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MAR 30 1993

STATEMENT OF MICHAEL PENFOLD, ASSISTANT DIRECTOR FOR LANDS AND RENEWABLE RESOURCES, BUREAU OF LAND MANAGEMENT, UNITED STATES DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND PUBLIC LANDS OF THE COMMITTEE ON NATURAL RESOURCES, ON REHABILITATION, REFORESTATION AND REINVESTMENT ON PUBLIC LANDS AND NATIONAL FORESTS OF THE PACIFIC NORTHWEST.

I appreciate the opportunity to appear here today to discuss the Bureau of Land Management's (BLM) forest management in the Pacific Northwest. Coming as it does just a few days before the Forest Conference, this hearing presents an excellent opportunity to set forth the BLM's programs and to correct some misconceptions.

The BLM manages approximately 2.2 million acres of forestland in western Oregon. This land, referred to as the Oregon and California Railroad Grant Lands, or O&C lands, is valuable for many resources, including timber, wildlife and fisheries habitat, water, and recreational uses. The O&C lands are managed under authorities in the Federal Land Policy and Management Act, the O&C Act of 1937, and the Coos Bay Wagon Road Act.

We believe, as do the 18 western Oregon counties that share receipts from these lands with the Federal Government, that, in general, these forests are healthy and productive. Key factors contributing to this have been good stewardship and public investment. The O&C Act provides for 75 percent of receipts to go to the counties. However, since 1952, the counties have

returned 25 percent of the receipts, amounting to over $1 billion, to the Federal Government to be reinvested in development and management of these lands.

From 1937 until the early 1980's, the O&C lands were managed using the 25 percent government share and the 25 percent returned funds from the counties. This method of funding worked well, but was subject to the normal market cycle of the forest products industry and resulted in unacceptable fluctuations and uncertainty in funding. The Congress determined that the long-term nature of forest investments could not tolerate such fluctuations and in 1982 started directing appropriations for the management of these lands. Since then, the returned portion of the O&C Fund is deposited in the United States Treasury.

We consider the reforestation and forest development programs to be of highest priority and are proud of the outstanding success we have had in this area. Our silviculturists and technicians are highly trained and have some of the most advanced adaptive reforestation research at their disposal. Their skill and dedication are evidenced by the fact that, despite the harvest of 48 billion board feet of timber since 1938, there is at least as much standing forest volume today as there was when the first inventories were completed in the 1940s.

Recent news stories and testimony by the Inspector General (IG) for the Department of the Interior have charged the BLM with mismanagement of these lands, and claimed a large backlog in tree planting and other forest development practices. These stories and testimony are based on a 1989 report by the IG that has not been updated. We do not believe the lands are mismanaged and are emphatic that the BLM **does not have a tree planting backlog in western Oregon**. Our tree planting is current and we have conducted more than enough forest growth enhancement treatments to support the timber sale offerings under the 1980s timber management plans.

The IG found that the BLM, during the Fiscal Years (FY) 1987 to 1989, did not perform the planned level of intensive forest practices and did not place proper emphasis on seeking access into timbered areas. The forest development program concerns centered around the build-up of a treatment backlog of 108,000 acres of plantation maintenance, 43,000 acres of precommercial thinning, 127,000 acres of fertilization, and 3,200 acres of stand conversion. The BLM concurred, in general, with the findings, although we did take some exceptions to parts of the report.

Even before the 1989 IG audit of our western Oregon forestry program we recognized that we had problems and concerns.

These problems and concerns resulted from several factors that increased our program needs beyond our budget and work force capability to respond.

In 1987 and 1988 severe wildfires swept through southwest Oregon. These fires created an immediate need to reforest thousands of acres which had not been programmed. Salvage logging to recover fire-killed timber over the next few years also added unanticipated work to our planned reforestation efforts. The fires also increased our workload in plantation maintenance -- that is, practices to manage the competing vegetation to maintain survival and growth of the seedlings -- for the past 6 years and for the next few years to come.

Also at that time, contracts that had been extended as part of the Contract Modification Act were near termination and the lands had to be logged. This, coupled with high lumber prices supporting logging of newer timber sales, added acres in need of treatment beyond our expectations.

Additionally, in 1984 the BLM was enjoined from using herbicides to manage competing vegetation. This required us to use more expensive treatments, thereby reducing the acreage that could be treated within existing budgets and causing us to defer lower priority treatments.

The IG stated that it would take a one time appropriation of $48.2 million and 2 to 8 years to eliminate the backlog. The BLM never received the $48 million appropriation, but did receive some aid. Congress recognized the severity of the backlog problem in the FY 1990 Appropriations Act by providing that 50 percent of the Federal share of O&C receipts above the estimate of receipts in the President's Budget would be returned to BLM to invest in forest management and forest development work. This funding and the dedication of our people have enabled the BLM to make significant progress since the publication of the IG's report. For example, over 430,000 acres -- an area equivalent to 20 percent of our land base -- received on-the-ground treatment over the three year period, including 99,000 acres of reforestation, 49,000 acres of site preparation, 157,000 acres of plantation maintenance, 42,000 acres of precommercial thinning, and 85,000 acres of fertilization. Today there is no reforestation backlog and the extent of the backlog in other treatments has been significantly reduced.

We also believe that the approximately $113 million invested in the Oregon program over the past three years has been used in a prudent and effective manner. Approximately 76 percent of these funds was used to carry out treatment of 430,000 acres. About 3 percent was used to conduct inventories and maintain the complex records associated with this program. Approximately

16 percent was used for program management and support activities such as training and procurement. About 5 percent was used for research and development, planning, and environmental assessment. I will discuss research in more detail later in this statement.

I point out that 45 percent of our expenditures, or nearly $51 million, was paid to private contractors to accomplish a major portion of the on-the-ground project. Our forest development program is, and will continue to be, an important source of jobs for the private sector. The IG recently announced a follow-up audit of this program. We welcome this updated examination by the IG.

The success of our projects is significant. We have been able to treat sufficient acres to support the timber offered for sale over the past decade. However, I do not want to infer that we are able to treat every acre prescribed for treatment by our silviculturists. We are limited to our annual budget capabilities and must prioritize treatments to those that give us the greatest return. Our first priority is to assure that harvested or burned areas are prepared for planting, are planted, and that maintenance work necessary for seedling survival is conducted. We never anticipate that we can complete all of this work in any one fiscal year. We normally defer acres needing treatment into future fiscal years. Much of the carry-over is anticipated and not considered backlog.

Intensive practices such as precommercial thinning and fertilization increase the growth and timber value of young stands. These practices are very cost effective. The excess funding we received made it possible for us to accomplish these practices. However, under funding for FY 1992 and FY 1993 we were able to do only a small amount of fertilization and thinning. This resulted in a larger carry-over into FY 1994 than we would like. However, we emphasize that these intensive practices were prescribed for treatment based on assumptions made in the 1980s timber management plans where a rotation age of 80 to 100 years was assumed. The uncertainty of restrictions on land use based on northern spotted owl protection and the outcome of new Resource Management Plans made it unwise to invest in treatments for forestlands that may not be harvested or will be managed on longer term rotations where timber is not the overriding objective. We are beginning to get a clearer picture of what areas may be available for future timber management and will start to treat these areas, consistent with applicable laws.

Based on a recent assessment of treatments planned for accomplishment in FY 1993, the expected carry-over of acres, and pipeline needs, we anticipate that the FY 1994 program need will be 45,559 acres of maintenance, 63,832 acres of precommercial thinning, and 162,370 acres of fertilization.

The President's Economic Stimulus Package includes over $15 million for western Oregon management. Approximately $9.4 million of this is slated for much needed road maintenance work, with the remaining $5.6 million for reforestation practices. We anticipate that if this package is passed and implemented, 70 to 80 percent of our pre-commercial thinning treatment needs will be met.

We have experienced lower bids for treatment contracts than we estimated. This is resulting in contract savings that we are using for more contracts to reduce our unmet needs and to provide for local jobs. We expect that this will result in an additional $1 million worth of work being contracted.

Forest development work is more than investing in the visible program that results in acres treated. It is an extremely complex program that requires hundreds of foresters, technicians, and administrative staff. We have had to establish and maintain seed orchards to produce the seed for reforestation. We have gigantic freezers to store seed collected from hundreds of seed zones and elevation bands for several different species of trees. We have large coolers to store seedlings from the time they are lifted in the nursery to the time they are planted in units. We also have a large cooperative tree improvement program to provide fast growing, disease resistant planting stock in the future.

All of these items are expensive, but necessary to maintain a program as large as ours.

Another important use of the funds appropriated for forest development is research. The BLM has invested several million dollars over the past 15 or more years in research programs that have provided a model for adaptive research and technology transfer to practitioners. Two highly effective programs have been the Intensified Forest Research (IFR) program and the Coastal Oregon Productivity Enhancement (COPE) program. The now completed IFR program resulted in state of the art reforestation practices in southwest Oregon. This returned to the timber base over 100,000 acres of BLM lands that had previously been withdrawn because they presented reforestation problems. The COPE program is continuing to study forest management programs in coastal areas. Both of these programs were cooperative efforts among the BLM, Forest Service, State of Oregon, Oregon State University, industry, and local governments. We have also recently established a cooperative research center at Oregon State University that will be addressing forest management problems.

Finally, I would like to address methods that we believe would improve the funding processes for our treatments. Forest management is a long-term investment. Stand treatments are not prescribed day to day, but over an entire rotation. There needs

to be a better mechanism to help maintain funding levels equal to treatment needs. Several mechanisms have been suggested over the past few Congresses.

The FY 1993 Interior Appropriations Act included a provision establishing a Forest Ecosystem Health and Recovery Fund. This fund returns the Federal share of timber receipts from salvaged timber to the BLM for forest health treatments. This will assist the BLM in more rapidly responding to forest health problems before they escalate into epidemics.

I reiterate that investment in our forestlands is necessary if the BLM is to fulfil its statutory role of managing for sustained yield for community and industrial stability. The practices used by BLM are the most scientifically advanced practices available, and are highly cost effective when implemented timely. We are proud of our programs and the excellent and innovative techniques we use in the management of our O&C lands. I have displayed much of this in graphs and other visual charts that I will submit for the record.

This concludes my prepared statement. I would be happy to answer questions.

APR 20 1993

STATEMENT OF MICHAEL FENFOLD, ASSISTANT DIRECTOR, LAND AND RENEWABLE RESOURCES, BUREAU OF LAND MANAGEMENT, BEFORE THE SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND PUBLIC LANDS, COMMITTEE ON NATURAL RESOURCES, HOUSE OF REPRESENTATIVES, ON H.R. 643, A BILL "TO RAISE GRAZING FEES ON PUBLIC LANDS, AND FOR OTHER PURPOSES" AND H.R. 1602, A BILL "TO REFORM THE MANAGEMENT OF GRAZING ON THE PUBLIC RANGE LANDS".

I appreciate the opportunity to appear here today to provide the Administration's views on public rangeland grazing fees and management of the rangelands by the Department of the Interior.

As you know from Secretary Babbitt's February 16 "orientation" hearing before the full Committee, he is keenly aware that management of the public lands for livestock grazing continues to be a source of controversy--both with regard to the fee charged for such use and the condition of the public rangeland. This Administration is committed to finding a workable and equitable solution to the grazing fee debate. To further this cause, the Secretary has scheduled a series of upcoming grazing meetings in the West to hear ideas on a fair and sensible policy from all affected parties.

We must receive a fair return on our rangeland resources, and do so in a way that is sensitive to the impacts not only to taxpayers, but to the affected communities, and to the lands owned by the public. We must explore the needs of the small ranchers, the ones who are out there trying to feed their families and support their communities, and see how they can participate in the process of improving range condition for maximum productivity.

While the condition of grazing lands is improving, some critical areas are still in poor condition and improvements must be accelerated. We appreciate all congressional efforts to focus on the full range of grazing issues.

Today, grazing fees are based on a formula established by the 1978 Public Rangelands Improvement Act (PRIA). The PRIA stipulated a fee formula that would provide "a fair market price" for grazing privileges and would also "prevent economic disruption and harm" to the western livestock industry. While the PRIA grazing fee formula was originally enacted for a 7-year trial period, Executive Order No. 12548 has continued the fee formula since 1986. The 1993 fee is $1.86 per Animal Unit Month (AUM).

The Bureau of Land Management (BLM) administers livestock grazing on approximately 165 million acres of public lands. More than 19,000 farmers and rangers graze livestock on these lands, comprising 21,600 allotments. About 90 percent of these permittees have small--less than 100 head--or medium--100 to 500 head--operations. Over the past several years, permittees have used an average of 10 million AUM's annually. Of these, large operations--over 500 head--account for nearly half of the AUM's.

In response to the ongoing congressional debate over the existing fee system, the Departments of the Interior and Agriculture are continuing to examine the viability of an alternative "incentive-based" fee. The basic idea would be to set a market-value grazing fee for public land ranchers and give them credits for good land stewardship--for improving the range and enhancing riparian-wetland areas.

The idea behind the concept was to study a fee system that offered a means to accomplish several objectives. It can be used to more closely align private and public land grazing fees, promote good land stewardship while sustaining local economies, and perhaps even quiet the century-old debate that has divided so many interests in the West.

