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THE WHITE HOUSE
WASHINGTON

6 Days

November 21, 1975

MEMORANDUM FOR: PHIL BUCHEN
MAX FRIEDERSDORF
JIM LYNN

FROM: JIM CANNON *JC*

Attached for your comments and recommendations is a draft Presidential statement on the White House Conference on Handicapped Individuals prepared for release to the press tomorrow morning.

I would appreciate your returning your comments to Sarah Massengale, ext. 6776, Room 220, by 5 p.m. today, November 21.

Thank you.

Attachment

Ken discussed orally with Sarah



November 21, 1975

PRESIDENTIAL STATEMENT ON WHITE HOUSE CONFERENCE ON
HANDICAPPED INDIVIDUALS, SATURDAY, NOVEMBER 22, 1975

In response to the many problems confronting handicapped Americans and in accordance with Public Law 93-516, I am calling a White House Conference on Handicapped Individuals to be held in December, 1976.

A major purpose of this conference is to generate a responsive national awareness of the problems facing the handicapped.

Concern for the handicapped is not unique to the Federal Government. State and local officials and private citizens must also turn their attention to the needs of the handicapped.

The private sector can perform a creative role by contributing its talents and resources.

It is appropriate that in the Bicentennial Year the Federal Government focus attention on the needs of our handicapped citizens. Action to alleviate these needs will be a major purpose of the Conference. Along with my colleagues in the Congress and State and local governments, I look forward to receiving those recommendations.

There are more than seven million children and at least 28 million adults in America with physical or mental handicaps. An estimated total of only 800,000 handicapped persons are employed. Thus, employment of the handicapped, and related personal and social problems, must be examined and creative solutions developed. I urge all Americans to support and to participate actively in this great human endeavor.

In accordance with the act, a 28-member National Planning and Advisory Council to the White House Conference on Handicapped Individuals has been appointed.

This Council includes outstanding individuals with impressive backgrounds relating to problems arising from handicapping conditions. Among the Council members are educators, rehabilitation specialists, medical personnel, social workers, Government officials, families of handicapped individuals and consumers.



Dr. Henry Viscardi, Jr., of Kings Point, Long Island, has been appointed Chairman of the Council and will direct the White House Conference. Many members of the Council are handicapped individuals whose handicap has not precluded outstanding personal and professional achievement.

Jack F. Smith of Rochester, New York, has been named Executive Director of the planning staff. Like Dr. Viscardi, he is handicapped and nationally known for his professional accomplishments.

Administrative responsibility for the Conference rests with the Department of Health, Education, and Welfare. I have requested that all Federal agencies cooperate fully with Secretary Mathews.

The White House Conference on Handicapped Individuals is a very worthwhile endeavor. Its results should contribute significantly to the health, education and welfare of handicapped individuals everywhere.



THE WHITE HOUSE

WASHINGTON

December 22, 1975

MEMORANDUM FOR: JIM CONNOR
THROUGH: PHIL BUCHEN
FROM: KEN LAZARUS
SUBJECT: Vice President's Memorandum regarding
Proposal by National Academy of
Public Administration

Counsel's Office has reviewed the memorandum noted above and supports the second option presented, i. e. permit the staff to pursue the ideas in discussion with members of the National Academy and members of Congress.



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: December 20, 1975

Time:

FOR ACTION:

cc (for information):

Phil Buchen
Doug Bennett
Jim Cannon

Max Friedersdorf
Alan Greenspan
Bob Hartmann

Jim Lynn
Jack Marsh
Bill Seidman

FROM THE STAFF SECRETARY

DUE: Date: Tuesday, December 23

Time: 10 A. M.

SUBJECT:

Vice President's Memorandum regarding
Proposal by National Academy of Public
Administration that Congress establish and
fund a comprehensive two-year study of American
Government.

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a
delay in submitting the required material, please
telephone the Staff Secretary immediately.

James E. Connor
For the President





THE VICE PRESIDENT
WASHINGTON

December 16, 1975

MEMORANDUM FOR THE PRESIDENT

FROM: THE VICE PRESIDENT

The National Academy of Public Administration is proposing that Congress establish and fund a comprehensive two-year study of American Government, intergovernmental relations and the policy making process.

The study, which is tentatively called the "Bicentennial Commission on American Government," would be conducted by a 12-member Commission appointed by the President, the Congress, and the Chief Justice to review the functioning of the Federal Government.

The Academy reports that it has already contacted key members of Congress and received favorable reactions, but your support for such a program would be essential.

Three recent events make this proposal particularly interesting.

The controversy over the appropriate Federal role in providing financial assistance for New York City raised once again the question of whether the Federal Government should bypass state governments to deal directly with local problems. It raised, too, the issue of Federal responsibility for administering and financing local problems such as welfare which may have their origin in national policy.



