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(3/25)

THE WHITE HOUSE

WASHINGTON

Dear ~~Mr. and Mrs. Morley.~~

The President has asked me to thank you for your ^{recent correspondence} ~~letter of March 3,~~ concerning the transfer of three Game Ranges to the Bureau of Land Management (BLM). I have ~~asked officials within the White House Domestic Council to~~ review this matter and I hope the following information is helpful.

Since their inception in the 1930's, and until the Secretary of the Interior Rogers C. B. Morton's decision of February 5, 1975, the following Game Ranges were administered jointly by the U.S. Fish and Wildlife Service (FWS) and the BLM: the Kofa and Cabeza Prieta Game Ranges in Arizona, Charles Sheldon Antelope Range in Nevada, and the Charles M. Russell National Wildlife Range in Montana.

On February 5, 1975, Secretary Morton directed that: (1) sole management responsibility for the Kofa Game Range, Charles Sheldon Antelope Range, and the Charles M. Russell National Wildlife Range be placed with the BLM; (2) sole management responsibility of the Cabeza Prieta Game Range be placed with the FWS; and (3) the BLM be delegated authorities of the 1966 National Wildlife Refuge System Administration Act with respect to the three Ranges under its jurisdiction. The actions taken by the Secretary specifically direct the BLM to carry out the same management intent, philosophy, and level as carried out prior to this decision. The Cabeza Prieta Range will be managed no less intensively by the FWS.

Enclosed is a copy of the BLM's Game Range Policy and Management Criteria approved by the Secretary on March 21, 1975; they specify BLM's management of the Game Ranges. In addition to these guidelines, I assure you that these valuable areas will be managed under the intent and philosophy of the original Executive orders. This includes protection of all endangered or threatened species under the 1973 Endangered Species Act.



Wilderness proposals have been submitted to Congress by the President on each of the Ranges. The Secretary has directed that no actions shall be taken which might adversely affect the wilderness potentials of the Ranges managed by BLM until a final determination is reached by the Congress.

The four Ranges are effectively protected by proposed withdrawals from mining under the 1872 mining law. However, only the Kofa and the Cabeza Prieta are additionally protected from the operation of the mineral leasing laws.

You may be sure that the decision to transfer jurisdiction of these Game Ranges was arrived at after consideration of all factors involved. This decision does not signal a reduction in our desire to intensively manage designated wildlife areas nor does it portend expansion of multiple use practices within the Ranges assigned to BLM.

RL

Sincerely,

Roland L. Elliott
Director of Correspondence

~~Mr. and Mrs. Arthur Morley
Apartment H
4721 Choctaw Drive
San Diego, California 92115~~

Enclosure



Bureau of Land Management

Policy and Management Criteria

Kofa, Sheldon, and Russell Game Ranges

I. Policy

- A. The Game Ranges - Kofa, Charles Sheldon, and Charles M. Russell will be managed for the primary benefit of wildlife as defined in the initiating Executive orders. All other resource uses will be subordinate to that use and will not conflict with it. Management of the Game Ranges will be in accordance with 50 CFR, Subchapter C - The National Wildlife Refuge System, Part 25 through 35.
- B. Wilderness areas will be managed for values and objectives specified in the Wilderness Act (16 U.S.C. 1131, et seq.)
- C. Resources, including forage, determined to be in excess to the habitat requirements, food, water, cover and space, of the primary benefiting species of wildlife, may be allocated for the purpose of domestic livestock, wild and free-roaming horses and burros, or for any other purposes consistent with the overall intent of the management of the Game Ranges.

II. Administration

Each Game Range will be managed as one administrative unit. This will be as a separate District within the State, as a separate Resource Area within a District or as a separate planning unit within a Resource Area. It may be necessary to physically place suboffices on or adjacent to the Game Ranges for proper management and protection of the resources.



Lands administered by the BLM which adjoin the Game Range and that have associated management implications, will be managed with objectives compatible with A through C above. This would include any associated grazing plans which included part of the Game Ranges in the allotment, any access roads either built or maintained which would impact the management objectives of the Ranges or any other activity so closely associated with the lands and resources on the Ranges that they would influence their management.

III. Planning

The BLM planning process will be used as the guidance component in the development of management plans for the primary use of the Ranges, which is wildlife. Certain rehabilitation and protection projects may be necessary prior to completion of the planning process, but these will be limited to priority areas of immediate needs. Public input will be solicited at various levels of the planning process to ensure that the public viewpoint is considered in management decisions.

IV. Research

Results of new research findings will be applied as appropriate to maximizing opportunities to benefit wildlife.



V. General Program Areas

A. Wildlife

Enhance, protect, and manage the Game Ranges to:

1. Meet the directives of the 1973 Endangered Species Act (P.L. 93-205). All steps necessary will be taken to implement a program which conserves both the species and the ecosystems they are dependent upon.
2. Produce and maintain a diversity of indigenous fauna and flora. Exotic fauna or flora will not be introduced within or on NREL adjacent to the Range.
3. Ensure that other land uses provide for and do not conflict with the welfare of wildlife and its habitat. This includes but is not limited to: regulating ORV and other public uses to protect wildlife and its habitat, restricting and regulating fencing to the minimal degree essential to accomplishing wildlife objectives, and restricting application of herbicides and banning use of chemical toxicants.
4. Provide for appreciative uses of wildlife which include photography, bird watching, and native study. Conflicts will be minimized between consumptive and nonconsumptive users through regulation of public use.



5. The Game Ranges are dedicated to wildlife found thereon and for the restoration, preservation, development and management of wildlife habitat; for the protection and preservation of endangered or threatened wildlife and their associated habitat; and for the management of wildlife in order to obtain maximum production for perpetuation, distribution, dispersal, and utilization. These primary objectives must also be in accordance with the obligations of the United States under treaties with Great Britain and the United Mexican States, and allows public enjoyment of the Game Range areas consistent with these objectives.^{1/}

6. State cooperation will be sought in management programs including the regulation and operation of public hunting, fishing, and recreation programs on the Game Ranges. The details of these programs shall be mutually agreed upon by the Secretary and the head of the appropriate State agency in cooperative agreements executed for that purpose. Persons entering upon the Game Range area shall comply with regulations established for the specific Game Range area by the Secretary of the Interior and all regulations issued by the State agency under the terms of the cooperative agreement.^{2/}

^{1/} The National Wildlife Refuge System. 50 CFR, Part 25, Page 101.

^{2/} The National Wildlife Refuge System. 50 CFR, Part 25, Pages 101-102.



B. Wilderness

1. Pending action by Congress on the wilderness recommendations for these Game Ranges, no actions shall be taken which may degrade wilderness values.
2. To achieve this goal the following actions shall be taken:
 - a. Close the proposed withdrawal areas to ORV use, and restrict vehicular use to designated, existing roads.
 - b. Permit no new land or vegetative disturbances except for fire control within the constraints of fire plans specific to each Game Range.
 - c. Discontinue maintenance of all roads within proposed wilderness areas.
 - d. Provide for maintenance of existing fences and waters as consistent with part a above.

C. Livestock Management

1. Manage wild horses and burros and livestock under a management plan designed to insure they do not conflict with wildlife habitat requirements of food, water, cover and space.
2. Coordinate livestock management on NRL adjacent to the Game Ranges to insure that livestock husbandry practices are consistent with Game Range policy.



3. Develop range improvement facilities (waters and fences) in a manner that will protect or improve wildlife habitat. All range improvement facilities will be constructed in such a manner that will not conflict with wildlife use of the facility, i.e. fencing standards will be consistent with antelope migration needs, water facilities will have wildlife escape ramps, etc.
4. Manipulate livestock grazing to enhance the recovery of depleted wildlife habitat.

D. Recreation

1. Provide for a variety of outdoor recreation opportunities throughout the area consistent with wildlife and its habitat requirements.
2. Retain the area in its natural environment. Limit development to primitive camps.

E. Minerals

1. The proposed withdrawals from minerals will remain in effect in their entirety until after the Secretary has had the opportunity to review the U.S. Geological Survey's (USGS) minerals evaluation and the wilderness report.
2. Withdraw or segregate from mineral entry crucial wildlife habitats, fragile watersheds, designated wilderness areas, and developed recreation sites.



3. Mineral leasing will be permitted with approved plans of operation containing adequate controls or specifications for the protection of wildlife habitat values and other surface resources in accordance with the regulations in 43 CFR 3101.3 and 3501.3.
4. Continue to investigate and evaluate potentially valuable mineral deposits..

F. Timber

1. All timber management activities will be compatible with the overriding Game Range objectives. Any activities carried out will be consistent with these objectives particularly as they relate to systems of cutting, road locations and season of operations, and in a manner so as to protect or enhance wildlife and their habitat.
2. Any protection activities, including salvage operations, directed towards fire, insects, disease and other natural hazards will be carried out where they do not adversely impact or threaten higher priority resource values or uses.
3. Timber management activities will not be permitted on areas identified as having potential for designation as wilderness areas..



G. Fire

1. Fire will be accepted as a natural component of the ecosystem unless other high value resources, facilities, or private property is threatened.
2. Past fire behavior and fire resource damage will be studied to determine vegetative types in which fire by prescription may be used.
3. Develop fire action plans to prescribe the areas and stipulations under which fire may or will be controlled, and exceptions permitting the use of motorized vehicles.

H. Watershed

The primary objective is to protect the soil and water resource essential in maintaining good wildlife habitat. This will require efforts to control surface runoff and subsequent soil surface displacement. It also necessitates maintaining water quantity and quality at levels commensurate with habitat (terrestrial and aquatic) needs.

I. Lands

1. Provide for land tenure adjustments through State and private exchanges, both within and adjacent to the existing boundary, as needs are identified for resource protection and management.



2. Provide for essential transportation, utility and communication rights-of-way corridors, into and across the Ranges, and assure minimal impact of the corridor to wildlife habitat and other resource values.
3. Where practical all rights-of-ways will be located to reduce visual impacts and wildlife species conflicts.



PHOENIX, ARIZONA

QUESTION: Have the Kofa and Cabeza Prieta Game Ranges been transferred to the exclusive administration of the Fish and Wildlife Service?

ANSWER: The Secretary of the Interior has decided that Cabeza Prieta Game Range should be administered exclusively by the U.S. Fish and Wildlife Service and that the Kofa Game Range will be administered exclusively by the Bureau of Land Management.

BACKGROUND: In the mid 1930's five western game ranges were established by Executive Order--the Kofa Game Range, Cabeza Prieta Game Range, Desert National Wildlife Range, Charles Sheldon Antelope Range and the Charles M. Russell National Wildlife Range. The E.O.'s established a dual management role between the Fish and Wildlife Service (FWS) and the Bureau of Land Management (BLM) for all these ranges. Management of the ranges is guided by language in the E.O.'s which gives the wildlife resource a dominant role, but also specifically allows for mining and mineral leasing. In 1966 the Desert range was placed under the exclusive jurisdiction of the FWS.

