act (FLPMA) was enacted. Not only did this act provide additional guidance in terms of program priorities, but it changed the Bureau of Land Management authorization status from permanent authorization to one requiring enactment every four years. This was a definite departure from the precedents that have been established for many other federal agencies which receive a permanent authorization for either specific appropriation levels or "such sums as necessary". The essential purpose for changing the

authorization procedure was to allow the Congress to gain additional control over the BLM operations and program priorities.

The FLPMA required the Secretary of the Interior to submit to Congress requests for four year authorizations of appropriations. The first request was submitted on September 26, 1977. 1/ The purpose of this paper is to analyze this request and provide a discussion of policy issues and alternative budgets that would be useful to the Congress as it debates the proposed authorization.

Overview of the BLM Budget

The BLM budget contains four separate authorizations: Management of Lands and Resources; Construction, Acquisition, and Maintenance; Payments in Lieu of Taxes; and Mineral Development Impact Loans (See Table I-1). Only the first two authorizations will be examined in this study. The first of these is the larger of the two and contains the real work of BLM.The remaining two accounts deserve brief explanation. Payments in lieu of taxes were enacted in 1976 by P.L. 94-565, and provides payments to local governments for federal lands in lieu of the taxes which could have been collected were the land privately owned. Payments are made

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1/ US Department of the Interior, Bureau of Land Management, Four Year Authorization, Fiscal Years 1979-1982.

according to formulas in the act. Mineral development loans are low interest loans to states and local governments to meet the impact of federal mineral development. Authorized by FLPMA, they have not yet become operative.

The Management of Lands and Resources (MLR) budget is divided into Energy and Minerals, Renewable Resources, and various supportive functions. These categories are listed in Table I-1 and in Appendix I. The figures shown are for the "direct" program, and do not include the relatively small "reimbursible" program, or costs related to Oregon and California (O & C) lands.

Analytical Approach

The most thorough procedure for assessing the BLM authorization would require specifying in great detail BLM's goals for the next 10-15 years and then establishing criteria for determining "how to get there from here." Unfortunately, neither the data nor the time were available to conduct such an analysis. Accordingly, the present paper adopts a more ad hoc approach and examines three aspects of the BLM authorization request as submitted:

TABLE I-1: THE BLM FISCAL YEAR 1978 BUDGET

	Budget Authority ($ million) Individual Programs	Total Appropriation	Expected Revenues $ million
Management of Lands & Resources		242.1	
Program Activities:			
Energy and Minerals	95.6		
Outer Continental Shelf	57.5		2,600
Energy Onshore	31.5		390
Minerals Onshore	6.6		24
Renewable Resources	74.7		
Forest	8.8		6
Range	30.3		18
Recreation	9.4		
Soil, Water and Air	11.5		
Wildlife	6.4		
Fire Management	8.3		
Supportive Activities	71.8		
Lands and Realty	24.9		
Planning	12.2		
Data Management	12.6		
Cadastral Survey	18.1		
Law Enforcement	.5		
Administration	3.5		
Construction, Acquisition & Maintenance		18.7	
Payments in Lieu of Taxes		100.0	
Administration	.2		
Payments to Governments	99.8		
Mineral Development Impact Loans		----	

(1) Consistency Between the Requested Budget and the Priorities of FLPMA.

(2) Program Issues.

(3) Alternative Budgets.

The Federal Land Policy and Management Act represents the most recently enacted statement of Congressional priorities for onshore programs. Chapter II evaluates the extent to which the budget proposal reflects this new set of priorities.

The last two chapters of the paper focus on policy issues and alternative budget scenarios that should be considered before Congress makes decisions regarding this authorization. With respect to the policy issues, the paper discusses those philosophical questions which should drive the final authorization. For example, what relative emphasis is necessary for resource inventory programs and what are the costs and benefits of delaying such programs? Alternative policy scenarios and their budgets are then discussed in the final chapter. For example, the funding levels which would be necessary to accelerate production of energy are compared with various other priorities.

Appendix B to the report considers in detail the justifications for individual items. Appendix D examines several procedural problems involved in a multi-year authorization.

CHAPTER II. EVALUATION OF THE PROPOSAL WITH RESPECT TO LEGISLATIVE REQUIREMENTS

The Federal Land Policy and Management Act of October, 1976 (FLPMA) established guidelines for most of BLM's onshore activities. 1/ Although BLM continues to operate under many pieces of legislation 2/, it is FLPMA that states the overall policy for management of public lands, as well as assigning numerous specific tasks to BLM. This chapter examines the extent to which the budget submission complies with the goals of FLPMA.

GENERAL COMPLIANCE WITH FLPMA

The primary and uncontroversial purpose of FLPMA was to provide a legislative foundation—an "Organic Act"—for BLM. Its declaration of policy states that public lands are to be retained in federal ownership, and that their present and future use should be projected through a land use planning process consistent with multiple use and environmental protection. It thereby gave BLM a mandate for long range planning and management of public lands.

1/ Offshore activities are regulated by the OCS Lands Act of 1953.

2/ A few recent examples are the Endangered Species Act of 1973, the Federal Coal Leasing Amendments Act of 1975, the Wild Horse and Burro Act of 1971, the Geothermal Steam Act of 1970, and the National Petroleum Reserves Production Act of 1976. The General Mining Laws of 1872 are also still in effect. FLPMA replaced more than 2,000 other laws affecting BLM.

FLPMA requires so many explicit activities in renewable resources that real compliance is impossible without substantial changes in priorities. In the view of many, the renewable resource program has been neglected historically because it was not expected to continue indefinitely but to phase down as lands were distributed. Energy resources, however, received large budget increases as a result of policy during the last four years. One prevalent interpretation of FLPMA is that it restores the balance between energy and renewable resources.

The budget can be used to show the balance of spending between energy and renewable resources, or between planning and other activities. The allocation of the budget clearly shows that an attempt was made by BLM to prioritize resources in accordance with the new mandates of FLPMA. However, the extent of the shift appears to fall somewhat short of that intended by the Act.

Energy vs. Renewable Resources

Table II-1 summarizes the changes in allocation of the budget among energy and minerals, renewable resources, and other spending. In this table, the budget categories have been somewhat reorganized from those used by BLM. This organization will also be followed in Chapter IV.

TABLE II-1. COMPARISON OF BUDGETS, FY 1976, 1978, 1982: IN MILLIONS OF DOLLARS

	1976 Budget Authority	1978 Budget Authority	1982 Authorization Request
Offshore Energy	55	58	80
(Percent of Total)	(30)	(23)	(21)
Onshore Energy and Minerals	23	51 (a)	67
(Percent of Total)	(13)	(20)	(17)
Renewable Resources	66	93	165
(Percent of Total)	(36)	(37)	(43)
Other Programs	39	50	77
(Percent of Total)	(21)	(20)	(20)
Total MLR	183	251	389

SOURCE: See Appendix C-1.

NOTE: Management of Lands and Resources Budget subject to Appropriation, plus range improvement fund. Numbers may not add due to rounding.

(a) Large increment between 1976 and 1978 due to expansion of coal program.

Between 1976 and 1978, the proportion of the Management of Lands and Resources (MLR) budget allocated to renewable resources did not change greatly. The proposal would slightly increase that share to 40 percent by 1982. Other categories decline over the period. The budget then represents a small reallocation toward renewable resources.

Planning and Studies

Table II-2 shows the MLR budget components allocated by BLM to planning, inventory, and studies. The range improvement fund, while not subject to appropriation, has also been included with MLR because it is an integral part of the range program, adding an estimated $8.8 million a year. The "other" category must be interpreted as including some small additional amounts of planning plus administrative overhead which can be attributed to planning.

The table clearly demonstrates that large portions of the budget are for planning and studies of various kinds. Percentage wise, less is being spent for this purpose in renewable resources than for energy and minerals. The role of planning in renewable resources does not increase over the budget period. Of course, planning is not brand new to BLM since FLPMA. Planning was done previously, but FLPMA gives recognition to its long range importance. FLPMA does not specify exactly how much planning should occur.

TABLE II-2. IMPORTANCE OF STUDIES, INVENTORY, AND PLANNING IN THE MLR BUDGET: IN MILLIONS OF DOLLARS

	1978 Budget Authority		1982 Budget Request	
	Program Amount ($000,000)	Share of Program for S, I, & P (Percent)	Program Amount	Share of Program for S, I, & P (Percent)
OCS	$58	$46 (81)	$80	$68 (85)
Onshore Energy and Minerals	51	19 (37)	67	26 (39)
Renewable Resources	93	36 (39)	165	53 (32)
Other MLR	50	0 (0)	77	0 (0)
Total MLR	251	101 (40)	389	147 (38)

SOURCE: OCS: Table B-4
Onshore: Table B-6
Renewable: Table C-2

TABLE II-3. RENEWABLE RESOURCES

	1978 Budget Authority		1982 Budget Request	
	Amount $ million	Percent	Amount $ million	Percent
Studies, Inventory and Planning	36	35	53	29
Studies	(8)	(8)	(19)	(11)
Inventory	(17)	(17)	(20)	(11)
Planning 1/	(11)	(11)	(14)	(18)
Daily Business	56	54	113	63
Administration	(16)	(16)	—	—
On-the ground Improvements 2/	(20)	(20)	—	—
Other 3/	(20)	(20)	—	—
Total	93	90	166	92
CAM 4/	8	8	12	7
Cadastral Survey 4/	1	1	2	1
ADJUSTED TOTAL	103	100	180	100

SOURCE: Appendix 3

NOTE: Totals may not add due to rounding.

1/ Includes multi-use planning and California desert

2/ Includes range improvement fund

3/ Sales, use authorizations, processing paperwork, training.

4/ Spending for Construction, Acquisition, and Maintenance and cadastral survey explicitly intended to support recreation and forestry programs (BLM budget of 11/15/77, Appendix 1)

The renewable resources budget was examined further to determine the allocation of spending. The results are presented in Table II-3. This table has been refined by inclusion of accounts in construction, acquisition, and maintenance and the cadastral survey which directly complement the recreation and forestry programs, as well as attributing multi-use planning to renewable resources. The numbers therefore, differ slightly from those in Table II-2, but the conclusions are not altered. Overall spending on studies, inventory, and planning will decrease in relative importance. If there is to be an initial planning push, a future decrease in planning might be expected.

The budget fails, however, to give the impression that a coordinated plan of resource management is well underway. Appendix 2 proceeds through each budget item, and encounters at each step of the way a lack of underlying structure or apparent long range development plan. Furthermore, the individual accounts seem to stand alone without coordination. Possibly better planning exists but was not presented in the budget justification as this analysis feels it should have been. Otherwise, the conclusion is that planning needs to be improved or increased.

On the other hand, the budget also does not present an impressive list of accomplishments on the ground. BLM and other sources agree that there is deterioration of much of the range. Such a situation suggests a need for more "dirt work" to accomplish on-the-ground improvements.

PROGRAM COMPLIANCE WITH FLPMA

In its Declaration of Policy, the FLPMA stated broad policy guidelines for specific activities within BLM. Among others, it directed BLM to:

- o conduct systematic inventories of its lands and resources.
- o protect non-market environmental values of its lands, and correct damages.
- o develop long-term plans for resource management.
- o charge fair market value for sales or use of resources.
- o establish rules and procedures.

Inventory

BLM has proposed inventories for water quality, soil, wildlife, geology, vegetation, minerals, and other areas which would cover most aspects of the lands in each program. The proposed inventory was to be completed in ten years, 3/ but as is discussed in Chapter III and Appendix 2, the original schedule has not been approved by OMB, and spending projected in the four-year budget proposal is less than was proposed to the Appropriations Committee.

3/ BLM Ten-Year Inventory Proposal, Report to House Interior Appropriation Subcommittee, Spring 1977.

Environmental Protection

Environmental studies are being conducted or planned in virtually every BLM program. Some of these studies have been forced on BLM as a result of court decisions. The range management and coal leasing programs are currently affected by such decisions. In these instances the courts have concurred with environmental groups that BLM's original plans did not adequately consider environmental values to the extent intended by law.

Planning

BLM has devised a multiplicity of plans: Management Framework Plans (MFP's) for all lands, Coal Leasing Plans Allotment Management Plans (AMP's) for range, Habitat Management Plans for wildlife, Normal Fire Year Plans, and others. The most extensive and expensive of these are the AMP's.

In addition, FLPMA directed BLM to prepared special plans for the California Desert and to review 55 areas for possible wilderness designation. BLM's proposal indicated that all specifically required studies will be initiated during the four years.

Planning funds constitute about 39 percent of the renewable resources budget. BLM's claims for the amount and extent of the planning studies are impressively large but results are not yet evident. Some programs are being delayed while studies are in progress. For example, new AMP's cannot be

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implemented until environmental statements are completed and approved. Until the EIS's are approved much "dirt work" in the field is confined to wildlife protection and recreational development. One issue which the next chapters explore is whether planning should be accelerated or be by-passed in some manner.

Fair Market Value

Although BLM makes use of auction sales in many of its activities, there are instances where fair market value is not charged in accordance with the general policy of FLPMA. Non-competitive oil and gas leases are provided at a price below the market, as is obvious from the great number of applications for the "lottery" for issuing leases. Efforts to increase grazing fees have met with resistance.

Rules and Procedures

As of June 30, 1977, statutory deadlines for implementation of the FLPMA had been attained with the notable exception of the requirement to request four-year authorizations for appropriations. The request was due on May 15, 1977 but was not actually submitted until September 26, 1977.

Task forces within BLM are working on regulations which meet the requirements of 13 other provisions of the law. Many of these 13 sections are substantially more complex and controversial than those already completed. Other of the 13 (wilderness studies, land withdrawals) begin programs which will not be complete for many years.

In addition to federal rulemaking, passage of FLPMA requires substantial changes in the conventional procedures of the Bureau. The Bureau has established "Organic Act Directives" (OAD's) to maintain control over these policies. By June 30, about 70 OAD's had been issued.

In conclusion, it appears that the controversy in BLM revolves around certain programs in renewable resources—specifically planning, inventory collection, and on-the-ground improvements. Some could say that total compliance in the short run would require an infeasible expansion of inventory and planning efforts. Others could say that the budget provides extremely little expansion in actual rehabilitation, revegetation or wildlife control. Although one could conclude that the proposed budget is a legitimate compromise among the multiple objectives of energy, planning and rehabilitation, this analysis concludes that the budget is not sufficient in level or allocation to attain the objectives of FLPMA. In that respect, the proposed budget seems out of balance in favor of energy and commercial programs. If adequate progress is to be made, the budget should either be increased or be reprogrammed. In Chapter IV, alternative budgets are developed which would more effectively comply with FLPMA as well as other legislative guidance for BLM.

CHAPTER III: PROGRAM ISSUES

This chapter evaluates program policies which are reflected in the budget. Some programs (such as Land and Realty) are relatively uncontroversial and do not fluctuate greatly with the types of policy changes envisioned in this study. Other program levels (such as collection of inventory data) are directly determined by policy. If, for example Congress desires to accelerate compliance with FLPMA by completing required studies as rapidly as possible, Congress can attain that objective by resolving issues about inventory data collection and planning, and by augmenting the budgets to support those efforts. Accordingly, the issues in this chapter have been selected because their resolution defines policy objectives.

The specific issues addressed are:

- Inventory Collection
- Planning
- Range Quality
- OCS Research Studies
- Coal Leasing
- Personnel Ceilings

ONSHORE RENEWABLE RESOURCES

A sense of history is necessary in order to understand the current problems of the renewable resource programs of the BLM. Most of the BLM lands consist of parcels which were never claimed by homesteaders, miners, or other interests. Hence they are "leftover" lands. BLM planners often joke that the land's main use is "to hold the rest of the world together". In fact, however, most of the land is used for grazing and sometimes for production of timber or minerals.

Prior to passage of the Classification and Multiple Use Act of 1964, there was considerable public opinion that the objective of the BLM should be to hold the land until it could be disposed of. BLM had little or no authority to manage or maintain the quality of the land. Some of the land still has not been surveyed, let alone examined for resources. As a consequence, its quality has suffered from neglect.