In addition, recent polls have continued to confirm what has become a political

commonplace -- that the American people are dissatisfied with the functioning of their Government. These polls seem to show that the higher the level of Government and the greater its capacity to deal with problems the less confidence it inspires in the American people.

Finally, the Domestic Council Forums, which I chaired at your request, turned up a considerable frustration with the day-to-day operation of the Federal Government. Citizens who made appearances at these hearings repeatedly articulated profound disagreement with the implementation and administration of Federal programs.

It seems to me that a sensible response to all these observations should include a thoroughgoing study of how the Federal Government formulates and implements policy and how it requires the states and localities -- as well as the private sector -- to respond to its initiatives.

The National Academy proposal is only the germ of an idea at this point. But I think that it warrants your consideration as a possible initiative in two respects:

First, as a proposal you might advance as part of your State of the Union Message, especially if that message is pitched to the dissatisfaction of Americans with the functioning of their Government as we enter our third century.

Second, and as an alternative, you might wish to signal your receptiveness to the idea, permitting your staff to pursue it in discussion with members of the National Academy and members of Congress.

If you believe either of these courses would be appropriate, I suggest that you designate someone on your staff to contact the National Academy and perhaps appropriate members of Congress in order to prepare a more complete proposal.



THE WHITE HOUSE

WASHINGTON

December 22, 1975

MEMORANDUM FOR: JIM CONNOR
THROUGH: PHIL BUCHEN *P.*
FROM: DUDLEY CHAPMAN *DC*
SUBJECT: Proposed Amendment to
Executive Order on Predator Control

The draft Executive Order at Tab D contains language in two places that could be interpreted as overly restrictive. The draft originally circulated would have authorized only the specific changes as made by EPA regulations. On the recommendation of this office, that language was broadened to cover any changes that may be made in EPA regulations to avoid the necessity for a new Executive Order every time the regulations are changed.

Now, for the obvious political purpose of stressing the limited character of the EPA authorization, there are very specific references to the EPA decision and an emphatic limitation of the authority to restrictions prescribed by that agency, which could be used to argue that any change in those specific existing conditions is not covered by the Executive Order.

As a legal matter, these restrictive changes in the drafting make no difference in the substance; they only provide the basis for litigation based on lack of clarity in the drafting.

For this reason, the first paragraph of the draft Order should be amended by deleting the following language:

"and consistent with the findings of the Administrator of the Environmental Protection Agency that strictly regulated use of sodium cyanide in the M-44 predator



control device is permissible under specifically controlled and highly restrictive conditions (40 F.R. 44726 - 44739, September 29, 1975),"

The new subparagraph (d) should be amended by deleting the words: "but only on the terms and subject to all the restrictions"

and substituting the words "in accordance with regulations"



THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: December 18

Time: 545pm

FOR ACTION: James Lynn
 Robert T. Hartmann
 Jack Marsh
 Philip Buchen ✓
 Max Friedersdorf

cc (for information): Jim Cavanaugh

FROM THE STAFF SECRETARY

DUE: Date: Monday, December 22

Time: 530pm

SUBJECT:

Proposed Amendment to Executive Order on Predator Control

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

x

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing



PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a

THE WHITE HOUSE

DECISION

WASHINGTON

MEMORANDUM FOR THE PRESIDENT

FROM: JAMES CANNON

SUBJECT: Predator Control

PURPOSE

You have been requested by Russ Train to amend Executive Order 11870 to allow limited use of sodium cyanide on public lands to control coyotes.

BACKGROUND

On September 16, 1975, the Administrator of EPA issued a decision allowing the use of sodium cyanide capsules in the M-44 device as a method to control coyote predation.

An original Executive Order (E.O. 11643) barring the use of any such chemical on public lands was amended by you (E.O. 11870) to allow experimental use of sodium cyanide. This Order still is in effect and bars the use of the M-44 in regular control programs. Mr. Train requests that E.O. 11870 be amended to make the Executive Order consistent with the EPA decision (TAB A).

The issue has been hotly contested, with the sheepgrowers and their congressmen pressuring for complete recission of the Executive Order (TAB B- Senators Hansen and McClure). If the Executive Order is rescinded, the proponents in Congress feel that they can get even greater relaxation of chemical toxicant restrictions. You have met formally with this group on two occasions and they are aware of your interest in the issue.



Equally as strong in support of amendment as requested by Mr. Train are those who feel that the public lands must be protected by Executive action for the benefits offered to all Americans, not just the few who are allowed the use of these lands for sheep and cattle grazing (TAB C - Russ Peterson letter to Cannon). They argue that the E.O. should be amended to allow the use of the M-44 device, but not to remove the safeguard that the Executive Order offers against the relaxation of prohibitions on other, and more unacceptable, chemical toxicants.

