

Route 2, Box 122B
Moscow, ID 83843
January 18, 1971

Senator Len B. Jordan
Senate Office Building
Washington, DC 20510

Dear Senator Jordan:

Thank you for supplying me with a copy of Representative Aspinall's recent speech to the Utah Wool Growers Association as well as a copy of his letter to the President protesting the new fee schedule adopted by the Departments of Interior and Agriculture for grazing on public lands.

It is the position of the Idaho Chapter of The Wildlife Society that increased grazing fees on public lands are long overdue, that the recent increase is a reasonable one, and that the additional revenues obtained will eventually benefit the public land grazer since a substantial portion of these monies will be used for range improvement on public lands.

We hope that this position agrees with yours and that you will back the courageous efforts of the present administration to bring about an equitable adjustment in public land grazing fees.

Sincerely,

Elwood C. Bizeau, President
Idaho Chapter of
The Wildlife Society

EGB/als

cc: Senator Church
Representative Hansen
Representative McClure

*see Hawley Hill
Ed Tilguy*

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United States Senate

COMMITTEE ON
INTERIOR AND INSULAR AFFAIRS

WASHINGTON, D.C. 20510

January 13, 1971

Mr. Elwood G. Bizeau, President
Idaho Wildlife Society
College of Forestry and Wildlife
University of Idaho
Moscow, Idaho 83844

Dear Mr. Bizeau:

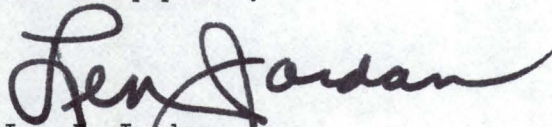
Chairman Aspinall of the House Interior Committee and the Public Land Law Review Commission recently made a significant talk before the annual convention of the Utah Wool Growers Association.

Because of your interest in the subject matter of the Aspinall speech, I obtained the enclosed copy for your reference and files.

Since the revision of public land legislation will occupy much time and attention of the Senate Interior Committee, of which I am a member, during the forthcoming 92nd Congress, I welcome your comments on this and other possible subjects of legislation in this area during the forthcoming session of the Congress.

With best wishes, I am

Sincerely yours,



Len B. Jordan
United States Senator

Enclosure

PRESS RELEASE

Committee on Interior and Insular Affairs
House of Representatives
Washington, D. C.

FOR RELEASE P. M.

January 8, 1971

CHAIRMAN ASPINALL PROPOSES
COOPERATION WITH THE ADMINISTRATION ON
REVISION OF PUBLIC LAND LAWS

Representative Wayne N. Aspinall (D-Colo.), Chairman of the Committee on Interior and Insular Affairs, House of Representatives, today told the 1971 Convention of the Utah Wool Growers Association meeting in Salt Lake City that he has written to President Nixon proposing a cooperative effort between the legislative and executive branches to obtain a revision of the Nation's public land laws following the report of the Public Land Law Review Commission. In making his proposal Chairman Aspinall stated further that he had suggested to the President that "pending the development of a program and positive joint consideration of the Commission's recommendations overall there should be a further deferral of placing into effect increases in grazing fees."

Proposed grazing fee increases covering lands administered by Interior Department's Bureau of Land Management and Agriculture Department's Forest Service in eleven Western States, South Dakota, and Nebraska were deferred previously until the report of the Public Land Law Review Commission could be evaluated. The Commission's report was submitted to the President and Congress June 23, 1970. Last month proposed increases in grazing fees were announced. Chairman Aspinall told his audience that a statement by the Departments that the Commission report "indicates that the announced 1971 level is within its [Commission] concept of moving toward fair market value" is not true and that the departmental releases were therefore misleading.

Chairman Aspinall, who was also Chairman of the Public Land Law Review Commission, analyzed the Commission's recommendations regarding domestic livestock grazing and concluded that the question of fees could not be separated from other recommendations that would involve additional benefits and burdens for the users.

(Attached is the text of the remarks together with a copy of the letter from Chairman Aspinall to the President.)