Passage of the FLPMA gave BLM the mandate which was needed to properly manage the land. The Bureau's task under FLPMA is formidable, not only because the land holdings are extensive, but because BLM has not previously been able to build an institutional base in people and in knowledge which can easily accomplish all the work required by FLPMA. One can also argue that BLM's budget has been designed for conditions before passage of

FLPMA and that the entire level of the budget should be reevaluated in order to meet the new responsibilities. BLM has proposed a program strategy and budget which might not be appropriate and sufficient to comply with FLPMA as Congress desires. The next sections seek to explain the issues and alternative approaches.

Issue I: The Inventory Program

BLM does not have a base-line of information and data because acquisition of resource data was rarely considered necessary until recently. The Bureau now has on-going inventory efforts in several different programs, costing a total of between $16 and 20 million in 1978. In the Spring of 1977, the bureau proposed an expansion and integration of the program which would operate for ten years at an average budget of $32 million per year. 1/ To date, neither OMB nor the Appropriations Committees has approved sufficient funds to carry out an inventory program at this level.

The proposed inventory program was divided into six categories. The justification for this division lies in the internal organization of the Bureau, because employees are assigned by program. As a result, the proposed

1/ Ten Year Inventory Proposal; Report to the House Interior Appropriations Subcommittee, BLM, DOI, undated.

program is actually six different and possibly uncoordinated inventories. Each program has justified its requirements independently of the others. The problem with this approach is that the data which these efforts will collect might be incompatible and/or redundant and that the allocation of funds among programs might be inefficient.

It is probable that the proposed inventory program is a dead letter and perhaps this analysis should not consider it further. On the one hand, it was clearly flawed because of lack of internal consistency. On the other hand, however, it represented the first agency-wide effort to address the problem directly. The following comments are oriented toward future programs in the expectation that they will rectify the shortfalls of the proposed program.

Data Needs. Future management decisions are likely to vary among regions and be somewhat predictable in each region. The Bureau's proposed program does not concentrate on the likely regional issues and instead attempts to collect a summary of data which would be generally helpful, but not necessarily sufficient, for resolution of general issues. In the short run, this policy will probably provide insufficient assistance to decision-making. During this transitional period, however, BLM recognizes that their planning cannot wait for a long-term inventory program to mature. The most difficult managerial task facing the Bureau in this area is to integrate a small transitional data collection program, which has limited objectives, into a long-run program.

Present information is lacking in so many respects that it is unreasonable to expect that any effort will be able to collect enough information to "solve" the problem in an 8 to 10 year time frame. Put another way, the BLM doubts that it can even attain a level of information equivalent to what the Forest Service now has by the end of the ten year program.

The Bureau would like to institute a long-term data collection program that is firmly grounded, so that the data will be useful in future years, and so that future inventory programs will be compatible. The proposed program, however, did not meet these objectives. Specifically:

- There was potential for internal inconsistency. Different people in different organizations would be involved at different times.
- Research objectives and management needs did not determine what data is collected and what efforts receive priority.
- There was insufficient synthesis and evaluation of the data.

These conclusions seem somewhat pessimistic, but it should be recognized that a comprehensive inventory program would be very large and conceptually complex. The Bureau is facing so many unknowns that planning for such a program is difficult. Bureau personnel are swamped with short-term planning and operational requirements, and generally, the senior

professionals' experience has been with hands-on management rather than with forward planning.

Inventory Program Priorities. The allocation of funds among inventory programs should be related to outputs or decisions. The spending levels in the proposed inventory program seem to have been a function of the level of work and effort that can be programmed. For example, the allotment in the proposal for recreational programs—originally 18 percent of the total—was primarily to locate and identify early cultures and dwellings. Since the inventory program was proposed, the Congress has appropriated some additional funds for this effort in fiscal year 1978 and the President has proposed somewhat more for fiscal year 1979. The total proposed for 1979 is about 35 percent that requested by BLM from the Appropriations Committee in 1977.

The policy choice regarding inventory is especially difficult because no policy is likely to fulfill all requirements or expectations. If the policy decision is to fulfill planning requirements as quickly as possible, a large integrated inventory effort is essential. Alternatively, policy might be to attempt to accomplish other objectives first and to defer planning. In this event, inventory programs can be less intensive than otherwise, but still must be much larger than at present. Two of the alternative budgets considered in the next chapter include expanded allowances for inventory.

Issue II: Coordination

The role of BLM personnel has changed in the last ten years from that of range managers to "land use planners". Consistent with the escalation of awareness regarding land resource issues, the Congress, the courts and the Executive Department have required the BLM to complete a number of land use studies. Some of these are single-purpose studies, such as wilderness review; others are oriented toward multiple use of individual parcels—and still others are "action plans" for implementation of programs.

The studies themselves are the expected and necessary results of current concerns with the use of public land. The problems are the delays in decisions and activity which have resulted from the deluge of requirements for studies. The Bureau seems to institute requirements for planning documents without a full analysis of their relative need or workload. They project that a total of more than 10,000 studies must be accomplished of which only about twenty percent have been completed. Some of the completed studies—particularly unit resource analyses and management framework plans—are being "recycled" because of new information or as a result of lawsuits.

A partial list of the many studies is presented below: 2/

2/ BLM Planning for Multiple Use System, BLM, DoI, undated.

	Total Required	Completed
Unit Resource Analysis	600	490
Socio-Economic Profile	100	79
Planning Area Analysis	450	48
Management Framework Plan (also called Multiple-Use Plan)	450	390
Allotment Management Plan	8,700	1,158
Environmental Impact Statements for AMP's	212	1
Wilderness Studies	55	0

To date, the Bureau's success with land use studies (such as grazing programs or multiple use plans) has not been good—in part because of lack of data and in part because of lack of experience and technical ability. The Bureau's reaction to this has been to put off decisions until more studies are completed. As a result, little but planning—or planning of planning—is being done. Both legislative committees have complained about the trend away from what is called "dirt work" and toward paper studies, yet the requirements for new studies have increased. A large part of the budget augmentations proposed for renewable resources is due to new planning requirements.

The vicious circle is that decisions cannot be made until studies are complete, studies require inventory data, collection of data requires that personnel defer maintenance, and lack of maintenance means that range conditions decline thus requiring more managerial attention and funding for rehabilitation while the studies are in progress.

It is difficult, however, to conclude that any specific studies should not be done. The general consensus is that planning is long overdue and that the Bureau is just suffering from growth pains. More experience, better supervision and more grass-roots technical capacity will improve the system. What is needed is a recognition that planning is the business of the Bureau. If what is wanted is better planning, what is needed is additional staff with training in analysis and land-use planning. The problem is how to get through the transitional period. Clearly, the present paralysis has a cost. Failure to make decisions constitutes a decision to continue with the status quo, and some aspects of the status quo might be precisely what the Congress wants to change.

It is difficult to find perfect solutions to the problem. One possibility is to adopt a two-stage process that would permit interim decisions after brief study. Grazing programs demonstrate the feasibility of interim policies which seek to conserve options but which also represent a change from the status quo. This approach might require legislation, and would certainly require an administrative agreement with the Council on Environmental Quality, The Natural Resources Defense Council and the courts.

Another alternative would be to orient the effort toward a few decisions and put off efforts in other directions. The BLM has little sense of an overall critical path in which decisions can be prioritized and studies coordinated. If such an organization were developed, resources could be allocated more efficiently than at present.

A third alternative would be to use contractors or consulting firms to do certain studies as fast as possible. Several large pieces of work are very mechanical and do not require BLM personnel. Those that must be done on a one-time basis could be done under contract in order to save time and avoid reprogramming. Inventories might be a case in point. A benefit of using contractors for data collection is that the program can be managed from a central office. Central control could lead to better coordination and compatibility of the data.

The choice among the alternative planning strategies is fundamental and should be resolved by Congress. If Congress wants the studies to be done before decisions are made, it should allocate resources to accomplish them, and recognize that there will be a delay before tangible results can be expected. The budgets in Chapter IV reflect various possible planning strategies.

Issue III: Range Quality

The most obvious environmental problem facing the Bureau is to restore the quality of the public lands in light of several years of drought and strong pressures to increase or maintain grazing allotments. The problem is that much of the land is very fragile, is in poor condition, and has limited ability to recover from damage. It is not clear whether current policies are aggravating the damage and what sorts of policies can restore the lands to a better condition.

The Bureau has attempted to solve some of these problems by designing local management plans for grazing (called Allotment Management Plans or "AMP's") however, because of litigation no new allotment plans have been implemented since July 1975. 3/ Some personnel within the Bureau claim that little field work can be accomplished until an environmental impact statement for the area has been accepted by CEQ. Others claim that the suits filed under the National Environmental Policy Act prohibit BLM only from actions which would increase grazing. Recreation, wildlife and some erosion control programs would not be affected. As a result of the controversy, however, the Bureau field personnel have been reluctant to undertake work even in exempt categories.

3/ The contention by environmentalists was that the AMPs would increase use of the land for grazing at the expense of other users such as wildlife and recreationists.

Overgrazing. There is general agreement that much rangeland is in poor condition and that overgrazing has been the principal cause of degeneration of range quality. Some of the deterioration occurred before passage of the Taylor Grazing Act of 1934. However, current grazing practices have not enabled much of the land to recover. 4/

The preferred solution of the Bureau is to implement allotment management plans. Their data indicate that implementation of AMP's provide substantial improvement in range conditions because of rotation of pastures. Environmental lobbies have challenged the AMP concept, however, by claiming that the intensive management practices under the AMP's are cost-ineffective, descriminate against alternative uses of the land and are based on inaccurate data.

BLM designs AMP's so that, if possible, total animal unit months are not reduced. In effect, public capital subsidies and investment are substituted for a reduction in grazing permit. Although, it has been possible to reduce damage by more sophisticated grazing plans, there is no reason to believe that the total forage permitted under the grazing regulations developed during the 1960's was optimal. It seems likely that in many cases, grazing will have to be reduced until range conditions improve. In some cases, this reduction will be severe, and will place a considerable hardship on local ranchers.

4/ Range Condition Report, BLM, DOI, January 1975.

A view expressed by Congress is that the Bureau is doing too much planning and not enough "dirt work". Although obviously the Bureau cannot do extensive work on the ground without planning for it, some members of Congress believe that more maintenance work could be accomplished while plans are in progress. Others feel that in the short term the Bureau should put more investment into improvement of wildlife habitat and recreational opportunities. In fact, the program plans for the Bureau claim very modest objectives for on-the-ground work; most of the range management account which is subject to authorization is allocated toward environmental studies, supervision of AMP's and control of wild horses. 5/

Wild Horses and Burros. There are between 65,000 and 80,000 wild horses or burros on public lands. About half of the animals are in Nevada. On the one hand, the animals consume a considerable amount of forage—about 3 to 6 percent of that consumed by cattle and sheep—and thereby contribute to the decline in range quality. On the other hand, the animals which have been captured by the Bureau provide a substantial resource of potential public benefit which the Bureau is only now beginning to develop.

Capture of a proportion of the horses is necessary each year in order to prevent overpopulation. Accordingly, the Bureau will have at its disposal about 5,000 to 10,000 horses each year which it can distribute for adoption. Depending on one's viewpoint, distribution of horses for adoption can be

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5/ The Bureau spends $8.8 million per year on range improvement. These funds are not subject to authorization because they constitute 50% of grazing fees collected from use of public lands.

either an allocation of a resource benefit or a headache for the Bureau.

The Bureau is responsible for the care and feeding of captured horses until they are adopted. Therefore, there is a substantial incentive for them to encourage the public to adopt horses and thereby take responsibility for their maintenance. Up until this point, the Bureau has not aggressively tried to capitalize on this opportunity, in part because the program is new. For the future, the choice facing the Bureau is to either maintain a large (and increasing) number of captured horses, or to expand their "Adopt a Horse" program by establishing distribution centers across the country. Clearly the first alternate includes an increasing social cost in terms of forage consumed by the horses. The second alternative has a benefit because more wild horses would be available to the public. The more attractive alternative is the second one, but it involves the Bureau in a new line of work in which it has little experience and therefore it has been very slow to take action. To date, the Bureau sees only the negative aspects of the issue.

Currently, the wild horse problem provides more mail to the Department of the Interior than any other issue. Distribution of captured horses could provide benefits to an entirely new sector of the public and could benefit range quality by permitting BLM to to keep herds to ecologically sustainable levels.

OFFSHORE PROGRAMS

The OCS program is conceptually less complex than the onshore programs. There are only a few sales of leases each year and the basic informational requirements of those sales have in recent years been met by

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a combination of large baseline inventories, small special purpose studies and preparation of the EIS's. In 1978, these efforts will cost about $33.5 million. In addition to this amount, $12.9 million is devoted to other OCS studies. The proposed budgets are:

Studies	1978	1982
Baseline and Monitoring	33.5	38.6
Special	10.5	18.6
Transportation	----	7.8
Socio-Technical	2.4	2.8
Administration and Other	11.1	12.2
TOTAL	57.5	80.0

The issue is whether the planned studies are all necessary, or whether the cost can be reduced.

Issue IV: OCS Research Studies

The planning documents for OCS studies indicate that only about 80 percent of the 1981 activity is necessary before a lease sale is held (Baseline Studies). 6/ The rest (Post-Discovery Studies) are contingent on oil being discovered. At the minimum there is no need to commence studies based on an assumption of discovery until such an event occurs. Several of the sales which have been programmed for study (MAFLA, Gulf of Alaska) have not

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6/ Management Implementation Plan for the Intergovernmental Planning Program for Leasing of OCS Oil and Gas, BLM internal document, undated.

had discoveries. Yet, the proposed authorization includes planned expenditures for extensive "post-discovery" studies.

The OCS planning document does not differentiate between needs for a small versus a large study. The plan calls for large studies at every point. It is possible that in some cases little more information can be gained for $500,000 than for $50,000 per study.

Data regarding development of oil or gas discoveries is often determined independently by BLM contractors. That policy might not only be duplicative but would probably not be as accurate as if the operating firms contributed data. In some previous cases (such as the development plan for the Santa Ynez Unit) the firm donated much of the relevant data to the agency which prepared the EIS. Perhaps some ways could be found in which BLM could rely more on donated data rather than developing their own.

Many of what BLM refers to as "special" studies (and some of the "Alaska" studies) are projected to be analyses of on-shore effects of development. Lawsuits have established a need for a moderate level of such analyses. This examination finds no fault in this regard except that past experience indicates that the studies could be more cost-effective if a rigorous oversight were used. A question could also be raised as to whether these studies should be only partially a federal responsibility.

In summary, the Bureau seems to have selected a very expensive research strategy. This analysis concludes that the studies could be increased or decreased in two ways, depending on policy:

- Baseline (or "benchmark") studies are required in order to prepare an EIS for a lease sale. The issue on these studies is how much baseline data is sufficient. The BLM proposal assumes four years of data is needed. The 1979 Budget permits only 18 months. Accordingly, the 1979 budget has been cut from the proposed $32.9 million to $18.4 million.

- Special environmental studies address specific problems. OMB cut BLM's proposed budget from $17.9 to $9.5 million.

Although OMB's action seems to resolve the issue, as a practical matter, Congress can elect to authorize and appropriate funds to continue with whatever level and direction of studies it chooses. On the one hand, more studies might provide a measure of security that future OCS leasing will be accelerated. On the other hand, the studies are extremely expensive

and might not be as beneficial as competing uses of funds.

ONSHORE ENERGY AND MINERAL PROGRAMS

The on-shore non-renewable resource programs are oriented toward processing of permits for oil, gas or mining permits, or toward leasing of land for coal mining. With the exception of coal leasing, the programs seem either to be non-controversial or of minor importance. 7/ The programs seem well-managed, probably because they have received a large amount of attention from BLM and a correspondingly high budget priority. However, the projected studies for coal production involve large budgets and are controversial.