As presented, the suggested E.O. will allow the EPA to make changes in its regulations without requiring a new executive order each time such changes occur.

OPTIONS

1. Do nothing, thus prohibiting the use of M-44 device on public lands.

Approve _____

Disapprove _____

Arguments

Pro: This would be the strongest environmental stand in that you would be even more restrictive than EPA.

Con: Offers no help to the affected sheepgrowers and is not being urged by any but the most rabid citizen groups.

2. Amend the Executive Order to allow the use of the M-44 device, and allowing other regulatory changes without further E.O. amendments. (TAB D)

Approve _____

Disapprove _____

Arguments

Pro: Has strong environmental support, and generally acceptable to other agencies. Would act as a deterrent against further pressures to relax Federal restrictions on chemical toxicants ~~for~~ use on public lands.



Con: Does not meet the objections of the sheepgrowers and their congressmen who feel most directly the losses from predators.

3. Rescind Executive Order 11643, as amended by E.O. 11870, on the grounds that adequate laws and regulations are now on the books that control toxicant use. (TAB E)

Approve _____

Disapprove _____

Pros: Would be highly favored by Western sheepgrowers and ranchers.

Would be perceived of as your support for stronger predator control programs on public lands.

Would remove the President from the necessity for continuing decisions in toxicant usage on a case-by-case basis.

Con: This decision would likely cause strong editorial and citizen group uproar. It would be characterized as a failure of the Administration to treat the public lands as a public heritage, but given over to the special interests for their benefit.







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

SEP 3 0 1975

THE ADMINISTRATOR

Dear Mr. President:

On July 11, 1975, I issued a Notice calling a hearing to determine whether a 1972 EPA Order should be modified to permit sodium cyanide to be used in the M-44 device to control wild canid predators which prey on livestock, principally sheep. The 1972 Order cancelled and suspended all Federal registrations of sodium cyanide, strychnine, and sodium fluoroacetate (1080) for predator control. It was issued on March 9, 1972, immediately following Executive Order 11643 of February 8, 1972, which banned the use of chemical toxicants on Federal lands except in emergencies.

In the July 11 Notice I noted that if the 1972 EPA Order were modified to permit the use of sodium cyanide, general or operational use on Federal lands and by Federal agencies still would be prohibited under the Executive Order except in certain emergencies. I also stated in the Notice that if the 1972 EPA Order were modified, I would recommend to you that the 1972 Executive Order be modified accordingly.

In the interim, on July 18, 1975, Executive Order 11643 was modified by Executive Order 11870 to permit use of sodium cyanide on an experimental basis for one year in accordance with the applicable law. Pursuant to Executive Order 11870, an EPA experimental use permit was issued to the Department of the Interior on September 2, 1975, to allow experimentation with the sodium cyanide toxic collar device to control sheep predation by coyotes. The amended Executive Order continues the prohibition of the prior Executive Order on general or operational use of sodium cyanide by Federal agencies and on Federal lands.

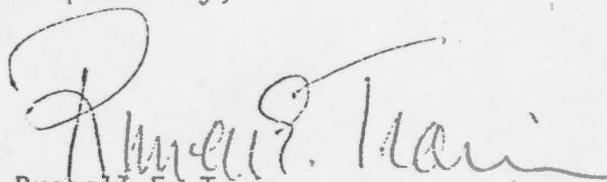
On Tuesday, September 16, 1975, I issued a Decision and Order modifying the 1972 EPA Order to permit the registration of sodium cyanide capsules for use in the M-44 device. I would like to emphasize that in amending the 1972 EPA Order, registration of sodium cyanide for use in the M-44 device will be subject to 26 restrictions set forth in the attached Order. These restrictions were developed out of a concern for human safety and protection of non-predator species of animals. Risk of injury to operating personnel and the public generally (especially children) is a matter of grave concern to me, particularly in view of the very high and continually increasing levels of recreation use of virtually all of our public lands. These risks can only be minimized by use of sodium cyanide under properly controlled conditions. Similarly,



controlled use and care in placement of M-44 devices are necessary to ensure that the highest possible degree of selectivity is attained in taking target species of predatory animals, thereby reducing the risk to non-target species, especially endangered and threatened species. The 26 restrictions are designed to minimize such risks.

As a result of this recent EPA action, I recommend modification of Executive Order 11870 to permit the use of sodium cyanide in the M-44 device by Federal agencies and on Federal lands, but only on the terms and subject to the restrictions prescribed by the Environmental Protection Agency pursuant to the September 16, 1975 Decision and Order (40 F.R. 44725, September 29, 1975) and the applicable provisions of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136 et seq.).