REMARKS OF
HONORABLE WAYNE N. ASPINALL
CHAIRMAN, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS
HOUSE OF REPRESENTATIVES
BEFORE THE ANNUAL CONVENTION
UTAH WOOL GROWERS ASSOCIATION
SALT LAKE CITY, UTAH
JANUARY 8, 1971

How to Establish Grazing Fees

When your officers invited me to address you today, neither they nor I had any idea of how timely it would be from the standpoint of the mutual interest that your Association and the Committee on Interior and Insular Affairs have in certain aspects of public land use and management. We knew that the recommendations of the Public Land Law Review Commission would be of interest to us and we knew that it would be useful to discuss the potential impact of some of those recommendations on your future operations.

What we did not know, of course, was that, without any overall review of the Commission's recommendations having been made public by the executive branch, and without any legislation having been considered by the Congress, the Departments of the Interior and Agriculture would have announced a proposed increase in grazing fees to be effective March 1 of this year.

Throughout the period of its work the Public Land Law Review Commission refused to fragment the subjects and consider some without considering others. When the Commission completed its work it was emphasized that the report and its recommendations must be considered as a whole, that there is a oneness to the report,

and that interrelationship of the various recommendations makes it imperative that no one recommendation be considered by itself. President Nixon, in receiving the report at a White House ceremony June 23, 1970, could not of course comment on the report because he had not previously seen it. But he did express a Comparable view when he said, "it is essential to plan now for the use of [public] land, not to do it on simply a case-by-case basis, but to have an overall policy, a strategy rather than simply the tactics dealing with case-by-case matters when they come up."

In view of our position and that taken by the President, I sent a letter to the President on January 5, 1971 suggesting that the executive and legislative branches work together cooperatively in seeking a meaningful revision of the public land laws. As a first step in such a cooperative program I suggested further that the increase in grazing fees announced by the Departments be suspended "pending the development of a program and positive joint consideration of the Commission's recommendations overall." My letter to the President is being made public with copies of my remarks to you this morning.

We have suggested to the President that he should designate an individual who can speak for the Administration with regard to all aspects of scheduling and considering the recommendations of the Public Land Law Review Commission. For our part in the Committee we have taken steps to assure that priority will be given to public land legislation. Our first step was to augment the staff by the addition of Milton Pearl, formerly the Commission Director,

as Special Counsel on Public Lands with responsibility for preparing legislation, coordinating, outside the Committee as well as within the Committee, with Members who express an interest in public land legislation, and representing the Committee in working with the Administration in an effort to assure that, as legislation is considered, we will have an Administration position.

In the almost seven months since the Commission's report was submitted, we hope you have availed yourselves of the opportunity to study its recommendations. The Commission in that time has participated with many groups and, in addition, sponsored conferences of its own in order to obtain extensive discussion of the recommendations. This has not only been good but has proven to be necessary. Some who were quick to embrace or denounce the Commission's report and recommendations found, on closer examination, that there was much that they liked or did not like but had overlooked initially. Similarly, it was found that the report was indeed an entity and its recommendations interrelated.

The press releases put out by the Departments of the Interior and Agriculture announcing the grazing fee increase are disturbing, aside from the substance of the action, by inferring that the Public Land Law Review Commission endorsed the fee increase for the 1971 grazing season. This is not true and the release is misleading. So that there will be no mistake, let me read to you, for the record, the sentence from the press releases of December 11, 1970 to which I refer: "The Commission report, while criticizing the formulation of the fee structure, indicates that the announced 1971 level is within its concept of moving toward fair market value."

It is necessary, therefore, to examine and see what the Commission did recommend. First, in its Program for the Future, the Commission found that delegations of authority by the Congress to the executive branch have, in many instances, lacked standards or meaningful positive determinations. The recommendation is then made that Congress should establish national policy in all public land laws by prescribing standards, guidelines, and criteria to be used by the administrative agencies. In the chapter on range resources the general recommendation is made applicable to grazing in recommendations calling for the establishment of a fixed statutory term of grazing permit with statutory requirements relative to other aspects that we will examine in a moment.