Secretary Babbitt has deemed it critical to meet with individuals, State and local officials, and interest groups that want to provide their views on grazing policy issues. Four meetings are currently scheduled in the West to provide an open forum for such discussions. These meetings are planned for the next 3 weeks in Bozeman, Montana; Grand Junction, Colorado; Reno, Nevada; and Albuquerque, New Mexico. We anticipate that issues raised at these meetings will include:

-- methods for determining fair market value;

-- whether fee increase will be phased in over a period of time;

-- subleasing of grazing permits;

-- how best to evaluate range conditions;

-- possible components of a range stewardship incentive program;

-- whether and how to differentiate between large and small operators, and those who rely solely on ranching income;

-- broader land and ecosystem management issues, including suggestions for how we can do a better job of managing the public's land.

In order to construct a fair and reasonable policy on the grazing issue, those that will have to live with the outcome must be part of the process. Only after these meetings are held and the issues fully addressed, will we be in a position to provide specific views on rangeland legislation introduced in the 103rd Congress.

I would like to thank Chairman Vento for scheduling this hearing today on this important topic. The health of America's

rangelands are of vital concern to the Administration, Congress, and the American public. You have the Secretary's pledge that the Department will work with all interests to achieve improved public rangelands, as a legacy for future generations.

This concludes my statement. I will be happy to answer questions.

FINAL COPY AUG 5 1993

STATEMENT OF ROBERT ARMSTRONG, ASSISTANT SECRETARY, LAND AND MINERALS MANAGEMENT, DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON ENERGY AND MINERAL RESOURCES, AND THE SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS, COMMITTEE ON NATURAL RESOURCES, UNITED STATES HOUSE OF REPRESENTATIVES AT A HEARING ON UNRECLAIMED HARDROCK MINES.

I appreciate the opportunity to appear here to discuss the problems related to unreclaimed hardrock mines and what is being done to address and alleviate those problems.

Several important reports have addressed the scope of abandoned hardrock mines and the problems they have generated. Included among them are the scoping study Inactive and Abandoned Coal Mines prepared by the Western Interstate Energy Board for the Western Governors' Association Mine Waste Task Force in August 1991, Burden of Gilt issued by the Mineral Policy Center in June 1993 and Deep Pockets, the report prepared by the majority staff of the Subcommittee on Oversight and Investigations of the House Committee on Natural Resources, and released in July 1993. All of these reports stress the great magnitude and seriousness of the problems related to abandoned hardrock sites, and identify the need for additional investigation and study.

The Department of the Interior (DOI) is concerned about the threats to public health and safety caused by hardrock abandoned mines, and many of the agencies in the DOI are already developing the data and information necessary to address the problems in a comprehensive manner.

For instance, the Bureau of Land Management (BLM) has established an "Abandoned Mined Land Inventory Task Force." To date, the magnitude and extent of abandoned mines on public lands managed by the BLM are simply not known. The task force established by the BLM will seek to identify all abandoned locatable mine sites, mineral material sites, and non-energy leasable mine sites on BLM lands. At present funding levels, the BLM contemplates completion of its inventory about September 30, 1997.

The BLM inventory is designed to identify physical, environmental, and potential hazardous materials problems at abandoned mine sites. Physical hazards at abandoned mines may include open pits, shafts, and adits or unstable slopes. Environmental problems may include acid mine drainage, unsuccessful vegetation, erosion, and stream sedimentation. Potentially hazardous materials at abandoned mine sites include old processing chemicals and electrical transformers.

In addition, the inventory will assist BLM in future remediation efforts and serve as a tool in BLM's land use planning process. Knowledge of the locations and on-site conditions of abandoned

mine sites will enable BLM to reach a more informed decision on the sensitive land use issues facing the Bureau today.

BLM also is conducting several pilot studies to identify useful field and information collection techniques. For example, the Bureau of Mines has developed a way to screen its comprehensive minerals data base for problem abandoned mine sites and is field testing this approach in BLM's Winnemucca District, Nevada. The Bureau of Mines has also used this approach to inventory abandoned mine sites on all National Forests in the State of Washington. BLM has an agreement with the Idaho Geological Survey to compile a data base and GIS maps of known mine sites on BLM-managed lands in the state. In addition, the BLM Utah State Office is currently conducting a pilot project utilizing spot imagery, aerial photography, and videography to identify potential areas for field investigation. On-the-ground data collection in the study area will test the use of global positioning systems for site location and a draft field checklist under development. Sites which are inspected in the field will be evaluated for future reclamation or closure. Coordination with other agencies and efforts will continue throughout the BLM inventory effort.

Several other DOI agencies have developed abandoned hardrock mine site inventories, or are working on the development of inventory information. These agencies include: the National Park Service, (which has the most complete data on abandoned mine sites on the lands it manages); the U.S. Geological Survey, and the Bureau of Mines. Appended to my statement are short descriptions of the work of these agencies.

Clearly, Mr. Rahall and the other members who have been working on hardrock mining reform legislation over the past several years have recognized the importance of beginning the clean-up and restoration of abandoned hardrock mines. The Interior Department supports the commitment, contained in H.R. 322, to establish a legislatively mandated reclamation program for abandoned hardrock mines, and we applaud the foresight of the leadership of the Committee in incorporating this provision into the reform legislation.

The issue of how best to fund such a reclamation program is currently under discussion among many of those interested in comprehensive mining law reform, in the Administration and within the leadership of the House Natural Resources Committee.

It is important to bear in mind that the potential gross receipts base for a federal lands hardrock mining royalty is currently declining, and is expected to diminish further, as large mines go to patent. The Department continues to advocate the imposition

of a gross royalty on mining operations on public lands. The fact that current law requires us to continue giving valuable lands away through the patent system -- ensuring that the existing royalty base will continue to diminish -- is, in our view, all the more reason for the expeditious enactment of reform legislation, including the termination of the patenting provisions. However, we recognize that, in the short term, the diminishing federal royalty base may be insufficient to fund needed restoration activities at the thousands of abandoned hardrock mine sites across the land. Because we agree with the authors of H.R. 322 that this problem simply must be addressed, we believe it is appropriate to consider alternative funding mechanisms.

Chairman Miller and Representative Rahall have voiced their support for one option for funding an abandoned hardrock reclamation program, that is a dedicated fee, which would supplement the revenue from the royalty proceeds of existing public lands mines. The reclamation program proposed in H.R. 322 would not be limited to abandoned hardrock sites on public lands. Rather, any abandoned hardrock mine site in the states affected by the bill, and which meets the criteria set out, would be eligible for reclamation.

Equity considerations argue that funding a broad clean-up program through a revenue mechanism that only affects mining operations on public lands may arbitrarily burden some mining companies or operations, as well as unnecessarily limit the funding base for the reclamation effort. In many cases, the only difference between those who pay into the fund and those who do not may be that one operator on public lands has successfully acquired a patent to those lands, while a second operator has not. A broad reclamation fee mechanism, which would apply to any hardrock mining operation [in the states eligible for reclamation expenditures from the fund], would more closely emulate the model of other dedicated reclamation programs, such as those under the Surface Mining Control and Reclamation Act of 1977, and the Superfund laws. The Administration is evaluating this option.

In summary, we agree that the thousands of abandoned hardrock mines on public lands that are causing pollution represent a severe environmental problem --- one that for too long has been put on the back burner with very little in the way of real action being taken to deal with it.

I will be pleased to answer questions.

NATIONAL PARK SERVICE
Mining and Minerals Branch

ABANDONED MINERAL LANDS PROGRAM
August 5, 1993

Over 147 National Park System units are currently encumbered with abandoned mine sites (AML). The growing National Park Service (NPS) inventory currently identifies 2,124 AML sites containing 10,655 hazardous adits and shafts, 727 abandoned oil and gas wells, and 995 abandoned sand and gravel pits. A variety of resource impacts exist as a result of these AML sites, including soil erosion or contamination, vegetation loss, acid mine drainage and salt contamination of aquifers from oil wells, to name a few. Many sites contain hazardous wastes, chemicals or explosives. In addition to resource impacts, these abandoned sites pose safety hazards to park staff and visitors.

The NPS realizes that AML in the National Park System is a serious issue, and has coordinated a servicewide AML program designed to accomplish five basic goals:

- inventory and prioritize sites
- eliminate safety hazards
- mitigate impacts to NPS resources
- preserve and interpret historically and culturally significant sites
- manage sites for wildlife habitat

In 1984, NPS initiated the first servicewide abandoned mine inventory. To date, largely through the efforts of park staffs, the NPS has amassed an inventory of over 3,000 mine sites with over 10,000 openings and other hazards, encompassing 147 park units in all ten regions of the National Park System. Whereas more detail needs to be obtained on many of these sites, and some parks may need to make a more diligent effort in compiling a comprehensive inventory, the servicewide inventory is representative of the magnitude and scope of AML in the parks, and is sufficiently detailed to make reasonable projections for the cost of mitigation. NPS is currently entering the servicewide inventory into an automated database designed to record detailed information and prioritize the sites for closure.

NPS staff work directly with the parks and regions in addressing AML issues. These efforts are largely initiated through regional mineral coordinators. Over the past 5 years, AML has been a substantial workload to NPS, involving at least seven staff members spending a portion of their time on AML projects. Where parks need help in the inventory and characterization of sites, NPS has provided the technical assistance of engineers, geologists, and reclamation specialists to inspect AML sites. These specialists then provide the parks with options for closure and reclamation, and where funding is available, arrange contracts to get the work accomplished. In reviewing park planning documents, NPS comments often relate to AML planning.

NPS has made many efforts to heighten awareness of AML servicewide. NPS has incorporated AML presentations into annual minerals management courses and travels to parks to provide specific training to personnel who regularly encounter AML issues. In an innovative cooperative agreement with the Environmental Policy and Management Division of the University of Denver, NPS produced the "Handbook for the Remediation of Abandoned Mineral Lands." This handbook is currently being distributed for field review, and will serve as a definitive technical guide to park managers throughout the system for mitigation of AML safety hazards and resource impacts. To complement this document, NPS plans to draft a servicewide mitigation and reclamation program statement outlining the program's goals, philosophy, strategy, and direction.

NPS's involvement in promoting AML awareness is not limited to the NPS. Efforts are underway to produce a brochure this year which will heighten public and NPS awareness of AML issues. In the 1991 Annual Department of Interior Safety Conference, NPS staff made a presentation on safety hazards associated with AML. For the last 4 years NPS has attended and presented at the Annual Conference of the Association of Abandoned Mine Land Programs. On a voluntary basis in 1992, NPS staff made three AML safety presentations to approximately 200 volunteers for the Colorado Division of Wildlife, who work in conjunction with the Colorado Mined Land Reclamation Division in recommending suitable mine closures which would not compromise habitat for threatened and endangered species of bats.

Since the NPS has no specific budgetary allocation for AML mitigation, NPS has attempted, and in some cases succeeded, in procuring funding and technical assistance from a number of sources, e.g., the Office of Surface Mining Reclamation and Enforcement, Bureau of Mines, Mine Safety and Health Administration, the Environmental Protection Agency, state AML programs, and private sources. NPS has also set aside a small portion of its own base funding (when available) toward specific projects. Over the last 20 years, $2 million has been spent to mitigate about 400 AML sites. Realizing that it will be some time before all sites in the system are mitigated, the NPS designed and produced several signs to warn visitors of the hazards inherent to unaddressed AML sites, and have provided these signs to the parks.

To ensure that future AML problems do not develop, NPS assists the parks in enforcing hardrock mining regulations. This includes requiring operators to submit adequate plans of operations with reasonable reclamation bonds, regardless of the size of the operations. NPS has proposed new regulations to enable effective management of all other federal and nonfederal mineral rights (e.g., sand and gravel) in park units.

United States Bureau of Mines

The Bureau of Mines maintains a comprehensive data base of mining and mineral processing sites which is serving as a starting point to inventory problem abandoned mined lands sites. This automated database, with over 200,000 mineral sites, is the most comprehensive database of its kind, with information on metallic and nonmetallic occurrences, prospects, mines, both past and present producers, geothermal wells, and mineral processing plants such as mills, smelters, and refineries. Supplementing these data, the Bureau of Mines maintains mineral property files covering primarily past mining operations. These files contain information such as extent of workings, milling methods (an indicator of what chemicals may have been used), ore and waste minerals, and years of operation that are important to evaluating Abandoned Mined Land (AML) sites. These data, enhanced with data from state and other Federal agencies, provide the informational framework upon which a comprehensive inventory can be built.

With BLM, the Bureau of Mines is field testing a prototype screening methodology on selected AML sites in Winnemucca district, Nevada. The Bureau of Mines has also developed an Abandoned Mine Land Inventory and Hazard Evaluation Handbook to promote consistent inventories of AML sites across agency jurisdictions and geographic areas. Proper ways to conduct an on-site initial investigation are described and data collection forms are provided to promote consistent, technically accurate assessments of abandoned mine land sites and hazards.

Efficient, cost-effective remediation on mining and mineral processing sites requires accurate site characterization on which to plan remedial action. The Bureau of Mines has on-going programs to assist DOI and other Federal agencies with site characterization and to develop better techniques for performing comprehensive and reliable site characterization. Techniques commonly applied to exploration for mineral deposits, such as geophysics, geochemistry, geostatistics, etc., are now directed at identifying and delineating the extent of contamination on past mining sites.