In recent years as management capability has grown in both BLM and the FWS, administrative conflicts on the remaining ranges have grown to the point where both agencies have recognized that more efficient management would be possible under a single agency. The basic problem is twofold: (1) the division of administrative responsibilities with conflicting missions, and (2) inadequate and unrealistic consideration of current resource needs and uses in the basic executive orders.

On January 23, 1974, Deputy Assistant Secretary for Land and Water Resources, Dr. Brad Hainsworth recommended to the Secretary that the four remaining dual administration areas be placed under single agency administration. The Kofa and Cabeza Prieta ranges would be administered by the FWS with 87,000 acres to be added to the Kofa and 79,000 acres to Cabeza Prieta. In addition, some 70,000 acres were to be added to the Desert National Wildlife Range. The Sheldon and Russell ranges were to be administered by the BLM.

Both the BLM and the FWS directors and the two concerned Assistant Secretaries re-emphasized their support for this position before Under Secretary Whitaker during a briefing on September 20.

At the direction of the Under Secretary (memo of Jan. 28, 74) proposed withdrawals to affect the shift to FWS for the Kofa, Cabeza Prieta and Desert ranges were published in the Federal Register in early March 1974. No action was taken to begin transfer of the Sheldon and Russell areas.



Formal hearings have been held on the Kofa, Cabeza Prieta and Desert proposals. The Arizona State Director has filed a staff report on the Kofa and Cabeza Prieta areas (enclosure #1) and a staff report on the Desert is underway.

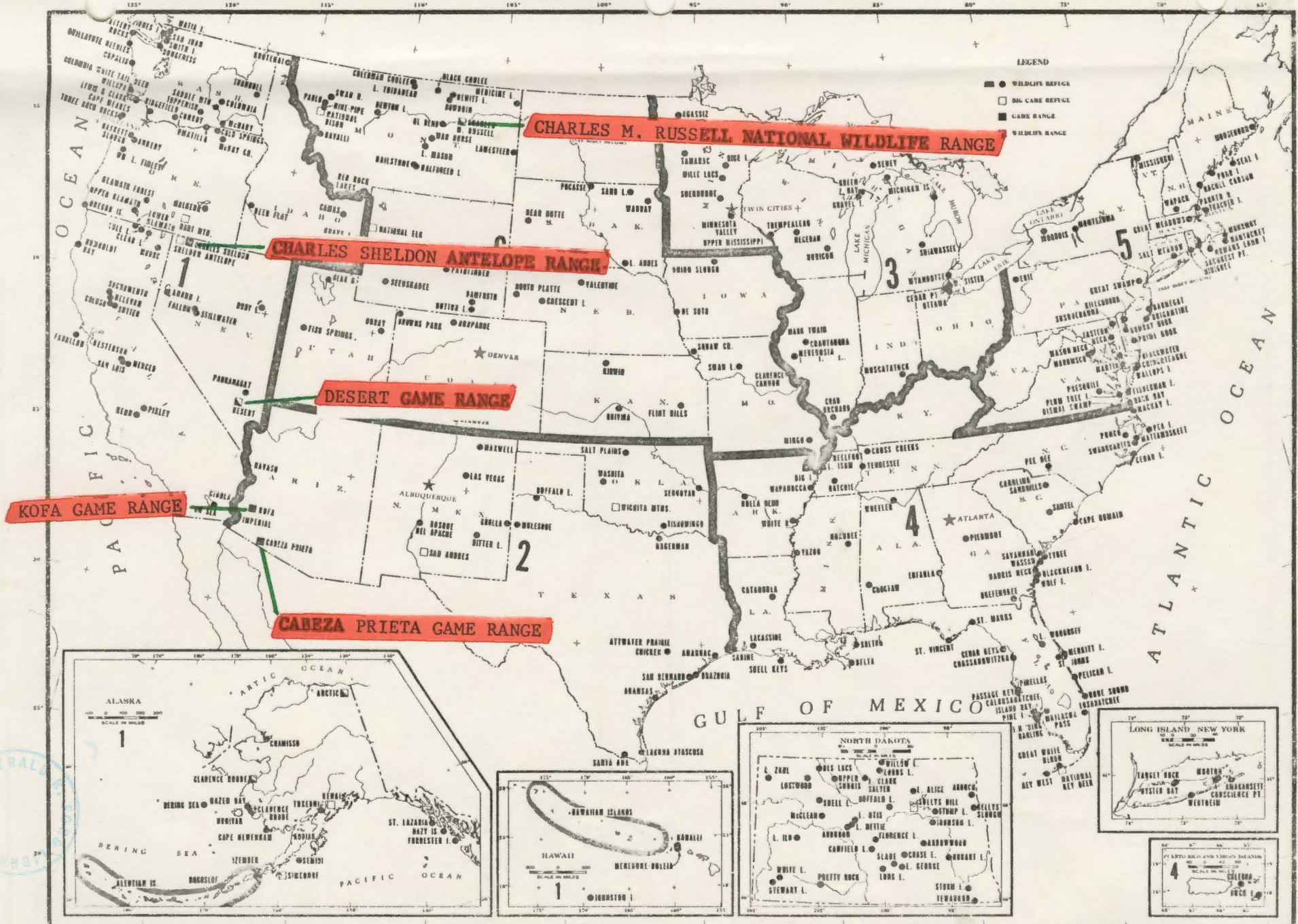
Deputy Under Secretary W. W. Lyons' February 5, 1975, memorandum to the Directors of the U.S. Fish and Wildlife Service and the Bureau of Land Management stated the decision reached by the Secretary. He further directed that the appropriate public land orders be prepared expeditiously for the Secretary's signature.

The Secretary further concluded that the BLM is the appropriate agency to exclusively administer the Charles Sheldon Antelope Range and the Charles M. Russell National Wildlife Range.

[3/25]

MAP





LYONS FEB 5 MEMO





United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

February 5, 1975

Memorandum

To: ✓ Director, Bureau of Land Management
Director, Fish and Wildlife Service

Through: ✓ Assistant Secretary, Land and Water Resources
Assistant Secretary For Fish and Wildlife and Parks

From: Deputy Under Secretary

Subject: Transfer of Jurisdiction Over Game Ranges

In line with recent proposals, hearings, and reports, the Secretary of the Interior has decided, and so directs, that the Cabeza Prieta Game Range should be administered exclusively by the Fish and Wildlife Service (FWS) and that the Kofa Game Range will be administered exclusively by the Bureau of Land Management (BLM). The appropriate public land orders should be prepared expeditiously for the Secretary's signature.

The Secretary has also concluded that the BLM is the appropriate agency to exclusively administer the Charles Sheldon Antelope Range and the Charles M. Russell National Wildlife Range under the Game Range concept. The Secretary understands these areas which are being placed under administration of the BLM will continue to be managed as Ranges and will be considered components of the National Wildlife Refuge System under directives as stated in the originating executive orders.

The Solicitor has ruled that there is no legal restraint which would limit BLM's administration of such areas. In accordance with the Solicitor's memorandum of November 27, 1974 (enclosure 1), the authorities of the National Wildlife Refuge System Administration Act will be used in administration of these areas. The record shows that the BLM can adequately and efficiently carry out this mandate.

The responsibility, steps, and timetable necessary to accomplish this transfer of responsibility are outlined on enclosure 2. The appropriate administrative work and orders to affect this decision should be processed at your earliest convenience. Future agency coordination on these areas should be handled through your respective Assistant Secretary.

RECEIVED

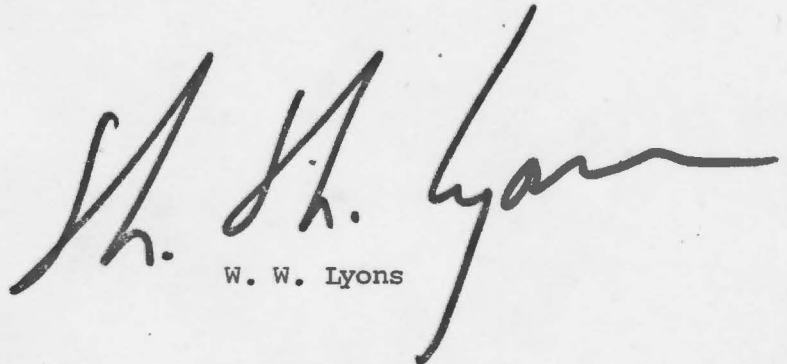
FEB 7 1975

OFFICE OF THE DIRECTOR
BUREAU OF LAND MANAGEMENT

2/11

Memorandum to Director, BLM, Director, FWS, Subj: Transfer of Jurisdiction
Over Game Ranges

Range wilderness resources as recognized in President Ford's December 4, 1974, wilderness message to Congress will be carried forward by BLM. In the event Congress should pass legislation creating wilderness on the Sheldon, C. M. Russell or Kofa Ranges, these units will be managed by BLM under guidelines of the Wilderness Act.


W. W. Lyons

Enclosures



Enclosure #1.

United States Department of the Interior

OFFICE OF THE SOLICITOR
WASHINGTON, D.C. 20240

IN REPLY REFER TO:

November 27, 1974

Memorandum

To: Under Secretary

From: Solicitor

Subject: Transfer of Jurisdiction over Game Ranges

This responds to your memorandum of September 30, 1974, in which you inquired as to the existence of legal problems in the proposed transfer by the Secretary to the Bureau of Land Management, of the responsibility for managing the Charles Sheldon and Charles M. Russell Game Ranges as part of the National Wildlife Refuge System. These Ranges were established by Executive Orders 7509 and 7522, for both wildlife and grazing purposes, and currently are jointly managed by the Bureau of Land Management and Fish and Wildlife Service in accordance with the National Wildlife Refuge System Act, 16 U.S.C. §§668dd, et seq.

We believe that, if the Secretary chooses to do so, he can delegate the administrative responsibility for the management of these areas to BLM. Since these areas are a portion of the National Wildlife Refuge System, the authority for the administration of them and the power to delegate that authority is vested in the Secretary. In order for this delegation to be authorized, however, the National Wildlife Refuge System Administration Act must be regarded as the controlling authority in all cases where it might be regarded as conflicting with other land management authorities applicable to the Bureau of Land Management. This, we believe, is presently the case as to the Ranges, and we foresee no problem arising from such control for the continuation of grazing on the two Game Ranges since the National Wildlife Refuge System authority allows grazing if grazing is "compatible with the purposes for which [the refuge] was established", and these "purposes" in the case of the Russell and Sheldon Ranges explicitly include stock grazing under the Taylor Grazing Act.

