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Before the Committee on Appropriations

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Department of the Interior and Related Agencies
Appropriations

Fiscal Year 1981

96th congress, second session

H.R. 7724

Part 3 (Pages 1-1110)

DEPARTMENT OF ENERGY
DEPARTMENT OF THE INTERIOR
NAVAJO AND HOPI INDIAN RELOCATION COMMISSION
NONDEPARTMENTAL WITNESSES

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DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 1981

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS UNITED STATES SENATE

'NINETY-SIXTH CONGRESS SECOND SESSION

ON

H.R. 7724

AN ACT MAKING APPROPRIATIONS FOR THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1981, AND FOR OTHER PURPOSES

PART 3—(Pages 1-1110)

Department of Energy
Department of the Interior
Navajo and Hopi Indian Relocation Commission
Nondepartmental Witnesses

Printed for the use of the Committee on Appropriations

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DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 1981

TUESDAY, APRIL 29, 1980

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, D.C.

The subcommittee met at 10:07 a.m., in room 1224, Everett McKinley Dirksen Senate Office Building, Hon. Patrick J. Leahy presiding. Present: Senator Leahy.

DEPARTMENT OF THE INTERIOR

HERITAGE CONSERVATION AND RECREATION SERVICE

STATEMENTS OF:

ROBERT L. HERBST, ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS

CHRIS THERRAL DELAPORTE, DIRECTOR, HERITAGE CONSERVATION AND RECREATION SERVICE

ACCOMPANIED BY:

PAUL C. PRITCHARD, DEPUTY DIRECTOR

MARGARET G. MAGUIRE, ASSOCIATE DIRECTOR FOR RECREATION PROGRAMS

HOPE T. MOORE, ASSOCIATE DIRECTOR FOR CULTURAL PROGRAMS ROBERT A. RITSCH, ACTING ASSOCIATE DIRECTOR FOR NATURAL PROGRAMS

LAWRENCE L. DANFORTH, ASSOCIATE DIRECTOR FOR ADMINISTRATION

LARRY D. CARDWELL, CHIEF, DIVISION OF BUDGET AND FINANCE WILLIAM D. BETTENBERG, DIRECTOR OF BUDGET, OFFICE OF THE SECRETARY, DEPARTMENT OF THE INTERIOR

BUDGET ESTIMATES

Senator Leany. Good morning.

Mr. Herbst. Good morning, Mr. Chairman.

Scnator Leahy. I apologize for being late. It is not, I hope, my normal way of doing anything, but every other meeting today has run a little longer than I had planned, and I apologize.

I'm delighted to see you all here, and, of course, I'm always happy especially to see Mr. Herbst and Mr. Delaporte, both of whom I enjoyed working with for years now and with your Department.

I find it fascinating, largely because from both of you and some who work with you, I've been able to learn a lot about a lot of things that I



never would have known about otherwise, and I've found it extraordinarily interesting, and I appreciate that.

Because of the unusual fiscal constraints imposed on the budgetary process, this year we will also be considering, apparently, proposed rescissions for grant programs administered by the agency, the Heritage Conservation and Recreation Service.

The fiscal 1981 budget estimates total \$274 million. That is \$492 million below the President's original budget estimate in January and \$430.5 million, or 61 percent below appropriations to date for 1980. And HCRS has pending before the committee a pay supplemental appropriation request of \$388,000 and proposed rescissions totaling \$352.5 million. The cutbacks are aimed at State grant programs under the Land and Water Conservation, Urban Park and Recreation, and Historic Preservation Funds.

JUSTIFICATIONS FOR BUDGET AMENDMENTS AND PROPOSED RESCISSIONS

The justification for the President's January budget request has been printed in the House hearings, and for the record at this point, we will have the agency insert its justifications for the March budget amendments and the President's rescission message for the State grant program funding.