For example, contaminated water at the abandoned Midnight Uranium Mine located on the Spokane Indian Reservation, Washington, poses significant environmental risks which are being identified and assessed by the Bureau of Mines. Nearly one-half billion gallons of contaminated water have collected in two large pits. Should pit water escape, it would flow across lands controlled by the Bureau of Indian Affairs and the Bureau of Land Management into Lake Roosevelt, which is managed by the Bureau of Reclamation and has recreational facilities managed by the National Park Service. The lake is also a source of drinking water. The Bureau of Mines has spent nearly $1 million to investigate the local hydrology, geochemistry, water treatment alternatives, contaminant migration, and metal reactivities of the site under its base program and through limited funds provided by the Bureau of Indian Affairs.

Bureau of Mines researchers are developing innovative techniques to both reduce the cost and improve the effectiveness of treatment of contaminated waters. Such research has already proven the value of the site-specific design of engineered wetlands to treat acid mine drainage; the development of liquid-emulsion membranes to recover metal contaminants in streams; and the development of porous, organic beads that can absorb low concentrations of metals from water and are reusable. More important, progress is being made in development of techniques to eliminate the generation of contaminants at the source, thus providing a permanent and "immediate" solution to the problem.

U.S.GEOLOGICAL SURVEY

Unreclaimed hardrock mines

- The U.S. Geological Survey (USGS) has developed extensive expertise to identify, characterize, and remediate environmental problems associated with presently operating and abandoned mines. This expertise has been gained in the course of meeting the USGS responsibilities for assessing the quantity and quality of the Nation's mineral, energy, and water resources. USGS scientists help solve environmental issues by (1) understanding and predicting the environmental effects of resource development, (2) identifying and characterizing contaminated lands, (3) developing understanding of processes that affect contaminants in the environment, and (4) conducting research that applies an earth-science perspective to development of baselines as references for assessment of environmental changes due to natural or human causes.

  - Some information on environmental problems at mine sites has been obtained as part of USGS assessment studies and related research projects. For example, the USGS has begun geoscience investigations of environmental consequences of mining and ore processing at the Summitville mine in Colorado.

  - In some cases, USGS assistance is being provided to regulatory or land-managing agencies. Examples are USGS studies of lead contamination in the Jordan River, Utah, and distribution of smelter contamination over the landscape in the Mimbres BLM resource area, New Mexico.

  - USGS work at some locations was started as a result of USGS involvement under CERCLA as a potentially responsible party due to defense-related mineral-resource studies and administration of government exploration assistance programs. Examples are the Blackbird mine, Idaho, and the Clark's Fork Superfund Site, Montana.

- The USGS also renders advice to federally funded research efforts and the National Mine Land Reclamation Center (centered at West Virginia University) and the Generic Mineral Technology Center for Mineral Industry Waste Treatment and Recovery (centered at the University of Nevada-Reno).

Hard Rock Mining Claims on National Wildlife Refuges

Three National Wildlife Refuges in the lower 48 States that were withdrawn from the public domain have active or abandoned mining claims (Cabeza Prieta, Az; Kofa, Az; and Sheldon, Nv). Fish and Wildlife Service contaminant reviews have not found contaminant problems of concern with abandoned mine sites at those refuges.

Nine refuges in Alaska -- Arctic, Kanuti, Koyukuk, Nowitna, Selawik, Tetlin, Togiak, Yukon Delta and Yukon Flats -- have a total of 115 current and 140 abandoned mining claims.

The Fish and Wildlife Service has identified contaminant problems with some of the active mines, and is currently in the early stages of field checking the abandoned sites to determine if contaminant reviews are warranted. The Service believes it likely that some contaminant problems will need to be resolved at abandoned sites in Alaska.

OCT 14 1993

STATEMENT OF JIM BACA, DIRECTOR, BUREAU OF LAND MANAGEMENT, UNITED STATES DEPARTMENT OF THE INTERIOR, BEFORE THE SUBCOMMITTEE ON MINERAL RESOURCES DEVELOPMENT AND PRODUCTION, COMMITTEE ON ENERGY AND NATURAL RESOURCES, UNITED STATES SENATE, ON S. 1170, A BILL TO AMEND THE MINERAL LEASING ACT TO PROVIDE FOR LEASING OF CERTAIN LANDS FOR OIL AND GAS PURPOSES.

I appreciate the opportunity to appear here today to discuss S. 1170, a bill to provide for the leasing of the Naval Oil Shale Reserves 1 and 3 (which I will refer to as the Reserves) in Garfield County, Colorado for oil and gas exploration, development and production.

The Department of the Interior supports the concepts proposed in S. 1170. However, we note that there may be alternative approaches that could accomplish the same objectives. The Administration will review these alternatives and transmit to Congress a legislative proposal soon.

S. 1170 would amend Section 17 of the Mineral Leasing Act by adding a new subsection to change the management of these Reserve lands in 4 ways. It would:

(1) Authorize the Secretary of the Interior (Secretary), in consultation with the Secretary of Energy, to lease the Reserve lands for oil and gas exploration, development and production;

(2) Direct that the Secretary, through the Bureau of Land Management (BLM), shall hereafter manage the surface

estate in these lands pursuant to the Federal Land Policy and Management Act of 1976, and other laws applicable to the public lands;

(3) Provide that a lease of the lands by the Secretary be conditioned upon payment of a royalty pursuant to subsection (b) of Section 17 of the Mineral Leasing Act, except that the Secretary would be allowed to establish a sliding scale royalty of not less than 12.5 per centum or more than 25 per centum in amount or value of the production removed or sold from the lease; and

(4) Allow the Secretary, when leasing the Reserve lands, to include the transfer, at fair market value, of wells, gathering lines, and related equipment owned by the United States on the Reserve lands that are suitable for use in exploration, development or production of hydrocarbons on such lands.

As a special area, we believe it may be appropriate to look at alternatives for the handling of oil and gas in order to achieve a process which best recognizes the special nature of the area as well as the best interests of the Federal government.

Enactment of S. 1170 would not change or contradict the purposes for which the Reserves were established and have been operated. The formal withdrawals would not be revoked and the DOE would still have the same responsibilities for management of the oil shale resources. We believe the handling of the Reserves' oil and gas resources can be managed without conflicting with present or future oil shale programs. And, to the extent practical and to the benefit and encouragement of the Federal government's interest in new technology, we endorse any program that would support the DOE's continued research of the oil shale potential of the Reserves.

We also concur that the Department of the Interior, through the BLM, should have surface management responsibility for the Reserves. The BLM is presently managing the surface resources of the area under a Memorandum of Understanding (MOU) with the DOE. However, our management efforts through the MOU are best described as limited or custodial, with most of the active or enhancement work being done by individual and group volunteers.

Formal transfer of management jurisdiction would greatly facilitate management of the surface resources. It would eliminate dual agency responsibility and, through the BLM's preparation of comprehensive planning and environmental documents, would address, among other things, sensitive natural resources, ecosystem management, and grazing administration.

As for the handling of oil and gas in the Reserves, if they are to be leased, transfer of the leasing to the BLM would be consistent with the BLM's present authority to issue oil and gas leases on other Federal public and acquired lands, including Forest Service lands, military lands, etc.

Having the Federal mineral leasing program administered by one entity is consistent with the recommendations of Vice President Gore's National Performance Review which calls for the elimination of duplication of effort within the Federal government. The BLM has 70 years of experience in leasing oil and gas on Federal lands. It makes good sense to use this expertise when a new leasing program is planned.

In addition, the Energy Policy Act of 1992 includes a provision requiring any agency or department of the United States government that administers land acquired with mineral leases to transfer the authority to the Secretary of the Interior to administer and collect revenue from the leases. This very recent legislative action is also an indication that Congress feels that mineral leasing activities for any Federal lands should be administered by the Secretary of the Interior.

The BLM, because of its experience in leasing and managing oil and gas resources and the capability it has developed to manage the significant oil and gas resources on Federal lands, could

undertake leasing and management of oil and gas resources on the Reserves without the need for additional funding.

This concludes my prepared statement. I would be pleased to respond to your questions.

STATEMENT OF
MIKE DOMBECK, ACTING DIRECTOR
Bureau of Land Management
H.R. 1713, The Livestock Grazing Act
House Resources Committee
Subcommittee on National Parks, Forests and Public Lands
July 11, 1995

I appreciate the opportunity to testify on H.R. 1713, the Livestock Grazing Act.

H.R. 1713 would change many provisions of existing law and essentially replace the BLM's new cooperative relations and grazing administration rules. The Department would default on its responsibility to the thousands of Western citizens who helped to shape BLM's regulations, if we did not voice strong opposition to H.R. 1713 and support of BLM's "healthy rangelands" strategy.

However, H.R. 1713 would turn back the clock on public rangeland management. Livestock grazing is a traditional use of the public lands. Over the last several decades, BLM has managed the public lands for grazing along with other multiple uses such as recreation, hunting, logging, and mining.

As stated many times by the BLM, in many places the public rangelands are in better shape today than they were fifty years ago. This is due, in part, to a deeper understanding of range ecology and improved grazing practices implemented by ranchers and the agencies that manage these public lands.

But, we must do more to pass on sustainable resources to our children, because:

- Millions of acres of public land remain in poor condition;

- Too many watersheds are not producing their full range of benefits;

- Too many soils continue to lose fertility;

- Poisonous, exotic weeds are a "biological nightmare" that reduce the land's ability to sustain itself; and

- Too many streams and riparian areas are still degraded.

The BLM's strategy to improve rangeland health is built on the collective wisdom of 60 years of applied science. It was shaped by over two years of public discussion. Our program will improve rangeland health through a balanced and practical approach that demonstrates how collaborative stewardship can meet the basic needs of both people and nature.

We have prepared a detailed comparison and analysis of BLM's old livestock grazing regulations, our new regulations, and the provisions of the Livestock Grazing Act, H.R. 1713 that I am submitting as part of our written testimony. Our analyses make clear our many strong objections to the bill. I am also including in the written record a piece entitled "Just the Facts," to clarify the effects of our new regulations.

I would like to speak to two of the principal differences between the bill and BLM's healthy rangeland strategy.

First, the grazing bill

- focuses public rangeland management on the single use of livestock grazing — de-emphasizing other uses and values of the public lands such as mining, hunting, recreation and wildlife.

In comparison, our strategy focuses on maintaining the health and productivity of **all** public land resources and values. Experience has proven that we cannot emphasize a single use of the public lands without compromising other uses and values.

Where H.R. 1713 concentrates exclusively on *livestock production*, our approach encourages collaborative management to sustain the land's *overall productivity* to meet the needs of not only public lands ranchers, but other public lands users such as hunters, campers, and recreationists. I firmly believe that our approach is more appropriate in meeting our stewardship responsibilities and will better serve **all** of those who use and value the public lands.

Second, the bill would

- severely limit public involvement in the management of the public lands.

Over the past 20 years, it has become clear that the most effective stewardship — for both natural resources and people — occurs when the many public land interests work together for what President Theodore Roosevelt called "common solutions to common problems for the common good."

We must move beyond public land users sitting at opposite ends of the table arguing over the use of shared resources — waiting for court ordered "solutions." H.R. 1713 is a lawyer's dream — a recipe for polarization and litigation. If we regress to such management, the public lands and the people who depend on them, suffer most.

H.R. 1713 limits the ability of anyone who does not graze livestock to have a say in public land management and planning. To deny citizens a seat at the table — a voice in the process — would be a major step backward. In contrast to the bill, our program to improve public rangeland management would assist all who value the public lands to work in a collaborative manner to define a common vision for their health.

In order to bring together all of those who use and care for the public lands, we have met with western Governors, or their staffs, to select a model for creating diverse and balanced citizen advisory councils. We intend for local citizens to be in the lead. Our Resource Advisory Councils are tailored to best meet the needs of all those who use and appreciate public lands, be they families on outings, ranchers, anglers, or oil and gas developers.

Over time, our approach will

- restore the productivity and diversity of 100,000 acres of riparian areas;
- bring 20 million acres of uplands into properly functioning condition;
- benefit most plant, fish and animal species, including livestock; and
- enhance recreational opportunities such as fishing, hunting, hiking, tourism, and wildlife viewing.

The health of our watersheds is what ultimately sustains livestock production in the West. Yet, we cannot meet the needs of the people if we do not maintain the health of the land.

BLM's healthy rangelands approach moves resource decision-making from Washington D.C. to the western rangelands. In contrast, H.R. 1713 offers 93 pages of top-down direction to local managers and public land users. We believe that those who live closer to the resources have a better understanding of how to meet people's needs within the limits of sustainability.

This bill is a departure from traditional multiple use management in that it appears to elevate one use over other uses of public lands. It changes the standards that courts apply and creates the potential for disruptive litigation for years to come.

We cannot allow lawsuits, judicial injunctions, and top-down remedies to impede our stewardship responsibilities. Good stewardship must provide managers and local communities with the tools and flexibility to develop lasting solutions for all public land uses and values.

BLM's approach provides this flexibility; H.R. 1713 does not.

For example, H.R. 1713 eliminates a rancher's ability to apply for conservation use of public rangelands. It also prevents managers from placing decisions in immediate effect in order to avert resource degradation except in extraordinarily narrow circumstances.

As you know, the Senate Energy and Natural Resources Committee plans to mark up their grazing bill, S. 852 on July 19. I sincerely hope that the House will choose not to use the Senate's preliminary mark which the Senate Committee has shared with us. It makes a bad bill far worse.

Allow me to speak to the three provisions of the Senate's mark that particularly concern BLM.