CONSERVE
AMERICA'S
ENERGY



We should point out, however, that in order to implement the proposed transfer it will be necessary to amend a number of existing regulations and sections of the Departmental Manual. For example, "Game Ranges" in 50 C.F.R. 25.1 is presently defined as an area jointly administered by the Fish and Wildlife Service and Bureau of Land Management. A transfer of management responsibility would necessitate an amendment of this section. 50 C.F.R. Part 29, Subpart B, must be amended to reflect the fact that the Bureau of Land Management will be the appropriate agency to which to address applications for a right-of-way across refuge land in certain circumstances. Other similar examples of regulations requiring amendment exist in the Code of Federal Regulations.

The Departmental Manual, Parts 140 and 240, dealing respectively with the functions of, and with the delegations to, the Fish and Wildlife Service would be required to be amended to reflect the fact that the Service no longer will exercise the Secretary's fish and wildlife authority as to the Sheldon and Russell Ranges. Similar amendments to the Manual in the sections concerning the Bureau of Land Management, reflecting Bureau of Land Management's new functions and delegations, also would be necessary.

One consequence of these proposed changes in delegation should be noted. Since the Bureau of Land Management would be vested with the entirety of the Secretary's fish and wildlife authority for the Sheldon and Russell Ranges, the Bureau, within the statutory confines governing the National Wildlife Refuge System, would be free to adopt regulations governing the administration of the Ranges of a different form and content than those adopted by the Fish and Wildlife Service. That is, after the change in delegation, when the Fish and Wildlife Service adopts new regulations generally applicable to the National Wildlife Refuge System, its adoption would not be applicable to the Sheldon and Russell Ranges without an adoption by the Bureau of Land Management. As a consequence, two parallel systems of Wildlife Refuge regulations could result from the proposed delegation.

In addition, those matters of concern addressed in our memorandum of February 19, 1974, especially compliance with the National Environmental Policy Act, should be considered in conjunction with any proposed transfer.


Solicitor



The withdrawal procedures involving the Kofa and Cabeza Prieta Game Ranges are now at a point where the public land orders could be approved. The same is not true with the applications involving the Russell and Sheldon Ranges.

The status sheet on page 2 indicates that permission to file withdrawal applications for the Russell and the Sheldon Game Ranges was approved on January 15, 1975. The proposed withdrawals are in the process of being noted on the appropriate State Office records. The following are time estimates for accomplishing the remaining steps:

Publication in the Federal Register	February 20, 1975
30 day period for comments	March 20, 1975
Hearing if necessary	May 6-7
Keep record open for input	May 22
60 days for staff report and evaluation	July 22
30 days WO review	August 30
15 days SOL/Sec. review	September 15
30 day period clearance with congressional committees	October 15
Issue PLO	November 1

The period of time projected is based on the normal flow of work. Consideration must be given to the Solicitor's Opinion of November 27, 1974, which points out that in order to place jurisdiction in BLM, a number of existing regulations and sections of the Departmental manual would have to be amended. Title 50 of the Code of Federal Regulations, Part 29, Subpart B, would have to be amended to reflect that BLM will be the appropriate Agency to address applications for rights-of-way across range land in certain instances. Other parts of the CFR would have to be amended. The Departmental Manual, Parts 140 and 240 dealing with the functions of, and with the delegations to the Fish and Wildlife Service would be required to be amended, to reflect that the FWS no longer will exercise the Secretary's authority as to the Kofa, Sheldon, and Russell Ranges. Similar amendments to the manual in the sections concerning BLM, would be necessary to reflect BLM's new functions and delegations. The amendments and redelegations can be accomplished concurrently with the processing of the withdrawal applications.



STATUS SHEET

PRESENT STATUS OF GAME RANGE WITHDRAWAL APPLICATIONS

WITHDRAWAL STEPS	ACTIONS NECESSARY TO TRANSFER JURISDICTION			
	KOFA ARIZONA	CABEZA ARIZONA	RUSSELL MONTANA	SHELDON NEVADA
1	x	x	x	x
2	x	x	x	x
3	x	x	x	x
4	x	x	x	x
5	x	x	x	x
6	x	x	x	x
7	x	x	In Process	In Process
8	x	x	In Process	In Process
9	2/26/74 FR 3/6/74	2/26/74 FR 3/6/74		
10	x	x		
11	x	x		
12	4/24-26/74 x	4/24-26 x		
13	x	x		
14	x	x		
15				
16				
Present Acreage	660,000	861,000		
New Acreage	87,200	79,000		
Total Acreage	747,200	940,000		



STEPS TO IMPLEMENTING A W/D FOR AN INTERIOR AGENCY

1. Initiating Agency requests that their appropriate Assistant Secretary request permission to file a withdrawal application from the Assistant Secretary, Land and Water Resources.
2. Assistant Secretary, Land and Water Resources requests views of the BLM by referring to Director, BLM.
3. Director, BLM through (320) requests comments of affected State Director as to effects W/D would have on BLM programs.
4. State Director BLM reports to Director (320) BLM with comments.
5. Director (322) recommends appropriate (grant permission to file, or deny) to Assistant Secretary, Land and Water Resources.
6. Assistant Secretary, Land and Water Resources advises concerned Assistant Secretary as to his comments on the matter.
7. Initiating Agency files proposed withdrawal application with appropriate BLM State Office.
8. BLM State Office enters on public land records (effecting segregation from operation of land and mineral laws as appropriate) and suspends action on any conflicting applications as appropriate.
9. Notice of proposed withdrawal published in the Federal Register by State Director, BLM.

Note: Copies are sent to organizations, individual newspapers, and Congressional representatives as appropriate.
10. Field examination, investigation, and negotiation (with existing agency) conducted by field officer (District Manager) of BLM.
11. BLM determines whether a public hearing should be held and notifies applicant agency of his determination. If agreement cannot be reached, refers matter through channels for resolution.
12. BLM conducts public hearing if required.
13. BLM reports findings to the applicant agency.
14. BLM (State Director) prepares staff report summarizing all factors relevant to the proposed W/D.
15. BLM State Director sends draft PLO to Director (322).
16. Director (322) BLM forwards to Assistant Secretary for signature and publication in Federal Register.





Game Range Acreage Tabulation

<u>Area Name</u>	<u>State</u>	<u>Existing Acres</u>	<u>Proposed Additions</u>	<u>Total</u>
Kofa Game Range	Arizona	660,000	87,200	747,200
Cabeza Prieta Game Range	Arizona	861,000	79,000	940,000
Desert Game Range	Nevada	1,588,000	70,000	1,658,000
Charles Sheldon Antelope Range	Nevada	541,420	-	541,420
Charles M. Russell National Wildlife Range	Nevada	<u>1,007,760</u>	<u>-</u>	<u>1,007,760</u>
Totals		4,658,180	236,200	4,894,380
Acreage to be administered by the BLM -		2,296,380		
Acreage to be administered by the FWS -		<u>2,598,000</u>		
		4,894,380		



WILDERNESS SOCIETY
PRESS RELEASE

The Wilderness Society
1901 Pennsylvania Avenue, N.W.
Washington, D. C. 20006
Contact: George Alderson
(202) 293-2732

For release at 6 PM EST
Sunday, February 16, 1975

WASHINGTON, D. C. -- Environmentalists have asked President Ford to reverse a decision to oust the U.S. Fish and Wildlife Service from three national wildlife ranges involving more than 2 million acres of important wildlife habitat.

The decision by Interior Secretary Rogers Morton would give the Bureau of Land Management (BLM) exclusive control over the three ranges.

"Turning any of these wildlife ranges over to BLM is absolutely unacceptable," the 23 environmental organizations told the President in a joint telegram. "We urge you to overrule Secretary Morton's decision and assign sole jurisdiction of the four wildlife ranges to the Fish and Wildlife Service."

BLM is devoted primarily to managing livestock grazing, mining and oil and gas leasing on public lands. Since the ranges were established by President Franklin D. Roosevelt in the 1930s, the two Interior Department agencies have jointly administered them.

The Fish and Wildlife Service was responsible for wildlife values and the BLM for mining and grazing.

"The Fish and Wildlife Service is the federal agency specifically entrusted with stewardship of the public's wildlife resources," said Stewart M. Brandborg, who signed the telegram for The Wilderness Society. "To let BLM grab two million acres of prime wildlife habitat from the Service smacks of a violation of the public's trust."

Areas affected by the ouster are Charles M. Russell National Wildlife Range in Montana, Charles Sheldon Antelope Range in Nevada and the Kofa Game Range in Arizona.

Morton's decision would assign a fourth, the Cabeza Prieta Game Range in Arizona, solely to the Fish and Wildlife Service. It contains little grazing



or mining potential and is therefore of little interest to BLM.

Environmentalists see Morton's decision as the latest Bureau of Land Management maneuver to put an end to Fish and Wildlife Service objections to BLM's intensified exploitation programs. BLM proposes herbicidal spraying of Sheldon Antelope Range to kill sagebrush, and extensive fencing which benefits livestock but has proved harmful to wildlife.

The organizations told the President that BLM is not qualified to manage the wildlife ranges. They cited the 1974 Nevada grazing study done by a BLM field evaluation team, which concluded that BLM land had been devoted almost exclusively to livestock grazing, to the detriment of wildlife, watershed and recreation values.

BLM Director Curt Berklund conceded that the situation was not unique to Nevada. In a news release (9/3/74) he said similar or more serious conditions exist on BLM lands in other states. BLM's own statistics show that, as of December 1, 1974, 83 percent of BLM grazing lands were in fair, poor or bad condition.

Brandborg, executive director of The Wilderness Society, said that if BLM can "grab two million acres of the National Wildlife System, then the rest of the system is no longer safe. The exploitation zealots in BLM are trying to establish a precedent for seizing control of lands set aside for wildlife conservation. The obvious next step," he said, "would be to open the lands to exploitation, as on the vast majority of BLM lands."

"In the long run," Brandborg said, "the only way to stop the repeated assaults on the wildlife refuges and ranges is for Congress to prohibit the Secretary's giving them away with the mere stroke of a pen."

#



TELEGRAM

February 12, 1975

The President
The White House
Washington, D.C.

Mr. President: The undersigned organizations urgently protest Secretary of the Interior Morton's decision to oust the U.S. Fish and Wildlife Service from Charles Sheldon Antelope Range, Charles M. Russell National Wildlife Range, and Kofa Game Range, and to turn these ranges over exclusively to the Bureau of Land Management.