Issue V: Coal Leasing

The Bureau has given planning for new coal leasing programs a high priority. The total budget to support a coal leasing program in 1978 is about $15 million. It is difficult to understand why development of a broad coal leasing program should be so important, given the many other programs which BLM must develop as a result of FLPMA. The supply of western coal is not limited; demand for it is the limiting factor. The amount of coal already under lease is at least 400 times the annual production rate. 8/

7/ There are economic issues with respect to leasing oil and gas production rights. These issues affect the budget indirectly because they determine revenues to the Treasury and because they consume BLM manpower.

8/ Production of coal from federal leases has been considerably lower than most expectations for a number of reasons. An issue not covered in this paper is whether new policies are necessary to stimulate diligent development or provide incentives (disincentives) so that leases could revert to federal control.

Large western coal reserves are now under lease or are in private hands. 9/ It is doubtful that a major accelerated leasing plan would have more than a minimal effect on the supply or price of coal. 10/

This is not to say that some leasing is not necessary nor desirable. Clearly a leasing program is essential in order that certain mines can either complete their mining plans, produce coal for special purposes, or can acquire easements. In order to meet these needs, the Department has instituted a "short-term" leasing policy which has been leasing specific areas.

The present budget for the coal program totals $19.1 million and combines tasks which administer present leases and those which support a future leasing program. Present and short-term leasing poses no budget

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9/ About 16 billion tons of recoverable coal reserves are now under federal leases. Annual production from those leases was 33 million tons in 1976. Although resource estimates vary widely, total western reserves are about 80 billion tons of strippable coal of which about 48 billion tons are federal and can be leased. One-third of the federal surface coal has already been leased. Because industry selected these leases in the past, it is presumed that the areas leased represent the most economically attractive areas. Sources: Effects of Coal Development in the Northern Great Plains, DoI, April 1975, p. 8; Mineral Resources and the Environment, National Academy of Sciences, 1975, p. 97; and Public Land Statistics, BLM, DoI, 1976, pp. 104, 108.

10/ The Bureau estimates that under their proposed leasing program, which would start in 1980, only 18 percent of BLM's coal royalties in 1990 would come from coal produced on leases issued from this date on.

issue, but accounts for only $2.5 to $4.0 of the $19.1 million. The issue is the level of support for the future program. BLM proposes to increase the budget from the present $15 million to about $20 million. If energy production is emphasized, it might be desirable to increase this budget somewhat further (about $2.3 million). Alternatively, the budget can be cut back by about $9 million by reducing the scope of some studies.

PERSONNEL

The business of the Bureau has changed in recent years. Ten or fifteen years ago, BLM district personnel were "ranchers of the public land" and essentially had the same problems and procedures as their neighbors on private ranges. Today, BLM people are "land-use planners", and must deal with substantially different issues. 11/

Consequent personnel problems arise regarding how to retrain existing employees so that they can effectively contribute, and how to hire new people. At the present time, the Bureau is so busy with planning requirements that few people can be spared for retraining. Yet it is generally admitted that many current employees could do more or better work if they were trained for it.

11/ There is almost a "generation gap" among employees which separate some of the older employees from their younger associates. Some observers believe that the hiring the young technically trained employees should be accelerated so that the Bureau can react to new responsibilities. Others believe such people should not be hired because they are inexperienced with the traditional BLM responsibilities. Congress seems divided on this issue.

A second problem is that BLM employees are inundated with office work to the extent that they are unable to adequately supervise much of the "dirt work" and inspection that was considered routine duty. Potentially this problem might be wasteful, especially if deferrals of maintenance or misuse of permits require extensive replacement of facilities in the future. BLM claims that their manning levels have not kept pace with new responsibilities, and that they are unable to accomplish required work. If Congress decides to augment the manning level, it is constrained somewhat because manning levels are the traditional responsibility of the Executive Branch.

Issue VI: Personnel Ceilings

For several years, the Executive Branch has had a policy of controlling expenditures by using its authority to limit personnel ceilings. Because OMB allocated ceilings to the Department of the Interior as a whole, and because Departmental policy until recent years was to increase manning in several energy programs, the BLM renewable resource programs suffered.

The restrictions on employment have led program managers to attempt to substitute temporary labor or capital for permanent employment. This

situation can encourage cost-ineffective policies, such as acquisition of expensive "labor-saving" equipment or deferral of maintenance until complete reconstruction is necessary. In other cases, especially where new programs are being implemented, the manager has been unable to hire employees who have necessary expertise. Some of the adverse effects of these policies could be important to the management of the Bureau for years because so many of the policy positions in the new programs are being staffed by senior employees without expertise in the new program.

In recent years, as a consequence of these conditions, personnel ceilings have become a bone of contention among the Appropriations Committees, GAO, OMB, and BLM. The Appropriations Committees have written strong recommendations on personnel in their bill reports, but not yet into legislation. The Appropriations reports also specify that certain appropriations assume employment ceilings which, if not met, would lead toward inefficient uses of the funds provided. Some members of Congress contend that temporary and contract labor are less efficient than permanent labor and that their allowable increase only partially replaces the recommended increase in permanent employment.

The Executive Branch, however, has frequently disregarded the recommended employment levels, believing instead that contractors and

temporary employment could replace much of the recommended increase in employment. OMB's position is that increases in employment are irreversible and therefore lead to long-term uncontrollable expenses.

Obviously, the Appropriations Committees can continue their policy of recommending more employment but not legislating it. The new administration may change its policy. An option is for the Appropriations Committee to legislate employment floors by making certain appropriations contingent on employment. This approach is very controversial because it touches on a Constitutional issue regarding Executive responsibilities over employment. In the past, Congress has used great restraint and rarely has stipulated employment levels; as a result, the issue has not yet gone into litigation. There is, however, an emerging body of opinion that believes that constraints on employment constitute an indirect impoundment of appropriations, because, in fact, agencies often outlay less money than is appropriated due to employment constraints. This issue remains unresolved.

An option for the Authorizing Committee is to recommend employment targets in the report on the authorization bills. These recommendations would not have the force of law but if coordinated with the recommendations of the Appropriations Committees would be considerably more persuasive than the Appropriations Committees acting

alone. Alternatively the authorization bills can couple authorizations to employment floors by using language such as "no funds are authorized to be appropriated for program X until employment of activity Y exceeds a certain level". This approach, however, is directly affected by the Constitutional issues described previously.

A number of considerations which are classified as procedural as opposed to program issues are addressed in Appendix D of this paper. These include such topics as the effects of inflation on the budget and how the authorization might accommodate other pending legislation.

CHAPTER IV. PROGRAM ALTERNATIVES: THEIR COSTS AND EFFECTS

As in the previous chapter, the analysis in this chapter pertains only to the MLR (Management of Lands and Resources) account. The MLR budget is divided into the four major categories (offshore energy, onshore energy and minerals, renewable resources and others) which were used in the previous chapters, and are summarized in Table II-1. The question facing Congress is whether or not it is satisfied with the present priorities of BLM. The current BLM budget reflects Congressional priorities, but there are nevertheless several future alternative budget strategies for Congressional consideration.

Four illustrative policy alternatives and their 1982 budgets are proposed in this chapter. Each is designed to emphasize particular objectives more than does the BLM proposal which is called the Base Case. Two are designed to cost approximately as much as the Base Case over the four year period, the third option is about 8 percent more expensive than the Base Case, and the fourth alternative is 12 percent greater than BLM's proposal.

The alternative budgets in the next pages are in the general program framework that has been used in previous chapters. In the view of CBO, the program budgets in this report provide the lay-reader with a basic understanding of where BLM funds are actually going. These categories do not directly correspond to BLM budget accounts, especially in renewable resources. Here the "range" program includes the range, soil water and air, and part of the wildlife accounts, while the "recreation" account includes recreation and the remainder of wildlife. Translation of the BLM budget into these accounts has been shown in the Appendix C to the report.

Alternative Budgets

The Base Case is the BLM proposed budgets without modification. Although the Administration's proposed budget estimate for 1979 requests $23 million less for 1979 than was included in the BLM Four Year Proposal, this analysis assumes that the BLM 1982 estimate is still valid. Clearly, some adjustment ought to be made, but because there is little basis for that adjustment by CBO, no changes have been made in this report.

Options I and II attempt to trade-off different objectives (energy or renewable resources) by reprogramming funds within the confines of the BLM budget totals. Option III increases the budget moderately and reprograms funds toward planning. Option IV is a combination of Options II

and III. It provides a larger budget increase and emphasizes both planning and on-the-ground rehabilitative work.

Estimates for the different budgets that could implement the policy choices are displayed in Table IV-1. These budget estimates represent approximate outlines of costs of alternative programs and should not be considered as precise budget forecasts. They are included here as representatives of feasible alternatives for the future.

Option I: Energy Production

This alternative is designed to place highest priority on short-term energy production, or on actions in the short-term which will lead to energy production in the longer-term without increasing the budget over that of the Base Case. Although it shifts priorities toward energy programs, and away from renewable resources, it attempts not to adversely affect the basic renewable resource programs such as rangeland maintenance, but to draw funds from planning and staff work. This alternative does not reduce the ultimate commitment to renewable resources, but it defers some activities. Specifically, it would:

- o provide research so that OCS leasing could, if need be, be accelerated without fear of lawsuits.
- o accelerate and streamline onshore leasing systems for oil, gas, shale, and geothermal resources.

TABLE IV-1 SUMMARY OF POLICY ALTERNATIVES

Alternative 1982 Budgets ($Million)

	Base Case BLM Proposal	Option I Energy	Option II Field Work	Option III Planning	Option IV Combination
Offshore Energy	80	95	64	68	69
Onshore Energy and Min.	67	79	58	58	58
Renewable Resources	165	138	191	212	230
Other	77	77	76	81	80
Total	389	389	389	419	437

- o institute a broad coal leasing system.
- o defer some on-shore planning and inventory collection for renewable resources.
- o hold the fire-fighting budget constant in real terms and decrease recreation and range budgets.

Option II: Emphasize Field Work

This alternative represents a Congressional decision to get more work done in the field at the expense of energy programs. It reallocates resources from long-term studies for both energy and renewable resources toward wildlife and recreation. It might require some legislative relief regarding planning deadlines. It would:

- o increase employment in the field.
- o augment budgets for recreation and wildlife, in order to accomplish range work which are not limited by lawsuits.
- o increase funds for control of wild horses and burros.
- o economize on planning and studies, but not on inventory collection.
- o develop recreational opportunities.
- o defer some OCS and coal leasing studies until needed.

Option III: Accelerate Renewable Resource Planning

This option is more complicated (and expensive) than the first two. If Congress elects to allocate substantial resources for 2-4 years in order to

accomplish a large proportion of BLM's inventory planning and requirements, this is the scenario that would result. The purpose, in this case, would be to get the data collection and planning out of the way as quickly as possible so that the agency could get to work on the rehabilitation of its renewable resources. Specifically, it would:

- o accelerate inventory collection.
- o institute a crash onshore planning program in order to complete required studies and environmental impact statements.
- o reduce and defer coal and OCS studies.

Option IV: Accelerate Planning and On-the-Ground Work

This approach constitutes a major shift in budget priorities. It increases funding of both planning and rehabilitative work to a substantial degree. It is also designed to continue shifting budget emphasis toward renewable resources after 1982. It portrays a decision by Congress to accomplish as much on-the-ground work as is feasible while planning continues. To an extent it combines the programs of both Options II and III with some adjustments. It is designed to:

- o accelerate collection of inventory data.
- o increase employment and operations in the field on wildlife and recreational programs.
- o provide more funds for removal of excess wild and free-roaming horses and burros.
- o begin a program of planning which is almost as extensive as Option III.
- o defer or eliminate some coal and OCS studies.

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Detailed Analysis of the Alternatives

The Base Case attempts to balance energy and renewable resources, and generally to continue the budget priority of the Bureau at its present level. In simplest terms, it expands all programs at a rate at or slightly greater than that of inflation, and it institutes several new studies and expands some minor programs. It represents only a minor change in policies from the status quo. This case has been discussed in the preceding two chapters.

The following discussion compares the four alternatives to the Base Case. Table IV-2 summarizes the accounts that provide the key differences among policy choices.

Option I (Energy). The principal objectives of the Energy Option are to accelerate energy development and increase energy production. This option changes the percent of the total MLR account allocated to energy from 38 percent ($147 million) in the Base Case to 45 percent ($174 million). The largest absolute increase in budgets would be for OCS studies. Onshore oil and gas leasing and energy inventories would increase in large relative terms. Most of the funds for energy would come at the expense of renewable resources—particularly planning ($7 million) and fire prevention ($11million).

TABLE IV-2 SUMMARY AND COMPARISON OF ACCOUNTS REFLECTING POLICY CHOICES

Alternative	Base	Option 1 (Energy)	Option 2 (F.W.)	Option 3 (Plan.)	Option 4 (Comb.)
OCS Studies					
Benchmark/Mon.	39	42	31	31	32
Other	29	41	21	25	25
Coal Studies	20	23	11	11	11
Oil & Gas	25	27	25	25	25
Other Energy	16	23	16	16	16
Renewable:					
Inventory	20	18	18	32	30
Studies & Planning 1/	33	26	28	50	48
Range 2/	60	56	84	70	84
Recreation 3/	23	20	34	31	35
Forest	8	8	11	8	22
Fire	22	11	17	22	22
Data Management	19	19	18	23	22

NOTE: Not all accounts are shown

1/ Includes planning account

2/ Includes watershed and some of wildlife, as well as range imporvement fund.

3/ Includes remainder of wildlife

The positive effects of a strategy like Option I are:

- o more assurance but no guarantee that OCS Leasing will not be delayed.
- o ability to process onshore lease applications faster and reduce the size of the backlog.
- o ability to provide several quick site-specific analyses per year of energy-environmental trade-offs for proposed energy projects so that permits can be processed faster.
- o about 175 to 200 additional positions would be created in energy programs.

This strategy would defer severall planning and inventory efforts . Funding for fire prevention would not be increased as much as in the Base Case and some aspects of recreation would be slightly reduced. On balance, this case protects most of the on-the-ground programs, but trades-off planning to get energy.

The two issues of this case are:

- o Spending an extra $27 million on energy might be cost-ineffective. It is not clear that at the margin this funding will noticeably affect energy production. Legal suites might still delay production.
- o Deferring planning could frustrate the intent of some provisions of the FLPMA because it could handcuff the renewable resource managers. It is likely that such a strategy would delay some renewable resource decisions for two years or more.

Option II (Field Work). The objective of this alternative is to increase employment at the field level and orient the budget in the short-term toward protection of wildlife habitat and development of opportunities for recreation. After 2-3 years, when EIS's on grazing units have been completed, more funds would be programmed toward range improvement and

rehabilitation. The theory behind this strategy is that intense management of the planning programs can accomplish most of the objectives—for energy and for renewable resources—at less cost than in the Base Case, although the studies would take more time. This strategy allocates more funds for employment and equipment in renewable resources, and makes correspondinng reductions in energy research studies.

The positive effects of this strategy are:

- It demonstrably accomplishes objectives such as protection of habitat and development of camp grounds. The benefits are tangible.
- In the longer term, it would accomplish substantial range improvement.
- About 750-850 more people would be hired at the field level than would be under the Base Case.

The negative side of this strategy is difficult to predict because it is predicated on the assumption that some planning programs can be deferred without much immediate effect. Renewable resource planning would be funded at the same level in this case as in Option I. Energy planning, however, would be cut by $25 million. It is not clear whether that reduction would affect the rate of OCS Leasing. It would probably preclude a major coal leasing program, but the funding level of $11 million per year would be sufficient for a fairly substantial study program, equivalent to the present program if regional EIS's are omitted. It is difficult to argue that $11

million per year is insufficient to support a moderate leasing program.

BLM is not likely to support this approach, because it is very different from their current policy. The Bureau prefers to complete its planning and then allocate funds for field work. One of the conclusions of this analysis is that the bottleneck of planning studies and lawsuits means that it will be a long time before any substantial field work is done under current policies because the Bureau has not increased funding for ground work in recreation or wildlife programs. If the Bureau field offices can be convinced that much field work can be done in compliance with NEPA, then this strategy is feasible.