First, the Senate preliminary mark of S. 852 deletes all "affected interest" provisions — effectively eliminating the meaningful opportunity for *anyone who does not graze livestock on public land* to participate in grazing planning and management. Grazing is conducted on approximately 95% of public land in the lower 48 states. Lands owned by all Americans. The only recourse for those who do not graze livestock, but who do care for publicly-owned lands, and who are affected by grazing, is litigation.

Such a policy is contrary to law, precedent, and common sense. We should be working together to involve more people in collaborative decision-making — not cutting them out.

BLM resolves multiple use conflicts at the allotment plan level. Here, closest to the ground, livestock operators, sportsmen, recreational users, conservationists, and others work together to find common solutions to common problems. The process works and will work even better with BLM's new regulations.

Top-down legislation from Washington D.C. simply cannot take the place of local people working together to resolve local issues.

Second, the Senate's preliminary mark prohibits BLM from using monitoring and inspection data

unless the livestock operator has been invited and allowed to participate. BLM agrees that conducting monitoring with permittees is most effective. Requiring the permittee's participation, however, is akin to allowing the uncooperative operator veto power over needed monitoring. This would essentially eliminate our ability to conduct effective trespass inspections. Most public land ranchers are good and responsible stewards. This legislation, however, would insulate irresponsible and uncooperative operators from management actions that keep the land healthy and productive.

Finally, the Senate preliminary mark would require that all Resource Advisory Council members are selected from a list submitted by the Governor of the state. This politicizes what should be an apolitical process. Certainly, State Governors need to be heard. In fact, in recent months, our BLM State Directors have worked with all the western Governors to forward to the Secretary nominations for diverse and balanced Resource Advisory Councils. We already have in place a process that works by representing the full range of opinions — be they from the general public, commodity interests, recreation users, or conservationists.

Limiting public participation in public rangeland management would fail both the land and those who depend on it. I assure you that if we:

- limit the tools available to managers and ranchers;
- narrow peoples' ability to participate in public land management;
- emphasize a single use of the public lands at the expense of other uses and values;

we will have failed as stewards of the public land. More importantly, we will have betrayed our children by diminishing their natural resource legacy.

For these reasons, and for those set forth in the attached analysis, the Department of Interior and the Bureau of Land Management strongly oppose H.R. 1713, the Livestock Grazing Act.

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Testimony of Maitland Sharpe
Assistant Director, Renewable Resources and Planning, Bureau of Land Management
Before the Subcommittee on Livestock, Dairy, and Poultry
House Committee on Agriculture
September 17, 1997

Mr. Chairman, members of the Subcommittee, I appreciate the opportunity to come before you today to discuss the Bureau of Land Management's (BLM) range management program.

The Department of the Interior has a long history of managing livestock grazing on the public lands. In response to widespread overgrazing and environmental degradation on public lands in the West, Congress passed the Taylor Grazing Act in 1934 to regulate the occupancy and use of the public land, preserve the land from destruction or unnecessary injury, and provide for orderly use, improvement, and development. For more than sixty years the Department has worked with permittees, lessees and interested members of the public to achieve these goals. A great deal of progress has been made. We look forward to continuing to work with all these parties to achieve additional improvement in the health of the public rangelands, particularly in riparian areas.

A couple of years ago, the BLM made some important revisions to its regulations that affect livestock grazing on the public lands. Among other things, the revisions sought to provide tools to achieve consensus. A very important success story in achieving consensus has been the invaluable guidance that the Resource Advisory Councils (RACs) have provided to BLM managers. The role of the RACs is to provide advice and local perspectives to the BLM. RAC members must reside in the State of their jurisdiction. Each RAC has focused on the full array of multiple use issues associated with public lands within its area of jurisdiction. In terms of grazing management, the RACs have been instrumental in the preparation of State or regional standards for rangeland health and guidelines for grazing administration.

The standards and guidelines, as well as the RACs, are a central component to achieving consensus on improvement to the health of the public rangelands. The BLM and the RACs--in

close consultation with permittees, lessees and interested members of the public--have completed many of the standards and guidelines. The standards and guidelines are designed to provide specific measures of rangeland health and to identify best management practices in keeping with the characteristics of a State or region, such as climate and vegetation types. They seek to provide a consensus view of how to maintain and seek additional improvement in the health of the public rangelands, particularly riparian areas. The BLM is very grateful to the many RAC members, permittees, lessees and interested members of the public who devoted many hours to making the standards and guidelines a success.

Eight of ten States have completed standards and guidelines and received approval from the Secretary of the Interior to proceed with implementation (Arizona, Colorado, Idaho, Montana, Nevada, Oregon, Utah, and Wyoming). All State Directors are making standards and guidelines implementation plans. New Mexico and California are still developing standards and guidelines. Fallback standards and guidelines will be in effect until specific New Mexico and California standards and guidelines are completed and approved by the Secretary.

Livestock grazing remains a central component of multiple use management and the BLM is working, in accordance with the 1995 regulations, to achieve a program that has broad public support. The way to encourage public support is to provide a mechanism for meaningful public participation. Meaningful participation not only permits ranchers to hear the views of others, but it also helps non-ranchers to better understand ranchers and the benefits they bring, such as open space--an issue that increasingly resonates throughout the West with people of almost all backgrounds. Through the RACs and public participation provisions of the 1995 regulations, more and more Americans are participating in the process. We strongly prefer upfront participation to paralyzing lawsuits and injunctions. Only with significant public participation and support can we achieve the stability that public land ranchers want and deserve.

To ensure that the 1995 regulations did not create unintended effects, we have been performing a review of how the regulations are being implemented and what their impact has been. The

purpose of the review is to gather information about the effectiveness of the regulations, including a review of the program's costs and benefits, an assessment of the extent to which the regulations and goals are being accomplished and a measurement of the consistency of their application. The information will be used to identify existing or potential problems and inefficiencies and aid in the search for effective and innovative solutions. The review will occur this fall with hopes that we can compile the information this winter and complete a report by February or March.

We will also continue to make use of the tools that the National Environmental Policy Act (NEPA) provides us. NEPA has greatly facilitated our dialogue with the public and coordination with Federal, State and local agencies. This dialogue and coordination has led to better cooperation in seeking to reach our common goals of better range management.

The doomsday scenarios painted by some in the West concerning the regulatory revisions of a couple of years ago have not come true. Instead, ranchers, environmentalists and other interests are sitting around tables talking and making progress on specific issues rather than hurling rhetoric at each other. Many environmentalists and ranchers are realizing that they have a lot more in common than they originally thought. All of us want better wildlife habitat, improved water quality, open space, and healthy rural economies. Ranchers and environmentalists learned this by talking and working together on a wide variety of issues. Consensus and cooperation, I believe, are the future of public land management--not protests, appeals and lawsuits. With all due respect, a lot of what all of us do back here in the nation's Capitol seems somewhat dull when one experiences the excitement of seeing people sitting around a table or walking around a grazing allotment honestly and respectfully sharing their views on how to solve a site-specific problem--especially considering that they were shouting and threatening each other a few years ago.

We at the BLM appreciate the Committee's interest in the BLM's range management program. I would be happy to answer any questions concerning the status of BLM's range management program.

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Testimony of Maitland Sharpe
Assistant Director, Renewable Resources and Planning
Bureau of Land Management
Before the Subcommittee on National Parks and Public Lands of the House Resources Committee
Oversight of the Bureau of Land Management's
Range Management Program
September 30, 1997

Mr. Chairman, members of the Subcommittee, I appreciate the opportunity to come before you today to discuss the Bureau of Land Management's (BLM) range management program. I wish to address some of the concerns that the Committee has raised concerning possible reductions in authorized grazing on BLM-managed public lands.

Let me begin with a brief overview of the BLM's grazing program. The Department of the Interior has a long history of managing livestock grazing on the public lands. In response to widespread overgrazing and environmental degradation on public lands in the West, Congress passed the Taylor Grazing Act in 1934 to regulate the occupancy and use of the public land, preserve the land from destruction or unnecessary injury, and to provide for its orderly use, improvement, and development. For over sixty years, we have worked with permittees, lessees and interested members of the public to develop partnerships to achieve these goals. A great deal of progress has been made. We look forward to continuing to work with all these parties to achieve additional improvement in the health of the public rangelands and to sustain the health of the livestock industry.

In 1995, the BLM finalized important revisions to its grazing regulations. Among other things, the revisions sought to provide tools to achieve consensus among public land users on how to best achieve and maintain healthy public rangelands. A very important success story in achieving that consensus has been the invaluable guidance provided by the Resource Advisory Councils (RACs) to BLM managers. The role of the RACs is to provide advice and local perspectives to BLM. RAC members must reside in the State within the Council's geographic jurisdiction. Each RAC may focus on the full array of multiple-use issues associated with public lands within its area of jurisdiction. In terms of grazing management, the RACs have been instrumental in the preparation of State or regional standards and guidelines for assuring healthy rangelands.

The BLM and the RACs--in close consultation with permittees, lessees, and interested members of the public--have completed standards and guidelines for most western States. The standards and guidelines are designed to provide specific measures of rangeland health and to identify best management practices in keeping with the characteristics of a State or region, such as climate and vegetation types. The standards and guidelines provide a consensus view of how to maintain and seek additional improvement in the health of the public rangelands. The BLM is very grateful to the many RAC members, permittees, lessees, and interested members of the public who devoted many hours to making the standards and guidelines a success.

Mr. Chairman, the invitation letter for this hearing indicated the subcommittee's interest in grazing reductions on BLM-managed public lands. Twenty years ago, the BLM authorized approximately 10.8 million Animal Unit Months (AUMs) of forage use to approximately 20,600

lessees or permittees. In 1991 that figure had decreased to slightly over 9.6 million AUMs to 19,482 lessees or permittees and by 1996 that number was up to about 9.75 million AUMS and 18,800 lessees or permittees. I have attached a chart to my testimony that shows a year-by-year breakout of this information from 1977 to the present.

A review of our grazing records reveals that overall, restrictions having significant negative impacts on livestock operations are the exception. Terms and conditions for grazing livestock on an allotment are designed, wherever possible, to strike a balance between public expectations of rapid improvements to resource conditions and the needs of permittees to have access to adequate amounts of forage.

There have been site-specific reductions or restrictions that have been put in place to better manage rangeland resources. The BLM is required to protect the public lands from degradation and seek to improve the condition of the range, while managing these lands for a full range of uses.

There is no one single reason for the gradual reductions in AUMs that has occurred during the past twenty years. The reasons are many, including land lost to grazing through exchange or disposal of lands; reductions for diminished forage supply; adjustments for riparian area improvement (usually temporary); and reductions in order to protect threatened or endangered species. Also, there are fluctuations of a temporary nature due to drought or wildfire emergencies.

Let me give you a couple of examples. Between 1991 and 1997, BLM in Nevada completed a series of land exchanges to restore threatened Lahontan cutthroat trout habitat in order to implement the Marys River Riparian/Aquatic Habitat Management Plan and the Recovery Plan for this species. Through these exchanges BLM was able to acquire 79 miles of stream, 10,635 acres of wet meadows, marshes, and riparian habitat, and 60 miles of public access. In this series of land exchanges, 62,897 acres of public land was transferred to private entities, primarily livestock permittees, local ranchers, and mining operators. As a result, public land grazing use in Nevada was reduced by 14,977 AUMs. In many cases grazing continued on these former public lands. However, because these lands are no longer in public ownership a reduction in AUMs in Nevada is reflected in our records.

Another example of how land exchanges can affect the available number of AUMs can be found in the recent Delaware and Rio Bonito Land Exchanges in southeastern New Mexico. Through this exchange BLM acquired important habitat along the Delaware and Rio Bonito Rivers that contains important biological resources and offers enhanced public-access opportunities. As a result of the exchange, about 20,000 AUMs went into private ownership and so no longer counted as AUMs on public land in New Mexico.

An example of AUM reductions in order to protect the habitat of endangered species is the BLM's management actions to protect the threatened Desert Tortoise in 1992. The BLM had to reduce seasonal grazing on a number of allotments in Northern Arizona, Southern Utah, Southern Nevada and Eastern California because it was determined that livestock grazing had adverse

impacts on Desert tortoises during certain seasons. We would be poor stewards of the publics lands if we failed to ensure that BLM authorized actions were consistent with conserving important biological features of the American West such as the Desert tortoise.

The BLM has made adjustments in some allotments where weed encroachment has reduced the forage supply. 8.5 million acres of BLM-managed public lands suffer from the invasion of noxious, or exotic plants and weeds. These weeds continue to spread at a rate of more than 1,000 acres a day. These weeds have little value to livestock and contribute to the loss of forage availability.

Additionally, there are occasional, but rare, reductions taken for willful, repeated violations of rules or terms and conditions of permits. Over the past five years, the BLM has had to impose such reductions against about 46 operators. These 46 cases represent approximately two-tenths of 1% (.2%) of our total operators. Most of our operators are good stewards of the land and care greatly about the health of the land.

In addition to make reductions where necessary, the BLM does restore to active use or increase AUMs as conditions allow. Between 1992 and 1996 about 140 operators received increases totaling approximately 43,800 AUMs.

In close consultation with permittees, lessees and interested members of the public, we will continue to strive to meet public expectations of improving the health of the public rangelands,

and continue to work to foster a healthy public land livestock industry. Livestock grazing remains a central component of multiple use management and the BLM is working to achieve a program that has broad public support. One way to encourage public support is to provide a mechanism for meaningful public participation. Meaningful participation not only permits ranchers to hear the views of others, but it also helps non-ranchers better understand ranchers and the benefits they bring, such as open space--an issue that increasingly resonates throughout the West with people of almost all backgrounds. Through the RACs and public-participation provisions of the 1995 regulations, more BLM stakeholders are participating in the process and learning our programs and responsibilities. We strongly prefer upfront participation to paralyzing lawsuits and injunctions. Only with significant public participation and support can we achieve the stability that public-land ranchers want and deserve.