These ranges are among the nation's greatest wildlife conservation areas. They are essential to preservation of habitat on which some of the nation's finest populations of wildlife depend, including endangered species such as the black-footed ferret and peregrine falcon, and the diverse migratory and non-migratory wildlife of the desert and high plains. These ranges need the attention and the wildlife expertise that the Fish and Wildlife Service can provide.

BLM's own Nevada grazing study indicates that wildlife habitat has been seriously impaired on lands administered by BLM. The 1965 joint study of Kofa Game Range concluded that BLM had allowed excessive livestock grazing there, to the detriment of the wildlife for which the range was established. This must not be allowed to happen to our great wildlife ranges. Turning any of these wildlife ranges over to BLM is absolutely unacceptable.

We urge you to overrule Secretary Morton's decision and assign sole jurisdiction of the four wildlife ranges -- Sheldon, Russell, Kofa and Cabeza Prieta -- to the Fish and Wildlife Service.

signed:

William E. Towell, Executive Vice President, American Forestry Association
Mrs. Paul M. Twyne, President, American Horse Protection Association
Belton P. Mouras, President, Animal Protection Institute
Bernard Fensterwald, Jr., Counsel, Committee for Humane Legislation
Elizabeth Bennett, Administrative Vice President, Defenders of Wildlife
Peter Harnik, Coordinator, Environmental Action
William A. Butler, Washington Counsel, Environmental Defense Fund
Brent Blackwelder, Washington Representative, Environmental Policy Center
Brock Evans, Washington Representative, Federation of Western Outdoor Clubs
David R. Brower, President, Friends of the Earth
Lewis Regenstein, Executive Vice President, The Fund for Animals
Murdaugh Madden, General Counsel, The Humane Society of the United States
David S. Claflin, President, International Society for the Protection of Animals
Charles H. Callison, Executive Vice President, National Audubon Society
T. Destry Jarvis, Administrative Assistant, National Parks & Conservation Association
Forrest Carpenter, President, National Wildlife Refuge Association
David Michelman and Thomas Stoel, Jr., Natural Resources Defense Council
Walter Pomeroy, Executive Director, Northern Environmental Council
Michael McCloskey, Executive Director, Sierra Club
Chris Stevens, Secretary, Society for Animal Protective Legislation
Stewart M. Brandborg, Executive Director, The Wilderness Society
Godfrey A. Rockefeller, Executive Director, World Wildlife Fund
William Painter, Director, American Rivers Conservation Council



FEB 5 1975

Memorandum

To: Director, Bureau of Land Management
Director, Fish and Wildlife Service

Through: Assistant Secretary, Land and Water Resources
Assistant Secretary For Fish and Wildlife and Parks

From: ~~Under~~ Under Secretary

Subject: Transfer of Jurisdiction Over Game Ranges

In line with recent proposals, hearings, and reports, the Secretary of the Interior has decided, and so directs, that the Cabeza Prieta Game Range should be administered exclusively by the Fish and Wildlife Service (FWS) and that the Kofa Game Range will be administered exclusively by the Bureau of Land Management (BLM). The appropriate public land orders should be prepared expeditiously for the Secretary's signature.

The Secretary has also concluded that the BLM is the appropriate agency to exclusively administer the Charles Sheldon Antelope Range and the Charles M. Russell National Wildlife Range under the Game Range concept. The Secretary understands these areas which are being placed under administration of the BLM will continue to be managed as Ranges and will be considered components of the National Wildlife Refuge System under directives as stated in the originating executive orders.

The Solicitor has ruled that there is no legal restraint which would limit BLM's administration of such areas. In accordance with the Solicitor's memorandum of November 27, 1974 (enclosure 1), the authorities of the National Wildlife Refuge System Administration Act will be used in administration of these areas. The record shows that the BLM can adequately and efficiently carry out this mandate.

The responsibility, steps, and timetable necessary to accomplish this transfer of responsibility are outlined on enclosure 2. The appropriate administrative work and orders to affect this decision should be processed at your earliest convenience. Future agency coordination on these areas should be handled through your respective Assistant Secretary.

Range wilderness resources as recognized in President Ford's December 4, 1974, wilderness message to Congress will be carried forward by BLM. In the event Congress should pass legislation creating wilderness on the Sheldon, C. M. Russell or Kofa Ranges, these units will be managed by BLM under guidelines of the Wilderness Act.

(sgd) W. W. Lyons

BRIEFING STATEMENT

Kofa Game Range

The Bureau of Sport Fisheries and Wildlife, On February 21, 1974, filed withdrawal application A-7950 on the Kofa Game Range in Yuma County, Arizona. This application proposes to add 87,200 acres to the existing 660,000 acre Kofa Game Range, to change the name to the Kofa National Wildlife Refuge, to close the Refuge to the provisions of the mining and mineral leasing laws and the Taylor Grazing Act, and to vest sole Federal jurisdiction in the Fish and Wildlife Service. This withdrawal application was filed at the direction of Under Secretary Whitaker's memo of January 28, 1974.

A hearing on this proposal was held in Yuma and Phoenix, Arizona, on April 24 and 26, 1974. BLM State Director Fallini prepared a staff report (copy enclosed) on this withdrawal application based on the hearing record and other records of resource uses and values available to the Bureau.

This staff report recommends:

1. The withdrawal application not be allowed.
2. The Kofa Game Range designation of E.O. 8039 be retained.
3. Because of several resource values, the Kofa Game Range should be managed for multiple use in a manner to protect and enhance the wildlife resources.
4. A public land order should be issued assigning BLM sole Federal jurisdiction and reaffirm State jurisdiction over resident wildlife.
5. Important wildlife habitat and scenic areas within the Kofa should be closed to ORV use.
6. A thorough minerals evaluation should be completed prior to closing all or portions of the Range to operation of the mining laws.

Justification for this position is based on:

1. There are resident wildlife populations with the desert bighorn sheep the most significant. Migratory species are limited primarily to doves and infrequent seasonal occurrence of waterfowl. States rights in the management of resident wildlife species was a primary factor in opposition raised by the Governor and his Game and Land Departments, and by Senator Fannin. BLM, Arizona is currently managing other large areas of similar sheep habitat for multiple use in cooperation with the Arizona Game and Fish Department.
2. There are indications of significant mineral deposits.
3. There are recognized wilderness resources on the Kofa.
4. Recreation uses center around rockhounding, sightseeing, hunting, hiking and wildlife observation. Recreation visits approached 50,000 in 1971.
5. There is a grazing demand currently utilizing some 2,000 AUM's of forage on two allotments. This is in excess to the needs of wildlife. All the permanent year-round waters on the Kofa are provided and maintained by livestock operators.
6. Protests to the proposed withdrawal were received from the Governor of Arizona, the Arizona Congressional Delegation (Senators Goldwater and Fannin and Congressmen Steiger and Rhodes), the Arizona Game and Fish Commission and Department, the Arizona State Land Department, Yuma County Board of Supervisors, State Legislators as well as numerous user groups and individuals. On an overall letter for letter basis, pro and con responses were approximately equal.



The initial PDOD which accompanied Deputy Assistant Secretary Hainsworth's proposal on the game range situation pointed out that the Kofa does not possess a full range of multiple use values, especially when compared to the Sheldon and Russell. This is true! However, we now feel that as a result of the public comment and the fact that the range contains multiple resource values similar to surrounding lands administered by the Bureau, the Kofa should be managed by the Bureau of Land Management.



Arizona - Kofa/Cabeza Game Range General

- A. Issue - Should the Kofa and Cabeza Prieta Game Ranges be administered by the Fish and Wildlife Service (FWS) or the Bureau of Land Management (BLM).
- B. Facts - In the mid 1930's five western game ranges were established by Executive Order-the Kofa Game Range, Cabeza Prieta Game Range, Desert National Wildlife Range, Charles Sheldon Antelope Range and the Charles M. Russell National Wildlife Range. The E.O.'s established a dual management role between the Fish and Wildlife Service (FWS) and the Bureau of Land Management (BLM) for all these ranges. Management of the ranges is guided by language in the E.O.'s which gives the wildlife resource a dominant role, but also specifically allows for grazing, mining and mineral leasing. In 1966 the Desert range was placed under the exclusive jurisdiction of the FWS.

In recent years as management capability has grown in both BLM and the FWS, administrative conflicts on the remaining ranges have grown to the point where both agencies have recognized that more efficient management would be possible under a single agency. The basic problem is two fold: (1) the division of administrative responsibilities with conflicting missions, and (2) inadequate and unrealistic consideration of current resource needs and uses in the basic executive orders.

On January 23, 1974, Deputy Assistant Secretary for Land and Water Resources, Dr. Brad Hainsworth recommended to the Secretary that the 4 remaining dual administration areas be placed under single agency administration. The Kofa and Cabeza Prieta ranges would be administered by the FWS with 87,000 acres to be added to the Kofa and 79,000 acres to Cabeza Prieta. In addition, some 70,000 acres were to be added to the Desert National Wildlife Range. The Sheldon and Russell ranges were to be administered by the BLM.

At the direction of the Under Secretary (memo of Jan 28, 74) proposed withdrawals to affect the shift to FWS for the Kofa, Cabeza Prieta and Desert ranges were published in the Federal Register in early March 1974. No action was taken to begin transfer of the Sheldon and Russell areas. A decision on these two was to await the outcome of wilderness reviews which have now been completed and forwarded to the President.



FEB 13 1975

Formal hearings have been held on the Kofa, Cabeza Prieta and Desert proposals. The Arizona State Director has filled a staff report on the Kofa and Cabeza Prieta areas and a staff report on the Desert is underway. Basically, the Arizona staff report recommends that the Cabeza Prieta be administered by FWS and the Kofa by the BLM. This recommendation is contrary to the Under Secretary's memo of Jan 28. There is some disagreement between the FWS and BLM as to this analysis.

- C. Solution - In a February 5, 1975, memorandum Deputy Under Secretary Lyons stated "In line with recent proposals, hearings, and reports, the Secretary of the Interior has decided, and so directs, that the Cabeza Prieta Game Range should be administered exclusively by the Fish and Wildlife Service (FWS) and that the Kofa Game Range will be administered exclusively by the Bureau of Land Management (BLM). The appropriate public land orders should be prepared expeditiously for the Secretary's signature."



Nevada and Montana

- A. Issue - Agency administration of the Charles Sheldon Antelope Range and the Charles M. Russell.

Should the Sheldon Range and the Charles M. Russell Range be administered by the Bureau of Land Management (BLM) or the Fish and Wildlife Service (FWS).

- B. Facts - When the Sheldon and Russell were designated in 1936 dual administration between BLM and FWS was established by that Executive Order. Both agencies now agree that single agency administration would better serve the public interest. An informal discussion has been underway within the Department to solve this dual management situation. A total of five game ranges are involved.