Respectfully,


Russell E. Train

The President
The White House
Washington, D. C. 20500

2 Enclosures



TAB B



CLIFFORD P. HANSEN
WYOMING

United States Senate

WASHINGTON, D.C. 20510

November 10, 1975

George Humphreys
Domestic Counsel
The White House
Washington, D. C. 20500

Dear Mr. Humphreys:

Enclosed is a statement of our position on the Executive Order in preparation for your decision paper.

We stand ready to work with you on revising the length, if our statement is longer in your paper than the one page you suggested.

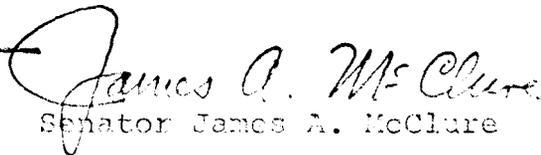
Thank you again for taking the time to meet with us and to give us this opportunity to express our position.

With kind regards,

Sincerely,



Senator Clifford P. Hansen



Senator James A. McClure

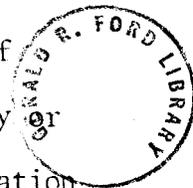
CPH:snc
Enclosure



The maintenance of the Executive Order ban against certain predacides is not consistent with rational regulation of pesticides. When the EO was issued, EPA did not have a law adequate to the flexible regulation of predator toxicants, and a ban may have been justified. Since 1972, two developments have made rescission of the Order desirable:

1. Predator populations have increased dramatically, and so have losses to predators. Hard data may never be available to settle this point once and for all. However, Tab A presents data which we find persuasive, and in any event, concern over increasing predator populations now extends well beyond cattle and sheepmen. Poultry losses are increasing; officials of State fish and game agencies, who are responsible for the wildlife populations within the States, are becoming concerned about damage to bird and other game populations; local chapters of such environmental groups as the Izaak Walton League are now revising their positions on predacides, in favor of wider use; certain American Indian tribes have indicated the adverse impact of the ban on their activities.

2. Congress has passed amendments to the pesticide law which permit the use of predacides under appropriate restrictions. Regulations just now going into effect provide for "restricted use" pesticides and "certified applicators," by means of which EPA can control the use of predacides, thus relieving the present pressures for extra-regulatory or illegal use. EPA can set the criteria for certification, in consultation

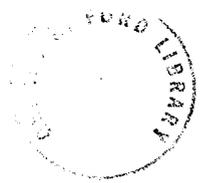


with other agencies, including the Departments of Interior and Agriculture, interested in the management of wild and domestic animals, and the public lands. Congress has clearly expressed its intention that pesticides, including predacides, be regulated under FIFRA, and not by Executive Order.

In view of these developments, and in light of the trend to simplification of regulation, the present, two-level regulation of predacides is unjustifiable. The present system does not provide the flexibility and speed of response needed to meet the legitimate needs of stockmen, wildlife specialists, and public health officials. The degree of control which EPA would retain over predacide use under FIFRA is sufficient to accomplish the broad policy goals of the Administration with respect to pesticide and animal damage control.



TAB C



EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
722 JACKSON PLACE, N. W.
WASHINGTON, D. C. 20006

Dear Jim:

By now, the amendment to the Executive Order on predator control should have nearly finished the clearance process, again raising the question of whether it is better to proceed with the amendment or to rescind that order entirely. The purpose of this note is to reiterate emphatically my position that it would be unwise in the extreme to rescind the order at this time.

The main thrust of the original Executive Order was to reaffirm the national policy that the public lands with the wildlife and other resources they contain are held in trust for the public as a whole; and that the use of poisons -- particularly long lasting, non-selective ones causing secondary effects -- was a gross abuse of that trust.

It is true that the Environmental Protection Agency has legislative authority to control poison use. However, if the President rescinds the order, his act will be perceived as a negation of the principle of the public trust in which public lands are held, and as Presidential endorsement of a return to the previous abuse of poisons.

This issue has become strongly symbolic to the public. I would emphasize that with the public lands and poison issues involved the "public" concerned is not only the traditional conservationists, but it includes a large segment of the rest of our citizens.

