FOIA Number: 2012-0769-F

FOIA MARKER

This is not a textual record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

Collection/Record Group: Clinton Presidential Records

Subgroup/Office of Origin: Council on Environmental Quality

Series/Staff Member: Kathleen (Katie) McGinty

Subseries:

OA/ID Number: 4297

FolderID:

Folder Title:
Legislative Referral Memoranda-Agriculture

Stack:	Row:	Section:	Shelf:	Position:
S	61	7	1	1

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503

September 28, 1993

LEGISLATIVE REFERRAL MEMORANDUM

LRM #M-715

TO: Legislative Liaison Officer -

COMMERCE - Michael A. Levitt - (202)482-3086 - 324
ENERGY - Bob Rabben - (202)586-6718 - 209
JUSTICE - Sheila F. Anthony - (202)514-2141 - 217
TREASURY - Richard S. Carro - (202)622-1146 - 228
CEA - Francine Obermiller - (202)395-5036 - 242
EPA - Thomas C. Roberts - (202)260-5414 - 326
NEC - Sonia Mathews - (202)456-6722 - 429
OSTP - Chris Clary - (202)456-7116 - 288

FROM: RONALD K. PETERSON (for) Ronald K. Peterson
Assistant Director for Legislative Reference

OMB CONTACT: Adrienne ERBACH (395-3446)

SUBJECT: AGRIC-CR Proposed Testimony on USDA's Reformulated Gasoline Program

DEADLINE: 3:00 PM September 28, 1993

OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

Please advise us if this item will affect direct spending or receipts for purposes of the the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

CC:
H. Paster
K. McGinty
G. Bennethum
R. Fairweather
A. Fraas
K. Glozer

DRAFT

Statement of
Dr. Roger K. Conway, Director Office of Energy
U.S. Department of Agriculture
Prepared for
Committee on Finance, United States Senate,
Subcommittee on Energy and Agricultural Taxation
September 29, 1993

Mr. Chairman and members of the subcommittee, we appreciate the opportunity to appear today to discuss the Department's (USDA) activities regarding the Federal reformulated gasoline program, renewable oxygenates, and the role ETBE might play in that program. My brief remarks will highlight the Department's role in the regulatory process and the need for a renewable oxygenates program.

USDA was actively involved in discussions that led to the reformulated gasoline regulatory proposal that provides market incentives for renewable oxygenates in the reformulated gasoline program. The outline of that proposal was announced October 1, 1992, and the proposed regulation was published in the Federal Register on February 28, 1993.

The proposal called for creating market incentives for ethanol and other renewable oxygenates, such as ETBE, by extending the averaging provisions of earlier reformulated gasoline regulatory proposals. Environmental Protection Agency (EPA) held public hearings on the February 28 proposal on April 14 and 15, 1993. Many of those testifying at that hearing stated their opposition to the proposed rule because they saw it as unworkable and unenforceable.

Nat Otis 720-7095

USDA supported the concept of a renewable oxygenates program in the reformulated gasoline regulation because we believe that such a program would provide ethanol, ETBE, and other renewable oxygenates increased market opportunities in this highly regulated market. In our view, enhancing market opportunities for renewable oxygenates is necessary because of the broad benefits of oxygenates on the U.S. economy and the environment.

Supporting a renewable oxygenate program is consistent with many policy goals such as increasing the use of corn domestically, expanding employment opportunities in the domestic ethanol industry and in rural America generally, and reducing our dependence on foreign oil supplies.

We have estimated that an effective renewable oxygenate program as part of the reformulated gasoline regulation could increase ethanol production and use to 2 billion gallons annually by the year 2000. Under this scenario, employment opportunities would expand by an estimated 28,000 jobs, 10,000 of which would be direct and indirect jobs in the ethanol processing industry.

Increased demand for ethanol as a fuel additive or an ether feedstock would provide incentives for new technological developments in ethanol processing. USDA estimates that near-term technology improvements could reduce the costs of ethanol production by 5-7 cents per gallon. In the longer term, technology innovations could save as much as 15 cents per gallon over current costs.

These benefits are some of the reasons why Secretary Espy decided to support a renewable oxygenates program in the reformulated gasoline rulemaking. However, the Secretary recognized the difficulties presented by the enforcement and tracking provisions contained in the February 28 proposal. That is why, responding to EPA's request for comments on that proposal, Secretary Espy wrote to Administrator Browner on June 28, 1993, and proposed an improved mechanism for a revised renewable oxygenates program.

The Secretary proposed a system of tradable credits to provide market opportunities for renewable oxygenates. All gasoline sold in a reformulated gasoline market area would be required to meet the performance standards specified in the regulation. Refiners or blenders who wish to use renewable oxygenates would earn credits. Refiners and blenders who do not wish to use renewable oxygenates in their reformulated fuels would be required to meet stricter performance standards or to purchase credits as a means of fulfilling their participation requirements.

We believe this proposal can be used to develop a workable, enforceable and environmentally acceptable program that promotes the use of domestic renewable resources. In particular, we believe these market-based incentives will help provide ETBE a needed boost toward full commercialization in the U.S. Fuel market.

Mr. Chairman, this concludes my prepared remarks. I will address any questions you or other members of the subcommittee have at this time.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503

August 4, 1993

LEGISLATIVE REFERRAL MEMORANDUM

LRM #M-594

TO: Legislative Liaison Officer -

INTERIOR - Ralph Hill - (202)208-6706 - 329
JUSTICE - Sheila F. Anthony - (202)514-2141 - 217
EPA - Thomas C. Roberts - (202)260-5414 - 326
NEC - Sonia Mathews - (202)456-6722 - 429
CEA - Francine Obermiller - (202)395-5036 - 242

FROM: RONALD K. PETERSON (for) Ronald K Peterson
Assistant Director for Legislative Reference

OMB CONTACT: **Craig CRUTCHFIELD (395-3857)**
Secretary's line (for simple responses): 395-6194
Jim McDIVITT (395-3715)

SUBJECT: AGRICULTURE Proposed Testimony on Unreclaimed hardrock mines

DEADLINE: 3:00 p.m. August 4, 1993

COMMENTS: Interior testimony has already been circulated.

OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

Please advise us if this item will affect direct spending or receipts for purposes of the the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

CC:
R. Saunders
R. Mertens
K. McGinty
G. Simon
B. Burke
H. Paster

USDA Staff Contact: A.Haynes
720-7095
FS Staff Contact: S.Federighi
205-1470

STATEMENT OF
HANK MONTREY
ASSOCIATE DEPUTY CHIEF
FOREST SERVICE
UNITED STATES DEPARTMENT OF AGRICULTURE

Before the
Subcommittees on Energy and Mineral Resources
and Oversight and Investigations

Committee on Natural Resources
United States House of Representatives

Concerning Unreclaimed Hardrock Mines

August 5, 1993

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

Thank you for the opportunity to appear to discuss unreclaimed hardrock mines on National Forest System lands.

Abandoned and inactive mine sites pose a number of problems for Forest managers, ranging from unsightliness and potential safety hazards to visitors, to serious resource damage at the site and to the surrounding resources.

We believe that a national committment is needed to inventory abandoned and inactive mines, and that once sites are identified, they should be prioritized and mitigated, to the extent possible, across agency boundaries.

ABANDONED MINE SITES ON NATIONAL FOREST SYSTEM LANDS

We are unable to definitively quantify the extent of the abandoned and inactive mine problem on the National Forest System lands at this time. But based on an informal survey of our field offices a couple of years ago, we have a "ballpark" estimate of 25,000 abandoned mine sites.

Last year we began a comprehensive inventory of abandoned and inactive mine sites throughout the National Forest System. We asked our field offices to use specific criteria so that we will be able to compare sites and to determine priority for mitigation nationwide. The criteria include the proximity to public-use areas and to domestic wells, and potential damage to sensitive environments, water quality, and the affected area. We expect to complete the inventory in 3 to 5 years.

Based on the information we have gathered to date, we believe we are able to estimate the number of sites and the percentage of sites likely to need further high-priority study or mitigation action. Last year, the Deerlodge National Forest in Montana, completed an inventory of abandoned mine sites and identified 660 sites. Based upon specific environmental parameters, 90 of these sites, or 13.6 percent were found to be in need of further study or mitigation. Similarly, in Washington and Oregon States, 3,741 sites have been located on the National Forests, with 9 percent having potential environmental or human health problems which will warrant further investigation.

We believe that these results may be representative of what we will find nationwide--that roughly 10 percent of abandoned sites may require priority action. Using our "ballpark" estimate, that means approximately 2,500 sites on the National Forests are likely to need priority investigation and mitigation.

When that inventory is complete, we will have enough information to begin categorizing sites on the National Forests according to those with the potential presence of hazardous substances and effects on public health and safety, those with negative effects on surface and ground water, and those that pose no threat but are unsightly and need landscape alterations. Our goal is to prioritize sites needing further examination and mitigation on a nationwide basis to ensure that the highest priority sites get attention first. We believe that once sites are identified, this prioritization and mitigation should occur, to the extent possible, across agency boundaries.

In terms of sites on national forest lands which have hazardous substances present, we coordinate with the Environmental Protection Agency (EPA) and work with the States under applicable laws and regulations, including the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) and Superfund Amendments and Reauthorization Act (SARA). The Forest Service is working now with EPA and with the respective states on a number of high priority sites to ensure that the environmental problems are addressed by the appropriate parties.

FOREST SERVICE EXPERIENCE WITH SURFACE MANAGEMENT REGULATIONS

As you may know, the Secretary of Agriculture promulgated regulations in 1974 to ensure reclamation of mining sites. The surface management regulations at 36 CFR 228 require operators reclaim sites to standards agreed upon and approved by forest officers in individual plans of operation. These regulations were designed to assure mining operations on National Forest System lands would be conducted in a way to minimize adverse environmental impacts on surface resources and carried out in compliance with Federal and State air and water quality standards. To ensure reclamation takes place, the forest officer considers the estimated cost of reclaiming the area of operations to the standards outlined in the plan of operations and imposes a reclamation bond. We believe that these regulations have resulted in more environmentally sound operations and reclamation of many sites. However, we cannot guarantee that sites reclaimed to the standards in plans of operations are free of future unforeseen CERCLA problems or that the bonds forest officers impose would be sufficient to mitigate potential CERCLA releases of hazardous materials should such a release occur.

The surface management regulations have been useful environmentally and have provided some funding for mitigation work. However, there is a potential for unforeseen problems from sites operated and reclaimed under the 1974 regulations and problems caused by unauthorized activities on national forest lands. More remains to be done.

RECENT REPORTS

We support the findings and conclusions of the Subcommittee on Oversight and Investigations report entitled, "Deep Pockets: Taxpayer Liability for Environmental Contamination" that we face serious problems on federal lands. We agree with the conclusions in the report that: a national inventory is needed; more hazardous material training is needed; funding is problematic; and pursuing responsible parties is important.

In fact, the Forest Service is already working on these items. As I said earlier, we have begun an inventory of abandoned and inactive mines. We have also instituted a strong training program so that our employees have the skills necessary to work in situations involving abandonded mines and hazardous substances. We will offer an additional course in the coming year that focuses on permitting, inspection, and closure of hard rock operations that involve hazardous substances. We plan to spend approximately $5.6 million on inventory and mitigation of environmental impacts at abandoned mines in FY 1994.

We are also continuing our efforts to evaluate and pursue cost recovery from viable responsible parties for abandoned mine sites, as well as natural resource damage as provided for in CERCLA. The Department of Justice recently filed a major natural resource damage case pursuant to CERCLA on behalf of the Forest Service against multiple private parties involving the Blackbird Mine in Idaho.

We realize that the cost of mitigation needed for abandoned mine sites on National Forest Service lands is substantial. The $250 million estimate that we provided the Oversight and Investigations Subcommitte staff for the "Deep Pockets" report was based upon a conservative estimate, that 10 percent of the 25,000 sites on National Forests may require extensive mitigation. This estimate might be very low in terms of costs of cleanup at thes3e priority sites and may understant the number of priority sites that need to be addressed. The cost of mitigation of all abandoned mines sites will also include the low-priority.

We also agree with the findings of the Mineral Policy Center's report, "Burden of Gilt" report, which clearly describes the magnitude and seriousness of the abandoned mine reclamation issue. The methodology that the Center used and the conclusions that they reached are similar to the preliminary results of the inventories on the National Forest System lands.

CONCLUSION

We believe that it will take a national committment to address the serious problems posed by abandoned hardrock mines. As the stewards of the resources of the National Forests, we are committed to do our part to inventory, to prioritize, and to ensure that the environmental problems of abandoned and inactive mine sites are addressed.

This concludes my statement. I would be happy to answer any questions you might have.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503

URGENT

July 16, 1993

LEGISLATIVE REFERRAL MEMORANDUM

LRM #I-880

TO: Legislative Liaison Officer -

COMMERCE - Michael A. Levitt - (202)482-3086 - 324
DEFENSE - Samuel T. Brick, Jr. - (703)697-1305 - 325
ENERGY - Bob Rabben - (202)586-6718 - 209
INTERIOR - Ralph Hill - (202)208-6706 - 329
JUSTICE - Sheila F. Anthony - (202)514-2141 - 217
TRANSPORTATION - Tom Herlihy - (202)366-4687 - 226
EPA - Thomas C. Roberts - (202)260-5414 - 326

FROM: RONALD K. PETERSON (for) Ronald K. Peterson
Assistant Director for Legislative Reference

OMB CONTACT: Craig CRUTCHFIELD (395-3857)
Secretary's line (for simple responses): 395-6194
Ruth Dyk SAUNDERS (395-3446)

SUBJECT: AGRICULTURE Proposed Testimony RE: HR 2473, Round 16 of the Montana Wilderness Act 1993

DEADLINE: 1:00 P.M. July 19, 1993

COMMENTS: If you do not respond by the deadline, we must assume your agency has no comment.

OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

Please advise us if this item will affect direct spending or receipts for purposes of the the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

CC:
K. McGinty
B. Burke
H. Paster
G. Simon

843 - next week
Truman Farm

8 pgs

LRM #I-880

RESPONSE TO LEGISLATIVE REFERRAL MEMORANDUM

If your response to this request for views is **simple** (e.g., concur/no comment) we prefer that you respond by **faxing** us this response sheet. If the response is **simple** and you prefer to call, please **call the branch-wide line** shown below (NOT the analyst's line) to leave a message with a secretary.

You may also respond by (1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); (2) sending us a memo or letter; or (3) if you are an OASIS user in the Executive Office of the President, sending an E-mail message. Please include the LRM number shown above, and the subject shown below.

TO: Craig CRUTCHFIELD
Office of Management and Budget
Fax Number: (202) 395-5691
Analyst/Attorney's Direct Number: (202) 395-3857
Branch-Wide Line (to reach secretary): (202) 395-6194

FROM: ______________________ (Date)

______________________ (Name)

______________________ (Agency)

______________________ (Telephone)

SUBJECT: AGRICULTURE Proposed Testimony RE: HR 2473, Round 16 of the Montana Wilderness Act 1993

The following is the response of our agency to your request for views on the above-captioned subject:

_______ Concur

_______ No objection

_______ No comment

_______ See proposed edits on pages ______________

_______ Other: ______________________

_______ FAX RETURN of _____ pages, attached to this response sheet

USDA CLEARANCE DRAFT
July 15, 1993 12 p.m.
FS Staff Contact: Tom Klabunde
205-0579
OCR Contact: Hal Gross
720-7095

STATEMENT OF
HANK MONTREY, ASSOCIATE DEPUTY CHIEF
UNITED STATES DEPARTMENT OF AGRICULTURE

Before the
Subcommittee on National Parks, Forests, and Public Lands
Committee on Natural Resources
United States House of Representatives

Concerning H.R. 2473, the "Round 16 of the Montana Wilderness Act 1993"

July 20, 1993

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

I appreciate the opportunity to present the views of the Department of Agriculture concerning H.R. 2473, "Round 16 of the Montana Wilderness Act 1993."

Mr. Chairman, we commend the Committee and the Montana delegation for their efforts to complete a statewide wilderness bill for National Forests in Montana. The debate over wilderness designation in Montana has gone on for many years. The difficulty in resolving the issue has resulted in considerable uncertainty for Montana and has limited our ability to implement Forest Plans. We are ready to move ahead on the question of wilderness in Montana.

The Department of Agriculture recommends enactment of H.R. 2473, if amended as suggested herein.

H.R. 2473 would designate 35 additions to the National Wilderness Preservation System totaling 1.6 million acres, 7 special management areas totaling 142,600 acres, and 4 wilderness study areas totaling 149,800 acres. The bill would release remaining National Forest roadless areas in Montana to management under Forest Plans, except for study areas designated under Public Law 95-150. These wilderness study areas total about 501,100 acres, and would continue to be managed to maintain their wilderness character. The bill also addresses the issue of water and water rights, management of the Badger-Two Medicine area, and would provide for a study of environmental and economic conditions in Montana.

Section 8 of H.R. 2473 addresses lands under the jurisdiction of the Bureau of Land Management. We defer to the Department of the Interior regarding that section of the bill.

The bill also includes standard wilderness administrative provisions concerning State jurisdiction for management of fish and wildlife, hunting, buffer zones around wilderness, and livestock grazing.

We recognize that wilderness designation in Montana is controversial. However, the Administration supports this effort to resolve the issue, so we can move forward with implementing the National Forest plans. Even though H.R. 2473 would designate more wilderness and special management areas than were recommended in Forest Plans, we are able to support the bill because the areas involved still provide an acceptable balance between wilderness and nonwilderness uses in the National Forests of Montana.