BLM has received permission to file an application for protective withdrawal on all the Charles M. Russell and all but the northeast corner (Virgin Valley) of the Sheldon ranges. This application will be published in the Federal Register by March 1, 1975. The proposed withdrawal would protect wilderness values until such time as the mineral evaluation is completed by the U.S.G.S. & B. Mines.

- C. Solution - In a February 5, 1975, memorandum Deputy Under Secretary Lyons stated "The Secretary has also concluded that the BLM is the appropriate agency to exclusively administer the Charles Sheldon Antelope Range and the Charles M. Russell National Wildlife Range under the Game Range concept. The Secretary understands these areas which are being placed under administration of the BLM will continue to be managed as Ranges and will be considered components of the National Wildlife Refuge System under directives as stated in the originating executive orders."





United States Department of the Interior

BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240

IN REPLY REFER TO:

2310
6221 (370)

NOV 21 1974

Memorandum

To: Assistant Secretary, Land and Water Resources

From: Director, Bureau of Land Management

Subject: Request for Permission to File a Protective Withdrawal Application—Charles Sheldon Antelope Range and Charles M. Russell National Wildlife Range.

Permission is requested to file a protective withdrawal application covering approximately 468,600 acres in Nevada and approximately 1,007,756 acres in Montana. These areas are located within the Charles Sheldon Antelope Range and the Charles M. Russell National Wildlife Range. The lands involved are presently segregated from settlement, location, sale or entry, but are expressly left open to prospecting and mining under the mining laws and leasing under the mineral leasing laws. If this proposed withdrawal is approved, the Charles M. Russell National Wildlife Range would be withdrawn in its entirety from the operation of the mining laws. There is no known utilization of mineral resources from this area today. On the contrary, a portion of the Charles Sheldon Range totaling some 68,400 acres is known for its mineral values with significant current and historic activity. There are no wilderness proposals for this particular area and we propose to leave it open to the operation of the mining laws. However, the other part of the Sheldon would be closed to mining because of the incompatibility of mining operations with wilderness proposals.

This proposed withdrawal is in support of wilderness proposals for the two ranges. It is intended to protect potential wilderness values over both ranges and allow the President and Congress adequate opportunity to make reasonable determinations between wilderness and other resource values. Little is known yet about the mineral values underlying these areas. The President will be asking Congress in his next wilderness message to delay action on wilderness designations on these ranges until after a mineral inventory is completed.

Upon approval of this request, the committees and subcommittees on Interior and Insular Affairs for the House of Representatives and the Senate will be notified of the proposals. The State Directors for Nevada and Montana will be notified in order that their respective State contacts can be made and local publicity provided.

CONSERVE
AMERICA'S
ENERGY



Save Energy and You Serve America!



There has been a substantial amount of correspondence to the President and the Secretary supporting a withdrawal of this nature.

We propose the following actions:

1. File the application for withdrawal. This will temporarily segregate the subject lands.
2. Place a caveat in the withdrawal proposal that would cause the segregation to automatically lapse unless action is taken by the Secretary within one year after receipt of the mineral evaluation. This would show to all user groups that we intend to follow through on our actions.
3. Take no action to finalize the proposed withdrawal until after the mineral evaluation has been received by the Secretary. This action could take as long as 6 years.
4. Execute a thorough public information presentation so that there is little likelihood of misunderstanding our objectives and our approach to management.

A ^{program} position decision option document which was used in our decision process, appropriate maps and brochures are enclosed for your information.

We anticipate that the current Presidential wilderness message will be transmitted to Congress in the near future. With this in mind, it appears appropriate to file this application as soon as practicable in order to preserve the status quo of possible wilderness values.

Emit Berkland.

Enclosures

Approved: JAN 15 1975

Deputy *Roland G. Robinson Jr.*
Assistant Secretary, Land
and Water Resources



Program Decision Option Document
Game Range Withdrawals

I. Issue

Should the Charles M. Russell National Wildlife Range and the Charles Sheldon Antelope Range receive interim withdrawal protection from operation of the 1872 mining law pending the outcome of an overall mineral evaluation by U.S.G.S. and subsequent final wilderness recommendation by the Secretary of the Interior?

II. Alternatives

- A. Provide no interim withdrawal protection for the potential wilderness areas of these ranges.
- B. Provide interim withdrawal protection for only the BLM/FWS proposed wilderness areas of these ranges.
- C. Provide interim withdrawal protection for the game ranges in their entirety.
- D. Provide interim withdrawal protection for the game ranges in their entirety except for currently active mining areas.

III. Background/Analysis

On January 23, 1974, Deputy Assistant Secretary Hainsworth signed a memorandum to the Secretary of the Interior which proposed a solution to the problems of dual management on the five game ranges. The Fish and Wildlife Service was to receive sole administration of the Kofa and Cabeza Prieta Ranges, approximately 80,000 acres were to be added to each of these and the Desert National Wildlife Range and the BLM would get sole administration of the Sheldon and Russell Ranges. The FWS supports this position.

The proposal is based on an overall evaluation of all resources within and adjacent to the Ranges. The two areas suggested for BLM administration have a potential for a variety of uses while the three being suggested for the FWS are primarily single use oriented. Wildlife resources on the Sheldon and Russell are similar to resources found on surrounding lands where BLM is currently the manager in cooperation with the State governments. Based on current knowledge the only significant and active mineralized zone is the Virgin Valley within the Sheldon. There is some potential for oil and gas under both ranges. There is potential for geothermal energy under a portion of the Sheldon, but this activity is precluded on game ranges by the Geothermal Steam Act.

The proposal for BLM management of the Sheldon and Russell would maintain its integrity as a game range. It's original charter,



boundaries, and name would remain. Wildlife will continue as the priority resource consideration. Other uses could be allowed so long as they are compatible with the wildlife resource.

Supplemental to management directions to the establishing executive orders (E.O. 7522-Sheldon and E.O. 7509-Russell) are the requirements of the Wilderness Act.

The BLM and FWS have jointly recognized surface wilderness features on both the Sheldon and Russell ranges. (Sheldon 8 units and 344,500 acres - Russell 15 units and 155,288 acres). Substantial additional wilderness areas within each of these have been recommended by citizen conservation groups (a total of 538,000 acres in the Sheldon and 461,220 acres in the Russell) and initially by the FWS.

Our wilderness proposals for the Sheldon and Russell have now been made to the President and we anticipate his wilderness message will be transmitted to the Congress shortly. In his wilderness message, the President will state that surface wilderness values on the ranges are recognized, but his recommendation is that no final action be taken until after a thorough minerals survey has been completed.

In an opinion dated February 19, 1974, the Deputy Solicitor stated ". . . the BLM administration of the area should be undertaken subject to restrictions which would protect the wilderness values pending Congressional actions in order to avoid application of the Parker doctrine . . ." The Parker doctrine was enunciated by the Court of Appeals for the tenth Circuit in the case of Parker v. United States, 448 F.2d 793 (1971). The import of the ruling in that case is that prior to the completion of the Presidential and Congressional actions in considering the values of a proposed wilderness area, federal land administrators should not take actions which would foreclose options regarding wilderness. The action which triggered the Parker case was a proposed USFS timber harvest program on lands adjacent to a wilderness proposal. The proposed timber harvest was to be on lands similar in character to the proposed wilderness.

The proposal of delay until a mineral survey is completed will result in an interim management period of approximately 5-6 years during which potential wilderness values must be protected. The area need not be managed as wilderness, but actions which would preclude possible wilderness designation on appropriate lands must be curtailed. Since actions carried on by a miner under authority of the 1872 law are not at the discretion of the Secretary withdrawal from mineral entry is one positive action BLM can take.

IV. Discussion of Alternatives

- A. Provide no interim withdrawal protection for the potential wilderness areas of these Ranges.
1. This action would be contrary to the Solicitor's recommendation for administration subject to restrictions which would protect the wilderness values pending Congressional actions in order to avoid application of the Parker doctrine.
 2. Aside from the Solicitor's opinion BLM and FWS have a management obligation to do everything possible to maintain the environmental integrity of the Interior Department's proposal on these ranges. One such action is to give the areas the protection of a withdrawal from mineral entry.
 3. The initiating E.O.'s established mining as a valid use of the Ranges and they have been open to this action since their inception.
- B. Provide interim withdrawal protection for only the BLM/FWS proposed wilderness areas of these ranges.
1. In developing the final wilderness proposal for the two ranges, resources, management plans, professional recommendations and hearing records have all been examined. All appropriate wilderness designations are incorporated in the final recommendation. Preservation group positions were taken into consideration and have been accommodated where appropriate. With this in mind there should be no need to withdraw additional lands from mineral entry.
 2. If we withdraw lands beyond these proposals it would seem logical that we should also stop all actions which might preclude future wilderness designation anywhere on these ranges. This could bring a halt to new road construction, stock reservoirs, new fences, etc.
 3. Under this alternative the mineral evaluation of the game ranges will include lands not withdrawn from the mining laws. This will give the mining industry information at government expense. However, this is not inconsistent with the intent of the 1872 law, the Mineral Policy Act of 1971 nor the normal programs of USGS which routinely evaluate the mineral resources of the United States.

4. All withdrawals greater than 5,000 acres in extent are referred to the Interior committees for review. Justification for withdrawal of the entire ranges (approximately 1.5 million acres) would be more difficult than justifying only the 500,000 acres being proposed for wilderness.
 5. It appears this approach is contrary to the Parker doctrine.
 6. Withdrawal by BLM from mineral entry for more than the actual final proposal may establish a precedent for future wilderness reviews on BLM lands under the pending National Resource Lands Management Act. Within this argument we should also keep the Parker case in mind and the fact that a withdrawal has already been proposed for the Kofa Cabeza Prieta and Desert ranges - our precedent may have already been established.
- C. Provide interim withdrawal protection for the Game Ranges in their entirety.
1. Both the FWS and citizen conservation groups have recommended areas outside the joint BLM/FWS final proposal. In order to permit the President and the Congress the opportunity to evaluate not only this Department's wilderness proposal, but also the wilderness proposal as advanced by conservation interests, both of the ranges should be withdrawn in their entirety to further mining entry until the detailed mineral survey is completed. This will permit the Secretary, once the mineral resource values have been determined, to make a reasonable determination between those values and wilderness values. In the process of finalizing the withdrawal, valuable mineral deposit areas could be excluded and thereby reopened to the provisions of the 1872 law.
 2. These proposals for wilderness and exchange of agency administration have received and will continue to receive nation-wide attention. The conservation groups have been against BLM management from the beginning.

An interim withdrawal of the entire game ranges will help to establish a positive posture for BLM with these groups on administration of the ranges. This would be a demonstration of our intent to protect the values they are concerned about.