Sincerely,



Russell W. Peterson
Chairman

Mr. James A. Cannon
Assistant for Domestic Affairs
White House
Washington, D.C. 20500



TAB D



EXECUTIVE ORDER

AMENDING EXECUTIVE ORDER NO. 11643 OF FEBRUARY 8,
1972, RELATING TO ENVIRONMENTAL SAFEGUARDS
ON ACTIVITIES FOR ANIMAL DAMAGE
CONTROL ON FEDERAL LANDS

By virtue of the authority vested in me as President of the United States, and in furtherance of the purposes and policies of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et. seq.), the provisions of Section 1 of the Act of March 2, 1931 (46 Stat. 1468, 7 U.S.C. 426) and the Endangered Species Act of 1973 (87 Stat. 884, 16 U.S.C. 1531 et. seq.), and consistent with the findings of the Administrator of the Environmental Protection Agency that strictly regulated use of sodium cyanide in the M-44 predator control device is permissible under specifically controlled and highly restrictive conditions (40 F.R. 44726 - 44739, September 29, 1975), Executive Order No. 11643 of February 8, 1972, as amended by Executive Order No. 11870 of July 18, 1975, is further amended by adding the following subsection to Section 3:



"(d) Notwithstanding the provisions of subsection (a) of this Section, the head of an agency may authorize the operational use of sodium cyanide in Federal programs or on Federal lands, [but only on the terms and subject to all the restrictions] prescribed by the Environmental Protection Agency; provided that, such use of sodium cyanide is prohibited in (1) areas where endangered or threatened animal species might be adversely affected; (2) areas of the National Park System; (3) areas of the National Wildlife Refuge System; (4) areas of the National Wilderness Preservation System; (5) areas within national forests or other Federal lands specifically set aside for recreational use; (6) prairie dog towns; (7) National Monument areas; and (8) any areas where exposure to the public and family pets is probable."

in accordance with regulations

THE WHITE HOUSE

, 1975



THE WHITE HOUSE

EXECUTIVE ORDER

ENVIRONMENTAL SAFEGUARDS ON ACTIVITIES FOR
ANIMAL DAMAGE CONTROL ON FEDERAL LANDS

By virtue of the authority vested in me as President of the United States, and in furtherance of the purposes and policies of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the provisions of Section 1 of the Act of March 2, 1931 (46 Stat. 1468, 7 U.S.C. 426) and the Endangered Species Act of 1973 (87 Stat. 884, 16 U.S.C. 1531 et seq.), Executive Order No. 11643 of February 8, 1972, is amended to read as follows:

"Section 1. It is the policy of the Federal Government, consistent with the authorities cited above, to:

- (1) Manage the public lands to protect all animal resources thereon in the manner most consistent with the public trust in which such lands are held.
- (2) Conduct all mammal or bird damage control programs in a manner which contributes to the maintenance of environmental quality, and to the conservation and protection of the Nation's wildlife resources, including predatory animals.
- (3) Restrict the use on public lands and in Federal predator control programs of any chemical toxicant for the purpose of killing predatory animals or birds which would have secondary poisoning effects.
- (4) Restrict the use of chemical toxicants for the purpose of killing predatory or other mammals or birds in Federal programs and on Federal lands in a manner which will balance the need for a responsible animal damage control program consistent with the other policies set forth in this Order; and
- (5) assure that where chemical toxicants or devices are used pursuant to Section 3(b), only those combinations of toxicants and techniques will be used which best serve human health and safety and which minimize the use of toxicants and best protect nontarget wildlife species and those individual predatory animals and birds which do not cause damage, consistent with the policies of this Order."

"Sec. 2. Definitions. As used in this Order the term:

- (a) "Federal lands" means all real property owned by or leased to the Federal Government, excluding (1) lands administered by the Secretary of the Interior pursuant to his trust responsibilities for Indian affairs, and (2) real property located in metropolitan areas.

more



(b) "Agencies" means the departments, agencies and establishments of the Executive branch of the Federal Government.

(c) "Chemical toxicant" means any chemical substance which, when ingested, inhaled, or absorbed, or when applied to or injected into the body, in relatively small amounts, by its chemical action may cause significant bodily malfunction, injury, illness, or death, to animals or to man.

(d) "Predatory mammal or bird" means any mammal or bird which habitually preys upon other animals, birds, reptiles or fish.

(e) "Secondary poisoning effect" means the result attributable to a chemical toxicant which, after being ingested, inhaled, or absorbed, or when applied to or injected into, a mammal, bird, reptile or fish, is retained in its tissue, or otherwise retained in such a manner and quantity that the tissue itself or retaining part if thereafter ingested by man, mammal, bird, reptile or fish, produces the effects set forth in paragraph (c) of this Section.

(f) "Field use" means use on lands not in, or immediately adjacent to, occupied buildings."

"Sec. 3. Restrictions on Use of Toxicants. (a) Heads of agencies shall take such action as is necessary to prevent on any Federal lands under their jurisdiction, or in any Federal program of mammal or bird damage control under their jurisdiction:

(1) the field use of any chemical toxicant for the purpose of killing a predatory mammal or bird; or

(2) the field use of any chemical toxicant which causes any secondary poisoning effect for the purpose of killing mammals, birds, or reptiles.