[The information follows:]



JUSTIFICATION

Heritage Conservation and Recreation Service

Urban Park and Recreation Grants

1981 Budget Amendment

JUSTIFICATION

This budget amendment is part of the budgetary reductions proposed to aid in balancing the 1981 Budget as part of the President's Anti-Inflation Program. Reductions below the amounts in the 1981 Budget transmitted to the Congress in January are recommended for those programs and activities which the Administration has determined can be postponed, deferred or conducted with less funds with the relatively least serious adverse consequences.

ESTIMATED EFFECTS

This budget amendment would reduce to zero the proposed 1981 appropriation for the Urban Park and Recreation Recovery (UPARR) Program. Assuming enactment of the FY 1980 rescission proposal, there would be neither carryover nor new appropriations for a) grants to cities or b) funds from this appropriation to maintain the program staff. Administration of planning and project grants made under the fiscal 1979 and 1980 appropriations would have to be absorbed under other HCRS programs. Assuming enactment of the FY 1980 rescission proposal, this amendment would result at the end of fiscal 1981 in an unappropriated authorization of \$390,000,000 for the first three years of the program.

Land and Water Conservation Fund

1981 Budget Amendment

JUSTIFICATION

This budget amendment is part of the budgetary reductions proposed to aid in balancing the 1981 Budget as part of the President's Anti-Inflation Program. Reductions below the amounts in the 1981 Budget transmitted to the Congress in January are recommended for those programs and activities which the Administration has determined can be postponed, deferred or conducted with less funds with the relatively least serious adverse consequences.

ESTIMATED EFFECTS

This proposed budget amendment would: a) reduce the new appropriation for recreation grants to the States by 53% or \$170,000,000 leaving a remainder of \$150,000,000; and b) reduce the new appropriations for Federal purchases of lands for park, recreation, wild and scenic rivers, trails and endangered species by 70% or by \$177,000,000 leaving a remainder of \$75,292,000. The amount available for administration of the fund would not be reduced.

Under the reduced grant program, \$7,500,000 would be allocated for the contingency reserve. The balance of \$142.5 million would be allocated to high priority State and local acquisition and development projects, and projects for the preparation of Statewide Comprehensive Outdoor Recreation Plans. Grants from the contingency amount would be made for high priority projects where the resource was threatened and immediate action was necessary to avoid the Toss of the resource.



Under the Federal lands programs, the land acquisition staffs of the National Park Service, Forest Service, Fish and Wildlife Service and Bureau of Land Management would be maintained to continue the reduced acquisition program as well as to continue to prepare the work necessary to resume the program when funding is restored in subsequent fiscal periods. Acquisitions programmed in FY 1981 are targeted at highest priority areas with the greatest potential of permanent loss or damage including purchase of endangered species nabitat. The following table summarizes the Federal lands program reductions proposed in both 1980 rescission and this amendment to the 1981 Budget.

Historic Preservation Fund

1981 Budget Amendment

JUSTIFICATION

This budget amendment is part of the budgetary reductions proposed to aid in balancing the 1981 Budget as part of the President's Anti-inflation Program. Reductions below the amounts in the 1981 Budget transmitted to the Congress in January are recommended for those programs and activities which the administration has determined can be postponed, deferred or conducted with less funds with the relatively least serious adverse consequences.

ESTIMATED EFFECTS

This budget amendment would reduce the 1981 appropriation for grants-in-aid from \$43,160,000 to \$23,160,000. The reduction will reduce the 1981 estimate for grants to States from \$38,360,000 to \$20,560,000. A proportional reduction (rounded upward) will reduce the amount for the National Trust for Historic Preservation from \$4,800,000 to \$2,600,000. HCRS would propose to devote almost the entire amount for State grants to survey and planning activities, under which States identify historic properties, help to protect them, nominate properties to the National Register of Historic Places, certify properties for tax benefits, and provide technical assistance to citizens and local governments. Money would be available for acquisition or development of projects for unusual or emergency circumstances. The reduction of grants to the National Trust would reduce its range of preservation services to the public. The amounts for program administration (\$1,840,000) would not be affected by these reductions.