Option III (Planning). This strategy reallocates funds to renewable resources from energy, but its objective within renewable resources is fundamentally different from that of the Rehabilitation and Range Work Option. This approach represents a Congressional choice to complete planning requirements quickly and competently so that the substantive programs can then proceed, and requires about $30 million more in 1982 than the Base Case or Options I or II.

The Four-year time frame of this report is inadequate to show this strategy in its entirety. In theory, this Option could require less funds by about 1985 than strategies which plan over a longer period of time. It is probable, however, that a planning and inventory collection effort of this

size could not be reduced in future years without cutting the value. Data of this sort are perishable and plans which depend on them can degrade over time as well. Realistically, it is likely that planning and inventory efforts will continue indefinitely.

A very persuasive reason to use this approach is that it accomplishes the Bureau's objectives in the way that both the Bureau and Congress seem to prefer. However, this option is expensive. There is also a chance that lawsuits will find that the studies will still be inadequate, and that after a few years, many would have to be done again. This strategy demands good internal management in order to minimize these risks.

Some of the effects of this approach are:

- It and Option IV are probably the only strategies which budget enough to maintain the court-ordered schedule for EIS's.
- It would employ about 400-500 less people than Option II (but about 300-400 more than in the Base Case). Most new employees would be scientists, technicians and office personnel.
- Field employees would be hired in increasing amounts after 1982.
- Tangible rehabilitation of rangelands would not be substantial until late in the period.
- Planning for wildlife and recreation programs would be increased but field implementation would be decreased, relative to Options II or IV.

This approach constitutes a decision by Congress to lay the ground work thoroughly and then to proceed with programs after most of the

planning is complete. Of the options evaluated up to this point, it best fulfills the requirements and purposes of the FLPMA. This strategy runs the risk, however, that the planning effort will be ineffective and that substantial funds will be wasted. It also delays completion of most tangible work. On the other hand, if it works, this strategy could be less expensive than the other options in the long run.

Option IV: Combination of Rehabilitation and Planning

This approach indicates a decision by Congress to increase the budgetary emphasis on both planning and field work without sacrificing energy objectives. It represents a decision that BLM's programs require increased support and that the benefits of the program outputs outweigh the costs. Accomplishment of this strategy means that BLM administrators must deal with problems of accelerating most renewable resource programs at almost their maximum feasible rate. Because both planning and on-the-ground work are accelerating simultaneously, the problems of coordination will be substantial.

The positive effects of this policy are expected to be:

- The strategy allocates sufficient funds to accomplish virtually all planning required by FLPMA, including EIS's.
- Inventory collection would be accomplished almost as rapidly as under Option III. About the equivalent of 80 to 85 percent of BLM's proposed inventory program would be funded.

- Rehabilitative work on rangeland would be more extensive than that done under Option II. This approach would employ about 300 more people than any other option. The new employees would be allocated to both planning and field work.

- Ground work on protection of wildlife habitat and development of recreational facilities would be accelerated, but not as much as in Option II.

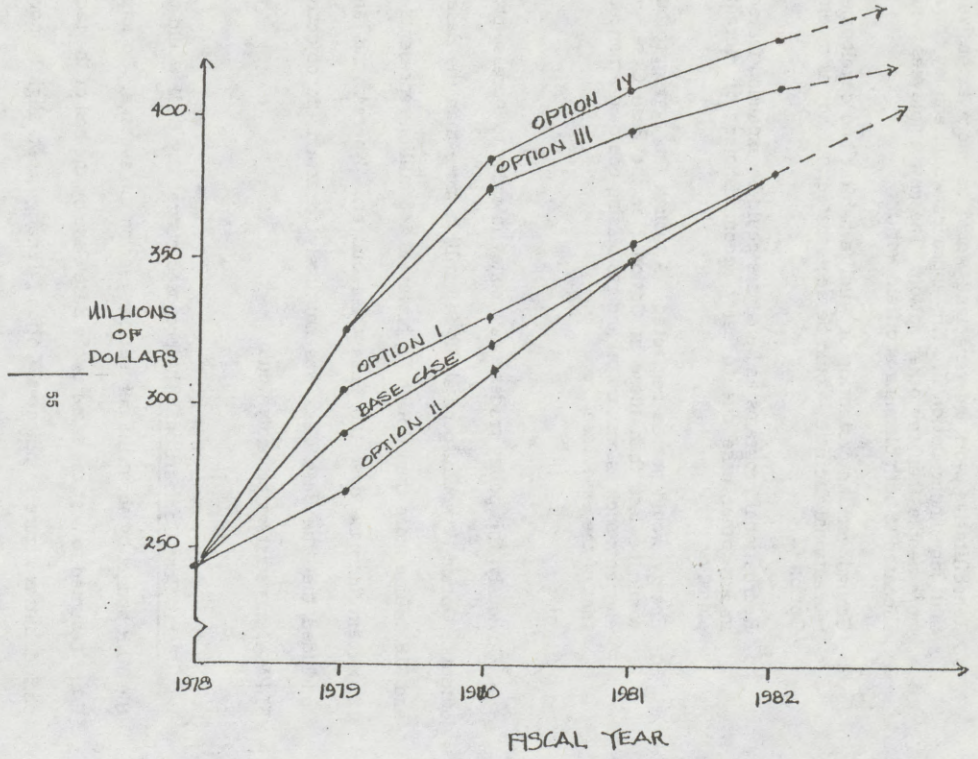
- Recreational programs and analyses could be expanded faster than in any other case due to early accomplishment of recreational plans.

- Energy would not be neglected. Although the aggregate budgets would be less than those in Option I or the Base Case, certain elements such as onshore oil and gas leasing could be expanded over that of the Base Case.

Obviously, this policy trades away money in order to increase program outputs. Option IV would spend about $48 million more than the Base Case and $18 million more than Option III; however, $48 million represents only a 12 percent increase over the Base Case budget. Whereas this analysis concluded that the Base Case was not likely to attain the objectives of FLPMA, this strategy probably would.

Total Cost Comparison. The proposed budget by BLM would expand the MLR budget by about 11.9 percent per year on the average. Options I and II are designed to cost the same as the Base Case by the end of the four year period, but as Figure 1 indicates, Option I (Energy) costs slightly more than the Base Option during the period, and Option II (Field Work) costs slightly less. These differences are because a program which hires people (Option II) takes more time to expand than one which purchases services and studies (Option I).

FIGURE 1: PROJECTIONS OF THE MLR ACCOUNT



Option III (Planning) expands very fast for two years because of the objective of completion of the planning requirements in the shortest feasible time. Although the average expansion rate for Option III is 14 percent per year over the period, the rate for Fiscal Year 1979 is 34 percent. By Fiscal Year 1982, Option III would be increasing less even than the expected inflation rate because of the relatively sharp decrease in planning and data collection. 1/

The budget impact of Option IV (Combination of Planning and Field Work) is similar in many respects to Option III for 1979. However, in 1980 Option IV would hire more people for rehabilitative work and its budget would accordingly exceed that of Option III. The average growth rate for Option IV is 15 percent over the four years.

Conclusion

On balance, Option II (Field Work) is a pragmatic approach within accepted budget limits, and accomplishes some tangible results on rangeland in the short run. In the district offices, however, this policy would require managerial courage, judgement and tact in order for field officers to program field work that complies with NEPA. Option II is a short-run strategy. In the long run, Option II suffers in comparison with other alternatives because it does not program enough funds for planning.

1/ The assumed inflation rate for wages is 5.5 percent per year, for services—7 percent and for contracts—8.5 percent.

On the one hand, the Planning Option (III) demands sophisticated analysis and coordination. On the other hand, Option II demands practical judgement. BLM's management and Congress have clearly prefered planning alternatives such as Option III in the past, but it is not clear that they or Congress recognized the risks or difficulties inherent in that approach until recently. Option IV (the Combination) has been designed to accomplish as many as possible of the outputs of Options II and III, but of course is more expensive. In some respects it is superior to Options II and III, and in at least one respect-inferior. It accomplishes the planning required by FLPMA and which is necessary to properly implement management practices. At the same time it gets work accomplished on the ground. It takes positive actions to improve range conditions. But on the negative side, it should be expected to strain the managerial capabilities of the Bureau to the breaking point. In this respect, this strategy is more risky than the others.

With respect to energy production, this analysis was unable to determine whether Option I provided a substantial benefit over the Base Case. It would, however, probably affect renewable resource programs adversely. On balance, it seems that the Base Case optimizes more objectives than Option I. This analysis concluded in Chapter II that the Base Case was insufficient to attain the objectives of FLPMA. Accordingly, neither it nor Option I seem acceptable as long as that criterion is applied.

The three remaining strategies would in different respects and degrees comply with the spirit of FLPMA. Each alternative has different outputs, risks and costs; and this analysis makes no attempt to choose among them. The alternatives have also been designed to illustrate different broad strategies and, in practice, can easily be altered or combined with each other. Hopefully, Congress can design a strategy from this material which can lead BLM to fulfill the new and complicated roles which is necessary under its new mandate.

APPENDIX A: TABLE 1

SUMMARY OF FOUR YEAR AUTHORIZATION 1/

	FY 1978	FY 1979	FY 1980	FY 1981	FY 1982
ENERGY-ONSHORE	$31.5	$32.4	$37.0	$39.0	$42.0
ENERGY-OFFSHORE	57.5	67.7	70.0	75.0	80.0
NON-ENERGY-ONSHORE	6.6	8.2	11.0	15.0	13.0
TOTAL-ENERGY & MINERALS	$95.6	$108.3	$118.0	$129.0	$135.0
LANDS AND REALTY	$24.9	$28.0	$31.8	$33.7	$35.4
Service Charges, Deposits & Forfeitures (R/W Related)	(10.4)	(32.8)	(30.8)	(30.8)	(27.8)
FOREST MANAGEMENT	8.8	8.8	8.8	8.8	8.8
O&C-Resource Management 2/	(28.0)	(32.0)	(32.0)	(32.0)	(32.0)
RANGE MANAGEMENT	$30.3	$30.3	$35.0	$38.0	$40.0
Range Improvement Approps.	(8.8)	(8.8)	(8.8)	(8.8)	(8.8)
RECREATION	$9.4	$20.1	$21.5	$23.5	$30.0
SOIL, WATER, AND AIR	$11.5	$17.6	$19.5	$22.0	$28.0
WILDLIFE	$6.4	$9.9	$10.9	$13.0	$17.0
FIRE	$8.3	$12.0	$15.6	$18.0	$22.0
Fire Fighting & Rehabilitation	(4.8)	(4.8)	(4.8)	(4.8)	(4.8)
TOTAL RENEWABLE RESOURCES	$74.7	$98.7	$111.3	$123.3	$145.8
PLANNING	$12.2	$12.8	$10.9	$10.9	$10.9
DATA MANAGEMENT	12.6	17.0	19.0	22.3	19.5
TOTAL PLANNING & DATA MGMT.	$24.8	$29.8	$29.9	$33.2	$30.4
CADASTRAL SURVEY	$18.1	$20.0	$21.8	$21.8	$21.8

	FY 1978	FY 1979	FY 1980	FY 1981	FY 1982
LAW ENFORCEMENT	$.5	$1.2	$2.2	$3.0	$4.1
GENERAL ADMINISTRATION	3.5	4.0	5.0	6.0	7.5
TOTAL LAW ENFORCE. & ADMIN.	$4.0	$5.2	$7.2	$9.0	$11.6
TOTAL MGMT. OF LANDS & RESOURCES	$242.1	$290.0	$320.0	$350.0	$380.0
BUILDING CONSTRUCTION	$3.6	$6.3	$7.2	$9.0	$7.2
O&C Buildings	(8.0)	(5.0)	(3.0)	(3.0)	(3.0)
RECREATION CONSTRUCTION	$1.4	$.6	$.8	$1.1	$3.9
O&C Recreation Construction	(0.0)	(4.0)	(2.0)	(2.0)	(2.0)
TRANSPORTATION CONSTRUCTION	$5.0	$4.2	$4.2	$4.5	$5.0
O&C Transportation Constr.	(10.6)	(11.2)	(4.0)	(4.0)	(4.0)
TOTAL CONSTRUCTION	$9.9	$11.0	$12.1	$14.6	$16.1
ACQUISITION	$1.5	$1.7	$1.7	$1.7	$1.7
O&C Acquisition	(2.0)	(1.0)	(1.0)	(1.0)	(1.0)
BUILDING MAINTENANCE	$2.0	$2.0	$2.4	$2.5	$2.7
O&C Building Maintenance	(1.0)	(0.0)	(1.0)	(1.0)	(1.0)
RECREATION MAINTENANCE	$3.1	$3.1	$3.3	$3.5	$3.7
O&C Recreation Maintenance	(2.0)	(0.0)	(1.0)	(1.0)	(1.0)
Rec., Dev. & Operations	(0.3)	(0.3)	(0.3)	(0.3)	(0.3)
TRANSPORTATION MAINTENANCE	$2.3	$2.3	$2.5	$2.7	$2.8
O&C Trans. Maintenance	(4.9)	(5.0)	(6.0)	(6.0)	(6.0)
TOTAL MAINTENANCE	$7.3	$7.3	$8.2	$8.7	$9.2
TOTAL ACQUISITION, CONSTRUCTION AND MAINTENANCE	$18.7	$20.0	$22.0	$25.0	$27.0
PAYMENTS IN LIEU OF TAXES	$100.0	$105.0	$108.0	$111.0	$119.0

	FY 1978	FY 1979	FY 1980	FY 1981	FY 1982
MINERAL DEV. IMPACT LOANS	--	$45.0	$50.0	$57.0	$65.0
OTHER					
Service Charges, Deposits & Forfeitures (Repair of Lands & Facilities)	(0.8)	(0.8)	(0.8)	(0.8)	(0.8)
TRUSTS	(0.7)	(0.7)	(0.7)	(0.7)	(0.7)
PERMANENTS	(289.4)	(321.2)	(350.0)	(357.6)	(388.0)
TOTALS OF PROGRAMS SUBJECT TO AUTHORIZATION	$360.8	$460.0	$500.0	$543.0	$586.0

1/ Budget authority in parentheses is shown for information purposes. It is not subject to authorization. Totals may not add due to rounding.

2/ Includes budget authority for all land and resource management activities on Oregon and California Grant Lands in Western Oregon other than that shown in Acquisition, Construction and Maintenance.

APPENDIX A: TABLE 2

BUREAU OF LAND MANAGEMENT
FOUR YEAR AUTHORIZATION
SUMMARY: Programs Subject and Not Subject to Authorization a/

($ Millions)

	FY 1978	FY 1979	FY 1980	FY 1981	FY 1982
Energy - Onshore	$31.5	$32.4	$37.0	$39.0	$42.0
Energy - Offshore	57.5	67.7	70.0	75.0	80.0
Cadastral Survey	2.0	2.1	2.6	2.6	2.6
Non-Energy - Onshore	6.6	8.2	11.0	15.0	13.0
Total (All MLR) b/	97.6	110.4	120.6	131.6	137.6
Lands and Realty	24.9	28.0	31.8	33.7	35.4
Cadastral Survey - AK (MLR)	10.0	11.0	11.0	11.0	11.0
Cadastral Survey - Lower 48 (MLR)	1.8	2.0	2.3	2.3	2.3
Service Charges, Deposits and Forfeitures (R/W Related)	*10.4*	*32.8*	*30.8*	*30.8*	*27.8*
Total	47.1	73.8	75.9	77.8	76.5
Forest Management (MLR)	8.8	8.8	8.8	8.8	8.8
Cadastral Survey (MLR)	1.4	2.0	2.4	2.4	2.4
Transportation Construction	1.1	0.4	0.8	0.8	0.8
Acquisition	0.5	0.7	0.7	0.7	0.7
O&C - Resource Management	*28.0*	*32.0*	*32.0*	*32.0*	*32.0*
O&C - Road Construction and Acquisition	*12.6*	*12.2*	*5.0*	*5.0*	*5.0*
O&C - Maintenance	*4.9*	*5.0*	*6.0*	*6.0*	*6.0*
Service Charges, Deposits and Forfeitures	*0.8*	*0.8*	*0.8*	*0.8*	*0.8*
Total	58.1	61.9	56.5	56.5	56.5
Range Management (MLR)	30.3	30.3	35.0	38.0	40.0
Range Improvement Fund	8.8	8.8	8.8	8.8	8.8
Soil, Water and Air (MLR)	1.2	7.2	7.2	7.2	7.2
Total	40.3	46.3	51.0	54.0	56.0

a/ Line items in italics not subject to authorization.

b/ MLR - Management of Lands and Resources appropriation.