The balance contained in this bill is important. To achieve this balance, the Montana delegation has weighed resource information provided by the Forest Service, as well as public input from a variety of sources. Our support for the bill is contingent on retaining this balance between wilderness designation and release of areas to other uses. We remain willing to work with the Committee and the Montana delegation towards passage of a bill that is acceptable to both the Congress and the Administration.

We also wish to point out that passage of H.R. 2473 will not end the roadless area debate in Montana. There are 6 million acres of roadless lands within the National Forests of Montana. This bill would directly affect about one-third of the roadless lands. While other lands would be released to nonwilderness uses, timber sales, roads, mining, and other projects ~~implementation of Forest Plans~~ that would change the roadless nature of the released lands is certain to be controversial and is subject to environmental law reviews, administrative appeals and judicial review. However, we believe that moving ahead within the framework provided by H.R. 2473 is in the best interests of all involved.

USDA OGC

USDA OGC

Briefly, I will address several concerns we have regarding the bill.

Wilderness Boundaries

Although significant progress has been made compared to past bills, we still recommend several minor boundary adjustments to resolve potential management conflicts which can be easily avoided. The adjustments would not significantly change the acreage of the areas. We are willing to provide the adjustments and the rationale for recommending them to the Committee.

Water Language

A key to resolution of the Montana wilderness issue is the water language in this bill. This language in effect fixes water developments and uses at current levels. We support this approach because we believe it would protect water-related wilderness values. It works because the areas in this bill are all headwaters areas and this unique geography coupled with the bill language assures that additional upstream diversions or storage will not occur. We have concerns about the clarity of several provisions in this section concerning responsibilities of the owners of existing facilities and administrative responsibilities. We will be seeking amendments to clarify roles and responsibilities for implementation of this section.

The use of similar water language in other legislation has raised constitutional questions. We defer to the Department of Justice concerning the constitutionality of this section.

Wilderness Study Areas

We generally oppose creating new wilderness study areas, feeling that a Statewide bill should resolve the wilderness issue. However, considering the debate over these areas, we understand that the issues may be too complex to be resolved at this time. We also note that the recommendations concerning wilderness for the study areas are to be made through forest planning, rather than by a separate process, and we support this approach if a study is to be done.

Release Language

We do not object to the release language in H.R. 2473, but would like the opportunity to work with the Committee to further refine the language ~~prefer stronger language to limit the conflict over roadless area allocations~~. The bill language ~~generally conforms to past language which~~ ties release of areas to the analysis and recommendations in the Forest Plans, ~~but does not expressly preclude judicial review of forest plan allocation decisions~~. We would also like to see the areas which have been studied in accordance with the Montana Wilderness Study Act (P.L. 95-150) released from their study area status to be managed in accordance with the forest plan direction developed

USDA OGC

USDA OGC

for these areas. We can provide language that addresses these concerns.

Summary

In summary, we commend these efforts to develop a statewide wilderness bill for Montana. We feel this bill provides a framework for resolution of the issue and would like to work with the Committee and the delegation to enact a wilderness bill for the State of Montana. We will suggest several minor technical edits to the bill. We understand that the Department of the Interior has some comments on this bill and will submit a report on H.R. 2473 soon.

Mr. Chairman, this concludes my prepared statement and I would be pleased to answer the Subcommittee's questions concerning H.R. 2473.

THE WHITE HOUSE

WASHINGTON

David -

We got an inquiry on this. What's the story?

Tom E.

Mark Gaede

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503

URGENT

July 16, 1993

LEGISLATIVE REFERRAL MEMORANDUM

LRM #I-880

TO: Legislative Liaison Officer -

COMMERCE - Michael A. Levitt - (202)482-3086 - 324
DEFENSE - Samuel T. Brick, Jr. - (703)697-1305 - 325
ENERGY - Bob Rabben - (202)586-6718 - 209
INTERIOR - Ralph Hill - (202)208-6706 - 329
JUSTICE - Sheila F. Anthony - (202)514-2141 - 217
TRANSPORTATION - Tom Herlihy - (202)366-4687 - 226
EPA - Thomas C. Roberts - (202)260-5414 - 326

FROM: RONALD K. PETERSON (for) Ronald K. Peterson
Assistant Director for Legislative Reference

OMB CONTACT: Craig CRUTCHFIELD (395-3857)
Secretary's line (for simple responses): 395-6194
Ruth Dyk SAUNDERS (395-3446)

SUBJECT: AGRICULTURE Proposed Testimony RE: HR 2473, Round 16 of the Montana Wilderness Act 1993

DEADLINE: 1:00 P.M. July 19, 1993

COMMENTS: If you do not respond by the deadline, we must assume your agency has no comment.

OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

Please advise us if this item will affect direct spending or receipts for purposes of the the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

CC:
K. McGinty
B. Burke
H. Paster
G. Simon

843 - next week
Truman Farm

8 pgs

LRM #I-880

RESPONSE TO LEGISLATIVE REFERRAL MEMORANDUM

If your response to this request for views is **simple** (e.g., concur/no comment) we prefer that you respond by **faxing** us this response sheet. If the response is **simple** and you prefer to call, please **call the branch-wide line** shown below (NOT the analyst's line) to leave a message with a secretary.

You may also respond by (1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); (2) sending us a memo or letter; or (3) if you are an OASIS user in the Executive Office of the President, sending an E-mail message. **Please include** the LRM number shown above, and the **subject** shown below.

TO: Craig CRUTCHFIELD
Office of Management and Budget
Fax Number: (202) 395-5691
Analyst/Attorney's Direct Number: (202) 395-3857
Branch-Wide Line (to reach secretary): (202) 395-6194

FROM: ______________________ (Date)

______________________ (Name)

______________________ (Agency)

______________________ (Telephone)

SUBJECT: AGRICULTURE Proposed Testimony RE: HR 2473, Round 16 of the Montana Wilderness Act 1993

The following is the response of our agency to your request for views on the above-captioned subject:

_______ Concur

_______ No objection

_______ No comment

_______ See proposed edits on pages _______________

_______ Other: ______________________________

_______ FAX RETURN of _____ pages, attached to this response sheet

USDA CLEARANCE DRAFT
July 15, 1993 12 p.m.
FS Staff Contact: Tom Klabunde
205-0579
OCR Contact: Hal Gross
720-7095

STATEMENT OF
HANK MONTREY, ASSOCIATE DEPUTY CHIEF
UNITED STATES DEPARTMENT OF AGRICULTURE

Before the
Subcommittee on National Parks, Forests, and Public Lands
Committee on Natural Resources
United States House of Representatives

Concerning H.R. 2473, the "Round 16 of the Montana Wilderness Act 1993"

July 20, 1993

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

I appreciate the opportunity to present the views of the Department of Agriculture concerning H.R. 2473, "Round 16 of the Montana Wilderness Act 1993."

Mr. Chairman, we commend the Committee and the Montana delegation for their efforts to complete a statewide wilderness bill for National Forests in Montana. The debate over wilderness designation in Montana has gone on for many years. The difficulty in resolving the issue has resulted in considerable uncertainty for Montana and has limited our ability to implement Forest Plans. We are ready to move ahead on the question of wilderness in Montana.

The Department of Agriculture recommends enactment of H.R. 2473, if amended as suggested herein.

H.R. 2473 would designate 35 additions to the National Wilderness Preservation System totaling 1.6 million acres, 7 special management areas totaling 142,600 acres, and 4 wilderness study areas totaling 149,800 acres. The bill would release remaining National Forest roadless areas in Montana to management under Forest Plans, except for study areas designated under Public Law 95-150. These wilderness study areas total about 501,100 acres, and would continue to be managed to maintain their wilderness character. The bill also addresses the issue of water and water rights, management of the Badger-Two Medicine area, and would provide for a study of environmental and economic conditions in Montana.

Section 8 of H.R. 2473 addresses lands under the jurisdiction of the Bureau of Land Management. We defer to the Department of the Interior regarding that section of the bill.

The bill also includes standard wilderness administrative provisions concerning State jurisdiction for management of fish and wildlife, hunting, buffer zones around wilderness, and livestock grazing.

We recognize that wilderness designation in Montana is controversial. However, the Administration supports this effort to resolve the issue, so we can move forward with implementing the National Forest plans. Even though H.R. 2473 would designate more wilderness and special management areas than were recommended in Forest Plans, we are able to support the bill because the areas involved still provide an acceptable balance between wilderness and nonwilderness uses in the National Forests of Montana.

The balance contained in this bill is important. To achieve this balance, the Montana delegation has weighed resource information provided by the Forest Service, as well as public input from a variety of sources. Our support for the bill is contingent on retaining this balance between wilderness designation and release of areas to other uses. We remain willing to work with the Committee and the Montana delegation towards passage of a bill that is acceptable to both the Congress and the Administration.

We also wish to point out that passage of H.R. 2473 will not end the roadless area debate in Montana. There are 6 million acres of roadless lands within the National Forests of Montana. This bill would directly affect about one-third of the roadless lands. While other lands would be released to nonwilderness uses, timber sales, roads, mining, and other projects ~~implementation of Forest Plans~~ that would change the roadless nature of the released lands is certain to be controversial and is subject to environmental law reviews, administrative appeals and judicial review. However, we believe that moving ahead within the framework provided by H.R. 2473 is in the best interests of all involved.

USDA OGC

USDA OGC

Briefly, I will address several concerns we have regarding the bill.

Wilderness Boundaries

Although significant progress has been made compared to past bills, we still recommend several minor boundary adjustments to resolve potential management conflicts which can be easily avoided. The adjustments would not significantly change the acreage of the areas. We are willing to provide the adjustments and the rationale for recommending them to the Committee.

Water Language

A key to resolution of the Montana wilderness issue is the water language in this bill. This language in effect fixes water developments and uses at current levels. We support this approach because we believe it would protect water-related wilderness values. It works because the areas in this bill are all headwaters areas and this unique geography coupled with the bill language assures that additional upstream diversions or storage will not occur. We have concerns about the clarity of several provisions in this section concerning responsibilities of the owners of existing facilities and administrative responsibilities. We will be seeking amendments to clarify roles and responsibilities for implementation of this section.

The use of similar water language in other legislation has raised constitutional questions. We defer to the Department of Justice concerning the constitutionality of this section.

Wilderness Study Areas

We generally oppose creating new wilderness study areas, feeling that a Statewide bill should resolve the wilderness issue. However, considering the debate over these areas, we understand that the issues may be too complex to be resolved at this time. We also note that the recommendations concerning wilderness for the study areas are to be made through forest planning, rather than by a separate process, and we support this approach if a study is to be done.

Release Language

We do not object to the release language in H.R. 2473, but would ~~prefer stronger language to limit the conflict over roadless area allocations~~ like the opportunity to work with the Committee to further refine the language. The bill language ~~generally conforms to past language which~~ ties release of areas to the analysis and recommendations in the Forest Plans, ~~but does not expressly preclude judicial review of forest plan allocation decisions~~. We would also like to see the areas which have been studied in accordance with the Montana Wilderness Study Act (P.L. 95-150) released from their study area status to be managed in accordance with the forest plan direction developed

USDA OGC

USDA OGC

for these areas. We can provide language that addresses these concerns.

Summary

In summary, we commend these efforts to develop a statewide wilderness bill for Montana. We feel this bill provides a framework for resolution of the issue and would like to work with the Committee and the delegation to enact a wilderness bill for the State of Montana. We will suggest several minor technical edits to the bill. We understand that the Department of the Interior has some comments on this bill and will submit a report on H.R. 2473 soon.

Mr. Chairman, this concludes my prepared statement and I would be pleased to answer the Subcommittee's questions concerning H.R. 2473.

Babbitt has promoted the survey without "fully explaining" how it will function or its effect on agencies, such as the Fish and Wildlife Service, "which will contribute the most people and money to the effort" (Catalina Camia, CONGRESSIONAL QUARTERLY/WASH. TIMES, 7/22).

*9 WILDERNESS BILL: PROPOSAL WOULD PROTECT MORE MONTANA LAND
The Clinton administration has endorsed legislation that would place more land in Montana wilderness preserves than the US Forest Service had previously recommended. Hank Montrey, deputy chief of the USFS, said on 7/20 that the administration backs a bill offered by Rep. Pat Williams (D-MT) because it still maintains "an acceptable balance between wilderness and nonwilderness uses in Montana" (AP/BOSTON GLOBE, 7/21).

Cotton — what the bill is this? Who support or on this bill? Please check this out.

Mike T. Gustafson
Phone (406) 252-5695
Fax # (406) 252-0073

550 North 31st
Billings, Montana 59101
P.O. Box 1181
Billings, Montana 59103

MEMORANDUM

TO: Al From
Linda Moore

FROM: Mike Gustafson

DATE: July 21, 1993

RE: News Article "Administration backs wilds bill"

Attached please find a news article which appeared in this morning's BILLINGS GAZETTE. In my opinion, President Clinton should move cautiously on this issue. I am not sure what is meant by the Clinton Administration's endorsement, but I would appreciate your making the appropriate inquiries. This is a very complex issue with a checkered political history. I would urge the President to review this matter very carefully. Let me know if I can be of any assistance.

Best regards.

Attach.

URGENT

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503

April 27, 1993

LEGISLATIVE REFERRAL MEMORANDUM

LRM #D-174
DRAFT #68

TO: Legislative Liaison Officer -

CORPS ENGINEERS - Susan Bond - (202)272-0030 - 239
INTERIOR - Ralph Hill - (202)208-6706 - 329
JUSTICE - Faith Burton - (202)514-2141 - 217
TREASURY - Richard S. Carro - (202)622-1146 - 228
TVA - Alan Carmichael - (202)479-4412 - 332

FROM: RONALD K. PETERSON (for) Ronald K Peterson
Assistant Director for Legislative Reference

OMB CONTACT: MIKE GOAD (395-7301)
Secretary's line (for simple responses): 395-6194

SUBJECT: Agriculture Proposed Testimony on AGRICULTURE Draft Bill Recreation Sites User Fee Authorization Act (NFS)

DEADLINE: 2:00 P.M., TODAY, April 27, 1993

COMMENTS: If you do not respond by the deadline, we will assume that your agency has no comment.

OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

Please advise us if this item will affect direct spending or receipts for purposes of the the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

CC:
R. Saunders
J. Kazel
C. Tuttle
K. McGinty

9pp FAX

STATEMENT OF
THOMAS J. MILLS, ASSOCIATE DEPUTY CHIEF
FOREST SERVICE
UNITED STATES DEPARTMENT OF AGRICULTURE

Before the
Subcommittee on National Parks, Forests and Public Lands
Committee on Natural Resources
United States House of Representatives

Concerning proposed amendments to the Land and Water Conservation Fund Act of 1965.

April 29, 1993

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE;

Thank you for the opportunity to offer our views in support of the Administration's proposal to amend the Land and Water Conservation Fund Act of 1965. We are especially pleased to be testifying in unison with the Department of the Interior on a proposal that will benefit the American public through improvements in the recreation programs of both Departments. We will address the proposal as it relates to the operations of the Department of Agriculture, and defer to the Department of the Interior on the other provisions.

We strongly recommend enactment of the Administration's proposed legislation that was submitted to the Congress on April ________.

In "A Vision of Change for America", the President made clear his commitment to increasing revenues from users of recreation facilities on Federal lands. This commitment is a reasoned response to a difficult situation. On the one hand, demand for recreational opportunities is high and expected to grow substantially over the foreseeable future. On the other, available resources are inadequate to maintain even the current recreation infrastructure as is evidenced by the $449 million unfunded backlog of essential maintenance and repair of recreation facilities. Even so, new facilities are coming on line placing greater stress on the operation and maintenance budget.

Congress has recognized this dilemma and has responded by raising appropriations for the Forest Service recreation program significantly in recent years. To leverage these dollars, we employee a number of innovative measures. For example, in 1991, volunteers contributed work valued at $23 million in support of the recreation program. Additionally, we operate certain facilities under Granger Thye permits which bring in private capital to maintain recreation facilities on National Forests. The estimated value of this effort for FY 1991 was $12 million that was then available for operation and maintenance of other facilities. We have also developed cooperative relationships with over 5000 groups and organizations that contributed $15 million of private funds or in-kind services in 1992 for recreation management activities helping to alleviate budget shortfalls.

However, if we are to meet the demand for quality recreation opportunities on Federal lands and protect the natural resources from overuse, additional resources beyond these are a must. This Administration has already proposed to spend $12 million on the reduction of the maintenance and repair backlog through the Natural Resource Protection and Environmental Infrastructure Initiative that is part of the President's 1994 budget. Also proposed is an additional $1.2 million for the Forest Service contribution to recreation management projects funded under the Challenge Cost Share program. We continue to believe these resources must be augmented by asking recreation users to bear a slightly greater portion of program costs. Our proposed amendments to the Land and Water Conservation Fund Act would do that.

Demand for Recreation Experiences:

Recreation on Federal lands provides important benefits to the American people. Research has clearly demonstrated the physiological and psychological benefits of recreation. Its economic benefits for rural communities are also clearly documented. Increased funding for the recreation program can only enhance these benefits.