To ensure that the 1995 regulations did not create unintended effects, we will be performing a review of how the regulations are being implemented and what their impact has been. The purpose of the review is to gather information about the effectiveness of the regulations, including a review of the program's costs and benefits, an assessment of the extent to which the regulations and goals are being accomplished, and a measurement of the consistency of their application. The information will be used to identify existing or potential problems and inefficiencies and aid in the search for effective and innovative solutions. The review will occur this winter with a scheduled completion date of late spring.

We will also continue to make use of the tools that the National Environmental Policy Act

(NEPA) provides us. NEPA has greatly facilitated our dialogue with the public and coordination with Federal, State, and local agencies. This dialogue and coordination has led to better cooperation in seeking to reach our common goals of good range management.

The fears held by some in the West concerning the 1995 regulatory revisions have not come true. Instead, ranchers, environmentalists and other interests are sitting around tables talking and making progress on specific, local issues, rather than shouting at each other. Many environmentalists and ranchers are realizing that they have a lot more in common than they originally thought. All of us want better wildlife habitat, improved water quality, open space, and healthy rural economies. Ranchers and environmentalists learned this by talking and working together on a wide variety of issues. Consensus and cooperation, I believe, are the future of public land management--not protests, appeals and lawsuits.

The bottom line is that the Bureau's grazing management program is working. People are sitting down together, at State and local levels, to find shared solutions to real problems. Diverse interests are forging a shared vision of what the public rangelands should look like and produce and they are finding ways to put old conflicts aside. The result will be healthier, more productive rangelands and a more stable future for the public land livestock industry. Does this mean that all issues between permittees, environmentalists and the BLM have been resolved? Of course not. But by and large collaboration rather than confrontation is becoming the order of the day.

We at the BLM appreciate the Committee's interest in the BLM's range management program. I would be happy to answer any questions.

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WRITTEN STATEMENT
OF

BOB ARMSTRONG
ASSISTANT SECRETARY, LAND AND MINERALS MANAGEMENT
U.S. DEPARTMENT OF THE INTERIOR

BEFORE THE

SUBCOMMITTEE ON ENERGY RESEARCH, DEVELOPMENT,
PRODUCTION AND REGULATION

COMMITTEE ON ENERGY AND NATURAL RESOURCES
REGARDING MMS' PROPOSED OIL VALUATION RULE

U.S. SENATE

June 11, 1998

Mr. Chairman, I am pleased to be here today to provide a status report on the Department of the Interior's (Department) efforts to revise regulations for valuing crude oil produced from Federal leases.

Two and one-half years ago, the Department embarked upon a modification of its Federal and Indian crude oil valuation regulations. This was necessary because changes in the crude oil market had evolved to the point where many royalty payments to the Federal Government, based on the regulations in effect, no longer were calculated on the market value of the production. These regulations, which were drafted in the mid-1980's and published in 1988, are still in effect today and are used by the industry to calculate royalty payments on Federal production.

The current regulations rely heavily on so-called "posted prices" for valuation. Because of this reliance, as I will present later, these regulations need to be revised to ensure that the American public receives a fair return on the mineral resources extracted from its lands. The warning signs of a crude oil undervaluation problem have surfaced from several individual sources -- interagency task force studies, significant royalty underpayments, numerous lawsuits across the country, and, finally, the attention this issue has received from Members of Congress and the press.

This is a serious problem that needs a cure quickly. Every day that royalties are allowed to be computed and paid under the current system, taxpayers are losing hundreds of thousands of dollars. It is imperative that the Department's new regulations be implemented and reflect the fair market value of Federal production. Federal lands and the oil that is produced from them belong to each and every American. In his statement on the 1998 Supplemental Appropriations and Rescissions Act, which prohibited our publishing a final rule until October 1, 1998, the President stated, "I am very concerned about the limitations placed on the Government's ability to ensure a fair return for oil and gas resources extracted from Federal lands. My Administration will oppose any efforts to make these limitations permanent."

Therefore, Mr. Chairman, consistent with this clear position of the President, legislation carrying a provision that will prohibit the Department from moving forward with the final rule on oil valuation would be unacceptable.

As I stated earlier, the Department's rule was not done overnight. In fact, it has evolved over several years. Beginning in December 1995, under my guidance, the Minerals Management Service began an extensive rulemaking effort to revise its regulations on valuing oil produced from Federal leases. We have gone to great lengths to work with our constituency in the rulemaking process. We have requested public comment in five separate Federal Register notices and have held 14 public meetings or workshops in five States and the District of Columbia to get input on this issue. In addition, we hired five consultants and talked to numerous other experts in the industry to obtain advice on this matter and have worked closely

with the States of Louisiana, Wyoming, New Mexico, Colorado, and California. We asked for comments on whether the rulemaking should proceed under a negotiated rulemaking, but received a negative response from industry. We have also been mindful to keep Congress informed during this rulemaking, by providing numerous staff briefings over the past 2 ½ years.

I believe we have exerted an extraordinary effort to include our constituents in developing a rule that would reduce reliance on posted prices for royalty valuation, reflect true market value, provide certainty to all involved, simplify royalty valuation, reduce the need for audit, minimize royalty disputes, and provide maximum flexibility to adapt to changing market conditions, and assure that the taxpayers of this nation get a fair return for their oil and gas resources.

In this effort, we have acted within our full authority under applicable statutes and lease terms to develop and issue proposed regulations for valuing Federal oil. Section 32 of the Mineral Leasing Act of 1920 (MLA) 30 U.S.C. 189, authorizes the Secretary to prescribe rules and regulations that are necessary to carry out the requirements of the MLA relating to leasing of onshore Federal lands, including the provision that royalties "be not less than 12 ½ per centum in amount or value of the production removed or sold from the lease." The Outer Continental Shelf Lands Act of August 7, 1953, has similar provisions relating to the OCS at 43 U.S.C. 1334. Finally, most Federal oil leases provide that the Secretary shall establish the value of production.

In addressing this matter, it is important to understand the nature of posted prices and the problems posed by using this measure to ascertain market value for federal oil and gas. Posted prices are set by the marketing or refining arms of oil companies as an offer to buy crude oil. Posted prices are not an obligation to buy, but merely a reference point or starting point for negotiating a market price on the open market. Frequently, premiums are paid above posted prices in non-affiliated transactions. Based on our analyses of company transactions, we know that these premiums can range from $0.25 per barrel to $2.00 per barrel. However, when the producing arms of large integrated oil companies (the lessee) transfer oil in-house to their marketing or refining arms, they typically pay royalties on their posted price. In other words, some oil companies have been selling oil at one price and paying royalties on a lower price. This is unfair to the American taxpayer, and it violates the basic principle that royalty must be paid on no less than gross proceeds.

Investigations by an assortment of concerned parties have confirmed the inadequacy of posted prices as a basis for valuing production for royalty purposes. A number of States (e.g., Alaska, California, New Mexico, Texas, and Louisiana) have brought suit against several major oil companies primarily for basing royalties, severance taxes, and other payments on posted prices that are below market value, and have received settlements ranging from tens of millions to billions of dollars. At least seven class actions against the industry have been filed on behalf of private landowners over the past two years. One of these has been settled for several million dollars.

In February, the Department of Justice (DOJ) announced it would intervene in qui tam suits

against four major oil companies accused of undervaluing oil production from Federal leases and, in May, DOJ added a fifth company to its investigation. In addition, the Department of the Interior, has issued bills for $257 million as a result of audits for the period 1980 - 1995 on undervaluation of crude oil royalty payments in California alone. We are currently auditing oil royalty payments on all other Federal lands.

This is what our proposal does with respect to arm's-length sales of crude oil. Our proposed rulemaking continues to accept the actual price paid under a contract as the best indicator of market value and as acceptable for royalty purposes. This is precisely the guidance we received from industry commenters early on. Further, we have twice modified our proposal to respond to comments that we should expand the use of arm's-length sales prices where actual sales occurred.

However, the situation becomes extremely complex when no actual sale occurs. This occurs in many ways, such as oil volume exchanges between oil producers and in-house transfers to marketing or refining arms. To address these valuation problems, our proposed rulemaking relies on publicly-available spot market "index" prices, to establish royalty value in those instances. These index prices are established in the open-market and have become widely accepted by industry as a pricing mechanism in crude oil contracts. Our audits show that these index prices are being referenced in many oil contracts. Index prices were developed as a direct result of demands in the marketplace to make information about the value of crude oil more publicly accessible. In the 1980's, there were changes in the crude oil market, and as a result, a futures market developed to deal with the volatility in crude oil prices. As in the international oil market, traders, resellers, and brokers began to take on an increasingly important role in the United States crude oil market. The trend in the domestic market was away from long-term contracts and toward the spot market as a means of buying and selling crude oil.

Based on advice we received from crude oil brokers, refiners, commercial price reporting services, companies that market oil directly, producer marketers, and private consultants knowledgeable in the crude oil market, our first proposed rule issued in January of 1997 proposed using the Alaska North Slope spot price for crude produced in California and Alaska and the New York Merchantile Exchange (NYMEX) for all other areas of the country. In response to comments from industry and States, our current proposed rule remains the same for California and Alaska, but relies on various geographic spot prices, rather than NYMEX, for all other areas of the country.

In general, index prices, adjusted for location and quality differentials, have the following distinct advantages over posted prices for valuing crude oil in those instances where no arm's length transaction exists:

(1) There is certainty in determining value: Royalties will more likely be paid right the first time.

(2) Unlike posted prices, they are determined by willing buyers and sellers active in the marketplace. As such, they reflect the true market value of oil.

(3) They are readily available and known to all participants.

(4) Their use will reduce audit burden and litigation for both industry and the Department, because audits would be confined to reviewing only the adjustments the index price, not to the sales price used for valuation.

One testament to the validity of index pricing is that several of the oil litigation cases mentioned earlier were settled using an index-based formula for future production.

As you know, the oil industry is opposed to our proposal. However, the rule would not affect the independent companies that sell oil at arm's-length. This group makes up about 95% of the producers who pay Federal royalties. Because about two-thirds of Federal oil is produced and refined by large, integrated companies, these companies would be affected by the revised regulations. We estimate that those affected companies would owe an additional $66 million dollars each year by using index instead of posted prices.

The States, on the other hand, support the use of index pricing and our proposed rule. In fact, the States of New Mexico, Wyoming, Alaska and Louisiana specifically commended our efforts to develop oil regulations that are fair to all parties in a difficult and litigious environment.

Finally, with the Committee's approval, I would like to submit for the record a copy of the report requested by the Subcommittees on Interior and Related Agencies, Committees on Appropriations. House Report 105-337 on the Department of the Interior and Related Agencies Appropriations, 1998, requested a report describing the Department's rulemaking efforts on valuing crude oil produced from Federal lands prior to finalizing the regulation. The Department was prepared to submit this report last month prior to finalizing its rule. However, before it could do so, the Supplemental Appropriations and Rescissions Act was signed on May 1, 1998. The accompanying report (House Report 105-504), requested additional information on the rulemaking process. Therefore, we redrafted the report to respond to the second request and submitted it to the Committees on June 3, 1998.

Mr. Chairman, our new oil valuation rule brings "value" certainty to the oil industry and more importantly, it is the right thing to do for the millions of Americans who own the Federal lands and associated oil resources. They are entitled to a fair return on their resources and our ability to finalize this rule quickly will guarantee that.

Mr. Chairman, that concludes my prepared remarks. I would be happy to entertain any questions that you or other Members of the Subcommittee may have.

The Bureau of Land Management

NEWS

Last updated: 02/11/00

STATEMENT OF CHUCK WASSINGER
ASSOCIATE STATE DIRECTOR, OREGON-WASHINGTON,
BUREAU OF LAND MANAGEMENT
HOUSE RESOURCES COMMITTEE
SUBCOMMITTEE ON ENERGY AND MINERALS
PROPOSED FEDERAL MINING POLICY CHANGES
AND THEIR EFFECT ON THE MINING INDUSTRY
AND ON STATE AND LOCAL REVENUES

September 11, 1999

Madam Chairman and members of the Subcommittee, I appreciate the opportunity to appear here today to discuss "Proposed Federal Mining Policy Changes and Their Effect on the Mining Industry and on State and Local Revenues." I am joined here today by Nancy Graybill, Regional Forester, Region .

My testimony will focus on the handling of the application for a cyanide heap leach mine filed by Battle Mountain Gold for its Crown Jewel mine - an 118 acre open pit gold mine on Buckhorn Mountain in northern Washington State.

Department of Interior Solicitor John Leshy has testified before this committee and also before the Senate Energy Committee on the legal basis for the mill site opinion.

-respective BLM-FS roles in process

March 26 joint denial of plan of operation

Congress has acted; directed approval of ROD; which has occurred on June ; plan currently held up by appeal to IBLA.

Mill site issue, beyond the parameters of Crown Jewel subject to the proceedings of the FY 2000 Interior Appropriations Bill - Senate barring application of opinion; House by vote of 273-151 on Rahall amendment supporting opinion.