TO THE CONGRESS OF THE UNITED STATES:

In accordance with the Impoundment Control Act of 1974, I herewith report 53 proposals to rescind a total of \$1,472.7 million in budget authority previously provided by the Congress. In addition, I am reporting 21 new deferrals totalling \$6,916.4 million.

These rescission proposals and deferrals are an integral part of my recently announced anti-inflation program, and will help achieve a balanced Federal budget in 1981.

The details of each rescission proposal and deferral are contained in the attached reports.

JIMMY CARTER

THE WHITE HOUSE,

April 16, 1980.



Answer: The National Park Service, which had responsibility for the natural landmarks program before its transfer to HCRS, placed high priority on the evaluation of potential natural landmarks recommended in the Arctic Lowland natural region study. This emphasis was based on 1) the need for identifying significant land values within the National Petroleum Reserve pursuant to the National Petroleum Reserves Production Act of 1976, and 2) Governor Hammond's 1976 request for the joint Federal-State Land Use Planning Commission for Alaska to coordinate the development of a comprehensive land use plan for northern Alaska. HCRS has continued this coordination. Data on those potential landmarks identified in the Arctic Lowland study and the more in-depth site-specific studies have been made available to the Bureau of Land Management for use in its review of the values and best uses for the land contained in the Reserve. This same information has also been provided to the Western Arctic Management Area Project Office. The Administration's NPR-A bill (S.2524) does not delineate specific areas within the Reserve which are proposed for leasing -- the entire Reserve would be subject to prompt and orderly leasing of lands for exploration, development, and production of oil and gas resources at the discretion of the Secretary of the Interior. One potential landmark falls partially within the NPR-A (Kasegaluk Lagoon). following six potential landmarks are entirely within the boundaries of the Reserve:

Arctic Foothills Ridges
Barrow Peninsula
Point Borrow- Nuwuk Spit
Simpson Seeps
Tesekpuk Lake
Wainwright Inlet - Kuk River

Question: If you have not coordinated your programs, why hasn't the effort been made? Has 0.M.B. taken a position on the proposal? What is it?

Answer: Efforts to coordinate our programs are noted in the preceding answer. OMB has, of course, taken a positive position on both the NPR-A legislation and the proposed National Heritage Policy Act, both of which are now before Congress. OMB approval is not required for the proposed landmark designations.

"HikaNation"

The Newsweek Magazine of May 5, 1980, had an article on the 4,000 mile "HikaNation." The article stated that the purpose of the demonstration was to call attention for the need for "more--and better hiking trails" and that "... the walk will prod Congress to increase funding of the National Trails System, authorized in 1968, and pay a greater share of the expenses for 280,000 miles of trail ..." The Department of the Interior is cited as providing a great deal of funds for the "HikaNation."

Question: Did the Heritage Conservation and Recreation Service provide any funds toward this effort?

Answer: No. None whatsoever. The HikaNation is a private enterprise funded entirely by donations from the private sector. The Newsweek article makes no mention of the Department of the Interior providing funds for the HikaNation.

Question: How much was provided? How many man-hours and personnel were committed to the effort?



Answer: No funds were provided. The Heritage Conservation and Recreation Service lent its name to the HikaNation as a "co-sponsor." As a "co-sponsor" we are providing cooperative support to the HikaNation with in-Service facilities through our Technical Assistance program. The man-hours spent on the HikaNation are no more than we normally devote to any major event or program in which we have a bonafide interest, and is undertaken as part of the normal duties and responsibilities of our trails staff.

Question: Was the Service aware at the time that it provided funds that the funds were intended to lobby Congress?

Answer: We work with all private interests and levels of government through our Technical Assistance program to stimulate new ideas, concepts and approaches to improving recreation opportunities and services to the public. Neither the American Hiking Society nor the HikaNation, however, are registered lobbying groups. The attached copy of the HCRS news release concerning the HikaNation (April 1, 1980) spells out very clearly what the HCRS purpose was in providing cooperative support to the HikaNation.