The contribution of the Forest Service in meeting the recreation demands of the American public is also well documented. In 1991, 1.6 billion visits were recorded on Federal lands. Forest Service sites accommodated nearly 600 million, or 36 percent, of those visits. The 1989 RPA Assessment projected that national demand for land-based recreation opportunities would rise significantly over the next 50 years, from a low of 30 percent for off-road activities to a high of 193 percent for day hiking. For Fiscal Year 1994, we anticipate that 80 million recreation visitor days will occur on Forest Service developed recreation sites.

Financing the Operation and Maintenance of Recreation Facilities:

The President's budget for FY 1994 proposes $186 million for recreation management on National Forests of which an estimated $130 million will be used for operation and maintenance of developed recreation facilities. Under current law, fees collected by the Forest Service from recreationists for use of developed recreation facilities amount to approximately $15 million dollars, or slightly less than 12 percent of the total cost of operation and maintenance. Research has consistently shown that a strong majority of users are willing to pay reasonable fees provided the fees go toward enhanced recreation experiences. Experience with Duck Stamps, Green Stickers and hunting and fishing licenses support this research. Of course, we must educate the public as to the need for, and use of, increased fees and these increases must be tailored to avoid "sticker shock". Our proposed amendments to the Land and Water Conservation Fund Act of 1965 would generate approximately $10 million in new receipts. While users are being asked to pay more to recreate on Federal lands, more than 80 percent of program costs for operation and maintenance will continue to be borne by the Federal government.

Increasing the amount of fees collected for recreational activities will enhance user satisfaction by making additional resources available for reduction of the existing maintenance and repair backlog. In 1990, the General Accounting Office (GAO) reported that 51 percent of our developed recreation sites are between 21 and 40 years old, while another 27 percent are more than 40 years old. That means that more than half of the Forest Service recreation facilities have already outlived their useful life. Many of these facilities no longer conform to current laws and standards. GAO estimated that, based on conditions found in 1989, $449 million would be needed to eliminate our maintenance and repair backlog and internal studies suggest the backlog has grown since the GAO study was completed. Additional fees would be available for appropriation to meet a part of this pressing need.

Proposed Changes to the Land and Water Conservation Fund Act:

Almost all recreation user fees now collected by the Forest Service come from campgrounds that provide a full array of amenities. Fee levels for specific locations are set by regulation based on comparability with similar recreational facilities in the immediate area. Little additional revenue could be generated by raising fees at these campgrounds.

In order to generate $10 million in new fees from recreation on National Forests, the Administration proposes several changes in the Land and Water Conservation Fund Act. First, Section 4(a) would be amended by authorizing the Forest Service to charge admission fees at National Monuments, National Volcanic Monuments, National Scenic Areas, and areas of concentrated public use, in addition to our current admission fee authority for National Recreation Areas. A new subsection, 4(i) would define "areas of concentrated public use" as sites that are managed primarily for outdoor recreation purposes with facilities and services necessary to accommodate heavy public use and that contain at least one major recreation attraction such as a lake, river, historical site, or geologic feature. These changes are expected to generate $5 million in new receipts.

Secondly, Section 4(b) would be amended to delete the current requirements that certain facilities be offered at developed recreation sites before recreation use fees can be charged. With this change, daily use fees could be charged at additional developed sites such as camp and picnic grounds, swimming sites, boat launch ramps and managed parking lots, and fees could be charged for specialized services at visitor centers. These sites require specialized facilities and have high operation and maintenance costs because they serve large numbers of people. This change would generate additional receipts of $3 million from campgrounds and $2 million from other facilities.

Alternatives to Proposed Legislation:

The realities we face in providing outdoor recreation opportunities to the American public are clear. Demand is up. New facilities are coming on line. At the same time, resources are inadequate to maintain existing recreation facilities. The user represents an important source of added funds to address these needs. Without new fee authority, we would have to eliminate many substandard recreation facilities or, in the alternative, experience a continuing deterioration in their quality. Neither of these options serve the American public well. We believe the Administration's proposal offers an opportunity to maintain the stream of benefits derived from the recreation program without adding to the Federal deficit. It is an important component of any comprehensive effort to address this situation.

The Omnibus Budget Reconciliation Act of 1990 (OBRA) requires that all revenue and direct spending legislation meet a Pay-As-You-Go (PAYGO) requirement. The Administration's proposal would increase receipts by approximately $10 million in FY 1994. Thus, the bill meets the PAYGO requirement of the OBRA.

Mr. Chairman, this concludes my remarks. I would be glad to answer any questions from you or the other Members of the Subcommittee.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503

May 4, 1993

LEGISLATIVE REFERRAL MEMORANDUM

LRM #I-380

TO: Legislative Liaison Officer -

ENERGY - Bob Rabben - (202)586-6718 - 209
INTERIOR - Ralph Hill - (202)208-6706 - 329
JUSTICE - Faith Burton - (202)514-2141 - 217
EPA - Thomas C. Roberts - (202)260-5414 - 326
ARMY CivilWorks - Morgan Rees - (703)695-1370 - 205
TRANSPORTATION - Tom Herlihy - (202)366-4687 - 226

FROM: RONALD K. PETERSON (for) Craig Crutchfield for
Assistant Director for Legislative Reference

OMB CONTACT: Craig CRUTCHFIELD (395-3857)
Secretary's line (for simple responses): 395-6194
Ruth Dyk SAUNDERS (395-3446)

SUBJECT: AGRICULTURE Proposed Testimony RE: S 250, Red River Designation Act of 1993

DEADLINE: 4:00 P.M. May 4, 1993

COMMENTS: Testimony also addresses S 172 (HR 63) Spring Mountain NRA, S 577 (HR 765) In-Lieu Selection, S 489 (HR 873) Gallatin NF land exchange, and S 184 (HR 677) Utah land exchange. Forest Service has previously testified on the House companion bills. If you do not respond by the deadline, we must assume your agency has no comment.

OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

Please advise us if this item will affect direct spending or receipts for purposes of the the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

CC:
K. McGinty
J. McDivitt

USDA CLEARANCE DRAFT
5/3/93 11:00 a.m.
FS Staff Contact: Tom Klabunde 205-0579
Ben del Villar 205-0998
Chris Pyron 205-1305
Larry Hudson 205-0581
OCR. Glen Rushing 720-7095

NOTE TO REVIEWERS: previous testimony for S. 172 cleared for hearing of 3/2/93 (H.R. 63); previous testimony for S. 184 cleared for hearing of 6/16/92 (H.R. 5118); previous testimony for S. 489 cleared for hearing of 3/23/93 (H.R. 873); previous testimony for S. 577 cleared for hearing of 2/23/93 (H.R. 765).

DRAFT

STATEMENT OF
MARK REIMERS, DEPUTY CHIEF
FOREST SERVICE
UNITED STATES DEPARTMENT OF AGRICULTURE

Before the
Subcommittee on Public Lands, National Parks and Forests
Committee on Energy and Natural Resources
United States Senate

Concerning S. 172, S. 184, S. 250, S. 489 and S. 577

May 6, 1993

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

I appreciate the opportunity to present the views of the Department of Agriculture regarding the five bills being considered today. I will briefly address each bill and then would be happy to answer your questions. In general, we support enactment of all five bills with some suggested amendments.

S. 172, Spring Mountains National Recreation Area

The Department of Agriculture supports enactment of S. 172, with a minor amendment.

S. 172 would establish a National Recreation Area of approximately 316,000 acres in Nevada, just west of Las Vegas, to be managed by the Forest Service to:

(1) preserve scenic, scientific, historic, cultural, and other values contributing to public enjoyment and biological diversity;
(2) ensure appropriate conservation and management of natural recreation resources; and
(3) provide for the development of public recreation opportunities in the Spring Mountains for the enjoyment of present and future generations.

The bill would provide for continued livestock grazing, subject to such reasonable conditions as the Secretary considers necessary. It would provide for the acquisition of lands and waters, and interests in lands and waters (including scenic easements) within the proposed boundary of the National Recreation Area, and outside the boundary for purposes of providing access to the Area.

The bill also would withdraw nearly all Federal lands within the Recreation Area from entry under the mining laws, mineral leasing and geothermal leasing laws, and from all forms of entry, appropriation, or disposal under public land laws. There is one exception to the withdrawal, involving less than 1,000 acres for an existing mining operation.

The area is now administered as part of the Toiyabe National Forest. Because of the close proximity (30 miles) to Las Vegas, the Spring Mountains are heavily used for recreation activities. Las Vegas is one of the fastest-growing metropolitan areas in the country, growing by approximately 3,000 people per month.

The Spring Mountains area ranges in elevation from 2,600 feet to 11,918 feet and serves as an escape from the summer heat in the valleys. The area provides habitat for wildlife such as elk, deer, wild turkey, bighorn sheep, golden eagles, and 48 plant species unique to the Spring Mountain range. The area is also a critical watershed, supplying water to the Las Vegas valley aquifer. The 42,000-acre Mt. Charleston Wilderness is included within the proposed National Recreation Area.

This proposal originated at the local level and has strong support from local citizens who want the area managed to protect its natural beauty and with greater emphasis on developing recreation opportunities.

Mr. Chairman, we believe these lands serve a very important recreation need for the people in the Las Vegas metropolitan area, as well as the Nation, and believe that a National Recreation Area would serve the public interest by focusing management on resources important to the users.

Our only concern with the legislation is with Section 7(b). We suggest deleting this provision because the Forest Service has broad authority under existing statutes to exchange lands within the National Forest System. The subsection as written may be unnecessarily restrictive for the purposes of implementing S. 172. The House of Representatives deleted a similar provision during their consideration of H.R. 63, the companion House bill.

In summary, with the minor exception noted, we support enactment of S. 172.

This concludes my prepared statement on S. 172.

S. 184, Utah Schools and Lands Improvement Act

The Department of Agriculture supports the provisions contained in S. 184 insofar as they directly affect National Forest System lands. We defer to the Department of the Interior (DOI) regarding the DOI lands and interests proposed for exchange under S. 184, the valuation of mineral interests referred to in the bill, and the specific pay-as-you-go impacts of the bill under Title XIII of the Omnibus Budget Reconciliation Act of 1990.

At the time of Statehood, the State of Utah received, in trust, 4 sections of land in each township. About 80,000 acres of these School Trust lands are within the boundaries of the National Forests in Utah. Although State inholdings require some special Federal/State land management coordination, if these State lands were transferred to private owners, the latter would expect access for development, and this could present major problems for both Federal land managers and local governments. Thus, we strongly support the concept on which S. 184 is based, which would make it possible for these State lands to be added to the National Forests in which such lands are located.

Section 5 would authorize the Secretary of Agriculture to accept approximately 76,000 acres of lands owned by the State of Utah within units of the National Forest System and provides that any lands acquired by the United States shall become a part of any National Forest within which the acquired lands are located.

Section 6 would authorize the Secretary of the Interior to accept all School Trust lands located within all established units of the National Park System located within the State of Utah.

Section 7 provides a list of the Federal lands and interests that the Secretary of the Interior shall offer for exchange.

Section 8 establishes an "equal value" requirement for all exchanges authorized under S. 184 and would authorize the Secretary of the Interior to determine the value of the Federal mineral interests exchanged, by deducting the State's share in all royalties, sales, bonuses, and rentals collected pursuant to the Mineral Leasing Act of 1920 (30 U.S.C. 181, 201-209) from the appraised value of said mineral interests. We recommend that the word "an" before the phrase "appraisal of the lands and interests" be deleted from Section 8(a). The need may arise to perform more than just one appraisal for the properties involved. We also recommend that the references to the United States District Court contained in Section 8(d) [Section 8(b) of the substitute to S. 184] be changed to provide jurisdiction by the United States Court of Claims.

Note 8 the substitute is the House companion bill

Section 9 deals with the transfer of title to the lands and interests involved in the exchange authorized by the bill. We recommend that language be added to Section 9(a) that would require the conveyance to be in a form in accordance with the

Department of Justice standards for the preparation of title evidence in land acquisitions by the United States.

The estimated value of the approximately 76,000 acres of the State of Utah trust lands within the National Forest boundaries which would be conveyed to the Secretary of Agriculture is approximately $10 million. We defer to DOI regarding the estimated value of lands acquired by the Secretary of the Interior. In exchange for the lands conveyed to the United States, the State of Utah would receive an equal value of royalties receivable by the United States, interests in unleased coal, and fee estates.

We support S. 184, with our recommended amendments. This concludes my prepared statement on S. 184.

S. 250, Red River Designation Act

The Department of Agriculture recommends enactment of S. 250 if amended as suggested herein.

Section 3 of S. 250 would designate a 19.4-mile segment of the Red River in the State of Kentucky as a component of the National Wild and Scenic Rivers System. The upper segment totaling 9.1 miles, known as the "Upper Gorge," would be designated as a "wild river" and the lower segment, known as the "Lower Gorge", would be designated as a "recreation river."

While we support designation of the Red River as a Wild and Scenic River, we recommend deleting subparagraph A(i) and A(ii) which would set legislated boundaries for the river corridor. Deleting these provisions would also negate the need for subparagraph A(iii) directing that a map of the river corridor be prepared within 60 days of enactment. Subsection 3(b) of the Wild and Scenic Rivers Act (Public Law 90-462, as amended) already directs the Secretary of Agriculture (Secretary) to establish detailed boundaries for the river corridor using an established process within 1 year of enactment. This process provides for public notice and would allow time to develop accurately defined boundaries that would facilitate management as a Wild and Scenic River. The boundaries included in S. 250 conform to those in the recommended alternative from our Wild and Scenic River Study of the Red River. However, that boundary is only an approximation and would be difficult to define and administer on the ground.

We also recommend deleting subparagraph B(i) and B(ii) regarding land acquisition and would prefer to depend ~~rather~~ on the basic provisions of the Wild and Scenic Rivers Act. Subparagraph B(i) would require the Secretary to acquire lands and interests in lands within the river corridor only from willing sellers and would preclude the use of condemnation for those purposes. However, since more than 50 percent of the land in the corridor is Federally owned, Section 6(b) of the Wild and Scenic Rivers Act already precludes acquisition of land in fee title by condemnation. Section 6(b) would allow condemnation for scenic easements, but we do not anticipate needing that authority along the Red River.

Subparagraph B(i) would also provide that the Secretary fully compensate all sellers in an amount sufficient to acquire lands with similar characteristics and of comparable quality. This would be inconsistent with the uniform policy on real property acquisition practices (42 U.S.C. 4651) which requires that sellers be compensated at fair market value. Introduction of a new standard would tend to frustrate the acquisition of lands within the river corridor.

We recommend deleting subparagraph B(ii) to be consistent with our recommendation regarding subparagraph B(i).

This concludes my prepared statement on S. 250.

S. 489, Gallatin Range Consolidation and Protection Act

The Department of Agriculture supports enactment of S. 489, the "Gallatin Range Consolidation and Protection Act," if amended as we recommend.

This legislation would expedite public acquisition of critical inholdings within the Gallatin National Forest in southwest Montana. These inholdings are owned by Big Sky Lumber Company in four locations within the Gallatin and Madison Mountain Ranges, as shown on the display map. These same land acquisitions were included in the Montana Wilderness bill considered by the 102nd Congress.

The lands to be acquired contain important wildlife habitats and outstanding recreation opportunities. A broad spectrum of national and local conservation and recreation organizations, Federal land management, and State fish and wildlife agencies agree that these lands should be acquired. We understand that Big Sky Lumber is receptive to these proposals, provided authorizing legislation can be enacted by June 1993.

These lands are part of a complex ownership pattern resulting from an earlier Federal land policy that granted lands to the railroads for opening up the West. The practice of granting lands in a "checkerboard" fashion has created some of the land management problems we are dealing with today. The difficulties are particularly acute when management objectives of the owners are different.

Efforts to resolve this issue began in earnest in the 1980's, with then-owner Plum Creek Timber Company. As circumstances and owners have changed over time, an exchange with several components has evolved. A key has been the involvement of interested parties such as The Nature Conservancy and Rocky Mountain Elk Foundation. The bill recognizes this involvement and employs three distinct methods to accomplish its broader purposes.

First, there is a land exchange involving the Forest Service and Big Sky Lumber. Second, there is a transaction involving The Nature Conservancy, whereby it has secured an option on Big Sky Lumber lands in two other areas to facilitate future acquisition by the Forest Service. Third, there is an additional area of intermingled Big Sky Lumber and National Forest System lands which will be examined for possible future acquisition. I will describe each of these components in more detail.

Section 3 of S. 489 would direct the Forest Service to complete the **Plum Creek Land Exchange**. This two-party exchange was first proposed in 1987, and has been included in most of the Montana wilderness bills considered since that time. A total of 37,752 acres of Big Sky Lumber lands would be acquired in exchange for 12,414 acres of National Forest System lands and a $3.4 million equalization payment through Land and Water Conservation funding. In the present proposal, completing the Plum Creek Exchange is contingent upon related acquisition of Big Sky Lumber lands in the Porcupine and Taylor Fork areas.

Section 4 of S. 489 specifically authorizes the Forest Service to acquire 9,050 acres of Big Sky Lumber lands in the Porcupine Area of the Gallatin Forest by purchase or exchange, and authorizes Land and Water Conservation funding. A key to this part of the bill is the involvement of The Nature Conservancy as a third party. The Nature Conservancy holds an option agreement to acquire these lands within 2 years.

These lands are located in the upper Gallatin Canyon, just north of Yellowstone National Park. They are the same lands included in a previously-proposed Porcupine Land Exchange between the Forest Service and the previous owners of the lands.

