



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

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JUL 7 1977

The Honorable Morris K. Udall
Chairman, Committee on Interior
and Insular Affairs
House of Representatives



Dear Mr. Chairman:

In accordance with your request of December 21, 1976, we have examined Federal procedures for reviewing public land withdrawals in Nevada and Idaho. Generally, land withdrawals are defined as statutory or administrative actions which (1) restrict or segregate public lands from settlement, entry, location, or disposal under some or all of the general land laws and (2) limit the use of land to the specific purpose or purposes for which it was withdrawn.

As you know in a report entitled "Improvement Needed in Review of Public Land Withdrawals--Land Set Aside for Special Purposes" (CED-76-159, November 16, 1976), we reported on improvements needed in the Federal review of public land withdrawals in California. In our report we recommended that to help ensure that public lands are effectively used, the Secretary of the Interior should:

- Establish within the Department, and with the cooperation of heads of other land-holding agencies, a coordinated, comprehensive program to expeditiously revoke all withdrawals which are no longer needed.
- Work with the Administrator of General Services in defining each agency's withdrawal review responsibilities to avoid duplication in reviewing the need for withdrawals.

On October 21, 1976, the Federal Land Policy and Management Act of 1976 (Public Law 94-579) was enacted. This act, in part, deals with reviews and related revocations of obsolete withdrawals and requires

- the Secretary of the Interior to review the need for certain existing withdrawals (including those of other Federal agencies) in certain States within 15 years of the act, and

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--that withdrawals be limited to specific periods of time--generally not more than 20 years--on and after the date of the act.

As of April 1977, the Bureau of Land Management, Department of the Interior, had not implemented these requirements but is currently developing its procedures to comply with the act, according to Bureau officials. The Bureau estimates that compliance with the act will require a minimum of 77 staff years and about \$29 million over the 15-year period.

On May 19, 1977, the Department commented on our report and said that it agreed with our recommendations. It stated that:

--The Bureau has requested additional positions and funds for fiscal year 1978 to conduct more comprehensive and expeditious withdrawal reviews.

--The Bureau has begun staff-level negotiations with the General Services Administration (GSA) to resolve both past and possible future withdrawal review jurisdictional disputes.

In April 1977 we briefed your office on the results of our more recent work. We found that the weaknesses in the withdrawal program which we noted in California exist in Idaho and Nevada and, as a result, many obsolete withdrawals also exist in those States. We noted that:

--The Bureau of Land Management, which has responsibility for reviewing withdrawals, has not implemented an effective program to review land withdrawals, primarily because of a lack of funds and higher priority work.

--The Bureau of Land Management and GSA have overlapping responsibilities for reviewing certain withdrawn lands and do not adequately coordinate their efforts.

--Land withdrawals that are no longer needed are not revoked in a timely manner.

We also reported to your office that significant amounts of public land not withdrawn in Idaho and Nevada are under other restrictive stipulations. These restrictions, commonly referred to as "de facto" withdrawals, result from actions by

Federal land managers and can have the same restrictive effect on land use as formal withdrawals.

We visited 10 national forests, a Bureau of Land Management district in Nevada, and a land use planning unit in Idaho. We also reviewed certain Energy Research and Development Administration and Department of Defense withdrawals.

LACK OF FEDERAL REVIEW
OF LAND WITHDRAWN

As stated, the Federal Land Policy and Management Act of 1976 requires the Secretary of the Interior to review certain existing withdrawals. Previously, the Secretary had established a policy requiring current and continuing reviews of withdrawals and assigned this responsibility to the Bureau of Land Management. We found, however, that the Bureau did not have a comprehensive ongoing program to review existing withdrawals. For example, in Idaho, although existing withdrawals were identified, no attempt was made to determine which of these withdrawals were obsolete.

We reviewed withdrawals for about 1,865,000 acres of public lands and concluded that about 1,221,000 acres (65 percent) were questionable. (See table on p. 4.)

The following are some examples of the withdrawals which we believe were questionable.

--Since 1902 the Bureau of Reclamation has had 440,000 acres withdrawn for the Newlands Reclamation Project in Nevada. The withdrawal restricts all forms of entry. Bureau of Reclamation officials said that (1) there has been insufficient water to irrigate the land for some time and (2) a recent water right decision involving the Pyramid Lake Indians further reduced the water available to the project from 406,000 to 280,000 acre-feet. Reclamation officials stated that, in view of these circumstances, about 400,000 of the 440,000 acres are not needed for the purpose withdrawn, and the withdrawal actions could be revoked.

--About 98,000 acres were withdrawn for driveways for live stock in Nevada and Idaho. Forest Service and Bureau of Land Management officials said these withdrawals are "questionable" and need to be reviewed. Under the Taylor Grazing Act, the need for stock

driveways is not necessary because it authorizes rights-of-way for such purposes.

--In the early 1900s, the U.S. Geological Survey withdrew prospective mineral lands from sale or entry until mineral classification of the land was completed. A review of these lands in the 1960s disclosed that an estimated 177,000 of 264,000 acres was classified, but the withdrawals were not revoked.