Another underlying principle enunciated by the Commission is that there should be a statutory requirement that public land management agencies adopt comprehensive rules and regulations after full consideration of all points of view, including protests. This principle would be applicable to the recommendations calling for flexible public land forage policy including, where practicable, allocation of range land on an area basis, i. e., by acreage, with a requirement to maintain specific range conditions without regard to the number of animals grazed. This may not be practicable, or it may be feasible in only limited instances. The idea is that permits based on the number of animal units per month can easily result in overgrazing or a failure to use the land for its greatest productivity. The objective at all times is to enhance or at least maintain the condition of the range. By spelling out the range conditions that must be maintained the permit could be cancelled if that condition deteriorates.

In establishing goals and objectives, the Commission further recommends the general principle that provision be made for consideration of all possible uses and the maximum number of compatible uses permitted within a specific unit. As a corollary to this, there is a specific recommendation that would require government land managers to look ahead and identify in the grazing permit the kinds of uses that would be incompatible with grazing, that may deserve a higher priority at a future time, and could thereafter be used as a basis for cancelling the permit. We think this is just a matter of fairness because today ranchers are constantly in danger of being displaced on the slightest pretext of "need" for land for some other purpose.

In its basic principles the Commission recommends that, after full consideration of all other compatible uses, the multiple use doctrine be extended and that "where a unit, within an area managed for many uses, can contribute maximum benefit through one particular use, that use should be recognized as the dominant use, and the land should be managed to avoid interference with fulfillment of such dominant use." This proposed extension of present law, to embrace what is now being done by some of the land managers in practice without any statutory authority, has been the subject of some of the greatest controversy in the discussions concerning the Commission's recommendations. All the Commission suggested is that the absence of statutory guidelines for the establishment of priorities when conflicts in multiple use arise causes unnecessary confusion and inconsistent administration that possibly could be avoided.

In the chapter on range resources it is suggested that some of the present difficulty would be avoided if lands identified as being chiefly valuable for grazing of domestic livestock are classified for grazing as the dominant use. Such classification would be accomplished by the land manager under general statutory guidelines and in accordance with the recommended procedures for rule making that would give everyone an opportunity to be heard.

Maybe we were too optimistic in the Commission in believing that such an approach would be feasible. I do not think so. I think that eventually some such approach is necessary and see nothing wrong if the classification is arrived at after due regard for all aspects. As spelled out carefully in the report, other uses would not be eliminated in lands classified for grazing as a dominant use. We would, however, have advance notice that, in the event of conflict, all competing uses would have to give way to grazing unless, and until, "there is a clear, technically supportable determination that the lands are no longer chiefly valuable for grazing." We should also note that the Commission recognized that there are frail and deteriorated lands that should be identified as not suitable for grazing.

As a basic principle, and in a chapter devoted to public land policy and the environment, the Commission recommends broad new statutory guidelines to assure that public lands are managed so as not to endanger the quality of the environment and, where feasible, to enhance environmental quality both on and off public lands. These recommendations extend to all uses including grazing. Without repeating

those recommendations, the chapter on range resources emphasizes the need to exclude domestic livestock in areas where it is necessary to protect and preserve the natural environment. The general recommendations, when made applicable to the grazing use, will put additional burdens on the user; but these we believe to be necessary and submit that you must accept them realistically as part of the cost of doing business.

Following the order in which these basic principles are set forth in the Commission's report, the next underlying principle suggests that the United States should generally receive payment for the use of its lands, with full value being paid where there is a consumptive use such as grazing. A specific recommendation is thereafter made that grazing fees be based on fair market value with the recommendation itself explicitly including the proviso that the factors in each area be taken into consideration. The Bureau of Land Management has continually used the uniform universal fee for those lands generally referred to as BLM Taylor Grazing Act lands. This is unrealistic when you start moving towards fair market value.