Section 5 of S. 489 authorizes the Forest Service to acquire approximately 11,200 acres of Big Sky Lumber lands in the Taylor Fork Area of the Gallatin Forest by purchase or exchange, and authorizes Land and Water Conservation funding. The Nature Conservancy also is involved in this transaction as previously noted.

The lands are located in the Taylor Fork and Buck Creek drainages in the upper Gallatin Canyon, between Yellowstone National Park and the Lee Metcalf Wilderness. The Forest Service FY 1994 Land and Water Conservation Fund request includes $1 million to purchase approximately 2,200 acres from Big Sky Lumber Company in Taylor Fork.

Section 6 of S. 489 additionally authorizes and directs the Forest Service to pursue acquisition of other Big Sky Lumber lands in the Gallatin Area, and authorizes Land and Water Conservation funding. The Forest Service would report to Congress regarding this acquisition effort. These are the remaining 24,000 acres of intermingled Big Sky Lumber lands in the northern Gallatin Range.

I will briefly highlight the key values on the lands which would be acquired and protected through this legislation, and the likely consequences if the public is unable to acquire these inholdings.

About half, or 40,000 acres, of these inholdings are located within the Gallatin Range Wilderness Study Area. Acquisition would consolidate public ownership in the Congressionally-designated wilderness study area and continue to maintain the wilderness character of the Gallatin Range until Congress can address the wilderness question. These lands contain outstanding wildlife, scenic, wilderness and recreation values.

The Porcupine, Taylor Fork, and southern Gallatin Range are all within the Greater Yellowstone Grizzly Bear Recovery Zone. These private inholdings contain resident grizzly bear populations and habitat components necessary for the recovery of this threatened species. In total, nearly 25,000 acres of the lands to be acquired on the Gallatin Forest are considered essential for recovery of the grizzly bear.

The acquisitions would consolidate public ownership in the upper Gallatin, Porcupine and Taylor Fork elk winter range, which is important habitat for over 3,000 elk which migrate from Yellowstone National Park.

The lands to be acquired in the upper Gallatin and Madison Range are the headwaters of the Gallatin and Yellowstone Rivers, two nationally-known wild trout streams. These headwater areas also contain sensitive riparian areas and valuable watersheds.

The land adjustments allow for consolidation of National Forest System lands and also consolidation of lands owned by Big Sky Lumber. In total, the National Forest boundaries would be reduced by about 540 miles, at an estimated total cost savings of $2.5 million (present value) in corner and property boundary maintenance.

If the proposed acquisitions are not consummated, Big Sky Lumber owners will likely develop their lands to serve a variety of corporate purposes.

There are also some tradeoffs if these transactions occur. The lands that would be exchanged also have resource values such as productive timber lands with significant volumes. Since the lands to be acquired are largely within a wilderness study area, they would not be available for timber management. Overall, this would slightly reduce the available timber harvest from the National Forests.

Valuable wildlife habitat exists on the federal lands which would be exchanged, such as quality mule deer summer range and habitat for elk, black bear, and moose. The northern slopes of the Bridger Range, including some of the exchange lands, have outstanding scenic qualities.

Nearly half of the Gallatin National Forest lands to be exchanged are within the Bridger Mountain Roadless Area. However, this roadless area is recommended for non-wilderness purposes in the Gallatin Forest Plan. Forest Plan direction for these lands emphasizes timber management, livestock grazing, and other objectives that are more compatible with Big Sky Lumber's ownership objectives.

Over the long term, the lands which would be acquired by Big Sky Lumber may be subject to residential development, particularly in the Bridger Mountains.

Although the Forest Service would acquire all mineral rights under lands in the Plum Creek Land Exchange portion of this bill, the mineral estate is owned separately in the case of the Porcupine and Taylor Fork areas. We believe it is critical to acquire necessary surface and subsurface ownership rights that would fulfill the purposes of this acquisition. We understand the owners of the subsurface rights are willing to convey the locatable mineral rights and to agree that no surface occupancy would occur for any leasable mineral or geothermal energy development. These conditions are the minimum we believe to be acceptable to support the overall purposes of the exchange.

We have provided the Committee with our suggested amendments to the bill.

In the balance, we believe the proposed exchange and acquisition to be in the public interest. The Forest Service would acquire many more acres than would be exchanged out of public ownership and the lands to be acquired have outstanding public values.

This concludes my prepared statement on S. 489.

S. 577, Land Selections In Lieu of Forest Lands

Next, I would like to address S. 577, a bill "To resolve the status of certain lands relinquished to the United States under the Act of June 4, 1897 (30 Stat. 11, 36), and for other purposes."

The Department of Agriculture supports enactment of S. 577, if amended as we suggest.

This bill would resolve the status of the base lands affected by the Organic Act of June 4, 1897 (30 Stat. 36) for which "in lieu selections" were never completed. The "in lieu selection" provision of the Organic Act provided for the consolidation of the Forest Reserves by permitting the owners of lands within a forest reservation to relinquish tracts to the United States and select "in lieu thereof" an equal acreage of public lands. As a result of the fraud and speculation that occurred under this system, Congress repealed the in lieu selection provision by the Act of March 3, 1905 (33 Stat. 1264).

This bill seeks to remedy certain land title problems which were the outcome of the in lieu selection process. The problems resulted when some landowners relinquished rights to lands within the newly created National Forests but, for a variety of reasons, never received compensating in lieu land selections.

On many occasions, Congress has acted on a case-by-case basis and with remedial legislation to provide relief to the original owners, heirs or assigns of these tracts to settle land title questions. Most significantly, Congress enacted the Act of June 6, 1960 (74 Stat. 34), (the "Sisk" Act) in an attempt to resolve conclusively the status of the remaining relinquished base lands by providing a means of compensating such claimants. The Sisk Act confirmed title to the base lands in the United States for all tracts for which payment under the Act was or could have been made, and provided that the base lands would become part of the National Forest or other Federal unit wherein they were located.

We estimate that S. 577 will affect approximately 210 parcels containing 18,000 acres of land within the National Forests. Of these lands, about 60 parcels totaling approximately 6,000 acres appear to be occupied or used by persons claiming an equitable interest based on privity of title with the original grantor of the land to the United States under the 1897 Act. Based on our initial review, it appears that the majority of these 6,000 acres are outside areas of "National Significance." Therefore, if so authorized by law, we would generally quitclaim the Federal interests in those lands to the claimant occupying or using the land.

The remaining approximately 150 parcels totaling about 12,000 acres are lands where no one is in possession and no private uses are being made. Any private claims to these lands have generally been derived from tax sales or similar mechanisms provided under state law which did not involve the Federal Government. These lands have generally been administered by the

Forest Service as part of the National Forest, and we would intend that they continue to be so managed. Generally, the Forest Service has been unaware of any claimants under independent chains of title. The bill would provide a mechanism for adjudicating the rights of any persons claiming any interest in these lands.

Our support for S. 577 is predicated on several assumptions. First, that the bill would provide a mechanism for resolving the land title issue to the affected lands once and for all. Second, that it would not create additional rights or judicial remedies of claimants against the United States in Federal courts nor would it diminish any of the legal defenses to taking claims and quiet title actions that are presently available to the United States.

Given these assumptions, we recommend amendments to address the following three concerns. Specific amendatory language is included in our supplemental statement and I ask that it be included in the record. These amendments were adopted by the House Committee on Natural Resources to H.R. 765, and the Committee reported the bill on March 17, 1993.

First, we recommend amendments which would provide that any arbitrary or capricious omission of lands from the initial list would be remedied judicially after publication of the final list. However, the responsibility of the Secretaries to determine which tracts will be retained in Federal ownership, a responsibility which would be preserved under this amendment, is entirely discretionary. It is anticipated that the Secretary of Agriculture will recommend the quitclaim of any lands within National Forest boundaries which have been continuously occupied or used by persons who claim title as successors to the original entrymen and who have paid taxes.

Second, we recommend amendments to assure protection of lands within "conservation system units." As currently written, if for any reason the Secretaries are unable to issue a final list at the end of an 18-month period from the date of publication of the initial list, then all lands on the initial list will be quitclaimed. This would include those tracts within "conservation systems units" and lands with specific management designation. Our amendments will provide an additional 6-months to implement the act and would exclude lands within conservation system units and those designated for special management from automatic alienation.

Third, we recommend amendments to assure that the Federal Government is not responsible for the cleanup of hazardous materials on any lands quitclaimed under Section 2(b). Section 120(h) of CERCLA was amended in 1992 by Public Law 102-426, to require that in all conveyances of land by the Federal Government determined to be uncontaminated under specified identification requirements, there must be consultation with EPA or the affected State agency, depending on the circumstances, to obtain concurrence that a property proposed for disposal does not contain hazardous materials. The law requires that all conveyance documents reserve a perpetual right-of-way for the United States to enter the property in the future to conduct cleanup operations in the event hazardous materials are found. Covenants in those deeds must also assure that the United States remains liable for any such cleanup needed.

Our proposed amendments would substitute recordable disclaimers of title for quitclaim deeds. Issuance of a quitclaim deed would required inclusion of CERCLA which would make the United States liable if hazardous materials were found on the lands. Thus, the United States' responsibility for the lands may not be terminated by this bill, as currently drafted. By using such disclaimers of title instead of quitclaim deeds, the complications of CERCLA are avoided. The United States would not be liable for cleanup of lands contaminated by others and which, for all practical purposes, have been treated as private land for many years. Affected landowners would still receive recordable instruments which attest to the statutory quitclaim of interest by the United States.

Based on our analysis of S. 577 and the requirements of Title XIII of the Omnibus Budget Reconciliation Act of 1990, this proposed legislation has no pay-as-you-go (PAYGO) impact.

This completes my comments on the five bills. I would be happy to answer any questions you or members of the Subcommittee may have.

SUPPLEMENTAL STATEMENT
UNITED STATES DEPARTMENT OF AGRICULTURE

Concerning S. 577, a bill "To resolve the status of certain lands relinquished to the United States under the Act of June 4, 1897 (30 Stat. 11, 36)

USDA PROPOSED AMENDMENTS TO S. 577

To clarify that the concerned Secretary has sole discretion in deciding to retain lands outside conservation areas.

p. 5, line 11, after "concerned Secretary's" insert "sole"

To clarify that any arbitrary or capricious omission of lands from the initial list can be remedied judicially.

p. 7, line 3, after "(2) If" insert "after publication of a final list"

p. 7, lines 4 and 5, strike "operation of subsection (a)" and in lieu thereof insert "an initial list as provided by subsection 2(b)"

To extend the deadline for publishing a final list to 24-months and to protect U.S. Title in conservation areas.

p. 6, line 20, strike "18" and in lieu thereof insert "24"

p. 7, line 2, strike the period and insert "except lands located wholly or partially within a conservation system unit or any other areas which Congress has designated for specific management."

To assure that the Federal Government is not responsible for the cleanup of hazardous materials on lands quitclaimed under Section 2(h).

p. 7, line 16, strike "deeds" and in lieu thereof insert "documents of disclaimer of interest"

p. 7, line 22, strike "deed" and in lieu thereof insert "document of disclaimer of interest"

p. 7, line 25, strike "deed" and in lieu thereof insert "document of disclaimer of interest"

p. 8, line 5, strike "deed" and in lieu thereof insert "document of disclaimer of interest"

p. 8, line 12, strike "deed" and in lieu thereof insert "document of disclaimer of interest"

p. 8, line 17 strike "deeds" and in lieu thereof insert "documents of disclaimer of interest"

p. 8, line 20 strike "deed" and in lieu thereof insert "document of disclaimer of interest"

p. 8, line 22 strike "deed" and in lieu thereof insert "document of disclaimer of interest"

ERROR MESSAGE

NO.	REMOTE STATION	START	NOTE
0	2339575	04,10:42	DELAYED SEND S000

THIS COMMAND WAS ERASED

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503

PG 1 of 8

June 23, 1993

LEGISLATIVE REFERRAL MEMORANDUM

LRM #I-710

TO: Legislative Liaison Officer -

GSA - William R. Ratchford - (202)501-0563 - 237

FROM: JAMES J. JUKES (for)
Assistant Director for Legislative Reference

OMB CONTACT: GERRI RATLIFF (395-3883)
Secretary's line (for simple responses): 395-3454

SUBJECT: AGRIC-CR Proposed Testimony RE: S 716, Vegetable Ink Printing Act of 1993

DEADLINE: 4:30 P.M. June 23, 1993

COMMENTS: USDA is scheduled to testify tomorrow at 9:30 a.m. before the Senate Rules Committee.

OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

Please advise us if this item will affect direct spending or receipts for purposes of the the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

CC:
Bruce McConnell
Mark Weatherly
Jim Boden
Katie McGinty

LRM #I-710

RESPONSE TO LEGISLATIVE REFERRAL MEMORANDUM

If your response to this request for views is **simple** (e.g., concur/no comment) we prefer that you respond by **faxing** us this response sheet. If the response is **simple** and you prefer to call, please **call the branch-wide line** shown below (NOT the analyst's line) to leave a message with a secretary.

You may **also respond** by (1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); (2) sending us a memo or letter; or (3) if you are an OASIS user in the Executive Office of the President, sending an E-mail message. Please **include** the LRM number shown above, and the subject shown below.

TO: CERRI RATLIFF
Office of Management and Budget
Fax Number: (202) 395-3109
Analyst/Attorney's Direct Number: (202) 395-3883
Branch-Wide Line (to reach secretary): (202) 395-3454

FROM: ______________________ (Date)
______________________ (Name)
______________________ (Agency)
______________________ (Telephone)

SUBJECT: AGRIC-CR Proposed Testimony RE: S 716, Vegetable Ink Printing Act of 1993

The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur

_____ No objection

_____ No comment

_____ See proposed edits on pages _____ _____

_____ Other: ______________________

_____ FAX RETURN of _____ pages, attached to this response sheet

Draft

STATEMENT OF
MARVIN O. BAGBY, RESEARCH LEADER
NATIONAL CENTER FOR AGRICULTURAL UTILIZATION RESEARCH
PEORIA, ILLINOIS
U. S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL RESEARCH SERVICE
BEFORE THE
COMMITTEE ON RULES AND ADMINISTRATION
UNITED STATES SENATE

JUNE 24, 1993

Mr. Chairman and Members of the Committee, I am pleased to be here today to discuss the research of the USDA Agricultural Research Service which, in part, has resulted in the technology allowing the use of vegetable oils to produce inks usable in printing.

By way of background, major printing processes used by the industry are lithography (offset) (52%), gravure (18%), flexography (19%), letterpress (5%) and screen printing and other miscellaneous processes (6%). Newspaper printing employs mainly lithography and letterpress. The former has enjoyed a steady increase with a decline in the latter. Both processes require paste inks. Conventional black lithographic inks consist of the pigment (15-20% carbon black) and the vehicle (15-25% hydrocarbon or alkyd resin and 50-70% mineral oil solvent). The four colors of news litho-ink represent an annual, domestic market of 500 million pounds.

Early in the 1980's the American Newspaper Publisher's Association (now Newspaper Association of America (NAA)) began work to develop a nonpetroleum based vehicle (pigment carrier) for offset news ink. They evaluated a variety of formulations and obtained patents on blends of gilsonite and tall oil fatty acids. Acceptance of these formulations was not gained because of cost, availability of tall oil and difficulty of equipment clean-up. Subsequently, NAA worked with soybean oil in blends with a petroleum resin and during 1987 introduced that technology for vehicle preparation. The technology consists of directly substituting vegetable oil for mineral oil in the typical blend with hydrocarbon resins. Inks prepared by this technology print exceptionally well. The black inks are, reportedly, 50% to 70% more expensive than the traditional petroleum based inks. Inks formulated with the other colors, although about 10% more expensive, go farther on the presses and provide superior print characteristics. Consequently, about 70% of the color printing is with inks formulated by the NAA technology, while only 1% of the black is with the NAA formulation. Subsequently, this technology breakthrough led to the development and manufacture of inks containing soy oil for other printing applications. The American Soybean Association (ASA) allows use of their logo on documents if they were printed with inks containing a specified minimum quantity of soy oil (55% for news ink; 20% for sheetfed; 18% for heatset and 40% for forms). I would point out that the minimum percentages of vegetable oil in ink listed in section 3 of the bill correspond very closely to the percentages allowed by ASA for the printing of their logo. These percentages were not dictated by USDA, but determined by ASA.

Because the NAA technology continued to use petroleum derived polymers as a major portion of the vehicle and they wanted to completely eliminate dependence on petroleum, they and the ASA asked the USDA Agricultural Research Service to develop a technology that would (A) eliminate all petroleum products from the vehicle, (B) permit formulation of inks over a much broader range of viscosities to satisfy the needs of the many members of NAA and (C) be cost competitive with petroleum based black news litho-ink. ARS has developed a technology that meets the requirements of NAA and also provides for low rub-off characteristics. The following discusses the development and the characteristics of that technology.

Because of its availability and favorable price, we emphasized soybean oil in ARS research. However, other vegetable oils were included that allowed evaluation of the influence of their compositions on the preparation and properties of the vehicle. Of special concern were the effect of unsaturation (Iodine Value, I.V.) and the presence of various fatty acids available in commodity oils available worldwide. To study oils with a broad range of I.V. and containing saturated, mono-unsaturated, di-unsaturated and tri-unsaturated acids, we selected alkali refined canola, cottonseed, soybean, sunflower and safflower oils. Alkali refining removes the gums, waxes and free fatty acids. The presence of any one of those materials will interfere with the desirable hydrophobic characteristic of the vehicle and the ultimate ink formulation.