EIS, cost, duration was it handle in standard fashion

delays, lawsuits

firm's expectations

Misconception #3 in John Leshy's 6/15 testimony: BLM and the Forest Service specifically

approved the crown Jewel mine's use of excessive mill sites, only to reverse course years later. BLM and the Forest Service approved the Record of Decision (ROD) on the environmental impact statement (EIS) under NEPA in early 1997, for the proposed Crown Jewel mine without looking at the underlying mill site issue. In approving the ROD the agencies specifically stated that their "(a)pproval of the Selected Alternative will not now , nor in the future, serve as a determination of ownership or validity of any mining claim to which it may relate ...".

This concludes my statement. I will be pleased to answer questions.

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The Bureau of Land Management

NEWS

Last updated: 02/11/00

STATEMENT OF UNITED STATES DEPARTMENT OF THE INTERIOR

HENRI BISSON, ASSISTANT DIRECTOR,

BUREAU OF LAND MANAGEMENT

SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS
COMMITTEE ON RESOURCES
UNITED STATES HOUSE OF REPRESENTATIVES

CONCERNING NOXIOUS WEEDS AND INVASIVE PLANTS

June 24, 1999

Mr. Chairman, members of the subcommittee, I appreciate having the opportunity to appear before you on the subject of invasive plants, specifically noxious weeds. The Bureau of Land Management (BLM) welcomes Congressional interest in invasive plants and we look forward to working with the members of this Committee on this important issue.

Invasive plants have been called non-natives, exotics, aliens, weeds, and a host of other names. BLM defines invasive plants as plants that have been introduced into an environment in which they did not evolve and thus have no natural enemies to limit their reproduction. Whether plants are transported across an ocean to a new country or across a mountain range into a new valley, there is always the potential that they will locate to another habitat that will encourage their fast growth and high reproductive rates allowing them to "invade" their new habitats.

Invasive plants from non-native sources affect us all. Whether we live on a farm, in the suburbs, or in the city, invasive nonnative plants affect our lives. Most infestations threaten the productivity of rangelands, wildlife habitat, and adjacent agricultural land. They occur on many public land areas throughout the western United States, and pose health hazards to grazing animals.

Weed infestations from non-native plants are spreading at a high rate. In fact, they represent the most rapidly accelerating threat to the long-term health of our nation's public lands. Non-native weeds have invaded approximately 17 million acres of public rangelands in the West. Untreated, the rate of spread can increase exponentially.

Consider the following effects of non-native plants on various regions of the country:

- In Utah, Squarrose knapweed has spread from a few plants in 1954 to cover 140,000 acres in 1996.

- Medusahead has seen explosive spread in western public land states within the last ten years. First discovered in northern Utah about 5 years ago, it is now crossing the northern border of the state.
- In northern California, yellow starthistle has spread from one to 10 million acres in just 15 years.
- In Idaho, rush skeletonweed has spread from 40 acres to 4 million acres from 1964 to 1995.
- In Colorado, spotted knapweed, leafy spurge and Canada thistle now occupy over 1 million acres of land where 18 years ago there were minimal infestations.

A few examples to illustrate the harmful impacts of weed infestations on the public lands include:

- Economic effects: Weeds from non-native plants affect local communities financially by reducing opportunities for public land recreation. Weeds reduce land values and cause damaging economic impacts to local communities. Their economic impact has been estimated to exceed $35 billion annually.
- Each year for example, weeds reduce yields of Utah's eight leading crops by an amount valued in excess of $34 million.
- In Klammath County, Oregon, a 1,300-acre ranch was recently abandoned due to infestations of leafy spurge, and was sold at auction for about ten percent of its pre-infestation value.
- Leafy spurge on grazing and wild lands in Montana, Wyoming, and the Dakotas counts for $129 million negative impact annually and represents a potential loss of 1,433 jobs.
    - Weeds have caused the abandonment of wild land recreation sites and trails. Hunters and bird dogs are reluctant to use land infested with thistles, and weeds diminish the enjoyment of recreationists near established BLM campgrounds.
- Native Plant communities: Non-native plants displace native plants and can spread quickly into natural areas, monopolize resources, and push out native flora and fauna.
- Wildlife habitat: Americans place a great deal of importance on the ability of public lands to provide quality wildlife habitat. Recent studies published in *Science* and *Bioscience* have shown that non-native species are the single biggest cause of species endangerment in the United States. The proliferation of non-native plants is particularly problematic, and is starting to affect valuable big game species in addition to many endangered species. Studies in Montana, for example, show that spotted knapweed invasions reduced available winter forage for elk by fifty to ninety percent.
- Ecosystem function: Natural fire regimes can be altered by weed infestations. An invasive plant community will have different fuel characteristics which affect how often and the rate at which an area will burn. Soil, the basic building block of all vegetative communities, can be altered chemically by invasive plant litter. Salt cedar litter contains enough salt to increase soil salinity to a point where native plants cannot survive. Erosion, another impact of invasive weeds, is due to non-soil binding tap rooted weeds replacing native fibrous rooted grasses.

To be fully successful in the fight against non-native invasive plants, any effort must bring together a complex set of stakeholders that include government agencies, private land owners, and industry. One of the first challenges -- and perhaps a prerequisite to success -- is to increase public awareness of this issue. A further challenge is to focus public and private resources in partnership to deal with specific non-native weed species problems while prevention and control remain economically feasible.

Although our BLM budget for weed management has increased slightly over the past several years, its present level at $3.7 million is not adequate to prevent and control the spread of invasive plants and noxious weeds. Despite this fact, the BLM has emerged as a leader in the

fight against non-native weeds on public lands. In 1996, the BLM completed *"Partners Against Weeds"*, which outlines a widely accepted invasive weed management strategy. I have listed in Appendix "A", for the record, specific examples of cooperative partnerships in the fight against non-native weeds.

Some examples of cooperative non-native weed control efforts among private parties, state officials, and BLM include the following:

- Last Spring in Juab County, Utah, a BLM seasonal-spray crew spent two weeks treating thousands of Scotch thistle plants in an area that had burned the previous summer. In late May of this year BLM staff found only a dozen plants. The successful control of this weed, in this area was a result of vigilance and timing. Had they missed this window of opportunity last year, repeated control measures would have been required for the next 20 years. This project saved the BLM thousands of dollars.
- Again in central Utah, during the "Cove Fort Weed Day", the BLM, and several hundred high school and middle school students volunteer to dig thistle. The result of their efforts has been an increase in the quality of elk habitat within Millard county.
- Four high school students from Columbus, Montana, along with their Vocational-Agriculture instructor, successfully introduced the use of the horned beetle to reduce the spread of leafy spurge. Starting with a modest 200 beetles, the students successfully reproduced millions of insects. This project is believed to be the only one that has succeeded in reproducing these beetles in large numbers.
- In Montrose, Colorado, the BLM and the Sierra Club have received national recognition for their weed partnership. Members from across the country pay money to attend a service vacation where they work along the Dolores River, digging and pulling non-native weed species from some of the most heavily used boating stops along the river.

In support of its goal to increase the acreage treated to control non-native weeds in 1999 by 40 percent, the BLM is treating weeds using an integrated management approach. This method uses chemical, cultural, biological, and mechanical means in an integrated approach on nearly 300,000 acres. By the end of the year 2000, the BLM anticipates being able to inventory a total of 7 million acres of public land for weed occurrence. In addition, the BLM plans to fund new cooperative weed management projects in each of the public land states. BLM Field Offices have submitted approximately 200 detailed proposals for high priority work in their states. Available resources for this effort in 1999 have been directed toward the following areas:

- Weed Pilot Projects - Weed pilot projects are cooperative partnership efforts to help prevent the spread of weeds at the local community level.
- Weed Prevention and Early Detection - Development of strategies for educating, preventing, and early detection of new infestations.
- Control Treatments - A successful weed management program must include aggressive control measures.
- Inventory - To find new infestations, vegetative inventories are needed. Cooperative inventories involving State, local and private partners continue throughout the areas BLM manages. These partners improve the cooperative relationships needed to combat a common problem which crosses ownership boundaries. By the end of 1999, the BLM seeks to have cooperative management agreements for the control of invasive weeds in place with 46 percent of the counties that have invasive weed programs.

President Clinton's Executive Order on invasive species (E.O. 13112, February 3, 1999) establishes a framework in the fight against weeds and other invasive species. This Executive Order calls for a coordinated federal effort and the creation of an Invasive Species Council and an

advisory committee comprised of non-federal stakeholders that will develop, by September, 2000, a comprehensive plan to address the growing economic and environmental threat. Additionally S.910, "The Noxious Weed Coordination and Plant Protection Act", recently introduced, along with an amendment codifying the entire Executive Order on invasive species, by Senator Craig and supported by the administration, would strengthen our authority to protect native plant species. The increasing awareness and understanding of this growing problem by legislators at the national level, is welcomed by the BLM.

In conclusion, the BLM is working with other federal, state, local, and tribal governments and with private landowners to keep relatively uninfested land from becoming seriously infested. Future generations of Americans deserve to inherit ecologically healthy and productive wild lands, not vast landscapes infested with non-native weed species that make the public lands unfit for people, livestock, and native wildlife. We must be committed to implementing weed partnerships so that the spread of non-native weeds can be prevented or controlled

Thank you, Mr. Chairman. I would be happy to answer any questions you may have.

LINK TO MORE INFORMATION ABOUT BLM'S WEED PROGRAM

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Babbitt makes monument recommendations to President Clinton

Four landscapes proposed for protection as national monuments

Secretary of the Interior Bruce Babbitt today sent recommendations to President Clinton that four unique areas of federal land be considered for protection under the Antiquities Act.

The proposed national monuments would be located on lands currently managed by the federal government in Arizona, Colorado, Oregon and Washington.

"These are priceless natural landscapes that have somehow remained almost untouched by exploitation, development and urban sprawl," said Babbitt. "But we are losing open spaces ever day. Protection of several of these areas, in one form or another, has been discussed for years, but no action has been taken. We may not have another chance before they are lost, so I am urging the President to protect these unique landscapes now for future generations of Americans."

Ironwood Forest -The proposed Ironwood Forest National Monument is 25 miles from Tucson, Arizona, and west of Saguaro National Park-West. It encompasses approximately 134,750 acres of public land managed by the Bureau of Land Management .

Canyons of the Ancients- Part of the Four Corners region of southwest Colorado, the proposed Canyons of the Ancients National Monument is in Montezuma and Dolores counties, Colorado, about 45 miles west of Durango and 9 miles west of Mesa Verde National Park. It includes approximately 164,000 acres of public land managed by the Bureau of Land Management.

Cascade-Siskiyou - The proposed Cascade-Siskiyou National Monument is located in south central Oregon, twenty-five miles southeast of Medford along the California border. It includes Soda Mountain and encompasses approximately 52,000 acres of public land managed by the Bureau of Land Management.

Hanford Reach - The proposed Hanford Reach National Monument is located in southeast Washington along the Columbia River. It encompasses approximately 200,000 acres of public land within the borders of the Department of Energy's Hanford Reservation.

In the past few months, Secretary Babbitt has visited each area and discussed protection options with local elected officials and residents.

The nature and extent of protection to be provided to each area -- and the types of uses that would continue to be permitted -- would be specified at the time of monument designation, should the President decide to accept the Secretary's recommendation.

The Antiquities Act authorizes the President to create national monuments on federal land to protect objects of historic and scientific interest.

Note: Maps of the proposed monuments can be downloaded at the web page below:

http://www.doi.gov/doipress/proposedmonuments.html

Fact Sheets:

Proposed Canyons of the Ancients National Monuments

Proposed Cascade-Siskiyou National Monuments

Proposed Hanford Reach National Monuments

Proposed Ironwood Forest National Monuments

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-DOI-

DOI Speeches: Babbitt on Prescribed Wildland Fire, 5/9/96 Rediscover YOUR Public Lands

Engaging Stakeholders To Reinvest in Prescribed Wildland Fire

Remarks by Interior Secretary Bruce Babbitt
Tall Timbers Conference, Boise, Idaho
May 9, 1996

I'm pleased to take part in this 20th Tall Timbers Conference, and eager to bring my voice to a 34 year conversation that has brought fire ecology from the footnotes of academia to the forefront of land management.

Since your first meeting, back in 1962, researchers have built a mountain of evidence demonstrating that our national policy of fire suppression -- "put 'em out by 10 a.m. the next morning" -- has brought many unintended consequences in the West:

In the high country, thickets of doghair pines are crowding the once parklike ponderosa stands. Aspen groves, which take root in the first successional stage after fire, are declining throughout the Rocky Mountain West. Shade tolerant species are edging out stands of pine all over. And lower down, pinon and juniper and sagebrush, unchecked by fire, are taking over vast tracts of grassland.

Many of these changes are reducing the natural diversity and vitality of our plants and wildlife and, in many cases, too many trees must compete for scarce nutrients and water, causing serious problems of forest health.

In short, your research has shown conclusively how fire suppression has created a landscape that is unnatural, unhealthy and less productive. Your research also helps us see clearly how we can prescribe fire to help reverse these disturbing trends.

Yet despite strong evidence of its benefits to our forests and rangelands, prescribed wildland fire still has not been widely used on multiple use public lands in the West.

Consider: from 1984 to 1993, on 270 million acres of Bureau of Land Management lands, wildland fire burned an average of 950,000 acres per year; on 191 million Forest Service acres, fire consumed an average 842,000 acres per year. At that rate, a given acre of BLM land would burn once every 287 years; a Forest Service acre would burn once every 237 years.