Questionable Withdrawn Public Lands
Sample Lands in Nevada and Idaho (note a)

<u>Type of withdrawal</u>	<u>Withdrawn acres</u>	
	<u>Reviewed</u>	<u>Questionable</u>
Reclamation	727,965	587,970
Power site classification/ reserves	295,777	195,214
Pending mineral classifications	264,458	177,187
Military	190,940	51,040
Stock driveways	97,986	97,986
Recreation areas	58,619	25,890
Administrative sites	40,636	15,745
Power projects	31,712	22,277
Natural areas	32,953	0
Roadside zones	25,266	25,266
Wildlife refuge	17,920	17,920
Other withdrawals	<u>80,470</u>	<u>4,601</u>
Total	<u>b/1,864,702</u>	<u>b/1,221,096</u>

Percentage

65

a/Includes portion of Toiyabe National Forest in California.

b/Overlapping withdrawals estimated at 10 percent.

In all cases revocation of initial withdrawal actions will not free the land for other uses because the land may have other withdrawal restrictions on it. However, revocation and restoration may result in having less restrictions on the land. For example, revocation of withdrawals, such as sites for offices or fire lookouts within national forests, open the lands to other uses of the Forest Service even though they are still part of a national forest.

Officials of the Bureau attributed the lack of a comprehensive withdrawal review program primarily to the low priority that has been assigned to withdrawal reviews by the Bureau and other Federal agencies and the lack of funds and staff.

NEED TO COORDINATE REVIEWS

A lack of coordination exists between the Bureau and GSA in reviewing certain withdrawn lands--primarily those withdrawn by or for the military.

GSA conducts real property surveys of improved lands. Bureau officials in Idaho and Nevada told us that they were not informed of such survey results which could have been useful to them in processing withdrawal renewal applications or in reviewing existing withdrawals. We noted that no systems or procedures were established to notify the Bureau that unneeded withdrawn land was identified during a GSA property survey.

For example, the Bureau is currently processing a withdrawal renewal application for the Nellis Air Force Range Complex in Nevada. In 1972 GSA performed a property survey of this 3 million-acre facility and noted that 796,000 acres were not being used by the Air Force. The Bureau's staff processing the Air Force withdrawal renewal application stated it (1) had not received a copy of the GSA property survey report and (2) was aware that 369,000 of the 796,000 acres was not being used by the Air Force, but (3) was not aware that it was not using the remaining 427,000 acres.

RESTORATION OF UNNEEDED WITHDRAWN
LANDS NOT MADE ON A TIMELY BASIS

An effective withdrawal review program requires that obsolete withdrawals be revoked in a timely manner. The Secretary of the Interior delegated to the Bureau the responsibility for reviewing all proposed revocation actions and, where appropriate, revoking such withdrawal actions. Accountability and responsibility for withdrawn lands remains with the agency that requested the withdrawal until revoked by the Secretary of the Interior. Bureau delays in processing revocation applications have prevented lands from being made available for other purposes.

Our evaluation of pending revocation cases in the Bureau's Idaho and Nevada State offices showed that processing of revocations is very untimely. As of March 1977, we found 57 cases covering 140,000 acres that were pending revocation. The average time in-process for the cases was 4 years. Fourteen cases were pending over 5 years, 29 cases between 2 and 5 years, and 14 cases, less than 2 years. A Bureau official said that the backlog was due to the lack of sufficient staff to make field reports, including environmental analyses to determine the impact of returning the land to general public use. Bureau officials said staff efforts have been directed toward higher priority matters, such as energy-related programs.

DE FACTO WITHDRAWALS

In addition to land withdrawals, the use of significant amounts of land is limited by restrictive stipulations resulting from discretionary decisions of Federal land managers. Land under such stipulations is referred to as "de facto" withdrawn land, and such restrictions can have the same restrictive effect as a formal withdrawal action.

Bureau officials said they have not determined whether such existing stipulations of the Bureau are appropriate because of a lack of staff. They said they are not responsible for reviewing such stipulations of other Federal agencies. We determined that in Idaho and Nevada, there were at least 22.8 million acres of de facto land withdrawn. (See table on p. 7.)

In Idaho and Nevada, 12.7 million acres of Bureau managed lands are classified as de facto withdrawals. Included in this total are 10.7 million acres of oil, gas, and geothermal stipulations. Under these stipulations, some land is totally

excluded from leasing while other land is excluded seasonally for such purposes as protecting wildlife habitats. Our analysis showed that 1.25 million acres or 12 percent of these restrictions totally exclude mineral leasing.

De Facto Withdrawals
State-Wide for Nevada and Idaho

<u>Description</u>	<u>Acreage</u>
Forest Service:	
Roadless areas	7,200,000
New study areas	1,677,000
Primitive areas	1,224,000
Bureau of Land Management:	
Oil, gas, and geothermal stipulations	10,679,000
Proposed wilderness	714,000
"Birds of prey" Study Area	500,000
Proposed rivers, trails, and monuments	226,000
Multiple use classifications	221,000
Idaho National Guard Training Area	140,000
Stillwater Wildlife area	144,000
Proposed Pt. Reyes Exchange	19,000
Others	<u>63,000</u>
Total	<u>a/22,807,000</u>

a/Includes some overlapping of de facto withdrawals.