This hydrophobic characteristic deserves further comment. The offset printer plate or cylinder consists of two distinct areas. One area has been rendered hydrophobic (image area) while the nonimage area is hydrophilic. Thus, the offset process involves a two phase system consisting of an oil phase (the ink) and aqueous phase (the fountain solution). During the printing process, these phases must not form stable emulsions or they will not separate properly on the printer plates. Poorly separated phases lead to smudged or ill-defined print. Understanding of this characteristic directed our attention toward techniques for modifying vegetable oils that would provide relatively non-polar products, i.e., low oxygen content polymers.

Also, the USDA 100% modified soy oil based vehicles and the commercial news ink vehicles consisting of either soy or mineral oil and petroleum resins were evaluated for their ease of biodegradation. Results show that USDA's ink vehicles degrade faster and more completely than either commercial soy-mineral oil based or mineral oil based vehicles. In 25 days soy oil degraded nearly completely, USDA's 100% soy oil-based vehicle degraded about 90% and commercial partial soy oil-based and petroleum based vehicles degraded about 60% and 20%, respectively. Representative ink formulations were evaluated for performance and quality characteristics and compared with the NAA soyoil-petroleum formulation. Those tested on NAA pilot plant offset commercial press showed the desirable hydrophobic and emulsion characteristics, less than normal buildup on the various contact points and easy press cleanup. Inks having these properties were also characterized by acceptable or superior rub-off values. The majority showed blackness on rub-off test surface of less that 6% after 2 hours, thus, from criteria established by NAA, they demonstrate good rub resistance. With one exception, all formulations tested had rub-off values lower than the 8.4% shown by that formulated by NAA's technology.

Properties of yellow, blue and red inks also meet industrial standards. The addition of up to 5% thickening agent and/or optical brightener is an option but not a necessity for our color ink formulations. Elimination of the hydrocarbon resin from the vehicle results in significant savings for both black and colored inks. In addition, some reduction of pigment for colored inks due to the light coloring of vehicle lowers the price of the ink further. Thus, we have succeeded in making vegetable oil-based printing inks having all of the aforementioned characteristics as requested by NAA. USDA was granted a patent on this technology. In 1987, 550 million pounds of letterpress and lithographic news ink were produced according to Census of Manufacturer. If a total conversion to our soy-oil ink occurs, about 2.5 billion pounds of soybean or 500 million pounds of soy oil will be used to supply the news ink market.

Continuing with our ink research, we have made significant progress in developing three additional ink technologies representing (A) heat-set, (B) sheet-fed and (C) water-based flexographic news. All four technologies are formulated without volatile organic compounds (VOC).

In summary, Mr. Chairman, a new improved lithographic news ink technology is now available for license and commercialization. The technology patented by USDA satisfied the industry demands to develop a technology in which (1) the vehicle is derived totally from vegetable oil, (2) inks can be readily formulated over the complete range of viscosity for news offset, (3) inks are cost competitive with conventional petroleum based offset news inks. Further, inks formulated with this technology have rub-off characteristics equal to those formulated and marketed as low rub inks. Using this technology, ARS has formulated inks of all four colors satisfying specific objectives of an industrial cooperator through a recently completed Cooperative Research and Development Agreement (CRADA).

With regard to the proposed legislation, the USDA would defer to the General Services Administration with regard to the Administration's position on the bill since the legislation impacts all Federal agencies.

Mr. Chairman, that completes my prepared statement. I will be pleased to respond to any questions.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503

November ~~26~~ 30, 1993

LEGISLATIVE REFERRAL MEMORANDUM

LRM #I-1762

TO: Legislative Liaison Officer -

EPA - Thomas C. Roberts - (202)260-5414 - 326
GSA - William R. Ratchford - (202)501-0563 - 237

FROM: JAMES J. JUKES (for) Jim
Assistant Director for Legislative Reference

OMB CONTACT: Ingrid SCHROEDER (395-3883)
Secretary's line (for simple responses): 395-3454

SUBJECT: AGRICULTURE Proposed Report RE: S 716, Vegetable Ink Printing Act of 1993

DEADLINE: COB December 10, 1993

OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

Please advise us if this item will affect direct spending or receipts for purposes of the the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

CC:
Jim Boden
Katie McGinty
Cyndi Vallini
Howard Paster
Peter Weiss

DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20250

DRAFT

Honorable Paul Wellstone
United States Senate
702 Hart Senate Office Building
Washington, D.C. 20510

Dear Paul:

This is in response to your letter of April 30 regarding the legislation you and others have introduced to require the Federal Government to use more vegetable oil based inks in its printing operations.

The Department endorses the concept of using vegetable oils in inks. Developing alternative uses for agricultural crops is one of the Department's initiatives. A new improved lithographic news ink technology has been developed by the USDA Agricultural Research Service. The technology patented by USDA satisfies the industry demands for the development of a technology in which (1) the vehicle is derived totally from vegetable oil, (2) inks can be readily formulated over the complete range of viscosity for news offset, and (3) inks are cost competitive with conventional petroleum based news offset inks.

USDA is taking a leadership role. Last year, we were aggressive about getting a commitment from the Government Printing Office to allow specification of soy ink on printing contracts, and USDA began printing in soy ink. Additionally, on August 2, 1993, agencies were instructed that all printing ordered by USDA would be done with vegetable-based ink; petroleum-based inks can be used for USDA printing jobs only when vegetable-based inks cannot be supplied in time to meet delivery dates.

As you mentioned in your letter, the Senate Rules and Administration Committee did hold a hearing June 24 to which I sent a technical expert to assist the Committee in the discussion of this issue.

The Office of Management and Budget advises there is no objection to the presentation of this report from the standpoint of the Administration's program.

Thank you for your letter.

Sincerely,

MIKE ESPY
Secretary

13 pgs

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503

URGENT

May 19, 1993

LEGISLATIVE REFERRAL MEMORANDUM

LRM #D-257
DRAFT #204

TO: Legislative Liaison Officer -

EDUCATION - John Kristy - (202)401-2670 - 207
INTERIOR - Ralph Hill - (202)208-6706 - 329
HHS - Frances White - (202)690-7760 - 328
HUD - Edward J. Murphy, Jr. - (202)708-1793 - 215
LABOR - Robert A. Shapiro - (202)219-8201 - 330
TREASURY - Richard S. Carro - (202)622-1146 - 228
NEC - Sonia Mathews - (202)456-6722 - 429
OPM - James N. Woodruff - (202)606-1424 - 331
ACTION - Stewart A. Davis - (202)606-4833 - 244
CNCS - Terry Russell - (202)724-0600 -
ONS

FROM: JANET R. FORSGREN (for) Janet R. Forsgren
Assistant Director for Legislative Reference

OMB CONTACT: CONNIE BOWERS ~~Chris MUSTAIN~~ (395-~~2023~~ 3603)
Secretary's line (for simple responses): 395-7362

SUBJECT: AGRICULTURE Proposed Testimony on ONS Draft Bill National Service Trust Act of 1993

DEADLINE: 5:00 P.M., TODAY, MONDAY June 7, 1993

OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

Please advise us if this item will affect direct spending or receipts for purposes of the the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

CC:

Barbara Selfridge	Jack Lew
Larry Matlack	Greg Simon
Pam Van Wie	Jim Kohlenberger
Barry White	Mark Weatherly
Pat Smith	Pam McElwee
Bob Rideout	Delphine Motley
Ray Kogut	Janet Forsgren
Bill Gallston	

LRM #D-257

RESPONSE TO LEGISLATIVE REFERRAL MEMORANDUM

If your response to this request for views is **simple** (e.g., concur/no comment) we prefer that you respond by **faxing** us this response sheet. If the response is **simple** and you prefer to call, please **call the branch-wide line** shown below (NOT the analyst's line) to leave a message with a secretary.

You may **also respond** by (1) calling the analyst/attorney's direct line (you will be connected to voice mail if the analyst does not answer); (2) sending us a memo or letter; or (3) if you are an OASIS user in the Executive Office of the President, sending an E-mail message. Please **include** the LRM number shown above, and the **subject** shown below.

TO: ~~Chris Mustain~~ Connie Bowers
Office of Management and Budget
Fax Number: (202) 395-6148
Analyst/Attorney's Direct Number: (202) 395-~~3923~~ 3803
Branch-Wide Line (to reach secretary): (202) 395-7362

FROM: ______________________ (Date)
______________________ (Name)
______________________ (Agency)
______________________ (Telephone)

SUBJECT: AGRICULTURE Proposed Testimony on ONS Draft Bill National Service Trust Act of 1993

The following is the response of our agency to your request for views on the above-captioned subject:

_____ Concur

_____ No objection

_____ No comment

_____ See proposed edits on pages _____

_____ Other: _____

_____ FAX RETURN of _____ pages, attached to this response sheet

DRAFT

STATEMENT OF MIKE ESPY, SECRETARY OF AGRICULTURE, BEFORE THE COMMITTEE ON LABOR AND HUMAN RESOURCES, UNITED STATES SENATE, CONCERNING THE PRESIDENT'S PROPOSED "NATIONAL SERVICE TRUST ACT OF 1993"

June 8, 1993

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

It is an honor to represent President Clinton on the issue of national service -- a dramatically bold initiative that will reinvent the way government interacts with our citizens, and the way citizens interact with our government.

I find it a special honor to testify on this topic before you, Mr. Chairman, given your role in helping President Kennedy create the Peace Corps and your leadership in making Pennsylvania a model for how states and localities can promote youth service.

Mr. Chairman, as you know, Secretary Babbitt appeared before this Committee on May 11 and outlined the basic programmatic details of the Administration's national service initiative. Therefore, I will not rehash those details today, but will instead focus on the underlying civic philosophy behind this initiative, and how my own department -- the Department of Agriculture -- plans to put that philosophy into action.

How National Service Developed

In the years preceding this past Presidential election, then-Governor Clinton led a movement that was dedicated to reuniting the interests of the poor and the middle class by fashioning innovative new avenues of upward mobility. I was proud to have been a part of that movement.

DRAFT

We searched for fresh approaches to governing that would discard the failed and divisive ideologies of the old left and the old right, and would instead implement practical, real-world solutions for the unique new challenges of today.

We based our efforts on the idea that government should promote three fundamental principles: community, opportunity, and responsibility. One proposal more than any other -- voluntary national service -- embodied the very essence of each of those principles.

That's why, as a Member of the House of Representatives, I was so proud to have been an original co-sponsor of the National and Community Service Act of 1990, which Senator Kennedy, Senator Mikulski, Senator Pell, and others on this committee did so much to shape and move to final passage.

And that's why President Clinton has continued to adamantly insist that national service be a cornerstone of his Administration.

Some commentators and pundits have been asking lately: "Just what does this President and this Administration stand for?"

Well, we stand for many things, such as a comprehensive plan to make our economy competitive again, a fundamental overhaul of our health care system, and a new commitment to boosting rural America. But, just as importantly, we stand firmly, resolutely, and passionately for national service.

Community

Permit me for a minute to discuss the concept of community. This nation was founded, in the words of Benjamin Franklin, on the

DRAFT

premise that "We must all hang together or we will most assuredly hang separately." A few decades later, a Frenchman touring the infant republic, Alexis de Tocqueville, wrote eloquently of how America was unique because its citizens banded together into voluntary organizations that worked for the common good.

Volunteers formed fire departments. They created granges. Built settlement houses. Started PTA's. It was the unbridled spirit of community service that made this the greatest nation on the planet.

But somewhere along the way we lost our bearings. Some conservatives equated community with communism, and came to the mistaken impression that to help your government was to somehow give up a bit of your freedom. Some liberals exalted "doing your own thing" above all else and lost sight of the unmistakable fact that this nation cannot reach the goal of a more just society without working together.

National service brings us back to our origins as a nation. Properly executed, it will begin to tear down the walls that separate us. It will begin the process of giving all Americans a shared experience to which they can relate.

For a short period of time, the armed forces provided many American men with this joint experience. But as we reduce our armed forces in the aftermath of the cold war, and as we search for a way for women to become equal members of this society, we turn to national service as the best way to forge bonds of "sweat equity" between all Americans.

Some mistakenly view national service as a jobs program targeted at the poor. Others mistakenly view the idea as a "noblesse oblige" feel-good scheme for the well-off. It is neither.

DRAFT

National service is a civic compact in which any citizen be can tied to the nation by the simple virtue of making a difference in the lives of others.

National service can play a large role in healing this nation's gaping racial, religious, social, and economic divisions.

When young people spend their time together planting a tree or cleaning out cockroaches from the apartment of a low income senior citizen or teaching younger children how to read, they simply don't have the time or the energy to hate each other. Not only that, with each wipe of their sweaty brows, they look into each other's eyes and increasingly come to the conclusion that they are as much alike as they are different.

That is why it would be such a mistake to turn national service into a targeted program just for the disadvantaged. Yes, we need new, innovative programs to help the less fortunate in society. My department is contemplating a wide variety of approaches to eradicate domestic hunger. This Administration is sponsoring an array of empowerment initiatives to combine opportunity with responsibility to help citizens lift themselves out of poverty. Such targeted programs have an important role, but national service will play a much different role. By engaging young people from all types of backgrounds, national service can make this country whole again.

This is not some utopian pipe dream. It is happening right now, right here in our national's capitol, with the D.C Service Corps. It is happening in the City Year youth service program in Boston. It is happening in the Los Angeles Conservation Corps. In fact, it is happening, in some form or another, in youth service programs now operating in each of our fifty states.

Because we believe in community, we believe in national service.

DRAFT

Opportunity

We also believe in opportunity -- the ability to advance in this society as far as your hard work, ingenuity, determination, and natural skills will take you. We don't believe in mandated outcomes in which all Americans are guaranteed a high-paying job, a big house, two VCRs, and an easy life just because they were born. But we do believe that every American deserves his or her fair shake at earning his or her own slice of the American dream.

Lack of opportunity is not only morally wrong, but it is economically stupid. President Clinton often says that "we don't have a person to waste." He's absolutely right. The only way we can compete successfully in the new global economy is to make sure that our best and the brightest have a real chance to work their way to the top.

How many potential computer scientists and corporate executives and cancer researchers and automobile designers will spend today idling away on a street corner. That's just not smart economics.

Our current system of student aid is failing. The cost of post-secondary education -- even at public institutions -- has skyrocketed way beyond inflation. Federal aid faltered, as the relative size of Pell Grants diminished and even poor students were often saddled with tremendous debt. Certain banks and guarantee agencies may have struck it rich through this system, but low-income and middle-class families alike suffered immeasurably as higher education fell further from their children's grasp.

The solution is not simply throwing more money at the problem. More money is needed, but it is not acceptable to simply pump more and more tax dollars into an arbitrary and unfair hodge-podge of insufficient grants and burdensome loans.

DRAFT

We must fundamentally reinvent student aid to make it both fair and sufficient. The answer lies in the lessons of the original G.I. bill -- the most successful student aid system this nation every created. The Clinton national service initiative is a new kind of G.I. bill -- based on the concept that Americans deserve a chance at upward mobility in return for significant service to their country.

It is true that national service is expensive, but it is not as expensive as the broken status quo. We now pay for Americans in prison, on welfare, in hospitals with gun wounds, and collecting unemployment. The question is whether we continue paying for only hardships, or whether we want to start investing in success.

Not only will national service benefit the individual participants, but it will also provide work that is of tangible value to urban, suburban, and rural communities throughout America. This work -- in schools, on public lands, in soup kitchens, on community policing patrols, for example -- will also promote opportunity for the citizens served.

Because we believe in opportunity, we believe in national service.

Responsibility

This President and this Administration also believe in responsibility. It is truly amazing how some on the extreme left and some on the extreme right have come to the startlingly similar conclusion that citizens owe nothing, absolutely nothing, to their society. Those on right believe that since government inevitably fails, government has no right to ask citizens for help. Those on the left believe that since an activist government always succeeds, it does not really need any help from the very citizens who will benefit from government programs.

DRAFT

This administration has a very different philosophy. Our philosophy believes that it is each American's responsibility to take advantage of this country's opportunities while staying away from its pitfalls. We believe it is this country's responsibility to make higher education available, but the responsibility of students and their families to make sure the students stay in school, study hard, and, by serving their community, earn the privilege to attend higher education.

America's young people don't want handouts and charity, they want a fair opportunity to make it on their own. They don't want to have to rely on the wealth of their parents or the financial aid advice of a guidance counselor, they want a clear understanding about how they can work hard to improve their own lives. Young Americans want more responsibility to become full participants in this society, and we agree with that aim.

National service will also promote responsibility at every level of society, because the success of this initiative rests squarely on the shoulders of non-profit agencies, corporations, states, and local community groups. This program will not be run by a large and burdensome Washington bureaucracy; rather it will be administered mostly by committed citizens at the local level.

And so, because we believe in responsibility, we believe in national service.

<u>How USDA is Planning to Participate</u>

President Clinton has made it absolutely clear to his Cabinet members that he wants every one of us to make national service a top priority. I am very excited by some of the possible service programs now being planned by my department.

DRAFT

in locating financial resources, preparing proposals, designing educational programs, and implementing strategies necessary for revitalization. This Corps could consist of participants both older and more highly-educated than the other two Corps, and could directly lead to permanent careers in rural development.

If any or all of these proposals are eventually funded by the new Corporation for National Service, we hope to use our programs as models of reinventing government. They will be managed mostly by existing employees and will be entrepreneurial and non-bureaucratic in design. Pilot programs will start in the fall of 1994 across America and will recruit the most diverse group of participants possible.