3. Withdrawal of the entire area would be consistent with the Parker doctrine and the Solicitor's advice.



4. All other resource uses are discretionary with the Secretary. Management guidelines should be developed to maintain environmental integrity during this interim period. All actions which might preclude future wilderness designation should be postponed until after the Secretary's final wilderness recommendation.
 5. A withdrawal for the entire range will protect the habitat of endangered species (peregrine falcon and black footed-Ferret). It is hoped that wildlife surveys during this interim period will identify these critical areas and add base information for the Secretary's final decision.
 6. A jointly prepared MFP (BLM/FWS) for the Sheldon recommends withdrawal of the complete range until such time as the 1872 law can be amended to provide better protection for other resource values.
- D. Provide interim withdrawal protection for the Game Ranges in their entirety except for currently active mining areas.
1. Discussion for alternative C applies here.
 2. There is one area on the Sheldon which is currently recognized for it's mineral value. The Virgin Valley area is known for its opals and receives considerable pressure for this gem stone. In addition, the area is known to contain low grade uranium.

The land near railroad point has known deposits of potassium and sodium. This is also the area of geothermal potential.
 3. None of this exception area has been proposed for wilderness by anyone.

V. Parties at interest and Postion

- A. The FWS favors the total withdrawal. Informal discussion indicates they would not object to alternative D.
- B. An informal check with BLM Associate State Director in California and Nevada and the Chief Division of Resources for Montana favors Alternative D.
- C. We firmly believe the citizen conservation groups would favor alternatives C or D.
- D. We firmly believe the mining industry and probably the State governments will oppose the proposed withdrawals. They would probably favor D over C.

E. The Congressional delegations will likely oppose wilderness as well as any proposed withdrawals.

VI. Implementation and Decision Date Desired

The wilderness proposals for these game ranges are now on the President's desk and we anticipate their transmittal to Congress in the immediate future. Measures to protect these wilderness values should be undertaken as soon as possible.

We request your approval of one of the above alternatives at an early date.

VII. Decision

Alternative A. _____

B. _____

C. _____

D. _____





Resource Uses and Values on the Game Ranges

	<u>Cabeza Prieta</u>	<u>Kofa</u>	<u>Sheldon</u>	<u>CMR</u>
<u>Size</u> (Acres)	860,000	660,000	539,000	1,007,756
<u>Livestock Use</u> (AUM's)	600	2,110	7 Allotments 16,000 BLM 7,200 FWS	67 Allotments 60,000
<u>Recreation Use</u> (Visits)	1,610	50,000	5,000	670,000
<u>Wildlife Use</u> (Endangered Sonoran)				
	↓		(800 summer)	
Antelope	yes	no	yes (1,500 winter)	yes
Elk	no	no	no	yes
Bighorn Sheep	yes	yes (primary attraction)	yes (transplant)	yes (transplant)
Turkey	no	no	no	yes
Deer	yes	yes	yes	yes
Sage Grouse	no	no	yes	yes
Sharp Tail Grouse	no	no	no	yes
Fish	no	no	yes	yes
Migratory Birds	yes	yes	yes	yes
<u>Minerals</u>	Gold (Copper?)	Gold (Copper?)	Opal, Geothermal Steam Uranium Silver Mercury	Oil & Gas
<u>Wild Horses and Burros</u>	yes	yes	yes 544 (head)	no
<u>Wilderness Proposal</u>	2 units 744,000 acres	4 units 542,600 acres	8 units 344,500 acres	15 units 155,288 acres



[3/25]



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

NOTE TO Norm Ross

Attached are four charts and accompanying narratives as follows:

1. Fatal and Nonfatal Injury Frequency Rates (All Non-Coal Mining)
2. Indian Tribal Contracting
3. Housing for Indians
4. Indian Criminal Justice

We gave you the Coal Mining materials on Friday. For the mine safety programs, we can provide monitoring on a monthly basis. For the three Indian issues we can provide monitoring on a quarterly basis (monthly if you need it but such changes would not tend to be significant).

Because of the President's decision on land use planning legislation late Friday, we had to modify our memorandum on major domestic problems and proposed initiatives. Hopefully we'll transmit the memorandum today if we can get Secretary Morton's signature. At worst we'll be sending it tomorrow.

If you need anything else give me a call (183-6071).

Austin Burke
Assistant Director
Office of Policy Analysis



Save Energy and You Serve America!



DEPARTMENT OF THE INTERIOR

MINING ENFORCEMENT AND SAFETY ADMINISTRATION



NONCOAL MINES INJURY FREQUENCY RATE

(Per Million Man-Hours of Exposure)

	<u>1932</u>	<u>1974</u>
Fatal	0.75	0.37
Nonfatal	46.09	20.56

(Actual Number of Injuries)

Fatal	139	151
Nonfatal	8,588	8,884

The increase in fatalities in 1972 resulted from the disastrous fire at the Sunshine Mine in Kellogg, Idaho, where 91 men were killed.

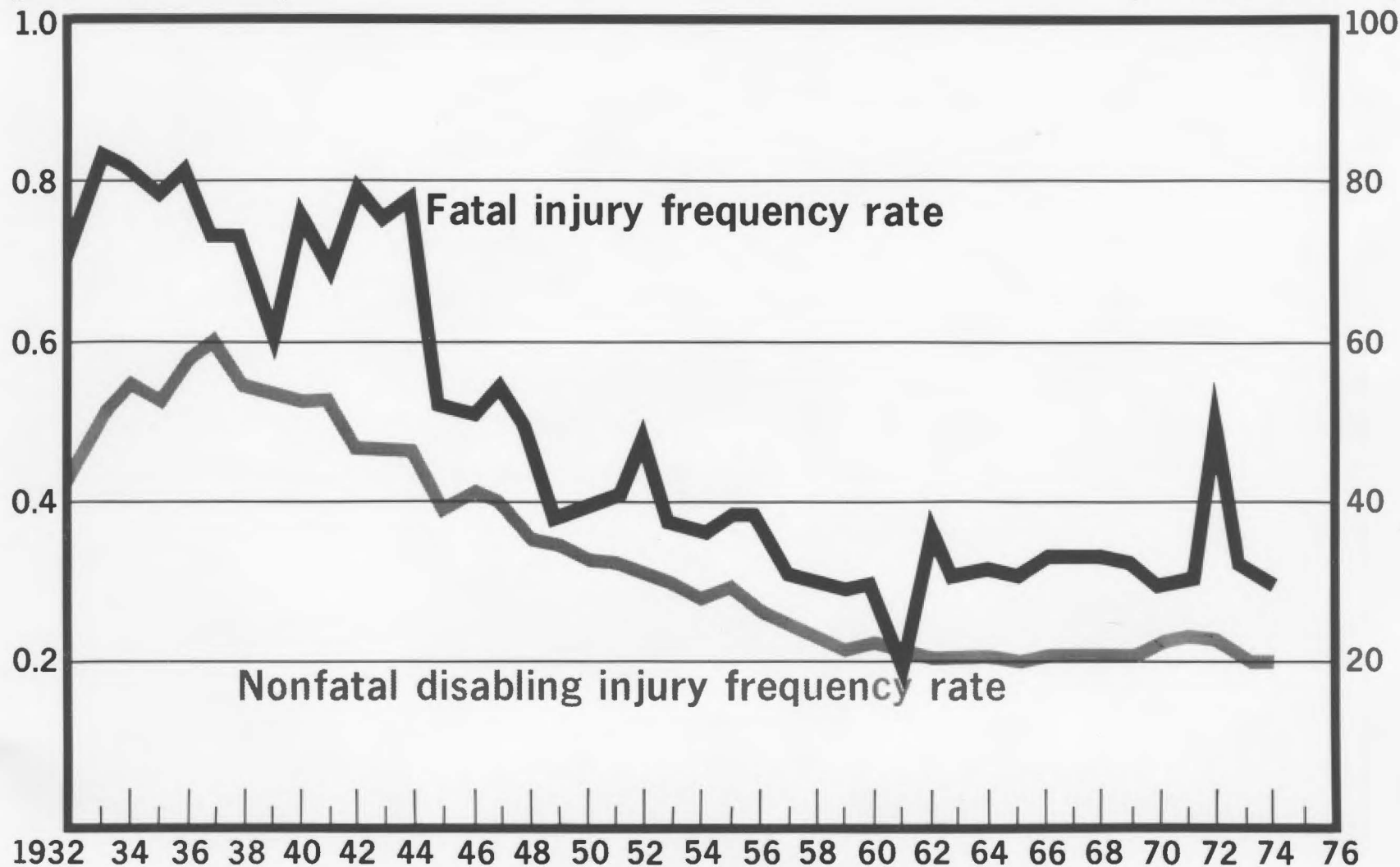
FATAL AND NONFATAL INJURY FREQUENCY RATES



Fatal injury frequency rate
(per million man-hours)

All Noncoal Mining - 1932-74*

Nonfatal injury frequency rate
(per million man-hours)



*Thru September 1974

INDIAN/TRIBAL CONTRACTING



- . Tribal contracting, on FY '75 Departmental Objectives, is viewed as a primary means of strengthening tribal government.
- . Indian/Tribal contracting has increased from \$9.1 million in FY '69 to \$94 million in FY '75.
- . Tribal contracting for operation of BIA programs is the main thrust.
- . Indian Self-Determination and Education Assistance Act (P.L. 93-638) provides vital tools to augment this effort.
- . The determination "to contract" or "not to contract" the operation of a program must remain a tribal decision.