By contrast, studies show the vast majority of western public lands, including rangelands, chaparral, and ponderosa forests, burned historically every 10 to 50 years. Unless we want to build up an unproductive national tinderbox, fire cycles should be brought closer to historical levels. So why haven't they?

Apart from a shortage of money -- which, as I will show, is more consequence than cause of our

paralysis -- land managers might answer that the public just doesn't understand the sight of burning woods, or won't tolerate smoke filled skies. Others complain it's too risky; they don't want to get blamed. Still others say there's no political support or guidance from the top.

I don't buy it.

The Yellowstone fires of 1988 catalyzed national opinion into widespread support. Initially hostile, the press and American public -- after witnessing newly emergent flowers, purple fields of blooming fireweed and slopes greening with lodgepole seedlings -- drew the logical conclusion: Fire can and does renew our landscape.

In a recent poll, American Forests magazine confirmed this trend toward support of controlled fire. For example, in California, fifty-five percent favor controlled burning, as do two thirds of respondents in the Inland West.

And in the South, timber companies and woodlot owners are already routinely and safely burning back the hardwood understory to stimulate germination and growth of longleaf pines. Southern Californians now know it's a bigger risk NOT to have regular prescribed burns before the seasonal Santa Ana winds become an uncontrollable bellows.

Finally, any doubts regarding support and direction at the top are now resolved. On February 15, 1996, Secretary Glickman and I released our Federal Wildland Fire Management Policy and Program Review, directing managers to use fire as one of the basic land management tools. Together we have established this basic policy: "Wildland fire will be used to protect, maintain, and enhance resources and, as nearly as possible, be allowed to function in its natural ecological role." But merely stating this policy doesn't make it so.

In my view, even as we proclaim the merits of prescribed fire, we have failed as Federal land managers to make a strong, urgent case to all stakeholders, showing them where fire can make the land more productive and, therefore, why they should support using the restorative flames.

How do we do this?

First we must reexamine our success stories to learn from them, asking why these work and why we have not been able to replicate them elsewhere -- particularly on multiple use lands.

The common denominator of our best results is that they often come from single purpose land units: National Parks like Rocky Mountain, Kings Canyon, and the Everglades; National Wildlife Refuges like Carolina Sandhills or Malheur in Oregon; military bases like Ft. Stewart and Eglin Air Force Base; and Native American Reservations like the San Carlos Apache in Arizona.

I believe that wildland fire is accepted and routinely and aggressively used on these lands because, in each case, the dominant stakeholder supports prescribed fire as a method to increase the return on its

"investment."

Hunters invest in fire to create better habitat for deer, elk, wild turkey and game birds -- the use of fire to maintain Southern quail plantations is but one example. Refuge managers use fire to combat exotic weeds, while anglers, tribes and environmentalists all endorse the restorative flame as conducive to wildlife diversity and healthy native ecosystems.

In the longleaf pine forests from Texas to Georgia, landowners and managers apply the torch to maintain habitat for the native red-cockaded woodpecker, an endangered species.

But on multiple use lands, it is much harder to forge coalitions that will endorse prescribed fire. For example, BLM and Forest Service managers, despite many individual efforts, have not been able to build widespread consensus behind their use of the drip torch. With so many stakeholders asserting their interest in multiple use lands, it is difficult to generate agreement on exactly how and when and where to prescribe wildland fire.

This lack of consensus is often manifest on both BLM and Forest Service rangelands, where the livestock industry is a key resource user. Most ranchers acknowledge the potential for prescribed fire as a tool for range improvement and, indeed, some stand at the forefront of prescribed rangeland fire advocacy. In the Flint Hills of Kansas, for example, ranchers routinely burn back the tall grass prairie each winter to promote a vigorous new spring growth, while Arizona ranchers recently spearheaded an equally successful burn in the Malpai Borderlands. But on the whole, practical obstacles remain.

For example, ranchers need to know how long a prescribed burn will take a land unit out of production; how much flexibility there will be to take up the slack on other range units; and how increased forage production will be allocated between livestock and wildlife. Burn objectives, the desired mix of grasses and forbs, need to be carefully worked out. Wildlife managers, both state and federal, also need to be persuaded that short term loss will be offset by the increased vitality and productivity of the land.

To resolve these conflicts and to form a solid consensus for investing in fire management, stakeholders must come together on the landscape, assess site specific conflicts -- and opportunities -- and agree upon priorities.

The Resource Advisory Councils (RACs) that have been organized within the Bureau of Land Management in each public land state are a logical forum for the stakeholders -- including federal, state, and private land managers, ranchers, wildlife managers, and local elected officials -- to formulate plans, set priorities, and move to execution on the ground.

As I noted earlier, lack of money remains an obvious problem, but Congress simply won't provide the funds until we consolidate broad political support behind wildland fire management on the range. And we can't build that support until all stakeholders find consensus and approach their representatives -- state and federal -- with a unified voice.

The message that could be sent is simple: We must reinvest a larger share of the proceeds from public lands to maintain the health and productivity of those resources. And even as we develop a stronger and more focused message to Congress, the Resource Advisory Councils can consider whether a sufficient share of existing range improvement funds is going to support wildland fire management.

The case for restoring fire to western pine forests is equally strong. The dilemma facing forest managers, however, is how to thin forests and reduce ground fuel loads that have accumulated since the advent of fire suppression at the turn of the century. For without good fuel management, fire can burn too hot, laddering into the big trees, and threatening catastrophic destruction. The problem, then, is that in many forests, we face a large, labor-intensive investment in fuel reduction as a precondition to returning to a more natural, fire maintained forest.

The trouble with preparing and maintaining forests for prescribed wildland fire regimes is that loggers and environmentalists don't trust each other. Loggers assume environmentalists would reduce all valuable board feet into "natural" ashes. Meanwhile, environmentalists assume careful "thinning" by chainsaw would accelerate into widespread clearcuts of old growth trees once loggers get in the door. In the resulting stalemate we get the worst of both: overcutting and vigorous fire suppression.

In this time of contention, forging a stakeholder consensus for sustainable timber harvest on multiple use forests will not be easy. But we must begin, and the place to start is by bringing federal and state and private land managers together to develop priorities and to coordinate planning across land units. The statewide conference held last November by Gov. Romer in Colorado is a suggestive example of how states can take the initiative in bringing land managers together for a common purpose.

History often offers lessons to guide us in the process of reform, and that is true in the case of fire policy, where there is an instructive precedent. In 1911, a time when fire suppression efforts often failed for lack of coordination, Congress enacted the Weeks Act. That Act, and successive legislation, provided matching grants to those states willing to adopt comprehensive fire suppression plans acceptable to both the state and the Forest Service. This legislation was made possible by a coalition of the timber industry, ranchers and others who, in the context and science of that era, believed that it would serve their respective interests.

Nine decades later -- as our scientists, land managers and the public all call for adapting to and investing in prescribed fire regimes -- the process of partnership and consensus building that created the Weeks Act can be our model for building a new consensus for fire management.

Thank you.

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BLM Interactive Town Hall Meeting
Remarks by Secretary Bruce Babbitt
Phoenix, Arizona, March 24, 2000

I've been wanting for some time to come talk directly with the BLM staff to share a few thoughts on the BLM's past, present and future. I believe we find ourselves in a moment the likes of which we haven't seen for many years: the opportunity for multiple, major, lasting land conservation achievements. The BLM now has an opportunity to play a lead role in this moment of conservation history, and I want very much to work with you to make sure that we do not let this opportunity slip away.

Before getting started, however, I want to retire that bureaucratic mule that I trotted out in my Denver speech a few weeks ago. My scrambled metaphor brought not a little criticism, including one BLMer who told me, "That dog won't hunt. Put it away," which I hereby do. Although I am going to return throughout this speech to the important issues behind the metaphor - the institutional history of the BLM and, more importantly, its future in generations to come.

The public lands, more than six hundred million acres in all, are a unique and priceless part of our American heritage. Of the public land agencies, the BLM is the largest - it manages nearly twice as many acres as the Forest Service, three times as many as the Park Service or the Fish and Wildlife Service.

The BLM is the steward of many of the great landscapes of the American West. Having such an extraordinary set of resources under its care requires us to think far into the future about managing those resources.

In the 21st century, the BLM faces a choice. It can become the greatest modern American land management agency, the one that sets the standard for protecting landscapes, applying evolving knowledge and social standards, and bringing people together to live in harmony with the land. Acting with public and private partners, the BLM can be the paradigm of the Interior Department's 150th anniversary motto: Guardians of the past, stewards of the future.

Or it can become a relic, a historical artifact, its most desirable lands carved up and parceled out to other land management agencies, with the remainder destined for the auction block of divestiture.

Lest anyone think this alarmist, I invite you to consider the record of the past half century:

Unlike the National Park Service with its beginning around the mythic campfire in the heart of Yellowstone, and unlike the National Wildlife Refuge system initiated by Theodore Roosevelt at Pelican Island in Florida, the BLM began

life at a bureaucratic confluence. As most of you know, the BLM came to life in 1946 in an administrative merger of the old General Land Office and the Grazing Service which came out of the Taylor Grazing Act. Lacking a general mandate derived from an organic act, the BLM simply carried forward under a new name the old resource exploitation traditions of the nineteenth century.

Practically from the beginning, a pattern developed - each time a local movement sprang up to protect a piece of the BLM landscape, the newly discovered crown jewel was eventually pried away from the Bureau and pasted onto the crown of the National Park Service. For half a century, from 1946 to 1996, every single large new national monument established under the Antiquities Act was taken away from the Bureau of Land Management.

Forty-five years ago the BLM managed more than 500 million acres of public domain. Today, two generations later, that number is down to 264 million acres. Were this process to continue at the rate of the recent past, the BLM would be out of business in the year 2047.

I think it's time to think more directly about the land conservation mission of the BLM, about systems and approaches that can bring together the agency's specially-protected units across the landscape in a way that is appropriate for these lands, this agency, and this time in history. It's not only appropriate - it's an absolute necessity that this be done. The inescapable truth is this - for the BLM to keep its special areas within the agency and not ultimately have them transferred to others, the BLM must show it is committed to, and capable of delivering on the conservation part of its existing legal mandate. The American people are, after all, the ultimate arbiters of whether a vast expanse of America's greatest heritage and crown jewels shall remain and flourish with the direct descendent of the old General Land Office.

The search for a vision comes down to this - the landowners, the American people, want their lands held and managed for clean water, the protection of endangered species, for abundant wildlife, for productive fisheries, for open space, for the protection of our heritage and God's creation. If we manage our lands primarily for these purposes we will have public support, if not we will neither have nor deserve their support.

The new BLM must have at its core a system of specially protected and managed conservation units, including landscape monuments and National Conservation Areas. It is a system that both protects our own crown jewels and interprets them to the public. It is a system that stands proudly alongside parks and refuges as part of our national heritage. And this system of BLM conservation units is the main subject of my remarks to you today.

The idea of a BLM system of specially protected areas is hardly new. In fact

it is already taking shape. Witness the establishment of new BLM national monuments, National Conservation Areas, wilderness, wild and scenic rivers, and other designations. Our task is to recognize what is happening, to embrace the concept and by our management vigilance, to bring this conservation system forward for public understanding and acceptance.

The seeds of a BLM land protection system were planted in 1970 when Congress created King Range National Conservation Area on the Pacific coast of northern California. Then in 1988 Congress created another important NCA - the San Pedro River National Conservation Area in southern Arizona. Congress has created seven other NCAs including such areas as Red Rocks in Nevada and the Birds of Prey NCA in Idaho. In many cases these areas came to the attention of the Congress through the inspired efforts of BLM managers - such as the leadership of Ed Hastey and Jim Ruch in the California desert and the initiative of Dean Bibles in assembling the San Pedro NCA.

With these designations a pattern emerged - the NCA is a special area where conservation and restoration of the landscape and its biological diversity is the overriding objective. The lands are withdrawn from mineral entry, grazing is subordinated to biological restoration, and appropriations are authorized (if not always made) to provide for more intensive management, visitation and interpretation.

It remained for President Clinton to give this evolution a dramatic push forward, with the bold stroke of establishing the first national monument administered by the BLM and the largest national monument in the continental United States - the Grand Staircase-Escalante Monument. Although its beginnings were controversial, the monument has proven to be a great success by almost every measure. Consider what happened within three short years of its creation:

* Extensive development rights within the monument have been purchased, traded or cancelled.
* Every acre of state lands within its borders (some 180,000 in all) have been exchanged in the largest such swap in United States history.
* Congress has in effect endorsed the President's action by making minor boundary adjustments, and
* A unified land conservation strategy in the form of a comprehensive management plan has been developed after an intensive public participation process.

With a lot of commitment, partnerships, and good old-fashioned effort, BLM is making it work.

To build on this success, the President asked me in 1998 to recommend to him other areas of predominantly public land that might be suitable for special

conservation protection. As you know, I responded in December of 1999 with a recommendation for three new BLM national monuments - Agua Fria National Monument, an archaeological wonder just north of Phoenix; the Grand Canyon-Parashant National Monument on the western part of the North Rim of the Grand Canyon; and the California Coastal National Monument, a string of rocks and islands off the coast of California of prime importance for nesting seabirds and other wildlife. While we continue to cast a careful eye across the landscape, and look at other areas in need of protective measures, the BLM is already in the spotlight to show what it can do as a manager of National Monuments. History is being written and all eyes are upon you.