(b) Notwithstanding the provisions of subsection (a) of this Section, the head of any agency may authorize the emergency use on Federal lands under his jurisdiction of a chemical toxicant for the purpose of killing predatory mammals or birds, or of a chemical toxicant which causes a secondary poisoning effect for the purpose of killing other mammals, birds, or reptiles, but only if in each specific case he makes a written finding, following consultation with the Secretaries of the Interior, Agriculture, and Health, Education, and Welfare, and the Administrator of the Environmental Protection Agency, that an emergency exists that cannot be dealt with by means which do not involve use of chemical toxicants, and that such use is essential:

(1) to the protection of the health or safety of human life;

(2) to the preservation of one or more wildlife species threatened with extinction, or likely within the foreseeable future to become so threatened; or

(3) to the prevention of substantial irretrievable damage to nationally significant natural resources.

more



(c) Notwithstanding the provisions of subsection (a) of this Section, the head of an agency may authorize the use, on an experimental basis, of sodium cyanide to control coyote and other predatory mammal or bird damage to livestock on Federal lands or in Federal programs, provided that such use is in accordance with all applicable laws and regulations, including those relating to the use of chemical toxicants, and continues for no more than one year.

"Sec. 4. Rules for Implementation of Order. Heads of agencies shall issue such rules or regulations as may be necessary and appropriate to carry out the provisions and policy of this Order."

GERALD R. FORD

THE WHITE HOUSE,
July 18, 1975

#



EXECUTIVE ORDER

ENVIRONMENTAL SAFEGUARDS ON ACTIVITIES
FOR ANIMAL DAMAGE CONTROL ON FEDERAL LANDS

By virtue of the authority vested in me as President of the United States and in furtherance of the purposes and policies of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the Endangered Species Conservation Act of 1969 (16 U.S.C. 668aa), it is ordered as follows:

Section 1. Policy. It is the policy of the Federal Government to (1) restrict the use on Federal lands of chemical toxicants for the purpose of killing predatory mammals or birds; (2) restrict the use on such lands of chemical toxicants which cause any secondary poisoning effects for the purpose of killing other mammals, birds, or reptiles; and (3) restrict the use of both such types of toxicants in any Federal programs of mammal or bird damage control that may be authorized by law. All such mammal or bird damage control programs shall be conducted in a manner which contributes to the maintenance of environmental quality, and to the conservation and protection, to the greatest degree possible, of the Nation's wildlife resources, including predatory animals.

Sec. 2. Definitions. As used in this order the term:

(a) "Federal lands" means all real property owned by or leased to the Federal Government, excluding (1) lands administered by the Secretary of the Interior pursuant to his trust responsibilities for Indian affairs, and (2) real property located in metropolitan areas.

(b) "Agencies" means the departments, agencies, and establishments of the executive branch of the Federal Government.

(c) "Chemical toxicant" means any chemical substance which, when ingested, inhaled, or absorbed, or when applied to or injected into the body, in relatively small amounts, by its chemical action may cause significant bodily malfunction, injury, illness, or death, to animals or man.

(d) "Predatory mammal or bird" means any mammal or bird which habitually preys upon other animals or birds.

(e) "Secondary poisoning effect" means the result attributable to a chemical toxicant which, after being ingested, inhaled, or absorbed, or when applied to or injected into, a mammal, bird, or reptile, is retained in its tissue, or otherwise retained in such a manner and quantity that the tissue itself or retaining part if thereafter injected by man, mammal, bird, or reptile, produces the effects set forth in paragraph (c) of this section.

more

(OVER)



(f) "Field use" means use on lands not in, or immediately adjacent to, occupied buildings.

Sec. 3. Restrictions on Use of Chemical Toxicants.

(a) Heads of agencies shall take such action as is necessary to prevent on any Federal lands under their jurisdiction, or in any Federal program of mammal or bird damage control under their jurisdiction:

(1) the field use of any chemical toxicant for the purpose of killing a predatory mammal or bird; or

(2) the field use of any chemical toxicant which causes any secondary poisoning effect for the purpose of killing mammals, birds, or reptiles.

(b) Notwithstanding the provisions of subsection (a) of this section, the head of any agency may authorize the emergency use on Federal lands under his jurisdiction of a chemical toxicant for the purpose of killing predatory mammals or birds, or of a chemical toxicant which causes a secondary poisoning effect for the purpose of killing other mammals, birds, or reptiles, but only if in each specific case he makes a written finding, following consultation with the Secretaries of the Interior, Agriculture, and Health, Education, and Welfare, and the Administrator of the Environmental Protection Agency, that any emergency exists that cannot be dealt with by means which do not involve use of chemical toxicants, and that such use is essential:

(1) to the protection of the health or safety of human life;

(2) to the preservation of one or more wildlife species threatened with extinction, or likely within the foreseeable future to become so threatened; or

(3) to the prevention of substantial irretrievable damage to nationally significant natural resources.