INDIAN/TRIBAL CONTRACTING TREND - BY FISCAL YEAR

PERCENTAGE

1,000

900

800

700

600

500

400

300

200

100

0

69

70

71

72

73

74

75

100%

133%

333%

567%

700%

811%

1,101%

100%

121%

144%

175%

201%

208%

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CONTRACTS WITH INDIANS

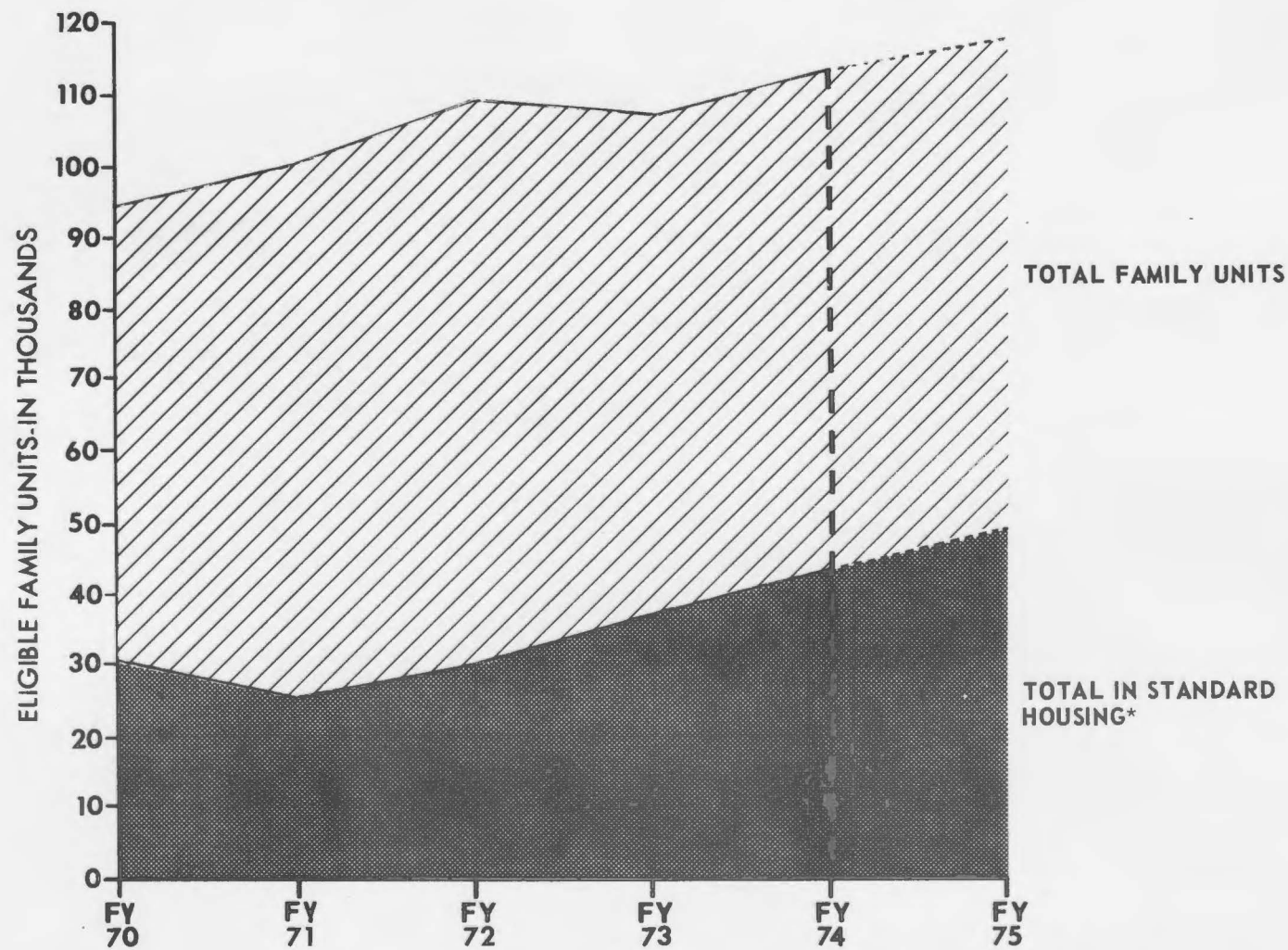
BIA BUDGET



HOUSING FOR INDIANS

- . The Secretary's responsibility for general welfare of Indian people living on reservations includes housing and other aspects of community development.
- . There are 113,300 families in the service population.
- . Of the housing available, only 42% meets current U.S. housing standards.
- . Special housing legislation for Indians under the existing Housing Act of 1974 expires at the end of FY '76.

OVERALL INDIAN HOUSING STATUS



*Per "Housing Improvement Program Criteria and Administration," Amended June 19, 1970

SOURCE: Division of Housing Services



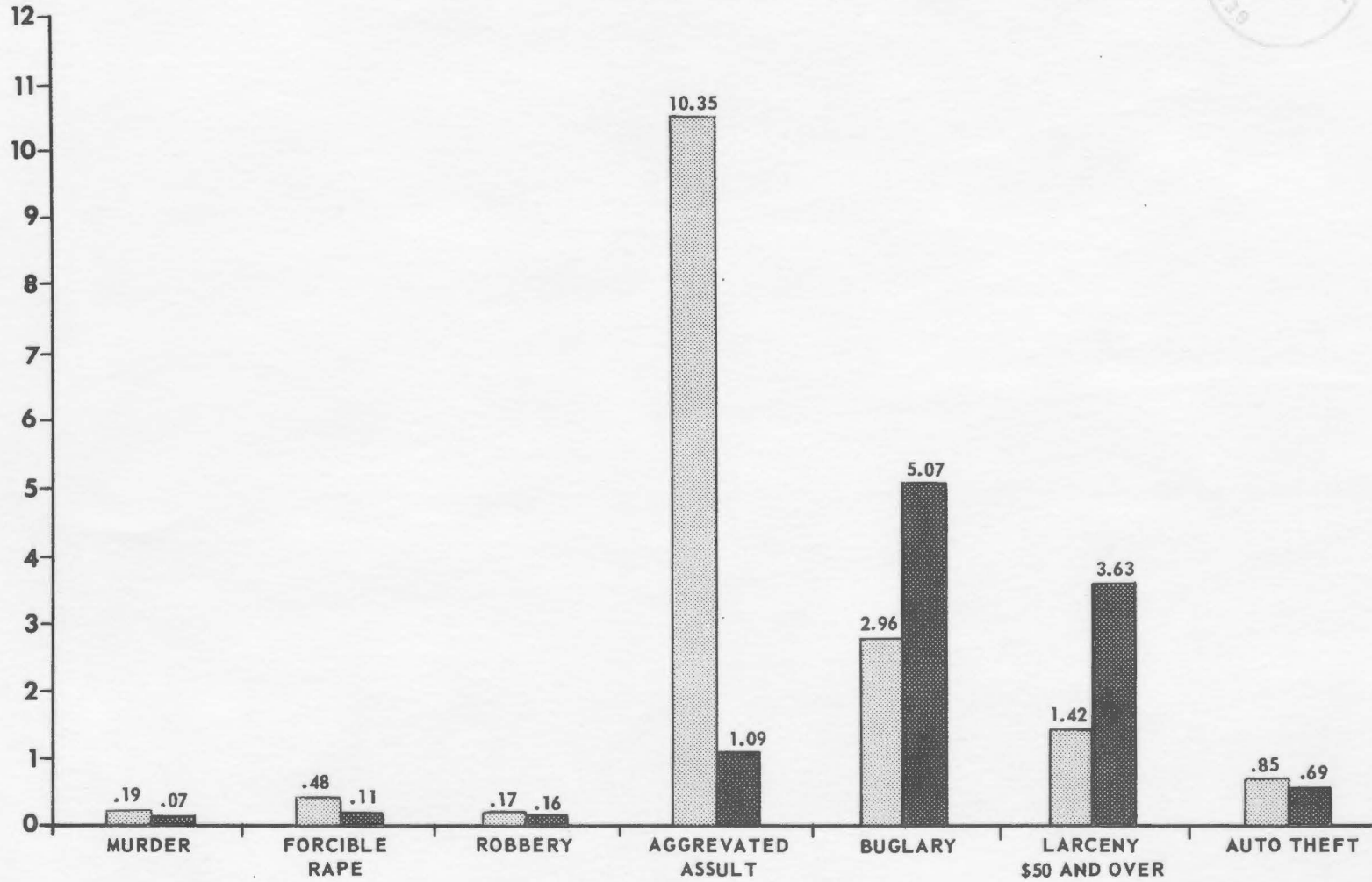
INDIAN CRIMINAL JUSTICE

- . There is a Federal responsibility for Indian criminal justice in 17 States, which encompasses 105 reservations containing in excess of 300,000 Indian people.
- . The crime rate in these communities is 60% greater than the rate for rural U. S.
- . In the past four to five years through State retrocession and court actions, several reservations have been added to the Federal responsibility.
- . Current year funding for Criminal Justice programs is \$9.9 million. A recent comprehensive study now under review by OMB, shows a minimum service level needed with a funding requirement of \$24.5 million.

Bureau of Indian Affairs
CATEGORY OF CRIME RATES
1972



RATE PER 1,000
INHABITANTS



INDIAN COUNTRY
RURAL U.S.



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

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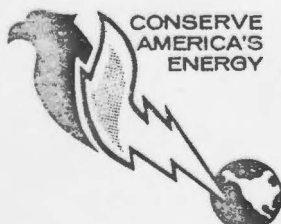
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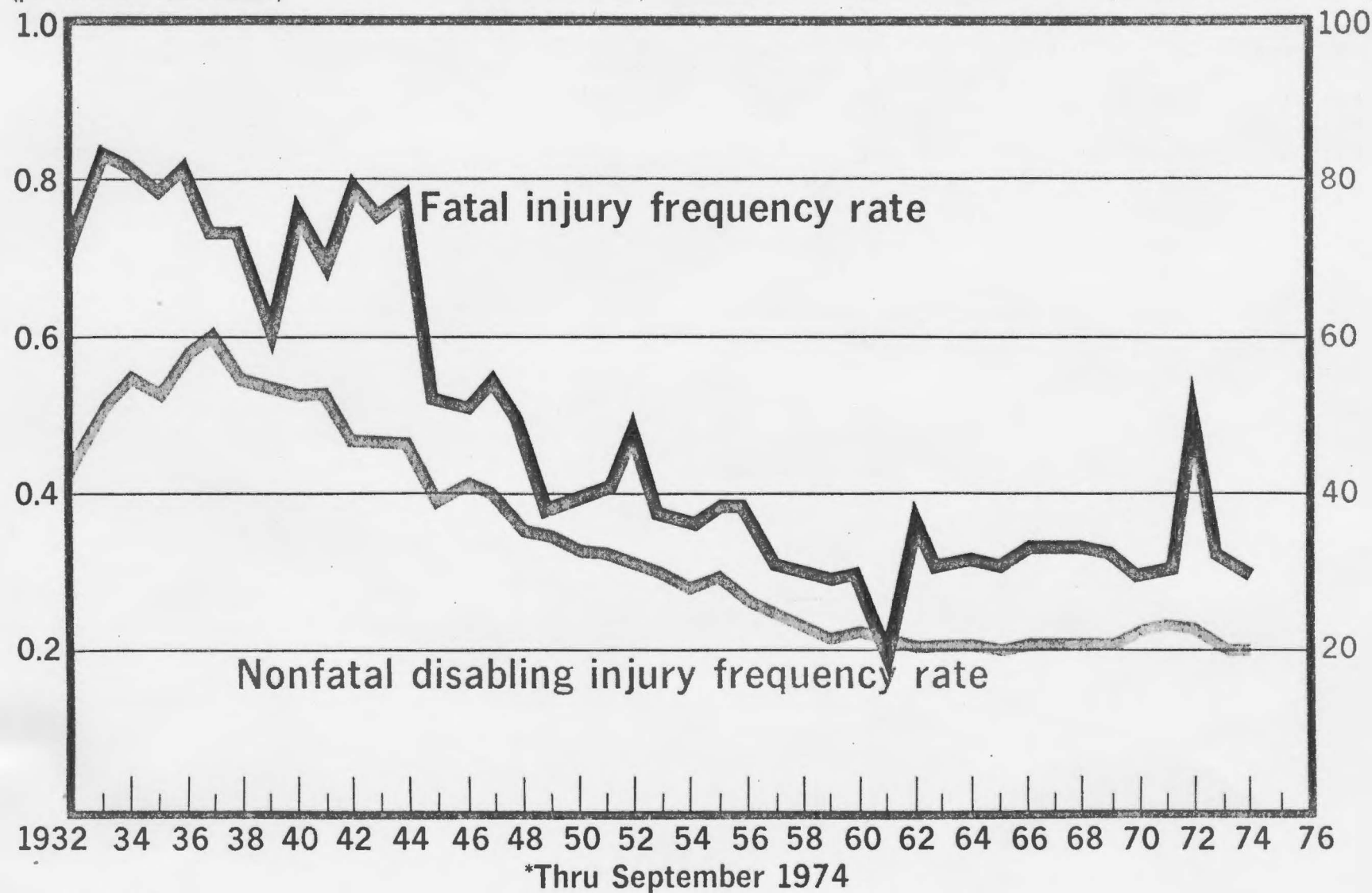
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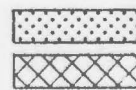
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253%