Under the Taylor Act a "reasonable fee" is to be charged. Where reasonableness is tied to the price of beef and lamb there is a basis for a universal fee. It is nonsense and deceptive to talk about fair market value as a measure of reasonableness and still try to maintain a universal fee; yet this is what the Department of the Interior suggested in the fee system, with incremental increases, that it announced in 1969 and on which the proposed fees

for the 1971 grazing year are based. Aside from all other variances, it is obvious that forage in an arid or semi-arid area is not worth as much as forage in a humid area of lush vegetation.

There are many other aspects of the Commission's recommendations that have not been recognized in the proposed 1971 fee increase. But ignoring this one alone makes it impossible to say that the Commission report "indicates that the announced 1971 level is within its concept of moving toward fair market value", as stated in the releases by the Departments of the Interior and Agriculture. As indicated in my letter to the President, we want to cooperate with the executive branch. But let me be perfectly frank about it, such cooperation will be awfully difficult if some of the representatives of the administrative branch of government will not be completely honest with us and the public.

The Commission went further and stated its belief that an equitable allowance should be afforded to current permittees for permit values as we go toward establishing fair market value grazing fees. We all know that permits have value in the market place. What some fail to recognize is that the Federal Government, by statute and administration, has made the permit valuable. Recognizing permit value does not in any way give recognition to an interest in the permitted land. The statute says that a current permit gives no interest in the land and this we can not change by recognizing the fact that we created a situation in which permits are bought and sold on the market places and have therefore attained a value.

Of the underlying principles set forth by the Public Land Law Review Commission, there is one more that is of such significance to require some discussion in connection with the establishment of grazing fees. The general recommendation is made that there be statutory provision to assure firm tenure and security of investment when public lands are made available for use by providing that upon interruption of use before the end of the lease, permit, or other contractual arrangement, there be equitable compensation for the resulting losses. A specific recommendation relating to this matter is contained in the chapter on range resources. This is a matter of simple justice when we make the transition to a system based on market value rentals. This is normal standard procedure in private transactions. Further, I submit, that the market would quickly reduce the value of a permit that could be terminated at will with no compensation being paid.

From the brief analysis this morning we readily see that there are many new benefits and burdens that would be borne by the livestock users if the Commission's recommendations are adopted. It is not a simple question of raising fees to a fair market value level, even if the fee structure were modified to account for variances in land area and to take into consideration permit value. There is a system of establishing goals and objectives for public land use that comes first; this would be followed by newly developed rules and regulations. Then there are the environmental controls before we can get to the specifics of the grazing use or, for that matter, any specific use.

The obvious failure of the Departments of the Interior and Agriculture to recognize these other factors is, as pointed out in my letter to the President, cause for apprehension. We had planned to initiate cooperative effort with the Administration at this time and regret that it has been necessary to combine this with a request for the further deferral of increases in grazing fees. One subject should not becloud the other; but the announced proposed increases in grazing fees left us no alternative but to call it to the attention of the Chief Executive at this time.

To our knowledge the Administration has made no public statement setting forth its views on any of the Commission's recommendations. We can not tell, therefore, whether there has been a rejection of the Commission's recommendations pertaining to greater security of tenure and of investment as part of the principle that would call for fair market value grazing fees. In calling this to the attention of the President we have also asked whether the Administration has a position on the question of fee payments by users other than the livestock industry.

Equity and logic dictate that all users be treated alike. All users should be required to pay for their use of the public lands. It will be interesting to see, and we look forward with anticipation to learn of, the Administration's position in this respect. If the establishment of grazing fees is to be accomplished by the Departments without legislation to provide the benefits that go with the increased burden then the Administration should move promptly to endorse legislation to implement the Commission's recommendation that a nominal, general land use fee, should be paid by all public land recreation users to replace the Golden Eagle Program now in operation.

We cannot today predict with confidence of accuracy precisely what the future will bring. We can, and do, assure you that the House Committee on Interior and Insular Affairs has embarked on a program to give consideration in a logical sequence to all the recommendations made by the Public Land Law Review Commission. We assure you that we will seek equity for all.