Sec. 4. Rules for Implementation of Order. Heads of agencies shall issue such rules or regulations as may be necessary and appropriate to carry out the provisions and policy of this order.

RICHARD NIXON

THE WHITE HOUSE,

February 8, 1972.

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TAB E

DRAFT

EXECUTIVE ORDER

By virtue of the authority vested in me as President of the United States, Executive Order No. 11643 of February 8, 1972, as amended, is hereby revoked.

The White House

_____, 1975



THE WHITE HOUSE

WASHINGTON

January 6, 1976

MEMORANDUM FOR: JIM CANNON
THROUGH: PHIL BUCHEN *P.*
FROM: KEN LAZARUS *KL*
SUBJECT: The Federal Property Council

We have reviewed the draft memorandum to the President on the subject noted above. This is to advise that Counsel's Office supports Option 3 -- Abolish the Council.

Thank you.



THE WHITE HOUSE

WASHINGTON

December 31, 1975

MEMORANDUM FOR: PHIL BUCHEN
MAX FRIEDERSDORF
ALAN GREENSPAN
BOB HARTMANN
JIM LYNN
JACK MARSH
BILL SEIDMAN
PAUL THEIS

FROM: JIM CANNON 

SUBJECT: The Federal Property Council

May I have your comments on the attached decision paper on the Federal Property Council and your preference among the options by COB, January 7, 1976.

Thank you.

Attachment



SUBJECT: Federal Property Council

The issue for your decision is whether the Federal Property Council should be continued, modified, or abolished.

In a related matter, there are thirty-eight surplus properties ready for transfer and these can be announced at the same time as the action to implement your decision on the future of the Federal Property Council.

I. BACKGROUND

The Council was created in 1973 by Executive Order as a successor to the Property Review Board which was created in 1971. The principal functions of the Council and, before it, the Board are:

- Decide disputes among agencies (GSA and the agency presently controlling property) as to whether or not particular pieces of Federal real property should be declared excess and thus available for transfer to a State or local government for park, school, hospital, airport or other use.
- Recommend new and improved policies for managing Federal real property.
- Coordinate announcements and transfer of surplus Federal property which would be used for park purposes -- a function begun in 1971 under the title of the "Legacy of Parks" program which has led to turning over 559 parcels of land.

Members of the Council include the Director of OMB, Chairmen of CEQ and CEA, and others designated by the President. The last designations were made in 1973 and included Anne Armstrong as Council Chairman, Bill Timmons, Bryce Harlow and Leonard Garment.

Staff for the Council has generally been obtained on detail from various agencies -- a practice that causes continuing administrative problems.



The Council met seldom. Most of its work was done by the detailed staff and with most disputes worked out by a "senior review group" of agency representatives created by the Council.

The Executive Order creating the Council also established a requirement for continuing reviews by GSA of Federal property holdings to identify -- and report to the President via the Council -- those properties GSA believes should be declared excess. This process of excessing and transferring Federal real property will continue, whether or not the Council is maintained, modified, or abolished.

II. OPTIONS

Option #1. Continue the Council as it has been organized and staffed. Appoint new members from the senior staff to replace members who have left, selecting either Lynn or Marsh as Chairman. Arrange detailed staff.

- . Arguments for this are that (a) a high level Council is needed to demonstrate importance of the function, stimulate agencies to act in turning over property, and resolve disputes among agencies; and (b) it preserves the status of the popular and successful "Legacy of Parks" program.
- . Arguments against are that (a) the most important and visible land transfers have already occurred; and (b) necessary functions can be continued without a large Council.

Option #2. Continue the Council but with fewer members, i.e., heads of CEQ, CEA, and White House Congressional Relations, with OMB as Chairman. Assign function of developing and recommending policy to GSA and coordination of "Legacy of Parks" function to Interior -- thus leaving only the dispute settlement to the Council. Staffing for the Council would be provided by GSA and Interior for their functions and the remainder by OMB.

- . Arguments for this are that (a) keeps pressure on agencies to review and transfer property, maintains high level interest, and maintains mechanisms for resolving disputes; and (b) disperses some functions.



- . Arguments against are that it might be viewed as downgrading importance of property transfer by agencies and by others interested in transfers.