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BUREAU OF LAND MANAGEMENT
FOUR YEAR AUTHORIZATION
SUMMARY: Programs Subject and Not Subject to Authorization a/

($ Millions)

	FY 1978	FY 1979	FY 1980	FY 1981	FY 1982
Recreation Management (MLR)	$ 9.4	$20.1	$21.5	$23.5	$30.0
Construction	1.4	0.6	0.8	1.1	3.9
Transportation Construction	1.6	1.9	1.9	1.9	1.9
Acquisition	0.7	0.7	0.7	0.7	0.7
Maintenance	3.1	3.1	3.3	3.5	3.7
O&C - Recreation Construction	--	*4.0*	*2.0*	*2.0*	*2.0*
O&C - Recreation Maintenance	*2.0*	--	*1.0*	*1.0*	*1.0*
Recreation Development and Operation	*0.3*	*0.3*	*0.3*	*0.3*	*0.3*
Total	18.5	30.7	31.5	34.0	43.5
Soil, Water and Air (MLR)	10.3	10.4	12.3	14.8	20.8
Wildlife (MLR)	6.4	9.9	10.9	13.0	17.0
Fire Management	8.3	12.0	15.6	18.0	22.0
Fire Support: Fire Fighting and Rehabilitation	*4.8*	*4.8*	*4.8*	*4.8*	*4.8*
Total (All MLR)	13.1	16.8	20.4	22.8	26.8
Planning (MLR)	12.2	12.8	10.9	10.9	10.9
Data Management (MLR)	12.6	17.0	19.0	22.3	19.5
Total	24.8	29.8	29.9	33.2	30.4
Cadastral Survey (MLR)	2.9	2.9	3.5	3.5	3.5
Law Enforcement (MLR)	0.5	1.2	2.2	3.0	4.1
General Administration (MLR)	3.5	4.0	5.0	6.0	7.5
Total	4.0	5.2	7.2	9.0	11.6

a/ *Line items in italics not subject to authorization.*

BUREAU OF LAND MANAGEMENT
FOUR YEAR AUTHORIZATION
SUMMARY: Programs Subject and Not Subject to Authorization a/

($ Millions)

	FY 1978	FY 1979	FY 1980	FY 1981	FY 1982
Building Construction	$ 3.6	$ 6.3	$ 7.2	$ 9.0	$ 7.2
Support: O&C - Building Construction	*8.0*	*5.0*	*3.0*	*3.0*	*3.0*
Total	11.6	11.3	10.2	12.0	10.2
Transportation Construction	2.3	1.9	1.5	1.8	2.3
Acquisition	0.3	0.3	0.3	0.3	0.3
Building Maintenance	2.0	2.0	2.4	2.5	2.7
Support: O&C - Building Maintenance	*1.0*	--	*1.0*	*1.0*	*1.0*
Total	3.0	2.0	3.4	3.5	3.7
Transportation Maintenance	2.3	2.3	2.5	2.7	2.8
Other					
Payments in Lieu of Taxes	100.0	105.0	108.0	111.0	114.0
Mineral Development Impact Loans		45.0	50.0	57.0	65.0
Permanent Appropriations	*289.4*	*321.2*	*350.0*	*357.6*	*388.0*
Trusts	*0.7*	*0.7*	*0.7*	*0.7*	*0.7*
Total BLM Funding	$732.7	$887.8	$946.3	$996.8	$1,067.2

a/ Line items in italics not subject to authorization.

APPENDIX B. CRITIQUE OF INDIVIDUAL ACCOUNTS IN THE BLM BUDGET

This appendix presents a detailed criticism of individual accounts in the BLM 4-year budget proposal. It is meant to be read in conjunction with the BLM request for a four-year authorization. Where possible, additional information has been obtained from BLM to assist in evaluating the budget justification. In some instances, however, information remains incomplete for proper program assessment.

Two themes pervade the analysis. First, the budget does not present a coordinated long range plan which would permit weighing final accomplishments against costs, or comparing the value of a dollar spent in one activity with that in another. Second, the budget focuses on needed appropriations without fitting appropriations into the total picture of costs and revenues generated by each activity. In this appendix, these two themes will be discussed in general terms, followed by consideration of each budget item.

The BLM document takes an incremental approach, citing new responsibilities under law and backlogs requiring added funding. BLM believes that this presentation was expected by Congress and required by

FLPMA. Section 318 (b) orders the Secretary of the Interior to submit a request for a 4-year authorization of appropriations to the Congress, and states: "the Secretary shall include in his request, in addition to the information contained in his budget request and justification statement to the OMB, the funding levels which he determines can be efficiently and effectively utilized in the executive of his responsibilities for each such program, function, or activity."

CBO believes that FLPMA does not confine BLM to the approach that was used, and that a different approach to the 4-year authorization would have greater value for Congressional appraisal.

Costs and Accomplishments

Cost benefit information would greatly support the budget presentation in renewable resources. The energy and minerals budgets have the advantage that their purpose is to enable production of materials that are sold. Other activities such as surface rehabilitation can be considered as part of the cost of extraction of valuable resources. The market then places a dollar value on the energy and mineral resource outputs. In the renewable resource budgets, the benefits are less obvious, but without some kind of measure of the results, it is next to impossible to evaluate the program.

Presentation of cost-benefit information requires a substantial effort. However, CBO believes BLM has the capacility to present much more complete cost benefit information than is given in the budget proposal, even though it would not be feasible to do a complete new cost-benefit analysis every year.

The range program is an example of BLM capability in cost-benefit analysis, as well as problems in undertaking such an approach. BLM has developed an impressive economic analysis of its allotment management plans. None of the results of this analysis are given in the budget justification. Since the range program has been challenged in court by the Natural Resources Defense Council, the earlier program and analysis may be subject to revision. Nevertheless, BLM probably has available relevant cost-benefit information which could have been summarized in the budget without new research requirements

Costs and Revenues

Those programs which produce or facilitate production of a saleable product should, in general, yield enough revenues to the government to cover the cost of the program. The generation of revenues can be considered independently of the channels through which those revenues flow. This

analysis is not concerned with the separate issue of whether revenues are returned to BLM by some mechanism, but only with whether sufficient revenue is collected for government accounts so that the program does not represent a burden to the taxpayers. If the program does not produce enough revenue to cover all costs, the alternatives are (1) increase revenues, (2) decrease costs, (3) consider grounds for a government subsidy, or (4) stop the program. 1/

Some programs incur costs to other agencies. For example, the U.S. Geological Survey has some responsibilities to the energy and minerals programs. Even though BLM does not have to reimburse USGS, there is still a cost to the taxpayers. When Congress wishes to evaluate a program, it should recognize that the cost of that program is the combined cost to BLM and USGS, and assess the program in light of its total cost. In such cases, an appropriate budget package would cut across agency lines. The cost should be recognized in the BLM budget, even if an appropriation is not needed.

The BLM budget could be presented in a fashion which would better show which programs are self supporting in the broader sense defined above.

1/ Revenues collected by BLM from leases, royalties, fees or sales do not in general go into a trust fund for BLM. Instead, they go into the general Treasury fund for permanent appropriations allocated by law to states and counties. Exceptions are the O&C accounts, which is not considered in the present analysis, OCS, and the range program. Under FLPMA, 50% of grazing fees are credited to a range improvement account and must be used for "on-the-ground range rehabilitation, protection, and imporvements." Part of OCS royalties are credited to a land and water conservation fund to be used by the Bureau of Outdoor Recreation.

For example, the forest management program has not always shown a profit, but not all activities of that program are related to management of commercial forest land. The budget could show (1) costs related to current commercial operations (2) costs representing studies or investments for future commercial operations (3) costs unrelated to present or future commercial production. Costs in category (1) should always be balanced by revenues, whereas costs of type (2) should be balanced by future revenues, and costs of type (3) might be supported out of taxation. Receipts may legitimately exceed costs to perform a rationing function of a resource in scare supply.

It is not possible to make a sharp separation of BLM programs with and without a market (monetary) return. BLM is increasingly being asked to take account of non-market environmental implications of its activities in mineral leasing. Nevertheless, a separation is instructive, since those categories which include at least some monetary return have smaller budget expansion than categories which do not yield revenues to the government. Non-revenue producing tasks may very plausibly have suffered neglect in the past.

Individual Accounts

Two aspects of the budget which cut across many accounts, namely, inventory and positions, are taken up first. The discussion then proceeds through the items in the BLM budget, program by program. Table B-1

TABLE B-1. IMPORTANCE OF INDIVIDUAL ACCOUNTS IN THE BLM BUDGET

	% of MLR Budget 1/		Average Annual rate of change in budget
Fiscal Year	1978	1982	1978-1982
Energy & Minerals	39	36	9
offshore	(60)	(59)	9
onshore energy	(33)	(31)	7
coal			7
oil & gas			10
non-energy	(7)	(10)	18
Land & Realty	11	9	9
Renewable Resources	31	38	18
Forest	(12)	(6)	0
Range	(41)	(27)	7
Recreation	(13)	(21)	34
Soil Water Air	(15)	(19)	25
Wildlife	(9)	(12)	28
Fire	(11)	(15)	28
Planning and Data Management	10	8	5
Cadastral Survey	7	6	5
Law enforcement & Administration	1	3	30
Total: Management of Lands and Resources	100	100	12
Acquisition, Construction and Maintenance (not part of MLR)	8	7	10

1/ Numbers in parentheses are % of subaccount

summarizes the changing importance of individual budget accounts.

Inventory. The budget appears to contain a well defined inventory program, since accomplishments list "million of acres inventoried each year" for each renewable resource category. However, no dollar amount is assigned to the cost of these inventories. BLM submitted a "Ten Year Inventory Proposal Report" to the House Interior Appropriation Subcommittee in the Spring of 1977. The figures in this report were compared with those in the present budget proposal, and are presented in Table B-2. Many inconsistencies are apparent. In the table, "Inventory Cost" is taken from the report to the House Subcommittee, while the cost of the total program and the number of acres inventoried are taken from the budget. In the Watershed, Recreation, and Wildlife budgets, the originally proposed inventory is such a large fraction of the total budget that it seems impossible that the budget can accommodate it. Fluctuations in acres and in the inventory budget have no correspondence. Evidently the 10-year plan has been altered, and cannot be met within the proposed budget. A revised plan is not available.

Table B-3 summarizes the positions proposed for the 4-year budget. In general, the increase in positions is commensurate with growth in the overall budget. Exceptions occur in the fire management program, the

TABLE B-2 BLM INVENTORYPROPOSAL (ALL FIGURES ARE IN MILLIONS

Fiscal Year	1978	1979	1980	1981	1982	1978-1987 10-year Total
Minerals:						
Inventory Cost	$ 2.0	5.2	14.2	17.0	7.0	80.4
Total Program Cost	$38.1	40.6	48.0	54.0	55.0	
Acres (millions)	not	specified				
Range:						
Inventory Cost	$ 3.0	4.7	3.0	4.7	4.1	32.6
Total Program Cost	$30.3	30.3	35.0	38.0	40.0	
Acres (millions)	9.6	5.7	5.8	5.8	5.8	
Forestry:						
Inventory Cost	$ 1.7	1.7	1.3	1.3	1.3	11.4
Total Program Cost	$ 8.8	8.8	8.8	8.8	8.8	
Acres (millions)	.2	not	specified			
Watershed:						
Inventory Cost	$10.2	13.0	13.0	8.6	6.0	80.8
Total Program Cost	$11.2	17.1	18.8	21.1	26.9	
Acres (millions)	1.1	6.5	6.5	6.5	6.5	
Recreation:						
Inventory Cost	$ 4.0	8.4	8.4	7.9	7.9	58.5
Total Program Cost	$ 9.4	20.1	21.5	23.5	30.0	
Acres (millions)	30.0	35.0	40.0	20.0	20.0	
Tot. Inventory Cost	29.0	41.1	48.1	45.5	31.3	323.1

Source: Inventory Cost: Ten-Year Inventory Proposal: Report to the House Interior Appropriations Subcommittee, BLM, DoI, undated

Program cost and acres inventoried: Four-year Authorization, 1979-1982, BLM, DoI.

TABLE B-3 NUMBER OF POSITIONS

Fiscal Year	1978	1979	1980	1981	1982	Positions % Rate of growth 1978-1982	Budget % Rate of growth 1978-1982
Energy & Minerals	1,103	1,207	1,352	1,527	1,519	8	9
onshore	665	681	732	767	812	5	9
offshore	232	274	274	280	285	5	7
non-energy	206	252	346	480	422	20	18
Land & Realty	867	1,008	1,171	1,238	1,298	11	9
Renewable	1,726	2,120	2,284	2,394	2,507	10	18
forest	228	228	228	228	228	0	0
range	739	739	809	836	852	4	34
recreation	168	411	443	462	494	31	34
soil water air	267	387	396	407	434	13	25
wildlife	117	133	171	209	247	21	28
fire	207	222	237	252	252	5	28
Planning & Data Management	472	567	537	537	537	3	5
planning	305	370	340	340	340	3	3
d. mgmt.	167	197	197	197	197	4	12
Cadastral Survey	416	421	451	451	451	2	5
Enforcement & Administration	180	215	289	366	459	26	30
administration	170	187	221	256	307	16	21
enforcement	10	28	68	110	152	97	69
Total: Management of Land & Resources	4,764	5,538	6,084	6,513	6,771	9	12

range program, and the soil, water and air program, where the positions increase proportionately far less than the budget with no obvious explanation.

Different staffing policies arise in two individual components: mining law administration (part of the onshore non-energy program) and wilderness review (part of the recreation budget). Proposed positions are as follows:

NUMBER OF POSITIONS

Fiscal Year	1978	1979	1980	1981	1982
Mining Law Administration	71	117	207	337	275
Wilderness	14	196	196	196	196

The budget plan for mining explains "the Bureau cannot in a single year recruit and incorporate into the Bureau the total positions required to administer the program" (for surface management of mining claims). Apparently a backlog is expected in the first years, to be finally accommodated with a large staff in 1981 which will no longer be necessary in 1982. The wilderness review program proposes to staff up immediately. True, there is a deadline to meet by 1980, but it is a curious inconsistency that wilderness expects to have the staffing capability that mining administration lacks.

OCS. The budget document presented far less detail on OCS spending than on any other budget item. CBO requested additional information from BLM. This information is presented in Table B-4. The next table gives a list of OCS studies for 1978.

Most of the OCS budget is for studies of various types. Increased budgets are proposed for transportation management studies and for special studies, while other categories grow at more modest rates. OCS development has yielded large sums to the government, but that fact does not automatically mean that revenues should go back into the program in the form of studies. Certainly studies are necessary, but there is no way to tell whether the proposed level is best—that is, to what extent more or less spending in this category would promote or impede the rate of OCS development. There is a sudden unexplained large increment in benchmark/monitor studies from 1981 to 1982.