Another example of de facto withdrawals is "roadless" areas of the Forest Service. In 1969 the Chief of the Forest Service directed each region to identify all "roadless" areas within the national forests for study for possible inclusion into the National Wilderness System. Forest

Service's Region IV identified 10.1 million acres for possible wilderness areas. A Regional Forest Service official said that, under normal circumstances, it will take over 50 years at a cost of about \$20 million to complete the necessary studies. The Forest Service is precluded from harvesting timber in roadless areas until the studies are completed. Until it has been determined that the areas do or do not qualify as a wilderness area, the Forest Service also cannot construct range improvements, make major recreational improvements, or effectively manage wildlife habitat on the subject lands. Mining restrictions are also placed on the land.

CONCLUSIONS

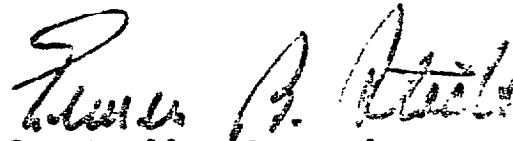
The Bureau has not established a comprehensive public land withdrawal review program. Many obsolete withdrawals--some made in the early 1900s--exist and apparently will continue for some time because they have not been reviewed by the Bureau. Some of the land being restricted by obsolete withdrawals may be used more effectively for other purposes. Even if there is no apparent, immediate alternative use for the land, the implementation of effective land use plans or land use management is hampered because land is unnecessarily restricted to other possible uses.

The Bureau has not established a review program because, according to Bureau officials, it had to use staff on other higher priority land use programs, such as energy. Also, the Bureau has not expeditiously processed revocation applications for many withdrawals already identified as obsolete, which allows such withdrawals to continue, and the Bureau and GSA have some overlapping responsibilities for reviewing withdrawals--primarily concerning military withdrawals.

Furthermore, significant acreages of public lands have been assigned to restrictive uses by land-holding agencies. These de facto withdrawals place encumbrances on use of the land, which can have the same restrictive effect as a formal withdrawal.

As previously noted in our prior report, we recommended that certain actions be taken concerning reviewing and revoking withdrawals. On May 19, 1977, the Department told us that it plans to take actions in line with our recommendations. Accordingly, we discussed our findings in this report with Bureau officials but did not request written comments.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "James A. Atchafalua".

Comptroller General
of the United States

Enclosure

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COMMITTEE ON INTERIOR AND INSULAR AFFAIRS
 U.S. HOUSE OF REPRESENTATIVES
 WASHINGTON, D.C. 20515

December 21, 1976

CHARLES CONKLIN
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 MICHAEL C. MARDEN
 MINORITY COUNSEL

Honorable Elmer B. Staats
 Comptroller General of the United States
 General Accounting Office
 Washington, D.C. 20548

Dear Mr. Staats:

The Committee received the requested report from your office entitled "Improvements Needed in Review of Public Land Withdrawals--Land Set Aside for Special Purposes," CED-76-159, dated November 16, 1976.

We are pleased with this report, for it appears to demonstrate clearly the need for reviewing public land withdrawals, which this Committee has been urging for some time. We greatly appreciate the fine work done by your Community and Economic Development Division and the San Francisco Regional Office staff members who worked on the report.

As you know, the Committee specifically requested your office to review procedures used by the Department of the Interior in its review of existing withdrawals and revoking obsolete withdrawals on public lands in California. Because of the significance of the information provided in your report, the Committee is now requesting your office to obtain similar information on two additional western States, namely Nevada and Idaho. Both of these States have a large acreage of public land administered by both the Department of the Interior's Bureau

Honorable Elmer B. Staats
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of Land Management and the Department of Agriculture's Forest Service.

We recognize that your findings in additional States will most likely reflect the problems identified and reported as in California. We are very interested, however, in obtaining additional information to demonstrate convincingly the seriousness of the problems caused by the lack of withdrawal reviews. This data will also help us in the future in demonstrating the need for adequate funding.

Also, as part of this current effort, we would like to have some idea of what, if any, procedures the Department plans to initiate or has initiated to ensure that the provisions of the recently enacted legislation--Federal Land Policy and Management Act of 1976 (Public Law 94-579)--are effectively carried out in accordance with the objectives of the act.

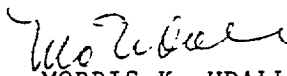
Because of the significance of this matter, we would like to receive this additional information by April 1977, so that it is available in time for the appropriation hearings.

The final presentation of the results of your effort, past as well as future, may very well be in the form of testimony at appropriate hearings which we expect to hold on this matter. In this case, a formal report will not be necessary.

Your staff may inform any concerned parties that this work is being performed for the House Committee on Interior and Insular Affairs.

Again, the Committee expresses its appreciation to your office for its assistance in the past and looks forward to continuing our fine working relationship in the future.

Sincerely,


MORRIS K. UDALL
Acting Chairman