(Attached is a copy of the letter from Chairman Aspinall to the President, dated January 5, 1971, referred to in the text of the foregoing remarks.)

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS
U.S. House of Representatives
OFFICE OF THE CHAIRMAN
WASHINGTON, D.C. 20515

January 5, 1971

Dear Mr. President:

It was with great dismay and quite a bit of apprehension that we learned of the new fee schedule proposed by the Departments of the Interior and Agriculture for the 1971 grazing season on public lands under the jurisdiction of those Departments. Our apprehension stems from the obvious fact that the grazing fee matter has been considered by itself and contrary to your expressed view that "it is essential to plan now for the use of public land, not to do it on simply a case-by-case basis, but to have an overall policy, a strategy rather than simply the tactics dealing with case-by-case matters when they come up."

In 1963 there was bi-partisan agreement in the Legislative and Executive Branches that the piecemeal approach in the development of public land policy required a comprehensive review. That bi-partisan concern led to a bi-partisan legislative effort and the establishment and operation of a bi-partisan commission which submitted its report to you on June 23, 1970 with a total of four hundred recommendations. We were heartened by the words you spoke, as quoted above, when you received the report. As stated in my remarks in presenting the report, we did not, and we do not now, ask unanimity; but we spent approximately five years and \$7 million on the study and we think it is essential that this time and money not be wasted and that we approach revision of the public land laws as a whole in the same bi-partisan cooperative spirit that has prevailed for the last seven years.

This Committee will give high priority to the consideration of legislation for a revision of the public land laws. To assure orderly and logical sequential consideration of legislation it is suggested that it would be helpful if you could designate an individual who could work with us, receive information as to the schedule we propose, give us the Administration's views thereon, and also provide us with Administration views on legislation as it is considered.

The President

January 5, 1971

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In making this suggestion we realize that there are some recommendations made by the Public Land Law Review Commission that can be implemented administratively or where administrative action can be taken on subject matters considered by the Commission and on which no legislation is required. We not only take no exception to this but trust that such actions will be taken. However, action on grazing fees is not a category where administrative action can be taken without legislative action. But, if it is the policy of your Administration to treat grazing fees as an administrative matter -- indicating thereby that you are rejecting the Commission's recommendations pertaining to term of permits, financing of improvements, fee structure, compensation upon termination of permits, etc. -- it appears logical that your administrative policy should be extended so as to carry out other recommendations made by the Commission for the payment of fees by all users of public lands and, where legislation is required, to recommend such legislation promptly.

The difficulty we have is that despite the view expressed by you on June 23, 1970, the proposed increase in grazing fees has been announced as an isolated factor with no reference any place to its relationship to the carefully integrated recommendations of the Public Land Law Review Commission. Does your Administration have an overall position on the Commission's recommendations? Do you have positions on the eighteen basic recommendations set forth in the Commission's Program for the Future? Do you have a position on the question of fee payments by all users? Do you have a position on fee payments by users other than the livestock industry?

Of the various alternatives available, it appears to us that the most meaningful path would be to establish an immediate direct avenue of communication between your Administration and this Committee and that pending the development of a program and positive joint consideration of the Commission's recommendations overall there should be a further deferral of placing into effect increases in grazing fees. In this connection you are advised, as you probably know, that this Committee was assured by the Secretary of the Interior on

The President

January 5, 1971

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November 25, 1969 that there would be no further implementation of scheduled grazing fee increases "until the views of the Commission have been made known and evaluated." In view of that commitment no congressional action was necessary to accomplish the purpose and, accordingly, none was considered.

The public land laws of the United States can not be revised overnight. We do believe that working together we can accomplish the task within a reasonable time. To that end we pledge the cooperation of this Committee in any manner necessary including, of course, consideration of such legislative proposals as may be submitted in Executive Communications and referred to us.

Your understanding of the problems involved and your cooperation in achieving the common goal that we have is appreciated.

Sincerely yours,

WAYNE N. ASPINALL
Chairman

The President
The White House