(The news release follows:)

HERITAGE CONSERVATION AND RECREATION SERVICE

For F	Release	April	1,	1980
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COAST-TO-COAST HIKE FROM SAN FRANCISCO TO WASHINGTON, D.C. BEGINS APRIL 12

A continuous coast-to-coast hike of 4,000 miles is beginning April 12 in San Francisco and will end approximately 13 months later in Washington, D.C.

Entitled "HikaNation", the cross-country hike was originated by the American Hiking Society (AHS), a nonprofit organization dedicated to the interests of hikers and backpackers. HikaNation is being co-sponsored by Interior's Heritage Conservation and Recreation Service (HCRS).

HikaNation is open to anyone who wants to hike part or all of the planned route. So far over 80 people plan to hike the entire distance, including a couple with their eight-month-old baby girl and several people over 60. Most participants, however, will hike for a day or two.

The purpose of HikaNation is to show the size of the American hiking community, demonstrate the pleasures of hiking, encourage hiking as an energy efficient sport for all age groups, dramatize the need for more trails across the nation, and gather information on trail opportunities currently available.

Information on the progress of HikaNation hikers will be available 24 hours a day in a recorded announcement telling the number of people currently hiking, upcoming destinations with arrival dates, where to join the hike, and where food and clothing drops can be made. Emergency messages for hikers may be left on the recording upon completion of the announcement. The phone number for the recording, which will be activated April 1, is (305) 251-0484.



HikaNation begins at 10:00 a.m. on Saturday, April 12, on the polo field in San Francisco's Golden Gate Park. Hikers will hike along the Pacific Ocean and San Francisco's waterfront to outside the Ferry Building where they will camp the first night. On Sunday morning they will embark upon the Fremont Street ramp of the San Francisco-Oakland Bay Bridge, which they will cross between 6:00 and 9:30 a.m. A special permit has been granted by the State of California for this purpose. This is the first time since the Bay Bridge was opened in 1936 that pedestrians have been allowed to cross it.

They will then proceed east through Berkeley to trails leading through the East Bay Regional Park District. They should arrive in Nevada in early May, Utah by early June, Colorado by early August, Kansas by early October, Oklahoma by mid-November, Arkansas by late November, and Missouri by early December. They plan to be in Shawnee National Forest in Illinois by New Year's Day. They will cross Kentucky in January, Virginia and West Virginia in February and March, and hike the towpath of the C & O Canal to the Washington Monument in the nation's capital in spring 1981.

The sponsors of HikaNation estimate almost half of the hike will be on foot trails, with the rest on roads, most of them paved. An AHS HikaNation coordinator will follow the hikers in his support trailer which will carry extra food, water, and clothing. The hikers will walk about 12 miles a day, with every seventh day reserved for rest.

There is a fee of \$2 to cross the Bay Bridge to offset costs of safety, sanitation, and first aid facilities. There is also a fee of \$1 a day for each day hiked to pay for support services, up to a maximum of \$30.

Advance registrations and requests for further HikaNation information may be sent to AHS President James A. Kern, 18600 S.W. 157th Avenue, Miami, Florida 33187. Available from AHS and all HCRS offices are lists of suggested equipment and clothing needed for the hike, cities where hikers can join the HikaNation group, and cities to which mail for the hikers can be sent. Information on organizing regional hikes to highlight trail needs is available from the HCRS Division of Natural Resource Systems Planning, 440 G Street, N.W., Room 203, Washington, D.C. 20243, (202) 343-4793, attention Craig Evans, or from your nearest HCRS regional office.

HikaNation coincides with a new program currently underway at HCRS to expand the national trails system in the United States. HCRS held a series of workshops around the nation in late 1979 to assess current trail opportunities, problems, and needs. Based on this assessment, recommendations for actions to meet trail needs are now being developed in partnership with representatives of federal, state and local government agencies, trail organizations, and trail users.