1,101%



CONTRACTS WITH INDIANS

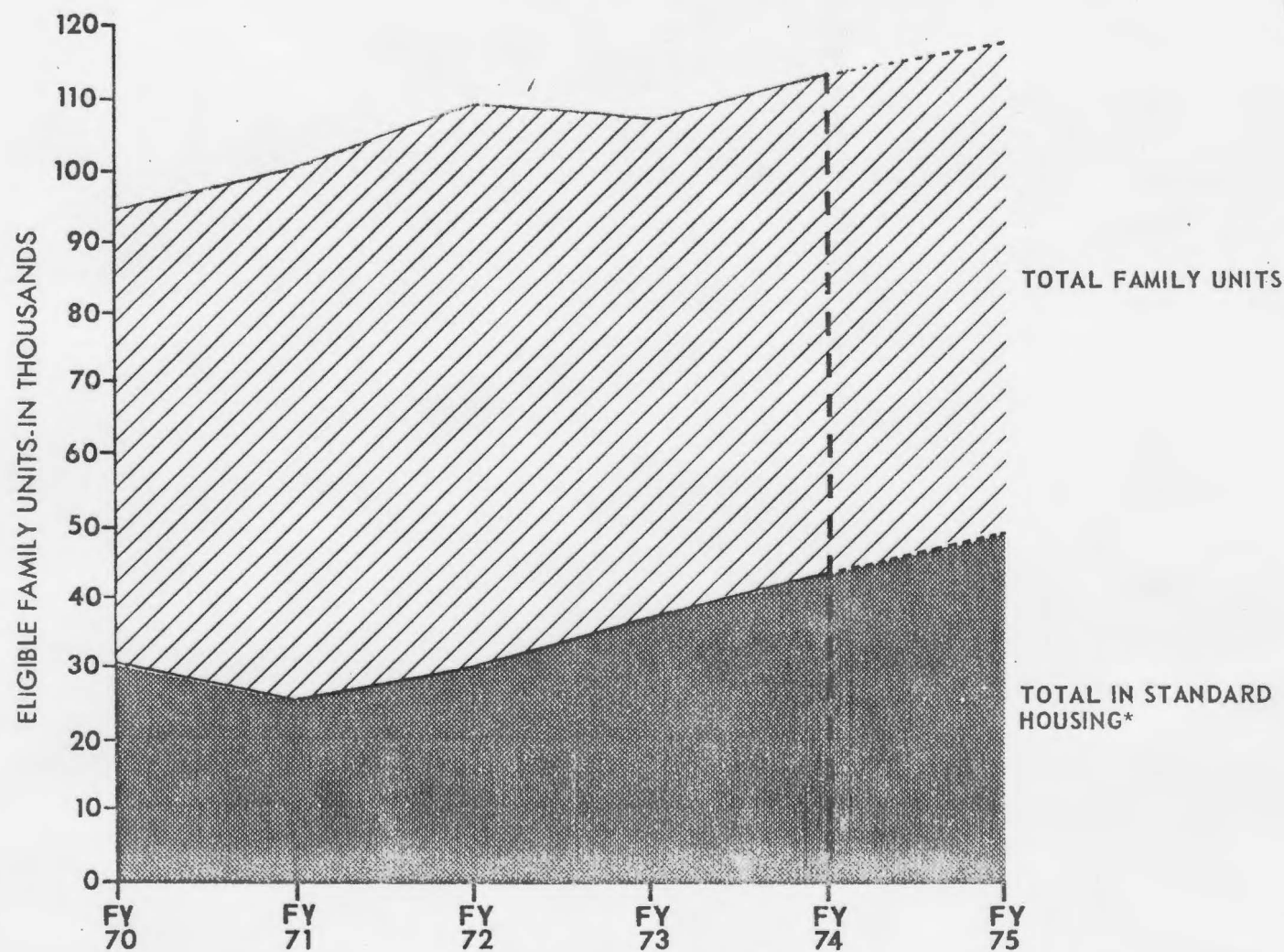
BIA BUDGET

HOUSING FOR INDIANS

- . The Secretary's responsibility for general welfare of Indian people living on reservations includes housing and other aspects of community development.
- . There are 113,300 families in the service population.
- . Of the housing available, only 42% meets current U.S. housing standards.
- . Special housing legislation for Indians under the existing Housing Act of 1974 expires at the end of FY '76.



OVERALL INDIAN HOUSING STATUS



*Per "Housing Improvement Program Criteria and Administration," Amended June 19, 1970

SOURCE: Division of Housing Services

INDIAN CRIMINAL JUSTICE



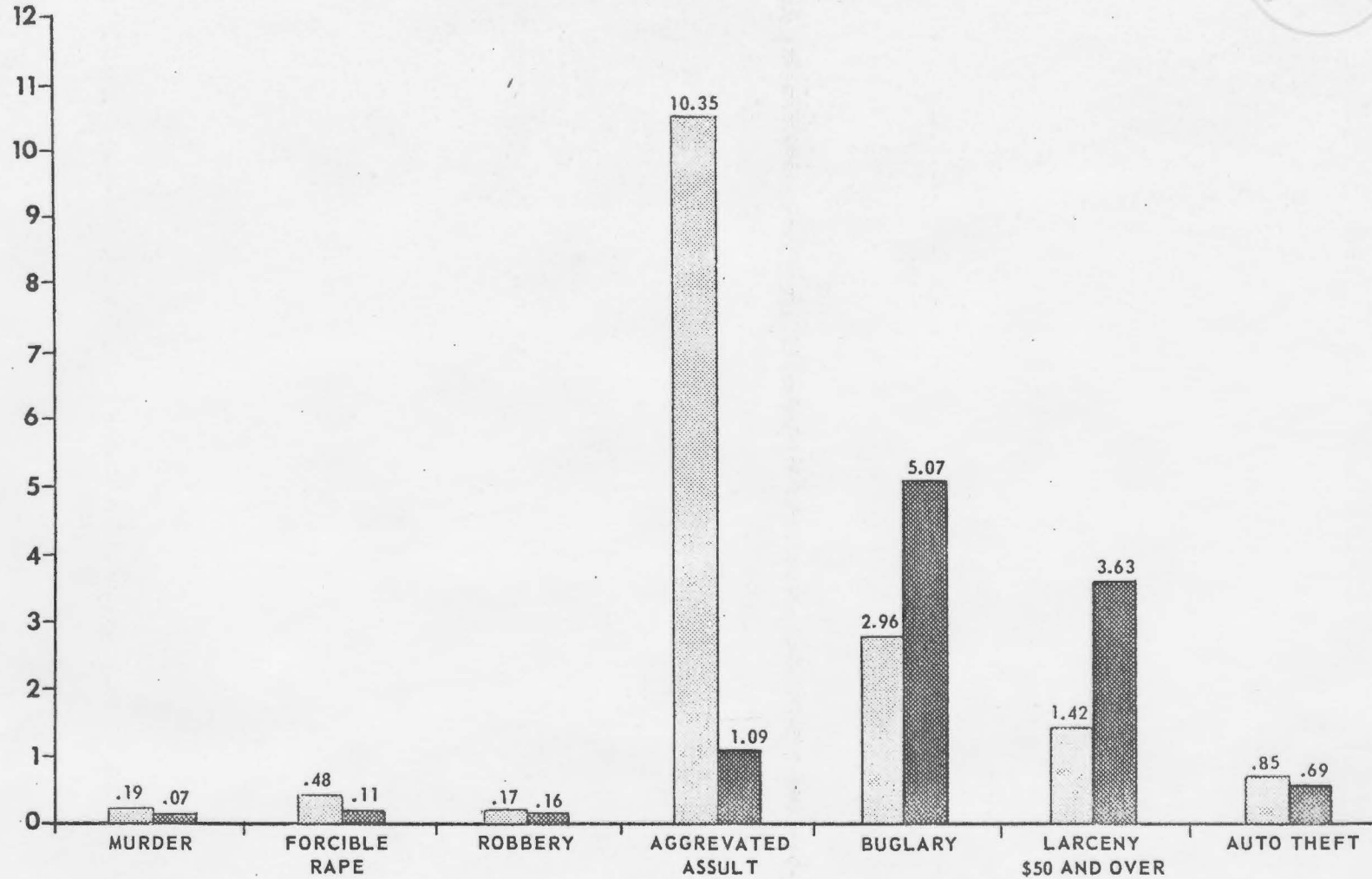
- . There is a Federal responsibility for Indian criminal justice in 17 States, which encompasses 105 reservations containing in excess of 300,000 Indian people.
- . The crime rate in these communities is 60% greater than the rate for rural U. S.
- . In the past four to five years through State retrocession and court actions, several reservations have been added to the Federal responsibility.
- . Current year funding for Criminal Justice programs is \$9.9 million. A recent comprehensive study now under review by OMB, shows a minimum service level needed with a funding requirement of \$24.5 million.

Bureau of Indian Affairs
CATEGORY OF CRIME RATES

1972



RATE PER 1,000
INHABITANTS



INDIAN COUNTRY
RURAL U.S.