Statement of John A. Carver, Jr., Assistant Secretary of the Interior, Public Land Management, before the House Interior and Insular Affairs Committee, February 5, 1963. (Briefing sessions on Public Land Management Bureaus -- Bureau of Land Management)

Bureau of Land Management

The Bureau of Land Management is under the immediate direction of a veteran of your staff, Karl Landstrom. He has brought to the office a professionalism and wealth of background and experience unparalleled in the history of this bureau.

He is strong-minded, and we have not always seen eye-to-eye on means and methods. I think we agree basically on objectives, and I know no man in government sets a higher standard for his personal performance.

I will leave to him most of the details of the Department's program committed to his supervision. There are a few areas, however, where I have attempted to make specific some of the generalities outlined above.

a. Appeals

One of these is largely procedural, and involves the Solicitor's office as well as the Bureau. In shorthand terms, it would appear to be directed at improving the system for handling land appeals. But that is only incidental, although I do believe it will dramatically reduce the volume of such actions because it deals with the cause of appeals, not the appeals themselves. Ever since the Executive Order withdrawals under authority of the Taylor Act and the passage of the Small Tracts Act, the Secretary has had to determine that the withdrawn land should be opened for the particular type of entry before the entry application itself could be acted upon. Heretofore, applications for entry have been treated also as petitions that the lands be opened for entry. The latter type of action, known as classification, is discretionary with the Secretary, and it is the determinative issue for the vast majority of land appeals. Since a final adverse action presents the would-be entryman with a virtually insurmountable task on appeal unless he can show an abuse of discretion, protracted consideration and reconsideration by lawyers in the appeals offices for two or three years seems like bad administration. The result is predictable in 99.9% of the cases. For a $5.00 fee, however, the aggrieved citizens gamble in a high percentage of cases. They can't afford not to.
After personally reviewing the procedure at both the field and the Washington level, I've set forth some standards for a regulatory change to cure some of the deficiencies of the system as I see them. The kind of regulation we ought to issue, my written instruction states, would:

"1. Provide a statement, in one place, of all statutory authorities under which the Secretary of the Interior is required to make a judgment as to whether or not public lands will be made available for development and use for purposes of these statutes.

"2. Provide a statement of major factors which are governing in the establishment of criteria for exercising statutory classification authority. With reference to this feature, it is contemplated that your staff will expand this to include specific standards for classification applicable to particular statutes.

"3. Include a statement that classification authority of the Secretary is delegated to the State Directors and the Director of the Bureau of Land Management, so that the public will be on notice that these officers are authorized to act for the Secretary.

"4. Establish procedures for submission, review and action on petitions for classification or designation of specific units of land for use and development in accordance with applicable statutes.

"5. Establish procedures for administrative review of classification actions. Procedures for such review should be as simple as possible."

b. Grazing Fees

The continuance of controversy about grazing fees indicates a failure of a principle I had thought sound, and acted under -- that I would consider the consumptive users who have a legitimate right to be on the public land as valuable and necessary allies in achieving a total conservation effort.

In January, 1962, I outlined to a national cattle group what I thought were the principal considerations in the matter of fees. In detailing the somber fact that BLM rates were far lower than rates charged for comparable forage by the Indian Bureau, the Forest Service, the states,
and even the BLM itself on acquired lands, and were in some cases only one-fifteenth of the charges for comparable commercial forage, I also showed why they should not be precipitately increased; that low rates were not necessarily subsidies.

The next month, February 19, 1962, I invited the livestock industry to take the initiative on planning for grazing fee increases. The challenge was accepted, and a responsible committee made a careful study and met several times. In November last, the national advisory board council on grazing accepted the committee's recommendations, which, although not recommending an increase, expressed the view that if there should be one it should not be more than 50% more than the present one. More than that was not expected -- tenants seldom ask that rents be raised.

Since then, of course, the roof has fallen in. The one state dissenting from the council's action demanded and got Senate Committee consideration in the field, and another hearing is scheduled day after tomorrow here in Washington.

My views are on the record; the data which supported the presentations I made at Tampa and Albuquerque (copies of these presentations are attached) have not been seriously controverted.

I don't know how much fees ought to be ultimately, but I do know that the present rates are substantially (and I mean on the order of a ratio to one to three or more) lower than the charges made by any other land administering agency, public or private.

Congress of course can preempt the field, and take over the matter of fixing grazing fees; absent such action I think that we must not go into the 1963 grazing season with 1962 rates.

The whole thing is a tempest in a teapot. The big complaint is the effect on smaller owners. But an operator with a hundred cows and five months' use now pays less than $100 for the privilege; one with a thousand pays less than a dollar an animal for a five month season now. Neither one of them is going to be pushed off the brink by an increase as moderate as 50%. And we can't ask the Congress for ten or more million dollars for soil and moisture and other range improvement programs while the users are paying in only three million dollars, an average of about $100 per permittee per year at present.

c. Mining

I've referred to the record made in trying to cooperate with the users on the subject of grazing. For the 1962 session of the American Mining
Congress last September, I set forth the results of my analysis of where we stand with reference to the Mining Act of 1872. I invited the mining industry to work with us in a common cause of conservation; as I had the livestock industry. Your chairman did me the honor of inserting my lengthy speech in the Congressional Record on September 27, 1962.

It is too complex a subject to warrant much time at this point. As I look back on two years, the key words of my efforts in this field are "common varieties," where by brute force and awkwardness a regulations change was achieved which satisfied most of the interested public as sensible; "present marketability" which lost a little of its sheen as holy writ; and "Johnson-Church," which stands for a successful effort to refer an impossible administrative situation to Congress for help.

d. Timber

A natural disaster, the Columbus Day, 1962, windstorm on the Pacific Coast, gave to me and the very capable forestry staff of the bureau the opportunity to test, successfully, the thesis that the public and private sectors of the wood business can work together in a common conservation effort. Several billion feet of standing timber was damaged, much of it on public land, either forest service or Interior O&C holdings. The October 30-31 Portland conference on the problems created by this storm, called by President Kennedy, and operated jointly by Interior, Agriculture, and Commerce (with several independent agencies represented also) stands as a model of prompt and effective cooperation of government and industry, with conservation of a vital resource as a common goal. I was proud to be the chairman, and I think the reports of the working committees which we set up, submitted to this Committee, were constructive and responsible.

I have a deep interest in the details of managing the standing timber resource, which is a major responsibility of two of my bureaus, and I maintain close contact with its details.

e. Withdrawals

This briefing on the BLM portions of my responsibility can well end with a brief reference to a new and challenging joint effort under way between your chairman and my Secretary on the subject of land withdrawals. Here we get into the vitals of public land administration. I'm proud to have been named by Secretary Udall to work with Mr. Pearl of the committee staff on this.