The President's goal is nothing short of creating a national service program so successful that it will become a permanent fixture of American society.

Why the Naysayers Are Wrong

Mr. Chairman, this President has real guts for proposing national service.

It is an expensive program and it is complicated to explain. The Washington insiders didn't think Bill Clinton really meant to keep his campaign pledge. They were shocked when, after the election, the President-elect brought up national service at meeting after meeting and in speech after speech.

The defenders of the failing status quo pontificated that Clinton would drop this crazy idea as soon as he settled into the Beltway. After all, national service has no existing constituency. No major special interests exists that will benefit directly from national service. Not only that, it threatens the banks, worries our friends in the unions, and it is

DRAFT

expensive. Furthermore, the people most likely to benefit from national service don't even vote. Just drop the idea, advised the sufferers of permanent Potomac fever. But the President stood by his vision. He kept talking about the issue wherever he went, he presented a specific and well thought-out legislative proposal, and he made it a top personal priority to include national service as an integral part of a budget proposal notable for its cuts in so many other areas.

Why, the naysayers ask, is this President so hell-bent on making national service a reality, against all political odds?

I think I know. In December of 1991, Bill Clinton visited a remarkable program in Boston called City Year. It is an incredible effort -- originally started with only private funding -- that brings together youths from backgrounds as diverse as anyone can imagine. African-American high school drop-outs from impoverished Roxbury work side-by-side with white students from elite suburban prep schools. Asian-Americans work next to Latinos and working-class Irish and Italian-Americans.

Bill Clinton met with a group of these young people and they looked straight into his eyes and poured their hearts out to him. One by one, they told him how their national service experience had absolutely transformed their lives. How City Year took them off the streets, expanded their understanding and respect of others, and gave many of them a sense of purpose for the first time in their short lives.

On that day, national service for Bill Clinton was transformed from an intellectual abstraction to the most deeply-felt passion.

I had similar feelings when I recently visited the Van Ness Elementary School in Southeast Washington, along with USDA employees who volunteer countless hours tutoring students.

DRAFT

When those children looked up at looked at me, I saw in their eyes rare glimmers of hope for the future. I understood immediately why this President will not rest until all Americans have that hope.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503

TESTIMONY

May 19, 1993

ESTIMONY

LEGISLATIVE REFERRAL MEMORANDUM

LRM #I-480

TO: Legislative Liaison Officer -

COMMERCE - Michael A. Levitt - (202)482-3086 - 324
ENERGY - Bob Rabben - (202)586-6718 - 209
JUSTICE - Faith Burton - (202)514-2141 - 217
STATE - Bill Keppler - (202)647-2137 - 225
TREASURY - Richard S. Carro - (202)622-1146 - 228
NSC - William H. Itoh - (202)395-3723 - 249
CEA - Francine Obermiller - (202)395-5036 - 242
EPA - Thomas C. Roberts - (202)260-5414 - 326
AID - Robert M. Lester - (202)647-8371 - 202
NEC - Sonia Mathews - (202)456-6722 - 429
NSF - Lawrence Rudolph - (202)357-9435 - 248
OSTP - Damar Hawkins - (202)456-6272 - 288
SBA - Christine Swedin - (202)205-6702 - 315
USTR - Fred Montgomery - (202)395-3475 - 223
EX-IM - Vacant - (202)566-8806 - 236
OPIC - Richard C. Horanburg - (202)336-8417 - 221

FROM: JAMES J. JUKES (for)
Assistant Director for Legislative Reference

OMB CONTACT: Jeffrey WEINBERG (395-3457)
Secretary's line (for simple responses): 395-3454

SUBJECT: PEACE CORPS Statement for the Record RE: HR 2112, National Environmental Trade Development Act

DEADLINE: NOON May 21, 1993

COMMENTS: Commerce and EPA have been invited to testify on Tuesday, May 25th on HR 2112.

OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

Please advise us if this item will affect direct spending or receipts for purposes of the the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

CC:
Katie McGinty
Ken Schwartz
Cora Beebe
Jeff Payne
John Serlemitsos
Louisa Koch
Rob Fairweather
Mark Sandy
Alice McNutt Miller

May 18, 1993

DRAFT DRAFT DRAFT

for the Record

STATEMENT OF JOHN P. HOGAN, ACTING DIRECTOR, PEACE CORPS, ON H.R. 2112, THE NATIONAL ENVIRONMENT TRADE DEVELOPMENT ACT OF1993

SUBCOMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES
COMMITTEE ON MERCHANT MARINE AND FISHERIES
UNITED STATES HOUSE OF REPRESENTATIVES
MAY 25, 1993

Mr. Chairman:

Peace Corps is pleased to have this opportunity to share with the Subcommittee our views on the provision in the National Environmental Trade Development Act OF 1993, H. R. 2112, which would establish a senior-level environmental service corps within Peace Corps.

We strongly support the intent of this provision which is to provide experienced environmental professionals to assist developing countries and emerging democracies to plan and implement environmentally sound sustainable development programs. This has been an important part of Peace Corps' mission for many years, but we do not believe it is necessary to create a specific division within Peace Corps to accomplish the goal.

Peace Corps already has a sizeable force of skilled environment advisers serving in every corner of the globe. In Fiscal Year 1993, we will field close to 800 environment Volunteers in nearly sixty countries--that's one of the largest environmental work forces of any international development organization.

Peace Corps' programs are driven by the needs and requests of our host countries. It has long been the Agency's view that effective development programs cannot be imposed from above or outside, but must evolve in response to problems identified by the countries themselves.

As the international community has grown increasingly aware of the vital link between sustainable development and global protection, we have witnessed a dramatic increase in requests for environment Volunteers. Our environmental sector has grown from fewer than 300 Volunteers in 1986 to a projected high of just over 1000 in 1995. Peace Corps' carefully targeted recruitment system has allowed us to meet this increased demand for skilled environment Volunteers, and we look forward to breaking that 1000 mark in 1995 if resources permit.

The rapid expansion of Peace Corps environmental work is not limited only to Volunteers who serve in that sector. Indeed, the growing commitment to global environmental protection has also sparked an increase in enviroment related activities among Volunteers who serve in our agriculture, education, health, small business and urban development programs. Environmental concerns cut across all these sectors, and many of our host countries have encouraged integration of environmental protection principles into Peace Corps' programs in these other areas.

Our programming in every sector, including the environmental sector, is built on the principle that sustainable development begins at the grass roots level and builds up. During our thirty-two years of experience in the developing world, we have found that direct, people-to-people assistance at the local level is the most effective form of foreign aid. Our best programs are those that have been initiated at the community level.

We have also learned through experience that long-term commitment, good language skills and cross cultural understanding are often as important in the development process as technical competence or the technology itself. If a project is to take hold and flourish, if it is to have a life beyond the tour of the technical advisor and be sustainable over time, then the local people must be involved in very aspect of project planning and implementation.

Because strong relationships with local communities are the key to success, Peace Corps has put great emphasis on language and culture in our training programs. And because it takes time to build these relationships, we ask our Volunteers to make a two-year commitment and live among the people they serve. The closer the advisers are to the people, the greater the chance for sustainable change.

Traditionally, Peace Corps' host countries have requested environment Volunteers in five areas: forestry extension, Forest Management, Environmental Education, National Parks-Biological Diversity and Wildlife Management.

Forestry extension Volunteers are involved in a variety of projects including tree nursery development and management, fruit tree planting, watershed management and agroforestry promotion projects. Volunteers assigned to forest management programs work in host country forestry agencies with forest wardens and rangers, timber-harvest supervisors, silviculturists, forest fire suppression teams and forest pest researchers to promote sustainable forest management projects. In some cases, Volunteers are teaching at national and regional universities and technical colleges.

Environmental Education is Peace Corps' fastest growing environmental program and a critical component of all our environmental activities. Volunteers participate in both formal and non-formal education activities such as curriculum development, teaching university environmental education courses, developing media campaigns and other programs to promote natural resource conservation at local and regional levels, and environmental teacher training.

It is in this area of environmental education that Peace Corps has been most successful in integrating environmental initiatives into other sectors. Peace Corps' science, math and English teachers work with their host country counterparts to incorporate environmental issues into their curricula. In Botswana, Central Europe, the Eastern Caribbean, Fiji, Gabon, Malawi, Tonga and Western Somoa, more than 200 Volunteers and host country teachers participated in training workshops to enhance environmental education in the classroom and improve instructional techniques. Participants were given state of the art environmental education materials and taught techniques to adapt these materials to their country and specific grade level.

Just as our host countries have begun to emphasize environmental education at every academic level, many have also taken serious strides to protect and support their national parks and slow the loss of biodiversity. Peace Corps Volunteers, working with their host country counterparts, have been helpful in identifying potential reserve locations, surveying and marking protected area boundaries, conducting flora and fauna surveys, training natural history interpreters, etablishing visitor centers and museums and preparing tourism and general mangement plans.

To complement the work being done with national parks and biodiversity, Peace Corps' Wildlife Management Volunteers work with their counterparts on biological inventories, species studies and habitat recovery and management plans. Their projects support host country efforts to protect threatened and endangered species and promote sustainable wildlife activities that provide food and income to local communities.

While a great deal of work remains to be done in these more traditional environmental programs, urbanization in the developing world is presenting an increasingly severe environmental challenge for many of our host countries. In response to requests for technical assistance in urban areas, Peace Corps has initiated projects dealing with pollution and solid waste management.

Peace Corps environment programs--both traditional projects and new initiatives--are underway in all four regions in which Volunteers serve. In Senegal, Volunteers have targeted 300 villages for tree planting, promotion of environmentally sound cookstoves and environmental education in schools and rural communities. Volunteers in Sri Lanka are teaming up with that country's Department of Wildlife Conservation to develop environmental education materials for primary and secondary schools, while Volunteers in Costa Rica are concentrating on a forestry project aimed at increasing reforestation by 150,000 acres and training 25,000 farmers in reforestation by the end of FY 97.

Shortly after the collapse of the Soviet bloc, Peace Corps was invited into Eastern Europe, a region suffering from severe environmental degradation. We have begun environmental education and environmental management programs in Poland, Hungary and the Czech and Slovak Republics and plan to launch similar initiatives in Russia and the Newly Independent States when resources permit.

The global environmental problems we are all grappling with are very complex, and the solutions can be costly. To take full advantage of environmental expertise in other federal agencies and maximize the effectiveness of limited foreign assistance resources, Peace Corps has been working for some time with the National Park Service, Fish and Wildlife Service, U. S. Forest Service and, more recently, the Environmental Protection Agency.

The longest collaborative relationship has been with the Agency for International Development. For the past eleven years, Peace Corps and AID have carried out a unique program of interagency cooperation which has been particularly valuable in the environmental sector. Peace Corps Volunteers receive technical support from AID and some projects receive financial support. In turn, AID, through the Volunteers, has much greater access to the communities most in need of assistance and receives useful evaluations from the field on the effectiveness of its projects.

It will take tremendous energy, drive and commitment on the part of every member of the international community to pass on a safer, healthier world to our children. When Vice President Gore spoke to the United Nations Conference on Environment and Development in Rio de Janeiro last summer he said, "It is time for us to be as concerned about the road from Rio as we have been with the road to Rio." Peace Corps environmental volunteers and their host country counterparts helped build that road to Rio. With the continued support of Congress and the American people, and working side by side with our global partners, we will continue to be at the forefront of international efforts to protect this planet's fragile environment.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503

June 4, 1993

LEGISLATIVE REFERRAL MEMORANDUM

LRM #I-588

TO: Legislative Liaison Officer -

ENERGY - Bob Rabben - (202)586-6718 - 209
INTERIOR - Ralph Hill - (202)208-6706 - 329
JUSTICE - Faith Burton - (202)514-2141 - 217
EPA - Thomas C. Roberts - (202)260-5414 - 326

FROM: RONALD K. PETERSON (for)
Assistant Director for Legislative Reference

OMB CONTACT: Craig CRUTCHFIELD (395-3857)
Secretary's line (for simple responses): 395-6194
Ruth Dyk SAUNDERS (395-3446)

SUBJECT: AGRICULTURE Proposed Testimony RE: HR 631, Colorado Wilderness Act of 1993 (Skaggs)

DEADLINE: 2:00 P.M. June 7, 1993

COMMENTS: Testimony also addresses H.R. 195.

OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

Please advise us if this item will affect direct spending or receipts for purposes of the the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

CC:
J. McDivitt
M. Reed
K. McGinty

USDA CLEARED DRAFT
June 4 4 p.m.
FS Contact: Tom Klabunde
205-0579
OCR Contact: Robin Rorapaugh
205-7095

STATEMENT OF
MARK REIMERS, DEPUTY CHIEF
FOREST SERVICE
UNITED STATES DEPARTMENT OF AGRICULTURE

Before the
Subcommittee on National Parks, Forests and Public Lands
Committee on Natural Resources
United States House of Representatives

Concerning H.R. 195 and H.R. 631

June 8, 1993

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

Thank you for the opportunity to provide the Subcommittee with the Department of Agriculture's views on the bills being discussed today. We commend the Subcommittee and the Colorado delegation for their efforts to complete the wilderness designation process for National Forests in the State of Colorado. We are committed to cooperating in developing legislation acceptable to both the Congress and the Administration. There are two very similar bills dealing with the same issue, so we will be careful to distinguish between them when offering our views.

The Department of Agriculture recommends that H.R. 631 be enacted, if amended as we suggest, in lieu of H.R. 195.

H.R. 195, the "Colorado Wilderness Act of 1993"

This bill would designate National Forest System lands in the State of Colorado as components of the National Wilderness Preservation System.

Our preference for H.R. 631 is based on our view that wilderness water resources would not be adequately protected by H.R. 195. Our primary concern is that water sufficient to preserve water-related wilderness values remain in streams. To us, this means that natural streamflows in wilderness not be altered beyond that already occurring due to exercise of valid, existing rights. H.R. 195 does not ensure that additional alterations to streamflows would not occur.

H.R. 195 would also designate a "downstream" area, the Piedra, and would rely on an as yet to be developed agreement between the State of Colorado and the Federal Government for protection of the water resources. We believe wilderness designation of the Piedra and other downstream areas is premature until this issue is satisfactorily resolved and an agreement is in place.

H.R. 631, the "Colorado Wilderness Act of 1993"

This bill would also designate National Forest System lands in the State of Colorado as components of the National Wilderness Preservation System.

The Department of Agriculture recommends enactment of H.R. 631, if amended as we suggest. We defer to the Department of the Interior regarding the BLM areas included in H.R. 631.

H.R. 631 would designate about 611,730 acres of National Forest System lands as wilderness. The bill also would create two special management areas on National Forest System lands, totaling 55,500 acres. Three "downstream" areas, the Piedra, Roubideau, and Tabeguache areas would be withdrawn from mineral entry and would be managed to retain their wilderness character for possible consideration as future wilderness, pending resolution of water rights questions. One area, the Spanish Peaks, is identified for further planning and study.

The remainder of the wilderness study areas and further planning areas in Colorado established in previous wilderness bills would be released to nonwilderness uses under the Forest Plans. Water rights for the designated wildernesses would also be addressed.

I will briefly address some specific provisions in the bill, and then I would be pleased to answer your questions.

__Proposed Wilderness Areas__

There are 14.4 million acres of National Forest System lands in Colorado, of which approximately 2.6 million acres (18 percent) are already designated as wilderness. Acts creating existing wilderness also provided for studies of several areas, with recommendations to be made to Congress regarding their suitability as wilderness. The recommendations regarding these areas have been provided, either through the Forest planning process or separate wilderness studies subsequently adopted in Forest Plans.

Of the wilderness studies required by Congress, all or portions of 10 areas were found to be suitable for wilderness designation. The study areas and recommended acreages in this category are: Sangre de Cristo (190,629 acres), Greenhorn Mountain (22,300 acres), Piedra (41,500 acres), West Needle (28,740 acres), Vasquez Peak (12,800 acres), Buffalo Peaks (36,060 acres), Spruce Creek (8,000 acres), Cannibal Plateau (13,599 acres), Davis Peak (8,100 acres), and Service Creek (39,860 acres). These recommendations total 401,593 acres.

Significant differences exist between the location of some boundaries proposed in H.R. 631 and recommendations in Forest Plans. In addition, H.R. 631 would designate some areas for wilderness which were not recommended in Forest Plans.

We endorse wilderness designations in the bill which match Forest Plan recommendations, and prefer that new wilderness designations be limited to these recommendations, which were developed through an extensive planning process with full public involvement.

At the same time, we believe that completing the wilderness allocation process is important, and we are committed to working with the Committee and the delegation toward that end. Therefore, we reviewed the additional areas which would be designated by H.R. 631 to assess the resource tradeoffs and degree of change from Forest Plan management prescriptions which would result if these areas were designated as wilderness. We do not object to designation of additional areas which meet the following criteria:

(1) Have appropriate wilderness attributes.

(2) Are managed under Forest Plan prescriptions which provide for nonmotorized, dispersed recreation opportunities, and basically retain the natural character of the area.

(3) Have minor resource tradeoffs.

(4) Contain a minimum of nonconforming uses, such as mining claims, private land inholdings, water diversions, and roads.

Recommendations Regarding Individual Areas (Section 2)

We support wilderness designation for the following National Forest System areas which match Forest Plan recommendations: Greenhorn Mountain, Powderhorn/Cannibal Plateau, Spruce Creek, and West Needle (Weminuche).