While to some extent the management of each of these areas is crafted individually to fit the needs of protection and longstanding community uses of that place, BLM conservation areas share some common themes:

As with parks and refuges, the designation of a BLM conservation area removes that location from the operation of the Mining Act of 1872 and various other general lands laws that are incompatible with long term protection of our natural environment. And similar to parks and refuges, the designation makes permanent the primacy of conservation of natural values. But unlike most units of the park and refuge systems, BLM areas typically permit the continuation of such traditional uses as hunting and grazing, recognizing that in many instances they can be compatible with good wildlife management, protection of biodiversity and natural values.

As we all know, the proliferation of roads and use of off road vehicles is increasingly recognized as a major cause of the degradation of fragile arid western landscapes. We can expect monuments and conservation areas to include within their boundaries wilderness areas and wilderness study areas where motor vehicles are and should remain excluded under the provisions of the Wilderness Act. Outside such areas, the maintenance of roads and use of motor vehicles will be carefully regulated and off road use prohibited to prevent the destruction of fragile soils, riparian areas and other plant communities and wildlife habitat.

A BLM monument (and its legislative cousin, the National Conservation Area) will be managed in partnership with surrounding communities. The BLM will not provide food, lodging and visitor services within the monument. Instead, visitors will be encouraged to see the landscape in the context of the history and tradition of the entire region.

Yet the fact remains, although much of BLM's land is today in some kind of special conservation status, that reality is not reflected in the organization, the budget, or sometimes even the self identity of the agency.

In order to guide and shape this emerging system of conservation units, we

must now make some important management adjustments and changes. Interim guidance is needed immediately, and ultimately new management plans should be prepared, or existing plans reviewed and updated, to reflect the paramount importance of the conservation principles for which the place has been recognized.

Special areas also need special budgetary recognition if sufficient support is to be provided. And they need backup and support all the way up the chain of command.

In short, the BLM must reflect the importance of this growing part of its portfolio in the organizational management and structure. Accordingly today I am asking BLM Director Tom Fry to create an office of special areas to coordinate the management of the monuments, National Conservation Areas and other important conservation areas. It is time we formally recognized, in BLM's institutional structure, that you have a system of land that can be managed in a special way.

Let me hasten to add that recognizing a system of conservation lands will not have a detrimental impact on how the BLM manages its other lands. Rather it recognizes that the BLM has a special opportunity and responsibility for areas that have been designated for conservation purposes. The office of this national landscape conservation system will report directly to the Director of the BLM, and will ensure consistency between special areas where appropriate, ensure that special areas receive appropriate budget consideration, ensure that problems and issues particular to these areas have an advocate, and increase the profile and recognition of the areas.

An annual meeting for conservation unit managers is clearly appropriate, and I understand that one is currently scheduled for the first week of June. Establishment of "friends" groups and separate donation accounts is also an idea whose time has come. Finally, now may also be a good time to review the management plans for all existing National Conservation Area units, and other special categories, to be sure their quality reflects the reasons they were established and that the promise is being carried out on the ground.

The creation of an office of special areas is important to BLM's conservation system, but is not nearly as important as the actual management which will be done in your states, your area offices, your communities. The Director and his colleagues in Washington can set the tone, pull people together, provide encouragement, direction and support. But each of these places is different, and each of the State Directors needs to provide leadership and accountability to meet the test of time, to fulfill the aspirations and expectations of the public and supporters of public land everywhere.

It will take time, and resources, and commitment and good faith. But we've

proved it can be done, and I believe BLM can prove that it can be counted on to protect the marvelous landscapes it has been entrusted with. In the long sweep of history, the BLM is just beginning to meet the challenge. As you do so, you need to keep some sense of urgency about seizing the opportunity that is before you, so that one day everyone in America and around the world will know and appreciate your skills at managing conservation systems.

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United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

MEMORANDUM

February 6, 1997

To: Secretary

From: Bob Armstrong /s/ Bob Armstrong
Assistant Secretary, Land and Minerals Management

Sylvia V. Baca /s/ Sylvia V. Baca
Acting Director, Bureau of Land Management

Subject: Upgrading Hardrock Mining Environmental Regulations

This is in response to your memorandum dated January 6, 1997, "Upgrading Hardrock Mining Environmental Regulations." You asked us to report to you by February 6 with a plan for revising and updating the Bureau of Land Management (BLM) regulations governing hard rock mining operations on public lands (43 CFR 3809 et seq).

The nature and scope of the changes you have proposed is ambitious and represents a major step forward in our efforts to improve public land management. Among other things, the rulemaking will likely necessitate preparation of an environmental impact statement (EIS). Consequently, the timeframe for completion of this effort will be driven by the National Environmental Policy Act (NEPA) process. Moreover, we expect a significant amount of public interest in the proposals, especially from the mining industry and environmental community. Appropriate opportunities for public comment and agency review of that public comment will be built in to the process. We therefore anticipate that the timeframe for completion of this effort will take approximately 18 to 21 months.

In order to accomplish the changes you have proposed within this time frame, we are suggesting a "two-pronged" approach:

(1) Regulatory Task Force: We will convene a regulatory development task force comprised of 6 to 10 individuals from the BLM, the Office of the Solicitor (SOL) and the Office of Policy Analysis (PPA) who are familiar with various aspects of the BLM's hard rock program. We will also involve OSM personnel, as you have suggested, either as consultants to the process, or as task force members. We anticipate designating a team lead from BLM field staff familiar with the "3809" program.

The task force will initially review your directive and promptly prepare, by March 10, a detailed strategy and explicit time line for completing a proposed draft rule that incorporates the revisions you have suggested and other concerns that are identified by the team. Upon the proposed draft rule's completion, we will consult with you and with the Solicitor to ensure that our proposed effort meets your expectations and to receive any additional guidance you wish or the Solicitor may wish to provide. The task force will then draft the rule. We will subsequently consult with you at key milestones throughout the process.

(2) **NEPA Team:** We recommend that a separate NEPA team be assembled after the regulatory task force has developed some initial recommendations. This will ensure that the NEPA team's work can be clearly focused on the effects from the policy changes under consideration. In addition to its responsibilities for preparing the EIS, the NEPA team will also be responsible for preparing any other supporting documents that are required in conjunction with the rulemaking, such as benefit-cost or regulatory flexibility analysis. This will enable us to use personnel most effectively, and help ensure that the analyses are consistent, rigorous and informative.

cc: John Leshy
Bonnie Cohen
Kay Henry

bcc: Sec Surname
Sec RF (2)
Exec Sec (2)
AS/LM Chron (2)
PPA-Larry Finfer
BLM-100, 101, 300

AS/LM:DAlberswerth:208-4731/PPA:LFinfer:208-7786:2/6/97

February 11, 1997

Tip,

Here are the "3809" task force members:

DSD-MINERALS CA

Bob Anderson (Team Lead), Tom Leshendock (NV), Tim Bozarth (MT), Alan Rabinoff (UT), Jinx Fox (WO), Pat Boyd (WO), Mike Schwartz (WO), Larry Finfer (PPA), Joel Yudson (SOL). I will serve as an "ex officio" member.

In addition to these individuals, Bob Anderson suggested recruiting a NEPA expert, and having Helen Hankins serve either on the task force, or in a consultant capacity. Bob wants to get this started with a conference call among the task force members sometime next week.

CLKO DM

Sylvia has asked that you make the appropriate contacts to get the BLM personnel assigned to the task force prior to Friday's converence call.

c: Sylvia Baca

916-979-2860

10/2/97

77.

Congress of the United States
House of Representatives
Washington, DC 20515

October 2, 1997

The Honorable Bruce Babbitt
Secretary
U.S. Department of the Interior
Washington, D.C. 20240

Mr. Bob Armstrong
Assistant Secretary, Land and Minerals
Bureau of Land Management
U.S. Department of the Interior
Washington, D.C. 20240

Mr. Patrick Shea
Director
Bureau of Land Management
U.S. Department of the Interior
Washington, D.C. 20240

Dear Secretary Babbitt, Mr. Armstrong and Mr. Shea

We are writing to voice our concerns regarding the Bureau of Land Management's ("BLM's") current plans to revise the regulation governing surface management of hardrock mining, 43 C.F.R. section 3809 (the "3809 Regulations").

At the outset, we would like to emphasize that we desire no action to be taken on this matter because of any single interest. We also wish no action taken on this matter that would be inconsistent with existing rules, regulations and ethical guidelines, or that could possibly be construed as unfair or inappropriate.

We understand that BLM has acknowledged in prior rulemaking initiatives that many of the proposed revisions are not needed to protect BLM lands. In addition, we are informed that the proposed revisions may conflict with well-settled federal policy recognizing the power and authority of the states to administer regulatory programs governing lands within their borders, including federal lands.

Arizona, like many other states, has adopted comprehensive mining reclamation and environmental statutes and rules which take into account Arizona's unique interests and environmental conditions. We are concerned that BLM's proposed revisions to the 3809 Regulations could subject a mining facility located on both state and federal lands to unnecessary duplicative regulation and, in fact, could subject such a facility to conflicting regulations that fail to take into account site-specific and state-specific conditions.

We also understand that BLM has suggested that it can issue a draft environmental impact statement ("DEIS") in 12 months and complete the entire NEPA process for the proposed

revisions to the 3809 Regulations (a major federal action that would result in a national rule applicable to all projects) in approximately 22 months. As you know, individual projects under BLM jurisdiction typically face a NEPA review process of more than twice that period of time Therefore, we believe that the BLM may not have allocated enough time to ensure its full compliance with NEPA.

In addition, we would request that, if BLM elects to proceed with the 3809 Regulations initiative, you strongly consider including a representative from Arizona on the Task Force. Arizona produces more than two-thirds of all copper produced domestically in the United States and provides more than one-half of the United States smelting capacity. Moreover, as we previously mentioned, Arizona has adopted comprehensive reclamation regulations and environmental statutes specific to the concerns of the state. In light of these facts, we believe it would be appropriate that the Task Force include at least one individual who is familiar with Arizona's current state law.

We appreciate your consideration of the issues raised in this letter We respectfully request that you provide a timely response and, further, that you provide us with the documentation that supported the Secretary's decision to revise the 3809 Regulations as stated in the Secretary's January 6, 1997 memorandum, if appropriate.

Once again, please be assured that we wish no action to be taken by you or your agencies because of any single interest. We ask only the assurance that fairness and propriety are observed in whatever decision you determine appropriate Please do not hesitate to call if we can be of further assistance.

Sincerely,

John McCain
United States Senator

Jon Kyl
United States Senator

John Shadegg
Member of Congress

Matt Salmon
Member of Congress

J.D. Hayworth
Member of Congress

1/29/99
80.

United States Senate

WASHINGTON, DC 20510

January 29, 1999

The Honorable Bruce Babbitt
Secretary of the Interior
U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20530

Dear Secretary Babbitt:

We received your letter of January 11, 1999, refusing our request to delay publication of the proposed revisions to the Bureau of Land Management's surface management rules (43 CFR Part 3809) until after completion of the congressionally mandated National Academy of Sciences (NAS) study.

Your letter underscores our concern about the coordination between the study and the rulemaking process when you state that "once the public comment period closes, the BLM will begin assessing the comments received ...[A]ssuming the Board completes its report by the statutory deadline, BLM will have ample opportunity to review and consider its findings and recommendations prior to publication of the final rule."

Such a process forecloses any opportunity for either the western governors, who initially requested the NAS study, or the public to review the study and then comment on the BLM's proposal (and the accompanying draft environmental impact statement). This approach appears to be inconsistent with both the Administrative Procedure Act and the National Environmental Policy Act, and is at odds with your stated objective to provide "unprecedented access" to the rulemaking process.

Our concern with your decision was further enhanced upon review of the January 11, 1999 Western Governors Association letter sent to you on this same subject. They also asked you to delay publication of the draft regulations and went on to state that "it is neither beneficial nor efficient for the BLM to expend significant time and resources developing a proposed amended regulatory program when the results of the NAS study may find such regulatory reform unnecessary." The Western Governors Association letter clearly articulates their concerns with your proposed action. We hope that you will carefully consider their comments.

Discussions with Department of Interior officials indicate that the publication of the proposed revised mining regulation will occur within the next several weeks. Estimating a mid February publication date and a ninety day comment period, the opportunity for public input

would close in mid to late May. This date is obviously prior to the completion of the NAS study. You assure us that the BLM will have the opportunity to review the NAS study prior to the final rule. If you do not delay publication, you also assure that interested parties *will not* have the opportunity to review the NAS study in the formulation of their comments.

Notwithstanding your interpretation of the Appropriations Act language, as the authors of the language, our clear intent was for the completion of a third party review on which to base a judgment of whether changes are needed at the federal or state level. The process as we intended it would resolve any conflict between the Department of the Interior and the western governors while addressing the controversy over the need for any change to the existing regime. It is our judgment that publication of a draft rule would not assist the NAS in meeting their short deadline, and would further complicate their task assessing whether the current state and federal laws are adequate to protect the environment.

Joining our voices with those of the Western Governors Association, we urgently ask you to reconsider your decision to publish the draft mining regulations prior to completion of the NAS study.

Sincerely,

Larry E. Craig

Frank H. Murkowski

Richard H. Bryan

Harry Reid

Craig Thomas

Pete V. Domenici

Conrad Burns

Robert F. Bennett

Slade Gorton

Ben Nighthorse Campbell

Orrin G. Hatch

Richard C. Shelby

Don Nickles

Gordon Smith

Mike Enzi

Michael D. Crapo