Oil and Gas. The oil and gas leasing program is fully developed in the sense that most known oil and gas lands held by BLM are under lease. Budgetary increments are requested to accommodate a backlog of paperwork and for surface management of the National Petroleum Reserve in Alaska. The budget should not go up indefinitely, but should decrease after the backlog is accommodated. This should happen within the

TABLE B-4 ESTIMATES OF OUTLAYS: OCS
FOUR-YEAR BUDGET

Fiscal Year	1978	1979	1980	1981	1982
Total	57.5	67.7	70.0	75.0	80.0
Leasing	9.2	9.3	9.3	9.4	9.5
Administration	1.9	2.0	2.2	2.3	2.4
Non-Energy 1/	----	----	.2	.3	.3
Studies-Total 2/	46.4	56.4	58.3	63.0	67.8
Benchmark/monitor	14.4	13.8	13.0	14.6	18.5
Special	10.5	16.1	15.8	17.9	18.6
Alaska	19.1	19.1	20.0	20.1	20.1
Socio-Technical 3/	2.4	2.4	2.6	2.6	2.8
Transp. Mgmt.	----	5.0	6.9	7.8	7.8

1/ Includes potential non-energy mineral leasing, coral protection regulation

2/ Money split contingent upon maintenance of existing situations

3/ Includes Alaska socio-economic, bathymetric mapping, modelling

TABLE B-5 OCS STUDIES -- FISCAL YEAR 1978

Benchmark	
MAFLA	$ 1,500,000
N. Atlantic	3,300,000
Mid-Atlantic	3,100,000
S. Atlantic	3,500,000
So. Calif.	3,000,000
TOTAL	$14,400,000

Alaska	
Gulf of Ak.	$ 2,100,000
Kodiak	2,300,000
St. George	1,100,000
Bristol	600,000
Norton	1,800,000
Chukchi	1,000,000
Beaufort	4,400,000
Cook Inlet	2,400,000
Gen. Ak. Studies	2,400,000
TOTAL	$19,100,000

Special Studies - Environmental	
So. Texas	
area surveys	$ 1,000,000
Topo highs	1,000,000
GS/NMFS	300,000
S. Atlantic	
geologic (GS)	1,000,000
physical oceanog.	1,200,000
N. Atlantic	
geologic (GS)	1,000,000
physical oceanog.	700,000
NMFS	300,000
Mid-Atlantic	
geologic (GS)	1,000,000
NMFS	400,000
So. California	
Birds & mammals	100,000
intertidal	500,000
geologic	500,000
Central Gulf	
platform study	1,500,000
TOTAL	$10,500,000

Socio-Technical	
Alaska Socio-econ.	$ 1,200,000
Model runs	400,000
Bathymetric maps	800,000
TOTAL	$ 2,400,000

NMFS means National Marine Fisheries Service

authorization period, although no leveling off is mentioned. It is not clear what the magnitude of the backlog is in proportion to a normal year's new workload, although mention is made of 4,000 assignments awaiting processing, while a total of 38,000 assignments and transfers will be processed in Fiscal Year 1978. If this is an indication of the size of the backlog, most backlogs should not be more than a month or two, and a modest budget increase should suffice to eliminate them.

How the program generates revenues is another matter. There are two kinds of leases, competitive and non-competitive. Non-competitive leases are issued where reserves of oil and gas are not known, and are regulated by the 1920 Mineral Leasing Law. A flat rental rate (presently one dollar per acre) is charged. If oil or gas is discovered, then a royalty is paid. The law requires that a lease be issued to the first to file. BLM accepts all applications within one week's time, and limits applications to one per person per leasing tract. A "lottery" is then held to determine who gets the lease.

It is obvious that demand exceeds supply at the present rental of $1/acre, because of the large number of applications received by BLM and the need to police applications for a multiplicity of devices used to circumvent the one-per-person limitation. Leases are bought and traded in a

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speculative fashion. This is inconsistent with BLM policy to prevent speculation in other programs. It also generates a workload for BLM in processing transfers and checking for duplicative applications.

The government has the option of acting more as a competive market might, while still acting within the law. First, the rental price could be raised on the grounds of value to the recipient, since supply exceeds demand at the present rental. A consequent reduction in acreage leased is unlikely with the present excess demand. Possibly revenues from rents could be doubled. 2/ Second, the filing fee should reflect cost. There would then be little reason to care how many applications were received, since revenues and costs would exactly offset each other except that the associated workload uses scarce personnel allocations. However, at a higher rental rate, fewer applications might be expected. Filing fees are expected to generate $24 million in revenue in Fiscal Year 1978. The oil and gas leasing program costs $9 million. True, there may be additional costs to the U.S. Geological Survey or other costs not included in

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2/ There would be a 10-year delay before the total impact of a change in rental, since leases are for ten years and only rents on new leases can be raised. BLM supplied the following information on projected onshore oil and gas receipts: (in $million)

	Fiscal Year				
	1978	1979	1980	1981	1982
Royalties	285	332	365	399	438
Rent	58	65	70	76	82
Bonuses	8	8	5	5	5
Total	351	405	440	480	525

the $9 million, but it is likely that the present $10 filing fee exceeds costs. The Congress also has the option of legislative changes to eliminate the lottery. Regardless of whether the law is changed, the BLM workload could probably be reduced by modifications in operation.

Onshore Energy: Coal. The coal leasing program has recently been expanded with a large number of studies, partly in response to the Federal Coal Leasing Amendments Act of 1975. An itemization of costs of the coal leasing program was obtained from BLM and is presented in Table B -6. Increases are requested primarily for EMRIA (the Energy Minerals Rehabilitation Inventory and Analysis) and site specific environmental impact statements. The NRDC vs. Hughes court decision of September 1977 enjoined BLM from implementing its program for new coal leases except where certain short-term criteria are met. This decision is being appealed, in part, but may require some changes in the coal leasing program.

To the extent that the large program of studies pertains to new leases, the studies can be cut back if new leasing is not to occur. How soon new leasing will be needed is critical to deciding the appropriate coal leasing budget for BLM. BLM projects expansion of production from existing leases

TABLE B-6 COAL PROGRAM FOUR-YEAR AUTHORIZATION (IN MILLIONS OF DOLLARS)

Fiscal Year	1978	1979	1980	1981	1982
Total	19.1	19.1	22.5	23.5	25.5
Admin. of existing leases	.4	.4	.5	.6	.6
Process short term leases	.6	.7	.8	.8	.8
Process preference right lease applications	.8	1.4	1.5	1.5	1.5
Review mining plans on existing leases	.6	.6	.7	.8	.8
Evaluate existing leases	.1	.1	.1	----	----
Programmatic	1.0	.8	----	----	----
Formulate new regulation framework	.1	.1	----	----	----
Automatic coal lease data system	.1	.2	.1	.1	.1
Development of lease strategy, system, & schedule	.2	.2	.1	.1	.1
Tract selection hearings	----	.1	.1	.1	.1
DOE demand estimate	.1	.2	.1	.1	.1
Sales	----	.2	.4	.4	.5
Studies-total	15.1	14.1	18.2	19.0	18.9
EMRIA	5.9	7.9	10.5	11.5	11.5
Environmental Statement on new plans	1.0	1.4	1.4	1.4	1.4
Tech. Mgmt. to EAR's	.9	1.1	1.2	1.2	1.2
Regional env. statements	7.3	2.2	----	----	----
Site Specific env. impact statements	----	1.5	5.0	4.9	4.8

from 42 million tons in 1975 to 125 million tons in 1980 and 147 million tons in 1985. 3/ This represents a growth of 24% for 1975-1980 and only 3% for 1980-1985, although large reserves will remain and probably output could continue to expand. Since demand for Western coal is not likely to grow by more than 15% per year before 1985, it seems not unlikely that in the present budget period BLM will be able to meet demand from existing leases alone, with possible geographical exceptions.

The estimated royalties from coal leasing ($13 million) are substantially less than the cost of operating the program ($19 million) in Fiscal Year 1978. The budget projects a large increase in revenues, but when BLM was questioned about this, it supplied different figures, based upon the production estimates mentioned above. At 20¢/ton (the average 1977 level), royalties in 1980 will be $25 million. Possibly some of the program costs, especially studies, are related to future production. If so, they are necessary only if there is to be new leasing.

Non-Energy Mineral Leasing. The non-energy category receives the greatest percentage increment in the 4-year budget of all energy and minerals programs. Increases are justified by new responsibilities in surface management being assumed under the authorization of the mining law of

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3/ Coal: An Analysis of Existing Federal Coal Leases, BLM, March 1976, p. 29

1872 and FLPMA. The budget proposal actually has a decline in expenditures in this area in 1982; evidently an initial backlog and later stabilization is anticipated. Experience with surface management will determine the number of cases to be expected and the workload associated with each.

The mineral leasing program as a whole yields substantial revenues, but only for certain minerals. In other cases, the government has a cost of surface management while no fee or royalty is received. Under the present law, this discrepancy is unfortunate but unavoidable.

Renewable Resources

BLM's renewable resource program has many aspects which are similar to programs conducted by other federal agencies such as the Forest Service. In some cases, budget decisions can be made by looking at each responsible agency separately, but often decision making could be improved by a conscious allocation of funds among agencies. This is true especially where non-market benefits are realized. For example, although it is difficult to decide the amount of the budget that should go to wildlife protection, it might be easier to decide whether funds for this purpose should be reallocated among BLM, the Forest Service, Fish and Wildlife, and the Park

Service. Allocation criteria in such a case could not be simple equalization of dollars per acre spent, since the land is not equal; the Park Service has deliberately been assigned the best recreation land. More sophisticated criteria would be required. A fully coordinated interagency approach would produce an improved allocation of expenditure. The present discussion takes place in the absense of such coordination, and considers BLM activities in the limited framework of BLM lands alone.

Forest. BLM policy is to achieve the maximum sustained yield from the land which it has allocated to commercial production. This decision is based on the competing uses for BLM land, increasing demand for timber for the housing market, and an expected regional reduction in timber supply from private harvests. The sustained yield policy is not necessarily economically optimal, but is required under law. The BLM harvest will be doubled from the 1977 amount by 1981, while acreage will be reduced from 2.1 to 1.5 million acres. No changes in funding or number of positions has been requested.

Figures on timber sales were provided by BLM and are shown in Table B-7. Dollars of sales are projected at a constant price after 1977, although the price is approximately double the 1976 level. There has not always been a profit from the forestry program. A part of the forestry

TABLE B-7 BLM FOREST PROGRAM (EXCLUDING WESTERN OREGON AND O & C LANDS)

Fiscal Year	Actual 1977	Estimated 1978	Proposed 1979	1980	1981	1982
Forestry Budget ($million)	1/	7.5	7.5	7.5	7.5	7.5
CAM 2/	n.a.	1.6	1.1	1.5	1.5	1.5
Cadastral Survey 3/	n.a.	1.4	2.0	2.4	2.4	2.4
TOTAL		10.5	10.6	11.4	11.4	11.4
Sales ($million)	4.9	6.0	7.1	8.0	10.4	10.4
Board feet (million)	60	75	89	100	130	130

1/ The 1977 total Forestry outlays were $9.5 million. In the proposed budget, $1.3 million million each year is for Western Oregon.

2/ Part of Construction, Acquisition, and Maintenance budget directly attributable to forestry program (from FLM 11/15/77 budget), these expenses are for road construction and acquisition.

3/ Part of Cadastral survey attributed to forestry program.

budget pays for management of noncommercial timber land, but the previous lack of profitability of BLM timber management does raise questions of its efficiency. Division of the forestry budget into commercial and non-commercial operations could clarify this issue.

Range. The range program is the largest of the renewable resource programs conducted by BLM. Its main benefit is to provide forage for livestock. Other considerations are grazing of wild horses and burros, recreation, wildlife protection, watershed improvement, and erosion control. Recently both costs and benefits have risen sharply, as forage value has risen and environmental impact statements have been required as an outcome of the NRDC vs. Morton court case in 1975. 4/

Range maintenance and improvement should be considered in its entirety. FLPMA requires 50% of grazing fees to be put into a range improvement fund for on-the-ground range improvements not subject to appropriation. These funds are shown in parentheses in the budget. Nevertheless, such range improvements are just as much a part of the BLM range program as any other, and add an estimated $8.3 million a year. In addition, soils inventories and some on-the-ground improvements are conducted as part of the soil, water, and air budget.

Since 1975, BLM has been developing and implementing formal analysis

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4/ The Natural Resources Defence Council successfully challenged annual issuance of grazing licenses under NEPA (the National Environmental Policy Act) as a major Federal action having a potentially adverse impact on the human environment. BLM was directed as a result of the court case to prepare EIS's before implementing AMP's.

procedures for range investment decisions. It is unfortunate that the discussion of the range program contains no information gained from this analysis. Of interest is not only the expected dollar benefit from present improvements, but also whether benefits expected from past investment have been realized.

A BLM memo 5/ explains in detail the computation of costs and benefits derived from allotment management plans (AMP's). Computations are presented in such a fashion that they can be performed by non-specialists. In a sample problem, costs and benfits are summarized as follows:

Benefits:	Amount	% of Total
livestock benefits	$123,105	54%
wildlife benefits	21,075	9%
recreation benefits	9,413	4%
Watershed benefits	73,650	32%
Total	$227,243	
Costs:		
BLM costs	32,614	63%
rancher costs	19,124	37%
Total	$ 51,739	

In the above example, wildlife benefits include hunting, and watershed benefits are primarily reduced highway maintenance due to reduced erosion,

5/ BLM Instruction Memorandum No. 76-455, issued August 26 and currently being revised.

and reduced flood damage to property. In other examples, desalination is an important benefit.

A report prepared for the Senate Committee on Appropriations by BLM compared current, intermediate, and high levels of range management with respect to "bad", "poor", "good", or "excellent" range condition. 6/ No comparison is made with a nonmanagement option, as even the current level is judged inadequate to prevent range deterioration. It is claimed that "the high level requires an investment less than 30 percent greater than the intermediate level and results in benefits or changes in conditions as much as 250 percent higher," but dollar values were computed for results for only the high management option. The high option was computed to cost $33.3 million per year after the initial development, which was considered phased over 10, 20, or 30 years. The proposed 4-year authorization, excluding the wild horses and burros program, appears to fit the 20-year plan most closely. However, this report was prepared before the NRDC vs. Morton decision. The outcome of this case suggests that previous BLM planning did not adequately account for costs of environmental interference or damage. These costs might well alter the preferred range management level or strategy.

6/ Range Condition Report. Prepared by BLM for the Senate Committee on Appropriations, January 1975

A report to Congress by GAO 7/ recognized the problem of continued deterioration of rangelands. The report proposed (1) stronger measures to limit grazing, (2) expansion of the BLM range staff, (3) consideration of rancher participation in range improvements. No report has specified how much of current range deterioration could be prevented by simply reducing or preventing grazing. Implementation of AMP's should be compared with a base case of no management and no grazing, but much widespread grazing reduction on BLM lands is no doubt impossible, leaving the only alternative of range investment to improve range while also allowing grazing. There is a tradeoff between charging for range improvement via direct rancher participation in investments or via grazing fees. The current extent of rancher participation is not stated.

In 1978, $36 million is budgeted for range, excluding wild horses and burros but including the range improvement fund. Grazing fees are expected to be $17.5 million, or just under half of the budget. Half is actually a high estimate, since the range program, like all other programs, is supported by the various supportive activities, as well as soil inventories conducted by the soil, water and air program. If the investment has recently been made and is growng year to year as is the case, then cost recovery should not be expected in the current year, but may be delayed as much as 15 years or more. 8/ Revenues just under half of the budget are then in line with the

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7/ Public Rangelands Continue to Deteriorate, A report to the Congress by the Comptroller General of the United States, July 5, 1977

8/ Robert H. Nelson, "Benefit-Cost Analysis of Public Range Investments: A Case Ctudy". unpublished, p. 18, states that roughly 2/3 of livestock benefits occur within 15 years of the investment.

return in livestock production representing about half of the benefits.

Questions that remain, then, are the following:

- How have over two additional years of experience with evaluation of allotment management plans altered or supported the initial decision on the high management level, for all or part of the range?
- How much have preparation of EIS's changed the decision on the kind or cost of range management?
- How does the 4-year budget fit into a long-run stream of expenditure, and what are the alternatives for faster or slower range development?
- What investment costs are paid by ranchers?