We do not object to designation of additional acreage beyond Forest Plan recommendations in the following areas: Buffalo Peaks, Davis Peak, Sangre de Cristo, Vasquez Peak, Service Creek, and Bowen Gulch.

The Fossil Ridge, Lost Creek, Oh-Be-Joyful, South San Juan, Byers Peak (St. Louis Peak), Farr (Williams Fork), and Wheeler Geologic Area were evaluated through the Forest Plan process. These areas were not recommended for wilderness because of resource tradeoffs, or the presence of existing or proposed nonconforming uses which present difficulties in managing the areas as wilderness. However, we recognize that there has been public support for designating these areas and do not object.

Two name changes would be made as well. The Big Blue Wilderness would be renamed the "Uncompahgre Wilderness." We do not object to the name change, but only wish to point out the effects if a change were made. Changing this name would cause some confusion and would result in expenditures of tax dollars for changes to signs, maps, and other documents. There is already abundant use of the name "Uncompahgre" in the area in the names of a river, a National Forest, a 14,000-foot mountain peak, plateaus, and other features.

We normally follow the policy of the U.S. Board of Geographic Names to not name areas for living persons. To be consistent with this policy, we do not recommend renaming the Fossil Ridge area.

Administrative Provisions (Section 3)

The bill includes standard administrative provisions concerning State jurisdiction for management of fish and wildlife, buffer zones around wilderness, and grazing. We have no objection to the standard administrative provisions included in the bill. However, we feel these provisions are restatements of existing law and are unnecessary.

Wilderness Release Language (Section 4)

We support the release language in H.R. 631. This language is helpful in determining status of areas not explicitly addressed elsewhere in the bill.

<u>Special Management Areas</u> (Section 5 and Section 6)

We do not believe designation of special management areas in the bill (Fossil Ridge and Bowen Gulch) is necessary. We believe appropriate management direction for these areas can be provided through the Forest Planning process. Most of the Fossil Ridge area (about 25,000 acres) was released to nonwilderness uses in the Colorado Wilderness Act of 1980 and has since been allocated in the Forest Plan to nonwilderness management prescriptions such as livestock grazing, wildlife habitat improvement, and recreation.

Furthermore, H.R. 631 would prohibit construction of new trails in the Fossil Ridge and Bowen Gulch areas. This prohibition could prevent new trail construction, even to relocate segments of existing trails which are causing resource damage. In general, whether or not designated as special management areas, we believe the appropriate trail system should be determined through forest management planning that is sensitive to actual conditions on the ground, rather than through legislation.

If the areas are established under this bill, we have concerns about the language addressing timber harvest in both Sections 5 and 6. The language is ambiguous and subject to varying interpretations, and is more restrictive than similar language in the Wilderness Act. We recommend that the language be consistent with the Wilderness Act.

We also have concerns about the language addressing "Development" in Sections 5 and 6. The term "developed campground" is undefined and may conflict with needed management actions on the ground. We suggest that the term be defined so as to not conflict with actions that may be necessary to protect resources. Management practices such as designating campsites or providing toilet facilities have been found to be necessary even in designated wilderness.

Wilderness Water Resource (Section 8)
Language dealing with water resources in the proposed wilderness additions addresses many of the concerns the Department of Agriculture expressed in previous hearings on Colorado wilderness. Narrowing the scope of wilderness designations to "headwaters" areas and effectively limiting development of new or expanded water projects should provide adequate protection for wilderness water resources in those areas.

The Forest Service also has several mechanisms to protect water resources in accordance with our management responsibilities. These are:

(1) Administrative control over placement of water diversion, storage and transmission structures on National Forest System lands;
(2) Appropriation of water rights under State water laws;
(3) Reserved water right claims under Federal law;
(4) Acquisition of land or water rights; and as a last resort,
(5) Condemnation of lands or water rights.

We do not object to the provisions of H.R. 631 which would protect water rights under existing interstate compacts and which would provide reasonable access to existing water diversion facilities.

We defer to the Department of Justice concerning the constitutionality of this section.

<u>Piedra, Roubideau, and Tabeguache Areas</u> (Section 9)
This section places certain management constraints on these three downstream areas. The Administration supports the provisions of this section which represent a compromise between the Colorado delegation.

The Forest Service is directed to manage these areas "to maintain the area's presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System. During the last session of Congress, we began a cooperative effort with the Colorado Water Conservation Board to quantify water rights essential to management of the Piedra area as wilderness. A joint report has been prepared which identifies the water rights needed, and the rationale for those recommended water rights.

To date, these recommendations for water rights filings have not been acted on by the Colorado Water Conservation Board. If the recommended claims are filed by the Water Conservation Board, and approved by the Colorado Water Court in Division 7, these water rights would protect water resources in the Piedra Area. A similar procedure could be used to deal with the Roubideau and Tabeguache Areas. We recommend this process be part of the data collection specified in Section 9(c). As currently written, this paragraph would only provide for data collection without addressing the purpose of collecting the data.

It is unlikely the Forest Service could protect the water-related values of these areas without water rights to maintain instream flows. If we cannot satisfactorily provide water rights sufficient to protect wilderness-related values for these three areas, then we cannot assure the area's potential future wilderness designation can be maintained.

Spanish Peaks Further Planning Area (Section 10)

The Spanish Peaks area has already been evaluated through the Forest Planning process and wilderness designation was not recommended. This recommendation was based primarily on the presence of significant private land inholdings, oil and gas leases, and mining claims, both patented and unpatented. The scope of the additional study that would be required by this bill is limited to addressing the question of the existing rights within the area. We do not object to clarifying the private property rights in this area.

The Forest Service is very concerned about its ability to preserve wilderness values where other existing rights are found within wilderness boundaries. The Conundrum and West Elk controversies in Colorado have underscored this concern. The Forest Service has very limited options when attempting to balance private rights with the wilderness resource.

Summary

In summary, we strongly support the effort to resolve issues associated with wilderness designation of National Forest System lands in Colorado. We generally support H.R. 631, but as we stated, we have some concerns with certain provisions. We would like to continue to work with the Colorado delegation and the Subcommittee to perfect this legislation. This completes my comments related to H.R. 631.

This concludes my prepared statement, and I would be pleased to answer the Subcommittee's questions.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503

URGENT

October 26, 1993

LEGISLATIVE REFERRAL MEMORANDUM

LRM #I-1537

TO: Legislative Liaison Officer -

DEFENSE - Samuel T. Brick, Jr. - (703)697-1305 - 325
COMMERCE - Michael A. Levitt - (202)482-3086 - 324
ENERGY - Bob Rabben - (202)586-6718 - 209
INTERIOR - Danny Consenstein - (202)208-6706 - 329
JUSTICE - Sheila F. Anthony - (202)514-2141 - 217
EPA - Thomas C. Roberts - (202)260-5414 - 326
OSTP - Chris Clary - (202)456-7116 - 288

FROM: RONALD K. PETERSON (for) Ronald K. Peterson
Assistant Director for Legislative Reference

OMB CONTACT: Craig CRUTCHFIELD (395-3857)
Secretary's line (for simple responses): 395-6194
Mark WEATHERLY (395-3446)

SUBJECT: AGRICULTURE Proposed Testimony RE: HR 1164, Forest Biodiversity and Clearcutting Prohibition Act of 1993

DEADLINE: 2:00 P.M. October 27, 1993

OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

Please advise us if this item will affect direct spending or receipts for purposes of the the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

CC:
K. McGinty
B. Burke
H. Paster
J. McDivitt

FAX 7 pgs

USDA CLEARANCE DRAFT
October 25, 1993/1400
USDA Staff Contact: Anthony Haines
720-7095
FS Staff Contact: George Matejko
205-1216

STATEMENT OF
DAVID G. UNGER, ASSOCIATE DEPUTY CHIEF
FOREST SERVICE
UNITED STATES DEPARTMENT OF AGRICULTURE

Before the
Subcommittee on Specialty Crops and Natural Resources
Committee on Agriculture
United States House of Representatives

Concerning

H.R. 1164
The Forest Biodiversity and Clearcutting Prohibition Act
of 1993

October 28, 1993

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

Thank you for the opportunity to offer our views on H.R. 1164, the "Forest Biodiversity and Clearcutting Prohibition Act of 1993."

I am accompanied by Dr. David Loftis from our Southeastern Forest Experiment Station.

The Department of Agriculture supports the concept expressed in H.R. 1164 that native biodiversity and native ecosystems should be protected. The National Forest Management Act already requires the Forest Service to provide for the diversity of plant and animal communities based on sustainability and capability of the specific land area. One of the goals of our current committment to ecosystem management in the Forest Service is to ensure that native biodiversity and native ecosystems are maintained or enhanced on National Forest System lands.

Biodiversity is not a specific condition that can be defined and put in place permanently. Instead, biodiversity is a dynamic series of conditions that exist over time and space; a constantly changing and evolving assemblage and distribution of organisms. There are also different options for management of resources that will sustain biodiversity but which have different effects on the types, amounts, and location of plants and animals, and the meeting of human-related needs.

The objective of our ecosystem management approach is to combine the best available physical, biological, social, cultural, and economic knowledge and the public's views to determine how the Nation's national forests shall be managed.

We have several concerns with certain provisions of H.R. 1164.

First, the bill places several restraints upon clearcutting and other even-age management practices. We support elimination of the use of clearcutting as a standard harvest practice, and have made progress in reducing that use. In certain circumstances, a prohibition of even-age harvest practices can be contrary to the goal of protecting native biodiversity because many naturally occurring ecosystems are greatly influenced by even-aged disturbances such as wildfire and insects and disease outbreaks. Also, there are certain wildlife species such as wild turkey and ruffed grouse whose habitat require even-age management to maintain optimum population levels.

We believe that to practice ecosystem management and conserve native biodiversity, ecosystem managers need all the tools available, including even-aged management practices. There is no single management prescription that is best for any one geographic region or vegetation type and we should not attempt, without credible scientific research, to restrict options for maintaining biodiversity.

We are also concerned with the provision that would narrow the criteria for membership on a committee of scientists which would provide scientific and technical advice on proposed guidelines and procedures to protect native biodiversity. Eligibility would be limited to those scientists who are not officers or employees of the Forest Service or any other public entity, or any entity engaged in whole or part in the production of wood or wood products, or any scientists who have contracted with any such entity during the last five years. These criteria eliminate a great number of eminent scientists, and we would rather focus our efforts on bringing user groups and scientists together to gain consensus on implementing ecosystem management on National Forest System lands.

The bill would also require the Secretary to prescribe a shift to selection management on sites already under even-aged management, or cease managing for timber purposes and restore the native biodiversity or permit the site to regain its native biodiversity.

This would result in cancelling or amending many existing timber sale contracts and would significantly reduce the volume of timber available for harvest, reduce Federal receipts, and incur costs to the government for damages.

The current estimate of the increased costs, including damages, incurred in carrying out this proposed legislation over the next five years would be an additional $30 per thousand board feet sold for the first two years, or $135 million per year, decreasing to $25 per thousand board feet, or $122 million per year, sold thereafter.

We are also concerned with the civil penalty enforcement provisions of H.R. 1164. The bill would waive the sovereign immunity of the United States, "including its agents and employees," in all respects in all actions. This could subject Forest Service officers and employees to liability in their individual capabilities.

The bill is unclear in its provisions for payment of civil penalties. First, it provides that the United States shall pay any civil penalties to the Judgement Fund, although the purpose of the fund is to provide for disbursement of judgements owed by the United States. The bill provides that penalties shall be paid from the Judgement Fund to the person designated to receive it, to be applied in protecting or restoring native biodiversity on or adjoining Federal land. The bill does not state who shall designate the persons to receive the monies, and the mandatory use of the monies on or adjoining Federal land may require expenditures where they are not needed.

Finally, the bill's prohibition against the construction or reconstruction of roads in roadless areas as defined in the Roadless Area Review and Evaluation of 1978 (RARE II) or in land and resource management plans could limit opportunites to develop vegetation community mosaics necessary to restore native biodiversity. We believe the Forest planning process is the most effective way to determine how roadless areas should be allocated, rather than legislation.

Summary

We intend to continue review of our clearcutting policies in order to ensure that the practice is used only to meet specific ecological objectives. However, a prohibition of clearcutting and other even-aged silvicultural methods would not be responsible forest management and would limit our ability to implement ecosystem management on National Forest Lands.

an across-the-board

It is important to remember that ecosystems change over time whether managed by humans or not. How they change is related to variables such as natural occurences of fire, wind, floods, insects, pathogens, climate, as well as how people use and care for the land.

Thank you. This completes my prepared statement. I will be pleased to respond to any questions.

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503

URGENT

November 18, 1993

LEGISLATIVE REFERRAL MEMORANDUM

LRM #M-944

TO: Legislative Liaison Officer -

CORPS ENGINEERS - Susan Bond - (202)272-0030 - 239
COMMERCE - Michael A. Levitt - (202)482-3086 - 324
EPA - Thomas C. Roberts - (202)260-5414 - 326
FEMA - John P. Carey - (202)646-4105 - 327
HUD - Edward J. Murphy, Jr. - (202)708-1793 - 215
INTERIOR - Danny Consenstein - (202)208-6706 - 329
SBA - Christine Swedin - (202)205-6702 - 315
NEC - Sonyia Matthews - (202)456-6722 - 429
OSTP - Chris Clary - (202)456-7116 - 288
CEA - Eric Lichtenberg - (202)395-5036 - ~~342~~

FROM: RONALD K. PETERSON (for) Ronald K Peterson
Assistant Director for Legislative Reference

OMB CONTACT: Stuart KASDIN (395-3446)

SUBJECT: AGRICULTURE Proposed Testimony on Affect of the 1993 Midwest Flood

DEADLINE: 5:00 P.M., TODAY, Thursday, November 18, 1993

COMMENTS: We ask that, in addition to the noraml agency distribution, you provide your agency's respresentative to the OMD/EOP Flood Task Force (see attached list) with a copy of the draft testimony. If you do not respond by the deadline, we will assume that your agency has no comment.

OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

Please advise us if this item will affect direct spending or receipts for purposes of the the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

CC:

S. Kasdin	J. Palmieri
B. Long	H. Paster
S. Cameron	C. Walden
C. Heiser	K. McGinty
P. Barr	

FLOOD TASK FORCE

ARMY CORPS OF ENGINEERS	BOB STEARNS
USDA/SCS	KARL OTTE/MARGE THEURER
DOI/USFWL	MOLLIE BEATTIE/MICHELE ALTEMUS
FEMA	LARRY ZENSINGER/KAREN HELBRECHT
EPA	RICHARD SANDERSON
DOC/EDA	KENT KIM
SBA	AL JUDD
HUD	GENE MORRISON

STATEMENT OF

JEFFREY VONK

STATE CONSERVATIONIST - IOWA

USDA SOIL CONSERVATION SERVICE

BEFORE THE

SUBCOMMITTEE ON ENVIRONMENT, CREDIT & RURAL DEVELOPMENT

AND THE SUBCOMMITTEE ON GENERAL FARM COMMODITIES

COMMITTEE ON AGRICULTURE

UNITED STATES HOUSE OF REPRESENTATIVES

CONCERNING

AFFECTS OF THE MIDWESTERN FLOODS

NOVEMBER 19, 1993, WASHINGTON, D.C.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

Thank you for the opportunity to discuss both the impact of the Midwestern floods on the land and the subsequent actions taken by the USDA Soil Conservation Service (SCS) and the Agricultural Stabilization and Conservation Service (ASCS). With me today are representatives of ASCS.

As you know, the Flood of 1993 will go into the records book as being one of the most devastating natural catastrophes ever to strike North America. We estimate that some 12.8 million acres of land were inundated in the States of Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and

Wisconsin. In addition, we estimate that the storms affected 40 million acres of highly erodible cropland, many of which suffered severe erosion.

In the flooded areas, farmers are addressing the cleanup of debris, deposition of silt and sand from the breaches in the levees, and deciding what to do with the large scour areas which were created by the flood water. An example of the extent of the damages can be found in Missouri where scouring and sand deposition have been significant. In Missouri, SCS estimates that 81,500 acres along the Missouri River have been damaged by scouring. Some scour holes exceed 50 feet deep and cover more than 50 acres. We also estimate that in Missouri some 455,000 acres along the Missouri River have been damaged by sand deposits totaling more than 546 million cubic yards. Sand deposition ranges from a few inches to depths exceeding six feet.

In the upland areas, farmers with highly erodible lands face the problem of repairing and doing maintenance on existing structures, cleaning sediment and debris from existing terraces, waterways, and installing new erosion control practices as scheduled in their conservation compliance plans. Numerous conservation practices scheduled for implementation in 1993 have been delayed due to the extremely wet conditions. Availability of contractors to install planned practices in 1994 is a major concern.

For example, in Iowa, SCS estimates indicate severe erosion on 2.4 million acres of cropland and $12 million to $15 million in damages to conservation practices. The estimates also indicate more than $30 million in flood damages where the SCS Emergency Watershed Protection Program can be used to restore streambanks, levees, and clear drainage ways that protect public facilities.

We also estimate that 10 percent of the terraces in Iowa were damaged by sediment or overtopping and nearly 80 percent of the waterways installed in the last two years were damaged and need repair or rebuilding.

On the other hand, the hundreds of thousands of acres on which Iowa farmers have applied conservation practices have made a difference. The 2.4 million acres of severe erosion we experienced in 1993 compares favorably with the 4 million acres of severe erosion we had in 1984. The erosion in 1984 is considered the most severe of any one year in Iowa and yet the rainfall was much less than in 1993.

