

Comments on Opening Statement of Senator Bible by John A. Carver, Jr., Assistant Secretary of the Interior, Public Land Management, before the Public Lands Subcommittee, Senate Interior and Insular Affairs Committee -- February 7, 1963

The continuance of the hearing until this afternoon hour, Mr. Chairman, gives me the opportunity to comment on the questions put in your opening statement.

However, before doing so, let me make a couple of general observations, about some of the things said this morning.

The statement I have just read I think adequately covers one misapprehension, and that is that grazing fees to the Federal Government represent a significant part of ranchers' cost. For example, the figure 4% was used. The basic question is whether the cost of the forage at 4% of cash costs, assuming the accuracy of the figure, is significantly high. The only way to determine this is to compare the cost of forage in other areas. For the cattle industry as a whole, forage usually amounts to more than half of cash costs.

I will confess, also, that the repeated references to failure of consultation in the area seemed to me to fly in the face of facts. As an affirmative decision, we decided that the appropriate industry group to work with was the duly constituted Taylor Act Boards and their representative extensions, the State and National Board. This representation has a statutory base, and is provided for in our regulations. We didn't control the membership of any of the Boards for any of the period during which this study was being made, although the National Board was expanded when the final approving action on the fee committee's recommendations was taken.

Here is a record of what we did, and where, by way of consultation with the industry.

Fees were discussed as an agenda item of the National Board at Albuquerque and at Las Vegas, in February and November 1962. I was present myself at each meeting.

The Special Grazing Fee Committee, selected by Judge Dan Hughes, and on which he himself served, had two meetings, once to set up the plans for the study, and once when the results were in from the districts. I was at the second meeting.

The State Advisory Boards met in each of the ten States, some of them more than once, to discuss grazing fees as an agenda item.

Each one of the 59 statutory Grazing District Boards in the United States met to study the fee question at least once during the year 1962.

Thus there was a minimum of 73 meetings on this subject, throughout all the affected States, which considered a tremendous volume of data, with each State and each district group completely unhampered in its consideration.

I would ask the members of this committee to review their correspondence on this subject against the list of the duly elected and selected Taylor Board members, local, State, and national.

As to Senator Bible's questions of this morning, I will comment as best I can:

Question No. 1 - It is my expectation that Assistant Secretary Carver will discuss in detail the extent to which the language of the law is respected in the regulations which the Department has issued and has been applied in the development of the current proposal to increase grazing fees.

Answer - The details of what we have done on this fee question have already been fully presented. As far as I am able to judge it, the language of the Taylor Act has been respected in all of our rule-making actions.

Question No. 2 - As our hearings at Reno established, a number of witnesses speaking on behalf of the industry pointed out the low rate of return currently being experienced by the ranching economy of the West. I trust that as Assistant Secretary Carver testifies, he will point out the manner in which consideration has been given to the studies which have been made by Federal and State agencies on this subject.

Answer - The responsibility of the Secretary of the Interior cannot be abdicated or delegated. All the data from other Federal agencies, and the States, and from universities and others, has been considered. But the responsibility is governmental, and will continue to be so handled.

Question No. 3 - It is my understanding that the Administration is preparing to take some action on the question of these imports of livestock products. In the light of this fact, I trust that the Secretary will advise this Committee of the consideration given the Administration's program as it relates to imports.

Answer - So far as I know, Mr. Chairman, the primary governmental responsibility on this is not in our Department. I would question, in any event, whether the fee structure ought to absorb the burden

of pressure from imports in the case of imports of livestock products, any more than we ought to reduce our stumpage rates on this account in the timber areas.

Question No. 4 - I hope that either in your testimony here or in an additional statement today, you will discuss this important question of tenure and costs.

Answer - With the Committee's indulgence, I will leave the matter of tenure to Director Landstrom. I've already dwelt with the relationship of fees to costs.

Question No. 5 - The Reno hearings also disclosed a concern by ranchers over the fact that while they are urged to make substantial investments in these lands upon which they do not have assured tenure, they are given no assurance that their use will not be cut.

Answer - I would point out to the Committee that so long as the standard for the issuance of licenses is the carrying capacity of the range, there is no legal way for an administrator to promise more than that for future years. That much is secured to the ranchers, on a priority basis, in the Taylor Act system itself. It may be relevant to point out that Taylor Act users, insecure as they represent themselves to be, have the protection of the Taylor Act itself which gives them more security than is accorded any other type of user of the Federal Range.

Question No. 6 (1) - The question of investments by ranchers and the application of a portion of the grazing fees to range improvement are closely related. I trust that the Assistant Secretary will comment on these observations. (1) Would it be feasible to have a grazing fee which recognizes that in some areas it requires only 5 or 6 acres to provide an animal unit month of grazing, while in others it may require as much as 20 or 30?

Answer - Of course. I made the suggestion itself, and its failure to be included in the recommendations by the grazing fee committee was its responsibility, not mine.

Question No. 6 (2) - Would it be possible under existing law to let the local districts vote the establishment of a development plan and levy its own range improvement fee to be collected and spent in the district?

