Mr. Chairman and members of the Committee:

H.R. 5159, the bill to provide for administration of Bureau of Land Management lands on multiple-use principles, was transmitted by executive communication on March 25th.

The bill is patterned after the Act of June 12, 1960, the Multiple Use Act for forest land.

The public lands of the United States which are managed by the Bureau of Land Management of the Department of the Interior support private enterprise of various sorts: the livestock business, the lumber manufacturing business, and the mining (including petroleum) business most importantly. The uses are not inherently mutually exclusive, and neither law nor policy makes them so. These commercial uses coexist with each other and with a variety of noncommercial, or partly commercial, benefits of land use: wildlife habitat, watershed protection, soil and moisture conservation, and headwaters flood control, for example.

The lands are subject to disposition laws which may disrupt the multiplicity of use by the direct expedient of transferring them to private (or at least nonfederal) ownership -- small tracts, desert land entries, recreation and public purposes sales, exchanges, and section 14 private sales.

They are subject also to a kind of preemption which may disrupt, sometimes wholly sometimes partly, this multiplicity of use. This is withdrawal from the operation of the public land laws in aid of some other federal program. These withdrawals, whether accomplished by statute, by executive order, or by delegated secretarial authority, give ascendency to special programs, such as national monuments, military or atomic energy uses, wildlife refuges, air navigation facilities. Even lands committed by specific law to a multiple use management philosophy--the national forest lands--can become restricted in their use by withdrawal action, at the request of the Forest Service itself.

An executive agency charged with stewardship or even record-keeping of public lands may find itself caught uncomfortably between competing demands. A sister agency, the Forest Service, applies for a withdrawal for an administrative or recreation site; the mining industry protests this as an unnecessary diminution of the lands available for mineral
location. Or the agency of primary responsibility works out stipulations under which oil leasing may take place on forest lands, but the wildlife groups protest the leasing as detrimental to their interests. Do we say mining is more important than another federal program in the first case? Or that we have higher standards of conservation than another federal department in the second?

The bill before the Committee won't facilitate the process of reaching the right decisions where decisions must be made between incompatible positions. Multiple use is a concept of land management, not a mathematical formula.

The concept has legislative sanction already. The Congress has recognized that the public lands are susceptible of two or more uses simultaneously. For example, the Taylor Act mentions rights-of-way for stock driving purposes over lands included within grazing districts; the right to hunt and fish within a grazing district in accordance with state law is specifically protected; erosion and flood control work is authorized to be continued on such lands; and perhaps most significantly of all the right to continue to make mining entries is provided.

Inferentially at least, the authority in Section 7 of the Taylor Act to classify lands as being "more valuable and 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 chapter" has authorized the Department to specify what the phrase "any other use" refers to. Within the Department's own literature, other uses have been listed to include forestry, recreation, and wildlife.

Perhaps the most succinct statement of the idea that multiple uses are to be accommodated on public lands is contained in Section 7 of P.L. 85-740, the Outdoor Recreation Resources Review Commission Act, which provides in part that "the Commission shall recognize that lands, waters, forest, range lands, wetlands, wildlife and such other natural resources that serve economic purposes also serve to varying degrees and for varying uses outdoor recreation purposes, and that sound planning of resources utilization for the full future welfare of the nation must include coordination and integration of all such multiple uses."

Congress likely would not require the Commission it created to recognize such a principle if Congress itself did not recognize it.

Before leaving the subject of Congressional attention to the concept of multiple use on Interior Department lands, a brief reference ought also to be made to the O&C Act of 1937 which provides that these lands shall
be managed according to the principles of sustained yield for the "purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities."

Such Congressional support for a principle (and I have not even mentioned the Multiple Use Act for the Forest Service, P.L. 86-517) would seem to raise the question of why the bill now being considered is necessary. That the Department thinks it is necessary is indicated in our transmittal of it to you by executive communication. Our support of the bill is premised on the desirability of statutory restatement. But at issue also is the function of recreation, including the concept of wilderness.

The legislative report which supports the Interior Department appropriation act of 1964 shows a disallowance of a requested item of $700,000 for the construction of recreation facilities on the public lands. The Appropriations Committee questioned "the authority of such construction on the public domain lands and suggests the question be reviewed by the legislative committee." (Rpt. No. 177, House of Representatives, 88th Congress, First Session, pp 5-6). The pending bill, it is believed, constitutes such review.

The concern is legitimate. Congress deserves to know how the authority to manage land or water to accommodate its recreational use potential is being interpreted by the accountable agencies.

As for the public lands under BLM jurisdiction, by definition they are available and accessible to the general public. Their commercial exploitation is controlled, but when it comes to recreational use, tradition denies the land manager the right to forbid access. We cannot deny the picnicker the right to go upon the public land, and the hunter and the fisherman have the right by statute. Areas, particularly those near water courses or water impoundments draw recreationists in great numbers; if these people have a right to be there, then common sense requires the management agency to safeguard the land against damage whether from fire, litter, or creation of public health hazards.