In his Environmental Message of August 2, 1979, President Carter pointed out that "the National Trails System is still in its fledging stages and should grow to meet widespread public interest." He directed the Secretary of the Interior, the Secretary of Agriculture and heads of other Federal agencies to identify trail opportunities on Federal lands and to encourage States, localities, private organizations and landholders to develop trails on their lands. President Carter further directed the Interior and Agriculture Departments to participate with other agencies and trail users in designing and creating an overall National Trails System which will provide more fully for the trails needs of Americans.

The Heritage Conservation and Recreation Service responded to President Carter's directive by initiating the National Trails System Planning Effort, a "grass roots" program conducted in partnership with representatives of Federal, State and local



Government agencies, trail organizations, and trail users throughout the Nation, to assess current trail opportunities, problems and needs.

The American Hiking Society responded by launching the HikaNation, an "event" which is a logical tie-in with our National Trails System Planning Effort, and is indeed helping to dramatize-and publicize--trail needs.

Restrictions on Covering Recreation Facilities

Question: The Native Village of Metlakatla, Alaska, had an outdoor basketball court constructed with funds from the old Bureau of Outdoor Recreation. The Village would like to construct a roof over the structure using their own funds. Heritage Conservation and Recreation Service regulations prevent Metlakatla from proceeding with their proposal.

What Service regulations are preventing Metlakatla from proceeding?

Will the Service be proposing regulations or legislation to clear up these problems?

How many requests have you received to cover a recreational site that have been rejected or prohibited because of the regulations?

Answer: On October 5, 1979, the Service lifted the hold it had placed on using Land and Water Conservation Fund assistance for sheltered or enclosed ice skating rinks and swimming pools.

As the Committee will recall, Congress amended the L&WCF Act in 1976 to permit 10% of a State's apportionment to be used to fund sheltered pools or rinks in areas where the severity of climatic conditions and in increased use made possible by sheltering justify their construction. While this amended language provides sufficient flexibility to allow funding of sheltered pools or rinks in most areas of the country, the Conference Committee Report was more restrictive; it provides that funding be limited to areas of the country where "extreme cold, snow or high winds" justifies such action. The Conference language also makes it clear that this is to involve only "northern tier" areas.

To meet the requirements of the Conference Committee Report it was necessary to adopt climatic factors (snowfall and temperature were chosen) to establish eligible geographic areas. Because of State objections, and because of the impracticality of establishing logical, defensible geographic areas of climatic severity (beyond which cold climatic conditions are not severe enough to justify sheltering) a hold was imposed on implementing guidelines and the funding of sheltered projects. Simultaneously, legislation to clarify and broaden the Act's sheltering provisions was prepared and submitted to the 95th Congress and again to the 96th Congress in the form of S.959 and H.R. 4243.

While we remain firmly committed to the enactment of this legislation, we also recognize the need to provide close-to-home, year-round, cost-effective recreation opportunities at a time when energy conservation is crucial. Accordingly, we are currently implementing the sheltering provisions of the Act, as restricted by the Conference Committee Report provisions which has resulted in the use of rather arbitrary climatic limits to establish geographic eligibility.



Question: Aren't Urban Parks grants meeting important human needs never before addressed by the national government?

Answer: The Urban Park and Recreation Recovery Program is the first effort of the Rederal government specifically to assist local governments to restore the vitality of recreation systems in our major urban centers. Through the UPARR program, the Federal government recognized that cities must be places to live and recreate as well as to work.

Question: What will you do if Congress doesn't approve the Administration's FY'80 rescission proposal? If Congress appropriates grant funds for FY'81?

Answer: If Congress does not approve the FY '80 rescission request or the FY 81 budget amendments as proposed, HCRS will move ahead with the funds appropriated as quickly as possible.

Question: The January budget request indicated that you have funded over 250 projects to date. How will those projects be administered in an accountable way if no funds or staff are available in FY'80?

Answer: We propose to fund 11 full-time permanent positions for administration out of our FY '81 Salaries and Expenses budget.