In some areas along the Missouri and Mississippi rivers, water is still standing in the bottomlands. This has made it impossible to repair levees and dikes and to remove sediment and debris from drainage systems this year. It also means that we are subject to winter and spring flooding, and that some cropland may not be planted until 1995 or 1996.

EMERGENCY WATERSHED PROTECTION PROGRAM

The predominance of SCS activities in the Midwest flood cleanup come under the Emergency Watershed Protection Program (EWP). The EWP is authorized by section 216 of Public Law 81-516 and section 403 of Public Law 95-334 (16 U.S.C. 2201-2205).

The purpose of the EWP program is to safeguard lives and property that are in jeopardy whenever flood, fire, drought, or any other natural disaster has caused, or is causing, a sudden impairment of a watershed.

Activities under this program must be sponsored by a State or local governmental entity. Once a sponsor requests assistance, SCS provides technical and financial assistance to correct problems and then arranges with sponsors and contractors to install the required measures.

The Federal government (SCS) will pay up to 75 percent of all construction costs and the local sponsors will pay 25 percent. In order to expedite restoration work, we also have the flexibility to vary the cost share rate when working with State and local agencies. Sponsors can meet their cost share requirements with in-kind services, and can request a waiver of cost share for hardship in exigency situations.

SCS makes a concerted effort to coordinate EWP work with all appropriate Federal, State and local agencies, including State fish and game agencies. Specifically, work is coordinated with other USDA agencies, the U.S. Fish & Wildlife Service, U.S. Army Corps of Engineers, Small Business Administration, and the Federal Emergency Management Agency.

The Emergency Supplemental Appropriations for Relief from the Major, Widespread Flooding in the Midwest Act of 1993, Pub. L. 103-75 (the 1993 Act), appropriated $60 million for the EWP program. Of this amount, $35 million was available immediately, and $25 million was subject to request. Here is a breakdown for how the funds have been allocated by State:

State	Amount (in millions)
Illinois	$4.7
Iowa	$9.2
Kansas	$5.9
Minnesota	$1.2
Missouri	$7.5
Nebraska	$0.9
North Dakota	$1.5
South Dakota	$1.7
Wisconsin	$1.0
Program Support	$1.4
Total	$35

Eligible EWP work far exceeds the $35 million currently available to the states, as we currently have firm estimates for EWP work in excess of $100 million. Therefore, we have requested the release of the other $25 million additional provided in the emergency supplemental bill. These funds will be distributed to the nine states to fund pending flood clean-up work and to initiate an emergency wetland reserve program.

Mr. Chairman, work under the Emergency Watershed Program is significant and will require an extensive cadre of engineers, construction inspectors, contract specialists and support personnel. However, in addition to the Midwest work, we are now faced with providing assistance to California in the aftermath of their fires. Trained engineers and engineering technicians are in high demand and we are attempting to ensure that both areas receive adequate assistance.

EMERGENCY CONSERVATION PROGRAM (ECP)

In the Supplemental Appropriations Act for 1993, Congress provided $90 million of emergency cost-share assistance to producers for the rehabilitation of farmland in areas affected by the Midwest floods. The funds will remain available until June 30, 1994. Allocations have been made to the following States at 60% of the amounts requested by each state.

States	Estimated Cost Share Needs Requested by State Offices as of 11-15-93	Funds Allocated (60%) as of 11-15-93
Illinois	$ 6,146,900	$ 3,688,140
Iowa	12,232,925	7,139,220
Kansas	10,187,000	5,992,200
Minnesota	1,515,600	870,960
Missouri	16,947,000	9,475,260
Nebraska	2,597,000	1,558,200

North Dakota	23,400	14,040
South Dakota	2,100,000	1,260,000
Wisconsin	3,300	1,980
Total	$51,753,125 1/	$30,000,000

1 *Represents funds needed to make cost-share assistance available at 64% of the total cost of the eligible practice.*

ASCS issued Notice ECP-20 on October 29, 1993, that authorized the extension of the ECP sign-up 60 days beyond the time the extent of damage to the land can be determined with a final sign-up date of February 28, 1994.

EMERGENCY WETLANDS RESERVE PROGRAM

Damages associated with the flooding are more than crop losses. Croplands and wetlands have also been adversely impacted. For example, in Missouri, we estimate that 25 percent of the existing wetlands along the Missouri River have been damaged or destroyed by sediment. In addition, new wetland areas have been created.

A major result of the flooding is that it has created many opportunities to restore previously converted wetlands. In recognition of this, the 1993 Act included provisions which state that "if the Secretary determines that the cost of land and levee restoration exceeds the fair market value of an affected cropland, the Secretary may use sufficient amounts from funds provided under this head to accept bids from willing sellers to enroll such cropland inundated by the Midwest floods of 1993 in any of the affected States in the Wetlands Reserve Program."

At present, we are preparing to implement the emergency wetland reserve program. We have received the delegation of authority for the program from the

Secretary and the implementing rules are going through the normal OMB review process. From within the total of $60 million appropriated for EWP fifteen million dollars have been reserved for EWRP. Producer interest is very high.

POTENTIAL ASSISTANCE FROM 50/85, 0/85, 50/92, OR 0/92

Upland cotton and rice producers who underplant their maximum payment acreage and designate CU for payment are ligible to participate in the 50/85 program. To be eligible, the producer must plant at least 50 percent of the crop's maximum acreage to the crop and designate at least 8 percent of the maximum payment acreage as CU for payument. The maximum acreage for 50/85 payments is the difference between the acreage planted to the program crop and 85 percent of the maximum acreage for the program crop.

Wheat and feed grain producers who choose to devote all ort part of their maximum payment acreage to conservation uses may participate in the 0/85 program. To be eligible, the producer must designate at least 15 percent of the maximum acreage as CU for payment and will be eligible for deficiency payments on CU for payment designated in excess of the 15 percent, not to exceed the maximum payment acreage . The 0/85 and 50/85 payment rate on CU payment acreage will be the higher of the projected or actual deficiency rate for that crop.

Producers who are prevented from planting wheat or feed grains or have reduced yields may participate in the 0/92 program. Producers of upland cotton and rice who are prevented from planting or have reduced yields may participate in the 50/92. However, unlike 1993 when guaranteed deficieny payment rates were relatively high, current projected deficiency payment rates for the 1994 crop - particularly corn - are projected to be substantially less.

Any crop loss disaster payments would be dependent upon additional legislation.

Attached to this testimony are charts with respect to haying and grazing of acreage enrolled in the various 1993 commodity program which indicate the total acreage available in each program and the number of farms and number of acres actually hayed or grazed. We point out that the Livestock Feed Program, is availableto those counties that have been approved for haying and grazing of commodity program acreage as well as in those counties contiguous to the approved counties.

IMPACT ON CONSERVATION COMPLIANCE AND WETLANDS

The 1985 Food Security Act of 1985 made the eligibility of certain Federal farm benefits contingent on the application of sound conservation practices. Under the so-called conservation compliance and sodbuster provisions, individuals who farm highly erodible land are required to develop and implement a conservation plan by December 31, 1994, to maintain eligibility for a variety of Federal farm program benefits. The Food, Agriculture, Conservation, and Trade Act of 1990 expanded the list of programs affected by these provisions.

The workload associated with the conservation compliance provisions is tremendous. In terms of conservation practices, more than 50 percent of the workload associated with these provisionsis in the flood-affected states. We estimate that 40 million acres of highly erodible crop land may be impacted by the storms, and that some 350,000 to 400,000 farmers with highly erodible croplands will have to modify their conservation plans in order to meet the requirements of the Food Security Act of 1985. Providing this planning assistance to the producer is placing a strain on SCS's technical assistance capabilities.

State Conservationists have the authority, and are using this authority, to grant variances to producers who are unable to meet compliance plan requirements because of the weather. For example, in the State of Kansas the two types of practices for which variances may be granted include terrace maintenance, and crop residue.

The potential also exists that individuals who did not previously participate in USDA programs (and hence were not required to develop a conservation plan) may now request USDA assistance due to a natural disaster. In such cases, SCS will give those individuals high priority in developing a conservation plan to bring them into compliance with the conservation provisions. We also have the administrative authority to handle instances of this nature.

In addition, SCS will also work with farmers on wetland determinations in the flood impacted areas in order to assist them maintain their drainage systems by cleaning out sediment and debris without endangering their eligibility for USDA benefits. Another potentially significant workload associated with the Midwestern floods is that soils throughout the region will have to be remapped. SCS is also working to restore wetlands destroyed by the flood.

Conclusion

In recent history, the EWP program has been very important to the Nation in addressing conservation needs in the wake of natural disasters. The program has been providing assistance in about half of the states at any point in time during the last seven or eight years. We worked successfully to restore watersheds in the aftermath of the Loma Prieta Earthquake; Hurricanes Hugo, Andrew, and Iniki; as well as numerous other disasters.

The Midwestern flood cleanup, however, presents us with one of our largest challenges. We are working to meet the urgent conservation needs of thousands of concerned and threatened citizens. We are working with FEMA at centralized assistance centers to coordinate services, and we are also making a concerted effort to coordinate our restoration work with all appropriate Federal, State and local agencies, as well as with private citizen groups. Currently, we are working with scores of State and local organizations.

There are three items we wish to stress:
First, we have the authorities we need to get the job done. I believe we are on top of the situation and are responding as fast as possible.

Second, cooperation is excellent. Whether it is interagency, interdepartmental, or intergovernmental, the agencies are focused on serving the communities and the individuals affected by these floods.

And third, the restoration process will be an ongoing one. We need to work with nature in this effort and must realize that it will take time to heal these wounds.

That concludes my prepared remarks. I appreciate the opportunity to testify before you today and will be happy to respond to any questions you may have.

OK
DC
8/2

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503

July [redacted] 30, 1993

LEGISLATIVE REFERRAL MEMORANDUM

Cotton

LRM #M-569

D/S review first

TO: Legislative Liaison Officer -

COMMERCE - Michael A. Levitt - (202)482-3086 - 324
ENERGY - Bob Rabben - (202)586-6718 - 209
INTERIOR - Ralph Hill - (202)208-6706 - 329
JUSTICE - Sheila F. Anthony - (202)514-2141 - 217
LABOR - Robert A. Shapiro - (202)219-8201 - 330
EPA - Thomas C. Roberts - (202)260-5414 - 326
NEC - Sonia Mathews - (202)456-6722 - 429
OSTP - Susanne Bachtel - (202)456-7116 - 288

FROM: RONALD K. PETERSON (for) Craig Crutchfield
Assistant Director for Legislative Reference

OMB CONTACT: Craig CRUTCHFIELD (395-3857)
Secretary's line (for simple responses): 395-6194
Ruth Dyk SAUNDERS (395-3446)

SUBJECT: AGRICULTURE Proposed Testimony on Administration's Pacific Northwest Forest Management Plan

DEADLINE: [redacted] 1:00 p.m. [redacted] August 2, 1993

COMMENTS: Interior ~~(Tom Collier)~~ testimony has already been circulated.

OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with OMB Circular A-19.

Please advise us if this item will affect direct spending or receipts for purposes of the the "Pay-As-You-Go" provisions of Title XIII of the Omnibus Budget Reconciliation Act of 1990.

CC:
J. McDivitt
K. McGinty
G. Simon
M. Schmidt
H. Paster

FOREST SERVICE WORKING DRAFT
July 30 1200
FS: George Matejko 205-1216

Mark
The latest

STATEMENT OF
JAMES LYONS, ASSISTANT SECRETARY
NATURAL RESOURCES AND ENVIRONMENT
UNITED STATES DEPARTMENT OF AGRICULTURE

Before the
Subcommittee on National Parks and Public Lands
Committee on Interior and Insular Affairs,
and
Subcommittee on Specialty Crops and Natural Resources
Committee on Agriculture
United States House of Representatives

Concerning the Administration's Proposed Northwest Timber Policy

August 3, 1993

MR. CHAIRMEN AND MEMBERS OF THE SUBCOMMITTEES:

Thank you for the opportunity to offer our views on the Administration's proposed Pacific Northwest timber policy. I am accompanied by Dr. Jack Ward Thomas, Project Leader for Range and Wildlife Research, USDA Forest Service, Dr. James Sedell, Fishery Biologist, USDA Forest Service, Dr. K. Norman Johnson, Associate Professor, Forest Management, Oregon State University, Dr. Jerry Franklin, Professor of Ecosystem Analysis, College of Forest Resources, University of Washington, and Brian Greber, Associate Professor of Forest Resource Economics, Oregon State University.

Background

On April 2, in Portland, Oregon, President Clinton convened the Forest Conference as the first step toward a balanced and comprehensive policy. At the Forest Conference, the President recognized the difficulty in resolving this issue when he said, "We're here to begin a process that will help ensure that you will be able to work together in your communities for the good of your businesses, your jobs, and your natural environment. The process we have begun will not be easy. Its outcome cannot possibly make everyone happy. Perhaps it's won't make anyone completely happy. But the worst thing we can do is nothing."

MARK HERE'S WHERE WE STOPPED.

Years of short-sighted and contradictory policy-making have fueled a region-wide battle that has polarized communities, blocked any rational policy making, and left decision-making in the courts. At the conclusion of the Forest Conference the President directed his Cabinet to develop a comprehensive forest plan within 60 days which would:

2. ~~o~~ Recognize the importance of the forests and timber to the economy and the jobs in the region, and

1. ~~o~~ Recognize the importance of the region's natural treasures of old growth forests, rivers, and wildlife.

~~The Forest Conference fulfilled President Clinton's commitment to break the gridlock on these issues with a balanced plan for the region's long-term economic and environmental health.~~ We then commissioned three working groups to develop management options that might form the basis of a solution to this crisis: as follows ~~Three working groups were established after the Forest Conference:~~

1. An Ecosystem Management Assessment group to focus on forest management;

2. A Labor and Community Assistance group to focus on economic development; and

3. An Agency Coordination group to focus on how Federal agencies can improve coordination efforts.

The working groups included scientists and experts from the Departments of Agriculture, Commerce, Interior, and Labor and their respective agencies, the Environmental Protection Agency, the Office of Management and Budget (OMB), and the White House. Their instructions were to produce management options that would comply with existing laws and produce the highest contribution to economic and social well being.

Forest Plan for the Northwest

On July 1, President Clinton presented his Forest Plan for a Sustainable Economy and a Sustainable Environment. The plan is a comprehensive program for forest management, economic development, and agency coordination to strengthen the long-term economic and environmental health of the Pacific Northwest.

The Forest Plan provides for:

1. A sustainable harvest that will allow timber sales based on a scientifically-sound and legally-responsible plan. The plan will produce about 12 billion board feet over a ten-year period, or about 1.2 billion board feet per year from Federal lands in the Northwest.

2. New economic assistance to help local workers, businesses, and communities to improve the region's economy, create family wage jobs, and ensure the region's long-term economic growth. The plan will provide $1.2 billion over five years that would create new jobs and provide for worker retraining opportunities. Some of the new jobs will be in ecosystem restoration and watershed maintenance to improve water quality and increase salmon stocks to avoid listing of salmon species under the Endangered Species Act.

3. A new approach to environmental protection using key watersheds as the fundamental building block. It also offers new opportunities for environmental and scientific research through use of Adaptive Management Areas.

4. A comprehensive system of old growth reserves to protect old growth ecosystems and designated conservation areas to protect specific species. Only limited activites would be permitted in the reserves, such as salvage and thinning to accelerate the development of old growth conditions.

5. There will be new opportunities for people in the region to participate in the decisions regarding the management of the Nation's forests for the economic and environmental benefits they provide. The public will be directly involved in planning the future of the Nation's forests through public forums like the Forest Conference.

6. There will be improved coordination among Federal agencies to ensure that Federal agencies will work together and with State and local officals, Tribal interests, and private landowners. Inter-agency coordination will be improved with the creation of an inter-agency Geographic Information System (GIS) data base to allow land management and resource agencies to coordinate data collection. We have also established an Interagency Implementation team in the Northwest to facilitate the coordination necessary to effectively implement the President's Forest Plan.

Finally, on July 16, the draft Supplemental Environmental Impact Statement (SEIS) and the Forest Ecosystem Management Assessment Working Group report was provided to Judge Willaim Dwyer of the U.S. District Court in Seattle, WA. The draft SEIS analyzes the environmental effects of the recommendations made by the working group and is a continuation of the Administration's desire to present Judge Dwyer with a scientifically sound and legally responsive plan for the Northwest.

In summary, the President's Forest Plan represents a comprehensive and balanced approach to the economic and environmental challenges facing the region. The plan is the result of extensive research, analysis, and cooperation among Federal agencies and extensive meetings listening to a wide range of individuals and groups including business, labor, environmentalists, Tribal members, and community groups. The Administration remains committed to end the gridlock on this issue.

This concludes my prepared statement and Dr. Thomas, Dr. Sedell, Dr. Johnson, Dr. Franklin, Mr. Gerber, and I would be pleased to answer any questions you may have.

There was a great deal of public speculation during our deliberations about this option or that option. The sad reality is that there are very few options, if we follow the multiple-use directives of the law. To those who would say 'we should get back to the concept of multiple use', I say this is multiple-use – maybe for the first time since passage of the NFMA in 1976. Some would say change the law. I seriously question the degree of change that can be made in the law without eliminating the concept of multiple use management.