The answers to the above questions could be summarized by a table of dollar values for costs and benefits of several management levels, along with graphs of expenditure rates to implement each program in 10, 20, or 30 years. If the process of preparation of EIS's is not yet far enough underway to permit knowledge of costs of alternative policies, a clear outline of strategy options should be made an immediate goal. Only in such a fashion can Congress—or anyone—make an informed choice.

A separate part of the range program involves the management of wild horses and burros. At present, BLM efforts are comprised mainly of an attempt to reduce population, with limited success. Budgetary increases are

requested to get the population down from its present size of 70,000 animals to a target size of 30,000 animals. BLM would also like to "manage" wild horses and burros, but if they are to remain wild and free roaming, it is not obvious that significant management is necessary in addition to population control.

Dividing the cost of the program by the number of horses and burros removed gives a cost of $477 per animal in 1978 and $559 in 1982. BLM estimates show that 116,000 animals will have to be removed to achieve the target population by 1987, and 4,500 animals will be removed every year therafter to maintain constant population. Budget increases totaling $12.4 million are proposed for this program for the four year period 1979-1982. At $550 per horse or burro, the total cost would be $64 million in the next 10 years and $2.5 million a year after that. A part of the cost involves adoption follow-up procedures. If transfer of title to adoptors is allowed after a holding period, some of the cost of this program could be elimated. In addition, other means of population control are under investigation, such as fertility control of stallions. These alternatives will have to be examined if the Congress does not wish to continue the present expensive course of action.

No explanation is given for the means of arriving at the target

population level, other than "land use planning." Wild horses and burros reduce the variety of plant species, help cause erosion, and compete with livestock for forage. They therefore exist at a cost to the environment and to livestock production, but what is that cost? The lower the cost of population reduction, the smaller the target population should be, if economic criteria are employed in arriving at the target level.

Recreation. The recreation budget in renewable resources is best considered in conjunction with recreation components of the construction and maintenance budgets. Table B -8 attempts to itemize these various recreation categories. A substantial part of the growth in the recreation budget is for wilderness evaluation. When this component of the budget is subtracted, the overall annual growth rate is 24% per year. Growth is not even, with most of it for unexplained reasons in the last year, in which almost $10 million more is requested than in 1981.

The presentation of the budget makes it difficult to relate the level of spending to the adequacy of the program or alternatives. There appears to be little overall planning of recreation development other than response to instances of visitor overuse and abuse.

TABLE B-8 RECREATION BUDGET: $ MILLION

Fiscal Year	1978	1979	1980	1981	1982
Requested Recreation Appropriation: Total	9.4	20.1	21.5	23.5	30.0
Wilderness evaluation	1.9	9.5	9.5	9.5	9.5
Other	7.5	10.6	12.0	14.0	20.5
Recreation C,A,&M:					
Total 1/	6.8	6.3	6.7	7.2	10.2
Construction	1.4	.6	.8	1.1	3.9
Transportation	1.6	1.9	1.9	1.9	1.9
Acquisition	.7	.7	.7	.7	.7
Maintenance	3.1	3.1	3.3	3.5	3.7
TOTAL	16.4	26.4	28.2	30.7	40.2
Total Excluding Wilderness	14.5	16.9	18.7	21.2	30.7

1/ Construction, Acquisition, & Maintenance attributed to recreation from BLM budget of 11/15/77 (See Appendix I)

The largest recreation planning expense is for wilderness evaluation, required by FLPMA. In an effort to meet deadlines, BLM proposes to increase the wilderness staff from 14 positions in 1978 to 196 in 1979. This sudden large increment may be difficult to achieve.

Soil, Water, and Air. The soil, water, and air program is one of the most rapidly growing in the BLM plans. It serves as input to the range program as well as to forestry and recreation programs. Much of its activity is data collection for soil quality and water and air pollution; there are also several current action programs: desalination in the upper Colorado River Basin, San Simon Valley watershed restoration, and endangered plant species protection.

BLM has translated its responsibilities into a list of tasks which it aims to accomplish in the budget period. The budget proposal gives the impression that both the tasks and schedule of completion are inalterable, being either required by legislation (Colorado River desalination and endangered plant protection) or as support for other activities. In fact, most programs could be accelerated or slowed.

BLM supplied additional data which helped show the composition of the

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watershed program. These are listed in Table B-9.

Water and air quality are a small part of the budget. No good reason is given why exactly 500 water quality monitoring stations are needed, and the rate of installation is surely not inalterable. After the budget period, when all stations are installed, the cost of maintenance will be around $1 million per year.

The benefits from the Colorado River project are estimated at $27 million for every ten milligrams per liter reduction in salt content, but the budget fails to specify the amount of desalination which the BLM program will accomplish. Also relevant might be how BLM's program matches up with desalination in Colorado watershed lands controlled by the Bureau of Reclamation. Here as elsewhere in the budget, facts are presented without corresponding facts which permit evaluation. Cost benefit information would be complete if the expected amount of desalination were mentioned—as well as whether previous efforts have yielded the expected amount of desalination.

Most of the soil, water, and air program appears to be erosion control which mainly benefits the range program, including such activities as

TABLE B-9 COST OF 4-YEAR SOIL WATER AND AIR PROGRAM

	Cost ($ 000)
500 water quality monitoring stations @ $5,500 (3,500 installation and 2,000 maintenance	$ 2,750
32 million acres soil-vegetation inventory @ $.90/acre	28,800
Complete 105 air quality studies @ $50,000	5,250
Geological inventories	5,150
1990 Well site investigations	700
San Simon watershed project	3,100
Colorado watershed salinity control	24,550
Project Maintenance	13,600
Endangered Plant species protection	3,200
TOTAL	$ 87,100

installing fences and cattleguards. Correspondingly, part of the range program complements the watershed program. If this is the case, the soil, water, and air program should be evaluated in conjunction with the range program.

Wildlife. Management of wildlife habitats is another area of great expansion. A large part of the effort is for inventories. Additional detail of the wildlife budget was supplied by BLM and is shown in Table B -10. Protection of endangered species is contained in all items in this table.

Nowhere is there any mention of what "habitat management" actually means in the field or what the results are of various levels of management or of no management. BLM proposes to continue developing management plans to cover over 120 million acres by the year 2000, implying that the expansion in the wildlife budget is not temporary. If no data are currently available for the evaluation of costs and benefits of wildlife habitat management, such data should be acquired before program expansion proceeds indefinitely. It would be helpful to know what difference habitat management is expected to make to the number and kinds of wildlife on BLM lands or in the U.S. as a whole.

Fire Management. Fire management is not an end in itself, but is

TABLE B-10 PROPOSED BLM WILDLIFE PROGRAM ($ MILLION)

Item / Fiscal Year	1978	1979	1980	1981	1982	Total 1979-1982
Inventory	2.3	3.7	3.9	4.3	5.7	17.6
Habitat plan preparation	.3	.3	.4	.5	.8	2.0
Research and studies	.7	.7	1.0	1.0	1.5	4.2
Management of Operations	2.0	2.2	2.2	3.2	4.0	12.0
Project Dev. & Maint.	1.1	3.0	3.0	4.0	5.0	15.0
TOTAL	6.4	9.9	10.9	13.0	17.0	50.8

intended to prevent fire damage, and is useful only to the extent that it succeeds in so doing. The BLM budget proposal states," Greater dependency upon the public land and its resources requires maximum protection from wildfire losses to meet the needs of the American people." The meaning of this statement is vague. There is probably an optimal amount of fire protection, namely that amount which achieves savings from fire damage greater than or equal to costs incurred, and beyond which no additional protection is capable of saving as much as is spent.

Table B-11 shows the year to year changes in BLM's projected levels of fire management, damage, and suppression. According to these estimates, increased spending on fire protection is not offset by savings in fire damage except for a small saving (net cost decrease) in 1981. If the figures are correct, expansion of the program is entirely unwarranted. It is equally likely that the figures are little better than guesses, and that relationships between management levels and losses need to be better understood.

In response to a request to explain the values shown in Table A-2-11, BLM supplied (1) a chart showing suppression and presuppression costs with linear trends fitted for 1973-1976, and (2) an article by J.H. Richardson, the present chief of the BLM division of Fire and Protection Management. 9/

9/ J.H. Richardson, "Values Protected in Interior Alaska", from Proceedings Fire in the Northern Environment, A symposium, College (Fairbanks), Alaska, April, 1971.

TABLE B-11 FIRE MANAGEMENT PROGRAM: ($000,000)

Fiscal Year	1978	1979	1980	1981	1982
Fire Management	8.3	12.0	15.6	18.0	22.0
Resource Damage	14.9	13.4	12.1	10.9	10.9
Suppression Cost	24.1	22.8	21.3	19.9	19.5
Total Costs plus Losses	47.3	48.2	49.0	48.8	52.4
Net change in cost from prev. year		+.9	+.8	-.2	+3.6

Note: BLM did not project any change in annual costs of fire fighting, estimated at $4.8 million and not subject to appropriation.

Source: BLM Four-Year Authorization, 1979-1982, p. 84.

Although the chart shows an attempt to understand relationships between cost components, a fit for four years cannot possibly account for all the variables. Also, linear trends can never give an optimal amount of spending, because as long as all trends are linear, net benefits per additional dollar of fire management will always be the same, and if they are positive, the desirable amount of management will be infinite.

The article by Richardson cites an Interior Department policy to minimize costs plus losses. This policy is correct. However, Richardson goes on to discuss a different measure of benefits, comparing costs plus losses with savings. This discussion is incorrect because it considers absolute spending instead of incremental spending, and because it, in a sense, double counts losses. If employed, it would result in the wrong amount of fire protection. BLM is on the right track in attempting an economic analysis of a difficult subject, but a true understanding of the economics of fire management has not been achieved.

Supportive Activities

Brief mention will be made of the supportive activities of the MLR budget and construction. Some of these activities are routine responses to

action initiated elsewhere, such as processing of paperwork. Others, however, such as designing Management Framework Plans or construction of recreation facilities, play an important part in shaping BLM programs.

All supportive activities—except perhaps that part of the cadastral survey that is required for Alaska Native Claims Settlements—belong in some sense to that part of the program which they support. It is helpful in consideration of the budget to allocate these expenses to the program categories, as has been done in some of the above discussion. Here they are taken up individually.

Lands and Realty. The lands and realty division is basically supportive of other activities and has well defined responsibilities, some of which are new under FLPMA. Its duties are not subject to its own policy, but arise out of action beyond its control, such as processing Alaska Native Claims, mining claim recordations, right-of-way applications, and unintentional trespass cases.

Planning and Data Management. The Planning and Data Management activity actually includes two very different kinds of functions. The planning function is essential to all BLM activity and has an elevated role

under FLPMA, whereas the data management function is a more routine supportive activity. Under planning comes the preparation of Management Framework Plans for all BLM land. In the proposed authorization, the planning activity requests virtually no increase in funds, whereas large increases are requested for data management.

BLM claims presently to have MFP's for 80% of its lands, although it is unclear how many of these plans were made recently. FLPMA requires new multi-use planning for all lands. The Bureau proposes to reduce the 8-year revision schedule to a 6-year schedule, and to complete plans for all lands with only a very modest budget increase. Questions which arise are listed below:

- How much effort is necessary for plan revision as opposed to initial planning?
- What is the relative importance of the MFP in initiating BLM field activities, and how does it complement other types of plans?
- Why should a 6-year revision schedule be used instead of an 8-year one, or should some other schedule apply? Are different schedules employed for different lands?

The data management division must inevitably expand to handle the large amounts of data which BLM is collecting. The budget mentions full implementation of its data management plan by 1983, and the budget should

not have to grow so rapidly once equipment is acquired and the initial planning and inventory phase has been carried out.

Cadastral Survey. The cadastral survey is a relatively unambiguous task. It includes corner monumentation of BLM lands in the lower 48 and special surveys in Alaska which BLM is required to conduct. Small budgetary increases are proposed.

Law Enforcement. Law enforcememt authority was granted BLM by FLPMA, since contracts with county agents were not reliable means of preventing certain types of violations. The budget calls for 53 officials devoted exclusively to law enforcement and 99 rangers devoted half time to law enforcement by 1982. There would then be about 12 per western state (full time equivalent), compared to one in 1978. These numbers seem modest and certainly some kind of law enforcement is necessary if BLM is intended to be effective in carrying out its program. The Forest Service has had enforcement personnel for some time, and had 35 man years of enforcement in Fiscal Year 1977 for the 106 million acres of land it administers.

Nevertheless, better criteria are needed to evaluate the usefulness of enforcement. The program is new, first mandated by FLPMA, and BLM as

yet has little experience. We are told, however, that 39% of the cases involve violations under the Wild Horse and Burro Act. This part of the law enforcement program can then best be considered as part of the cost of implementing that Act. Possibly some of these violations could be eliminated by changes in the law or method of administering the wild horse and burro program. Is present BLM enforcement in proportion to the kinds of violations taking place in all areas, or is undue emphasis being given to wild horses and burros, and if so, why? How do violations detected by BLM officials compare with those detected by contract agents?

This part of the budget proposes rapid expansion. It is difficult to project a program which is both new and has results which cannot easily be measured. Some flexibility of the budget or annual evaluation of results of previous enforcement and need for future enforcement would be preferable, as immediate decision of an optimum enforcement level is doubtlessly impossible.

Construction, Acquisition and Maintenance. The various parts of the construction, acquisition, and maintenance budget need to be considered by separate criteria. The budget proposal does not supply the information to do so. The following questions stand out:

- What level of maintenance could be considered optimal or complete, and how does the proposed maintenance level compare with that level?

- What is the long run program for construction of buildings other than for recreation? Can the present request be interpreted as a temporary spurt in building construction that will soon complete needs? What difference will construction make to office space per employee, or to the amount of yards, shops, and other facilities?

- What is the result of the acquisition program measured in the amount of BLM land which has gained access?

There are a few clues. For example, the budget proposes maintenance on 25% of all miles of road each year (claimed to be half the desired amount of maintenance) and on 4% of all miles of trail. A trail cannot possibly stay in good condition with maintenance every 25 years, but what trails should be maintained and how often? The budget authorization provides the opportunity to adopt an implicit policy on the intended level of maintenance of facilities once acquired.

SUMMARY AND CONCLUSIONS

The argument underlying all of the above discussion is that if Congress wants to make an informed decision about the appropriate level of spending for a program, it must have a more sophisticated analysis and presentation. Such an analysis would include:

(1) A list of costs, including
   (a) direct program costs
   (b) supportive costs elsewhere in the budget
   (c) costs incurred by other agencies
   (d) environmental costs

(2) A list of benefits

(3) Possible means of paying for the program directly or indirectly

(4) A comparison of costs and benefits of alternative approaches to the problem.

(5) Alternative schedules for distributing costs over the entire life of the project

The 4-year interval for presentation of the budget is well-suited to review of plans and priorities. The authorization request will be strenthened when facts pertaining to the above points are presented wherever possible. An understanding between BLM and the Congress regarding the kind of presentation that is both helpful and feasible is needed.