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SALARIES AND EXPENSES BUDGET

Mr. Delaporte. I would like to close by saying in regard to the \$16,010,000 in our salaries and expenses budget that it includes funds we would reprogram from other work to cover the II positions for urban grant work, so we certainly hope the committee will maintain that level and not go below it. We are very, very tight and very thin right now, and I want to impress upon you what I was saying earlier, that when we go through this interim it is important in our agency that we share information. Our technical assistance programs need to be strengthened.

I can't tell you, Senator, it sounds like an old adage, but to come back to the analogy with the Soil Conservation Service, and that is that getting information out to people to do those types of project about the importance of natural areas, recreation, historic preservation, especially right now in spite of the absence of large amounts of money, is a very important role and one that must be properly maintained.

IMPACT OF A 10-PERCENT REDUCTION

Senator LEAHY. OK. I appreciate that, and I wish you'd supply for the record—and we've asked this question of all agencies that have appeared before the committee this year—what would be the impact, if your budget had to be reduced by 10 percent?

Mr. Delaporte. On the salaries and expenses?

Senator Leahy. Yes; if you could supply the details of what such a cut would mean, and I want to emphasize that everyone has been asked the same question.

Mr. DELAPORTE. I will provide the information for the record. If you look at the salaries and expenses and the number of full-time personnel since I've been Director, you'll find that we are doing more with less, and we're doing it efficiently, but I don't think we can go any further.

Senator Leahy. I understand. I look at HCRS, and I notice the budget level for programs where you're losing 11 permanent full-time positions, 43 work years, which requires you to seek a 38-percent increase in contractual services, I'm aware of what's happening in there, but if you could supply information on that.

Mr. Delaporte. Yes, sir. [The information follows:]

IMPACT AND APPLICATION OF A 10-PERCENT REDUCTION TO SALARIES AND EXPENSES

A 10-percent reduction would be \$1,601,000. It would require substantial reductions in program accomplishment and in employment, and probably a reduction-in-force action.

If such a cut were made, we would propose that it be applied as follows:



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[Dollars in thousands

	Reques	1	Distribution of 10 percent reduction estimates	
	Funds	FTP	Punds	FIP
Federal interagency coordination	\$659	16.5	-\$610	-15 -8 -5 -2
Rivers system designation	1,434	40	- 240	-8
National architecture and engineering record	1,109	16	-660	-5
Environmental compliance review	619	17	-91	-2
	243.5			
Total	16,010	333	-1,601	-30

Federal interagency coordination.—Almost all of this function would be eliminated. This would result in loss of HCRS' ability to respond to policy planning efforts related to 504 (handicapped) regulations, loss of the key role played by IICRS in inserting recreation into the administration's small communities rural development policy, cancellation of eight memoranda of understanding with eight other Federal agencies, and loss of \$275,000 of transfer funds.

Rivers system designation.—As the nationwide rivers inventory is completed in each region, the required monitoring and compliance activities would be brought down to a minimum level, with a reduction of one ITP employee in each regional office.

National architecture and engineering record.—Operations would be reduced to a minimum level. No documentation would be performed and only a small number of accumulated records would be edited and transmitted to the Library of Congress. Assistance to Federal agencies for mitigation in compliance with the Advisory Council on Historic Preservation memoranda of agreement would be the only ongoing function performed. There would be no planning and execution of rehabilitation action teams. In addition to the reduction in FTP employees, there would be an estimated reduction of 12 non-FTP's.

Environmental compliance review.—Heritage Conservation and Recreation Service would no longer serve as lead agency on departmental environmental project reviews. Review of EIS's for conflicts to HCRS programs would be reduced. Workshops and scoping meetings would be eliminated.

SUBCOMMITTEE RECESS

Scnator Leahy. Thank you. Then we will stand in recess, subject to the call of the Chair.

Mr. HERBST. Thank you, Mr. Chairman.

[Whereupon, at 11:13 a.m., Tuesday, April 29, the subcommittee was recessed, subject to the call of the Chair.]