Privies, trails, and camp grounds can be built for the purpose of controlling and channeling recreationists who are going to be there anyway, and who, absent such facilities, would damage the land and pollute the water; the same work might be motivated by the knowledge that the community will thereby think well of BLM; the difference may be hard to detect, involving a fine line in a subjective area. Opening a road to a prime recreation area which without the road is the private preserve of a very few who can control private access focuses attention on a separate public policy issue--is the function being served recreation or the more generalized objective of affording public access to public lands?
But these inquiries must not obscure the undeniable fact that Congress has the right to demand assurances that agencies are not going to get into an uncontrolled race with each other for primacy in the recreation management business. Neither the public nor the Congress reacts favorably to differing or competitive standards among federal land managing agencies who furnish recreational opportunities. When the great natural disaster, earthquake, on the Madison River in Montana created a new lake and left visible evidence of nature's raw handiwork on National Forest land, the agency in charge of the lands set up an interpretive program and other facilities to handle the thousands of visitors attracted to the area. Because it was and is in the immediate vicinity of Yellowstone National Park, some who come surely must ponder the parallels of interpretive programs in two Departments of the Government.

Indeed authorization for recreation as one of specified multiple uses has not protected the Forest Service from criticism that the recreation objective has achieved an ascendancy over some of the commercial objectives, such as sub-surface development or timber production or forage. In a speech given before the Association of State Foresters in Anchorage on July 22, Mr. Hardy Glascock of the Western Forest and Conservation Association suggested possible "misuse" of the Multiple Use Act of 1960.

Congressional concern with the proliferation of recreation agencies was evidenced in Public Law 88-29, the Organic Act for the Bureau of Outdoor Recreation. Here the Congress has specifically required a coordination function and just as specifically has given a policy emphasis to state and local recreation developments.

I said that the recreation function itself was at issue. This needs more precise definition, for as I have pointed out that function has long been recognized as one of the prime objectives of the management of public land. I would like to call the Committee's attention to the language of Congressman Burton L. French of my own state, commenting on a predecessor bill to the Taylor Act in February, 1933:

"As I see it, however, the astounding value of the public domain lies in uses that have been overlooked, for the most part, in the discussions that have occurred upon this subject. These uses are as watersheds and for the control of stream flow, uses as deterrents to floods, uses for natural storage for irrigated lands, uses for game and for recreation, uses for forage and range, uses as forest area, and finally, uses as gigantic regulators of climatic conditions of interest alike to the people under reclamation projects and in rainfall belts. Indeed, the values of these lands are such that the welfare and prosperity of the people of a mighty empire are dependent directly upon the fidelity with which the lands that we call the public domain are administered."
'Watersheds are often of more value to other States than to the one in which they are situated. The people of the Mississippi Valley have a more vital interest in the watersheds that feed the tributaries of the Father of Waters than the people of the upper reaches are conscious, at least, that they possess. The people of the Nation have a constant interest in an adequate supply of timber, in game life, in expanses of domain for recreation. They have an interest in the control of the range and in forest control and management. They have an abiding interest in the value of the range for watershed with all that it means for reclamation, for flood control, and for modification of climate.'

A more accurate statement of the issue is the limits or standards for the exercise of the recreation function. "More Congressional surveillance" was Chairman Aspinall's phrase in his statement of February 21, 1963. This multiple use bill gives the Congress the opportunity to say again that diffidence and restraint, common sense if you will, should be applied when accommodation of the specified multiple uses is sought. The BLM is not a recreation operating agency, and does not propose to become one. The recreation opportunities on the lands subject to its management can be realized in various ways -- disposition to states or local governments, cooperative agreements with states, contracts with other agencies, and sometimes by direct facility construction. This latter should be carefully controlled, but we do not think it ought to be controlled by the suggestion that the function itself is ultra vires.

The same assurances can be given as to "wilderness" as one of the specified uses. The Department has no intention of utilizing a backdoor approach to the establishment of wilderness areas.

We do not regard the pending bill as a new and shiny management tool to solve problems of land use. We regard it as a sober reaffirmation of a management philosophy which we have considered applicable by Congressional mandate. And we recognize the context of Congressional concern that one of the specified uses, recreation, has been getting a great deal of public attention, and may tend therefore, to seek a dominant position.

I would like to conclude with a brief discussion of the applicability of this bill to Alaska. The various settlement and disposition laws whose operations in the contiguous 48 states are in varying degrees inhibited by the fact that the public domain is withdrawn pending classification are fully applicable in Alaska. The State's right to select roughly 27 percent of the land and water area of the State is not inhibited by the averaging device which was used in the other public land states, the designation of specific numbered sections of each township.
Therefore, federal management plans, whether on a multiple use philosophy or any other philosophy, will remain in a tenuous condition until pretty firm indications are given as to the areas most likely not to be selected by the State. In the meantime, settlement rights can be exercised wherever the citizen chooses. The tool of withdrawal is not designed to serve the federal government's management objectives. For one thing, the state's management objectives of necessity and by Congressional mandate come first. Furthermore, no amount of federal foresight could fully protect all the areas which in twenty-five years or so will be thought of as worthy of protection against private settlement in favor of public access.

So do not expect that the multiple use act will simplify or improve federal management in Alaska -- it will not.