APPENDIX C: DERIVATION OF SUBDIVISIONS OF THE BLM BUDGET

TABLE C-1 DERIVATION OF TABLE II-1 ($ MILLION)

	Budget Authority 1976	Budget Authority 1978	Budget Request 1982
Offshore Energy: OCS	55.1	57.5	80.0
Other Energy and Minerals: Total	23.0	50.6	66.5
Energy Onshore	14.4	31.5	42.0
Non-energy onshore	4.7	6.6	13.0
Land and Realty: Energy Casework	5.5	9.7	11.5
Planning: National Pet. Reserve in Alaska	0.0	2.8	0.0
Renewable Resources: Total	65.8	92.9	165.4
Appropriation Category	54.7	74.7	145.8
Range Improvement Fund	4.2	8.8	8.8
Planning: Multi-use and California Desert	6.9	9.4	10.9
OTHER	39.2	49.9	76.9
TOTAL	183.1 1/	250.9	388.8

1/ 1976 MLR Budget Auth. 215.5

- Fire Fighting 25.3

- Land and Realty Service changes 11.4 (approximately)

+ Range 4.2

183.1 (equivalent to 1978 total)

TABLE C-2 DERIVATION OF BUDGET DIVISIONS FOR RENEWABLE RESOURCES

1978 ALLOCATION OF RENEWABLE RESOURCE BUDGET AUTHORITY

	Range	SWA	Rec'n	Wildlife	Forest	Fire	TOTAL
Studies, Inventory and Planning							
Research & studies	4.0	1.3	1.8	.7	----	----	7.8
Inventory	9.0	2.9	2.5	2.3	.7	----	17.5
Activity plans	.7	----	.2	.3	.7	----	1.9
SUBTOTAL	13.7	4.2	4.5	3.3	1.4	0	27.1
Daily Budiness							
Other 1/	7.4	----	4.5	----	4.0	4.0	19.9
Administration 2/	4.6	4.6	----	2.0	2.1	3.0	16.3
Dirt 3/	13.4	2.7	.4	1.1	1.3	1.3	20.2
SUBTOTAL	25.4	7.3	4.9	3.1	7.4	8.3	56.4
TOTAL	39.1	11.5	9.4	6.4	8.8	8.3	83.5
Planning Acct.							9.4
CAM 4/			6.8		1.6		8.4
Cadastral 4/					1/4		1/4
Survey							
ADJUSTED TOTAL	39.1	11.5	16.2	6.4	11.7	8.3	102.7

1/ Sales, use authorization, use supervision, training, visitor assistance, fire operation.

2/ Administration or "management of operations.

3/ Project development and maintenance: on-the-ground imporvements - includes range improvement fund

4/ Construction, Acquisition, and Maintenance and Cadastral Survey from Appendix A, Table 2.

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1982 ALLOCATION OF RENEWABLE RESOURCE BUDGET REQUEST

	Range	SWA	Rec'n	Wildlife	Forest	Fire	TOTAL
Studies, Inventory and Planning							
Research & studies	6.3	1.2	9.5	1.5	----	----	18.5
Inventory	5.1	6.7	1.7	5.7	.7	----	19.9
Activity plans	1.5	----	.4	.8	.7	----	3.4
SUBTOTAL	12.9	7.9	11.6	8.0	1.4	----	41.8
Daily Business							
Other	11.0			----			
Administration	5.5			4.0			
Dirt	19.4			5.0			
SUBTOTAL	35.9	20.1	18.4	9.0	7.4	22.0	112.8
TOTAL	48.8	28.0	30.0	17.0	8.8	22.0	154.6
Planning Acct.							10.9
CAM			10.2		1.5		11.7
Cadastral Survey					2.4		2.4
ADJUSTED TOTAL	48.8	28.0	40.2	17.0	12.7	22.0	179.6

TABLE C-3: DERIVATION OF RENEWABLE RESOURCE ACCOUNTS IN TABLE IV-2

	1978	1982
Inventory	17.5	19.9
Studies and Planning	19.1	33.6
Research and Studies	(7.8)	(18.5)
Activity Plans	(1.9)	(3.4)
Planning Account	(9.4)	(11.7)
Range	35.2	60.5
Range daily business	(25.4)	(35.9)
Soil, Water, and Air	(7.3)	(20.1)
½ Wildlife	(2.5)	(4.5)
Recreation	11.9	22.9
Recreation daily business	(9.4)	(18.4)
½ Wildlife	(2.5)	(4.5)
Forest	7.4	7.4
Fire	22.0	22.0

APPENDIX D. PROCEDURAL ISSUES

PROCEDURAL ISSUES

There are several issues involved with the drafting of multi-year authorization legislation, but which are not unique to BLM:

- o Analysis of alternative budget presentations.
- o The difference between a budget projection and an authorization.
- o The effects of inflation.
- o Contingencies and new legislation.

Alternative Budget Presentations. Analysis of the value of natural resource programs is particularly important because many of the benefits of the programs are complicated, diffuse and intangible. Consequently, Congress and OMB have in recent years taken several steps to evaluate broad programs and to link outputs with budgets. The Forest Service developed a very large evaluation as a result of the Forest and Rangeland Renewable Resources Planning Act of 1974 (P.L. 93-378). The Fish and Wildlife Service evaluated its refuge system in a major report to OMB by focusing on incremental changes in terms of budget costs and benefits such as water-fowl hunting, bird watching, and flood protection. 1/

1/ R.A. Peoples L.G. Llewellyn, W.N. Ladd, R.K. Davis, Migratory Bird Habitat Preservation Study, U.S. Fish and Wildlife Service; DoI, September 1975.

The approach which Congress took with BLM was to have the Bureau request authorizations for future budgets and by so doing justify its program. The question is which approach should be use for BLM in the future, and why.

In a fundamental sense, all three approaches involve or should involve, the same or similar analysis. Outputs should be quantified, evaluated and compared to alternatives and to inputs in each approach. However, the focus of each approach is different and leads to different emphases on analysis and presentation.

The RPA (Resource Planning Act) of the Forest Service is the most comprehensive approach. Its focus is on outputs. The analysis projects alternative scenarios which include various mixes of outputs and then works backward to determine the required inputs. It spends little time on evaluation of the worth of the outputs; rather, it regards the choice of outputs as a political decision. The RPA approach is strongest in its projection of alternative outputs. It is potentially strong in its linkage of inputs to outputs; however, the complicated nature of these linkages (production functions) and ambiguous data which must be used have made this portion of the RPA helpful but not totally satisfactory. An important

point is that the RPA approach is very dependent on data. The Forest Service probably has the most extensive and highest quality data of the natural resource agencies. If the Forest Services data is insufficient to establish credible input-output linkages, the other agencies would have even more trouble. The BLM, for example, has substantially less data than the Forest Service, and accordingly would have more difficulty with an RPA approach than did the Forest Service.

The Fish and Wildlife Service (FWS) calculated the value of outputs in economic terms and compared those "benefits" to budgets or "costs". Although the FWS probably did as well as the state of the art permits, they simplified their outputs and considered only one production system— wildlife refuges. It is not clear than this approach would be sufficient for a wider application. Its use by BLM should be limited to specific programs.

The multi-year authorization is a generally less-sophisticated approach, but its simplicity has some virtues. It is easily understood, does not require an extensive data base, and can be prepared relatively quickly by the present budget organization. On the other hand, this approach certainly is weak in its correlation of outputs to inputs.

On balance, it is doubtful if BLM could have prepared an RPA-type analysis, because of lack of data and expertise. However, the single-

alternative approach that was taken means that another organization must develop alternatives so that Congress can make informed choices.

In future years, BLM will have more information and can be expected to develop a more-comprehensive analysis of alternatives and linkages between inputs and outputs. Doing so might also be an incentive toward understanding budget relationships and the values of alternative outputs.

Budget Projections. The document submitted by BLM is actually a projection of future budgets. The authorizations which will be in the Committee's bill will be signals to the appropriations committees on the desired budget levels and their relative priorities. There will be one important difference between the target and the authorization. The target is an attempt to project actual expenditures given certain assumptions and conditions. Authorizations are usually upper limits to expenditures. Obviously it is prudent to ensure that authorizations are not set so low that they provide an unwanted constraint. The budget alternatives in this report and in BLM's proposal are designed to be targets—not necessarily authorizations. They will require some adjustment before being transferred into draft legislation.

In principle, if the authorization legislation deals adequately with inflation and contingencies, there is no reason for the authorized level to be

greater than the desired budget. Institution of the "margin" between the target and the authorization can detract from the credibility of the process unless the definition of the margin is made explicit. On the other hand, if the authorization is at or near the target, the Appropriations Committee is constrained.

Perhaps the safest procedure is to project targets as accurately as possible and then "inflate" all projections by a specified percentage which would compound each year. The percentage could vary among different programs. The procedure, including the original targets, should be made explicit in the report accompanying the bill.

Inflation. Assumptions about inflation are not described by the BLM projection, although it appears as if the Bureau expected an inflation rate of about 4-6 percent per year in most, but not all, programs. The proposed bill requested such additional amounts as necessary for increases in salaries, but a Bureau spokesman stated that these increases were intended to be in addition to inflation in costs other than salaries.

Although conventional policy is to ignore inflation, this practice is only workable for an annual budget cycle, especially if supplementals can cover most inflationary increases. Advance targeting or long-term authorizations

cannot operate this way; so, inflation must be handled directly.

There are two general approaches to this problem. One method is to project authorizations in real terms and append a rider which automatically modifies future authorizations by some factor. The other approach is to project inflation as closely as possible and then modify the projection at a later time if necessary. This approach can be combined with the "margin" discussed previously and can be explained in the report.

Contingencies. Pending legislation and contingencies for unforeseen events will always affect out-year budgets. These can be handled in several different ways. Some "fat" can be inserted into the authorizations so that new demands can be absorbed by the programs. This method is widely practiced, but is not especially scientific or responsible. Alternatively, explicit provisions for contingencies can be made in advance, so that, for example, authorizations would increase by some amount if a certain event were to occur. This method places considerable reliance on the accuracy of advanced planning and cannot be depended upon over a four-year span of time.

A third alternative is to design the authorizing legislation so that it can easily be amended for any of a number of reasons including new legislation. A benefit of this approach is that there is a more direct linkage between passage of new legislation and its implementation because the

requirements of a bill on the budget are explicit. Priorities can be easily recognized and understood by the Appropriations Committees as well as by OMB and the agency in question. The primary drawback to this approach is that unforeseen events, which require adjustment, occur constantly. The greater the detail of the authorizations, the more fine-tuning will be required by the committee.

A fourth alternative would be to provide explicit contingent authority which can be triggered or released by certain events. The Director of the Bureau could be given some funds—perhaps as contract authority—which he could use under certain circumstances and which he would be accountable for during the next budget cycle. This approach, however, has generally not been approved by Congress in the past.

This analysis concludes that the third alternative—reliance on routine amendments to the authorization legislation—is clearly superior to the other approaches in all substantive respects. It has the additional benefit of being closely coupled with the appropriation process because funding of contingencies must then be justified by the Bureau to both legislative and appropriation committees. This coupling would tend to make the authorization process more effective and credible over time. Unfortunately, this process would require a substantial increase in Committee time and attention.

In summary, the Budget Act was passed because of the need for budget planning and coordination on an annual and multi-year basis. It recognized that if credible targets for out-year budgets were set, that the process would work more smoothly, that planning would be more pertinent, and that budget priorities would be more controllable. The Federal Land Policy and Management Act's requirement for projection of future authorizations fits the budget process very well.

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

APR 7 1979

Honorable Henry M. Jackson
United States Senate
Washington, D.C. 20510

MAR 2 7 1979

Dear Scoop:

You asked that we comment on the Congressional Budget Office's (CBO) draft analysis of the proposed four-year authorization for the Bureau of Land Management. Before doing that, I would like to express my thanks to you, members of the committee staff and other congressional advisors who worked on the authorization with us. We appreciate the interest of the Senate in holding four constructive workshops before the hearing which afforded an in-depth opportunity to discuss the Bureau's programs and also hear the opinions of public interest groups. Those workshops and the diligence of principal participating staff members helped us to examine our program procedures and priorities.

We believe the CBO analysis performs a useful function by identifying 1) alternative budgets for congressional consideration; 2) program issues; and 3) improvements and procedural considerations for future authorization submittals. Our comments for each of these areas are highlighted below.

1) Alternative budgets: The four-year authorization submitted reflected our assessment of what BLM can efficiently and effectively utilize in carrying out a balanced program of multiple use management. One major problem with all of the CBO options is that they disrupt this balance.

CBO Option I suggests shifting funds to Energy and Minerals and away from Renewable Resources; it concludes that this option would not adequately comply with FLPMA. We concur.

All three other options reduce Energy and Minerals and enhance Renewable Resources. While we share the concern of CBO about Renewable Resources Management, we question why all of the alternatives CBO considers to be viable result in reduction in Energy and Minerals capability. No viable alternative suggesting that this program be held level or enhanced was presented to Congress. We are concerned that coal program alternatives proposed significant reductions at this time when we are in the middle of preparing environmental statements and determining certain lands' susceptibility to reclamation. At the same time, Renewable Resource Management and improvement of rangeland conditions are a high priority in the Department of Interior. In that regard, we recently testified on behalf of HR 10587, Representative Roncalio's bill to improve the range conditions of the public grazing lands.

2) Program Issues: The CBO issues identify areas of mutual interest and concern with this Department. They include: Inventory Collection; Planning; Range Quality; OCS Research Studies; Coal Leasing; and Personnel Ceilings.

BLM's FY 1979 budget proposal emphasizing renewable resources is responsive to the inventory - planning - rangeland improvement sequence that must be followed to implement FLPMA. Coordinated inventories are being conducted with which to formulate sound land use plans. These inventory and planning efforts have been designed so that we may meet court ordered schedules for range and forestry environmental statements and analyses.

As you know, the OCS program is currently under review by the Department as a result of the National Academy of Sciences report on the baseline studie program. It is difficult at this point to indicate what program levels will be required in future years until this review is completed in late spring. In addition, if the Congress enacts amendments to the OCS Lands Act, program requirements are certain to change, although at this time we cannot predict the nature or magnitude of change.

Direction of the coal program will depend upon the final outcome of negotiations with plaintiffs in NRDC vs Hughes and upon the programmatic environmental statement scheduled for completion in 1979.

With regard to personnel ceilings, we share the concerns of the President over the level of Federal employment. Programs are designed to make the most efficient use of contracts with the private sector and other than full time permanent positions.

3) Authorization Content: CBO suggestions for improving content, format and program analysis are well taken and will be valuable for the second four-year authorization. In that regard, I would like our respective staffs to get together one year before the next authorization is due. In that way we could assure that the content and supplementary data needed by Congress will be available.

We appreciate the opportunity to comment on the draft CBO analysis. The four-year authorization process and their input to it has been instructive for us. We have improved our communication with the Congress and have gained new insight on how our programs are viewed. We welcome your participation and assistance in helping us shape program priorities and direction.

Sincerely,

(Sgd) James A. Joseph

SECRETARY

cc:
LW, PB, POB, CL, OPA, ES
Secretary's Reading File (2)
DDRF-A 5/10 5/00

MINING CLAIM RECORDATION COSTS

Section 314 of the Federal Land Policy and Management Act of 1976 (P.L. 94-579) requires the filing with BLM of unpatented lode and placer mining claims located prior to October 21, 1976, within a three year period. The Act also requires that mining claims located after the above date be recorded within ninety days of their being located. Failure to file the required instruments in the designated period will be deemed conclusively to be an abandonment of the mining claim, millsite or tunnel site.

The Act also requires that an affidavit of assessment work performed, a copy of a detailed report of geological, geophysical, and geochemical survey required under 30 USC 28-1, or a notice of intent to hold the mining claim be filed with BLM. Once a claimant files proof of assessment work or notice of intent to hold a mining claim, the claimant must then file one of the above three documents before December 31 of each following calendar year.

Based on the number of new claims filed since the passage of FLPMA there will be an estimated 310,000 new mining claims received annually. In addition, an estimated 1.6 million "old" claims located prior to October 21, 1976, will be filed. The majority of these "old" claims will not be filed until the last several months before the deadline - October 21, 1979.

This will result in a peak of filings in late FY 1979 and assessment notice filings before December 31, 1979. However, due to the large workload associated with the recordation and assessment task, the majority of the work must necessarily be accomplished in FY 1980. After handling the peak workload in FY 1979 and FY 1980, an average annual operation will begin in FY 1981. It is then expected to gradually increase as more new filings are received and the number of annual assessment notices accumulates.

Mining Claim Recordation Requirements
($ Millions)

	Appropriation FY 1978	Pres. Budget FY 1979	FY 1979	FY 1980	FY 1981	FY 1982
Budget Authority	$0.7	$0.7	$5.3	$12.5	$6.0	$6.6
Permanent Positions	11	11	61	121	121	121
Temporary Positions	4	4	195	517	215	248

Costs include contracting of data entry associated with recordation and assessment backlogs. Automation will be used to develop mining claim status for public and management use and annual referencing of assessments.

○