Answer - Technically, this would require legislation, as the question is framed. There is a procedure whereby local district Advisory Boards may recommend the imposition of additional range improvement fees to meet the needs of their district which may or may not be coupled with a range improvement and development plan.

Such a program is in effect in the Burley District in Idaho where an additional 8¢ per AUM is collected and returned to the District. This program has been approved by a special order of the Secretary of the Interior.

Range improvement fees which are a part of the regular fees fixed by the Secretary must be deposited in the Treasury and become available to the District only when appropriated by the Congress.

Question No. 6 (3) - Would it be possible to develop a matching formula of Federal grants in these States so as to accelerate the rehabilitation of the range?

Answer - As to this, I would like to refer to two exhibits developed at your Reno hearings. Nevada Exhibit 3:06 shows total grazing fee receipts in Nevada; Exhibit 4:01 shows the BLM program in Nevada. So long as anything like this ratio prevails, I doubt that we could get the Appropriations Committee to take further steps. However, you, Mr. Chairman, are on that Committee and would assess that possibility better than I.

Question No. 6 (4) - It has been suggested by some that provisions should be made to sell ranching units of public lands to existing permittees. This is not a new idea, but I am wondering if the Department has given any thought to whether there is a workable way to do this.

Answer - This, of course, would require legislation. I recall the fate of a predecessor of mine as Assistant Secretary for Public Land Management who had promoted a proposal for disposal of rangeland while in the Congress as a representative from Montana.

Question No. 6 (5) - Considerable interest has been shown in the increase in appropriations for public land management and the increase in the number of personnel. I would like the Secretary to discuss the efficiency with which the functions of the Bureau of Land Management are being carried out, especially on the Taylor Grazing lands. In addition, it would be useful to inform us on the degree to which direct conservation benefits are realized from the funds appropriated by the Congress.

Answer - This is a valid question, and I don't have answers definitive enough to satisfy the Committee. But if the Committee will permit me to do so, I'd like to make these general observations:

a. There are elements of inefficiency built into grazing administration. For example, responsive to various pressures some of which

are in evidence today, our adjudication program is by no means where it should be. When a range is fully adjudicated, the cost of administration and management goes down sharply.

b. As the Assistant Secretary responsible for the general subject matter, I made an analysis of priorities for my attention in the land management field. As the evidence before you indicates, the fee question was high on that priority list. If this means that less attention than I or you would have liked has been given to re-examination of administrative and adjudicative procedures, I hope this can be remedied soon. I will say that administrative and adjudicative procedures reform has been a priority item on the matter of land appeals, and I believe the Chairman is aware of progress made on several difficult matters in his State on this.

c. For reasons unrelated to grazing administration, the appropriations line items, soil and moisture, weed control, fire control, and grazing administration have made it difficult for us to account for program results directly related to these items.

d. Lastly, however, it is important to recall again that no amount of figure-juggling can make it appear that administrative inefficiency, even if it should exist, justifies retention of the present fee rates.

Question No. 6 (6) - Testimony has suggested that the regulations now in effect go beyond the original intent of the Taylor Grazing Act by establishing rules, especially as they relate to tenure, base property classifications, and history of use, which vitiate the expectancy on the part of the permittees.

Answer - I do not think this is so, as I said in response to answer to Question No. 5.

Question No. 6 (7) - One witness, George Abbott, who served both with the House Interior Committee and in various Secretarial capacities in the Department of the Interior, testified that a Department spokesman in 1961, speaking of Section 7 of the Taylor Grazing Act, said, and I quote: ". . . in spelling out the authority of the Secretary to classify lands in effect made grazing an auxiliary or subsidiary rather than a primary use of the public lands." (Page 43, Volume 1, Reno). In the light of the legislative history surrounding the Taylor Grazing Act, I would appreciate your comments on this point.

Answer - I think Mr. Abbott reads law as I do, which is to start with the language of the statute to find its meaning. Here is what the statute says:

"Sec. 7. The Secretary of the Interior is hereby authorized in his discretion, to examine and classify any lands, withdrawn or reserved by Executive order of November 26, 1934 (numbered 6910), and amendments thereto, and Executive order of February 5, 1935 (numbered 6964), or within a grazing district, which are more valuable or suitable for the production of agricultural crops than for the production of native grasses and forage plants, or more valuable or suitable for any other use than for the use provided for under this Act, or proper for acquisition in satisfaction of any outstanding lieu, exchange or script rights or land grant, and to open such lands to entry, selection, or location for disposal in accordance with such classification under applicable public-land laws, except that homestead entries shall not be allowed for tracts exceeding three hundred and twenty acres in area . . . "

(Emphasis added.)

Question No. 7 - Finally, I would hope that the Department will present to us its considered judgment on the extent to which revisions may be desirable in the Taylor Grazing Act, not so much to realize what may have been its original purpose, but rather to make it responsive to today's conditions and the years that lie ahead of us.

Answer - We will be glad to work with the Congress on these matters. I would only reiterate that the fee question is separable, and I would hate to see the controversy become further strained by using the necessity or desirability of revision of this great conservation measure as a hobble to prevent the Secretary of the Interior from carrying out his responsibilities.