Option #3. Abolish the Council. Assign GSA responsibility for developing and recommending improved property disposal policies; assign Interior responsibility for coordinating and publicizing legacy of parks transfers; and assign OMB responsibility for resolving interagency disputes.

- . Arguments for this are that (a) the Council is no longer essential to continue transfer program and achieve benefits, including the "Legacy of Parks" transfers; and (b) speeds up the transfer of property by eliminating Federal Property Council review and approval.
- . Arguments against are that (a) the property review and transfer program might not be taken as seriously by agencies and thus would deteriorate without the Council mechanism; and (b) the benefits of White House involvement in the popular transfer program may be lost.

III. RECOMMENDATIONS AND DECISIONS

Option #1. Continue the Council as it has been organized and staffed. Arrange for detailed staff.

Option #2. Continue the Council with fewer members (CEA, CEQ, Congressional Relations, and OMB Chairmanship) and leave only dispute settlement to the Council. Council would be staffed by GSA, Interior and OMB for their respective functions.

Option #3. Abolish the Council. Assign all functions and responsibility for staffing to GSA, Interior and OMB.

If you decide to adopt Option #3, there are attached for your consideration:

- . TAB A - brief description of new assignment of responsibilities.
- . TAB B - Executive Order making changes.
- . TAB C - Recommended Presidential Statement.
- . TAB D - Fact Sheet.





TRANSFER OF FEDERAL PROPERTY - AGENCY ASSIGNMENTS

ADMINISTRATOR, GENERAL SERVICES ADMINISTRATION

1. Establishes standards and procedures for identifying real property that is not utilized, underutilized, or not being put to optimum use.
2. Conducts on a continuing basis a survey of real property holdings of all executive agencies to identify excess property.
 - a - notifies property holding agencies 30 days in advance of GSA's intention to survey a particular property.
 - b - GSA representative visits the property and prepares a survey report, which is sent to the Administrator.
3. Reviews the report and notifies holding agency of conclusion.
 - a - If decision is to declare the property excess, and the holding agency agrees, the property is usually excessed.
 - b - If the holding agency disagrees, it will have to prove justification for retention of the land. If Administrator concurs with the holding agency, the case is closed.
 - c - If GSA and holding agency cannot agree on GSA survey conclusion that property should be declared excess, Administrator of GSA notifies the Director of OMB, who resolves the matter.
4. For properties declared excess to holding agency's needs, notifies other Federal agencies to determine if they have a valid need.
 - a - If there is no Federal agencies' valid need for the excess property, it is declared surplus.
5. Screens property through State and local public bodies if there is a public need.
 - a - When transfers are approved, notifies appropriate members of Congress and State and local officials.
6. If there is no Federal, State or local public need for the property, offers the property for sale by competitive bid.



7. Coordinates the transfer program, including assuring that all notifications of impending transfer are made and that announcements are made in a timely fashion and that transfer ceremonies, if appropriate, are arranged.

HEADS OF PROPERTY HOLDING AGENCIES

1. Conduct continuing surveys of all real properties in accordance with standards set by Administrator of GSA and notify GSA of property excess to agency's needs.
2. Review GSA surveys of the agency's properties and advise on GSA's comments and concurrence or nonconcurrency. In the case of nonconcurrency, heads provide justification for retention of property.
3. Review property that is excess to needs of other agencies; notify Administrator of GSA if there is a valid need for the property.

SECRETARY OF DEPARTMENT OF THE INTERIOR

1. Coordinates the Legacy of Parks program through acquisition of excess or surplus property for: the National Park Service; the U.S. Fish and Wildlife Service; wildlife conservation purposes; historic monument purposes; the Bureau of Outdoor Recreation (BOR); and State or local public body for recreation purposes. In the case of surplus properties available for possible park use by State or local public bodies:
 - a - BOR surveys public bodies to determine interest in the property.
 - b - Where there is interest, BOR works with the applicant to insure an acceptable utilization program.
 - c - BOR requests Administrator of GSA to assign property to the public body.

DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET

1. Reviews and resolves disputes between GSA and the holding agency as to whether an agency's property should be declared excess to an agency's needs or surplus to the Federal government's needs.
2. The Director assures that the property survey review and transfer program is functioning properly, and reports to the President from time to time on the program.



TAB B



EXECUTIVE ORDER

FEDERAL PROPERTY REVIEW

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, including Section 205(a) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(a)), and as President of the United States of America, it is hereby ordered as follows:

Section 1. All Executive agencies shall periodically review their real property holdings and conduct surveys of such property in accordance with standards and procedures determined by the Administrator of General Services pursuant to Section 206 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 487), Executive Order No. 11717 of May 9, 1973, and this Order.

Sec. 2. The Administrator of General Services shall continue to issue standards and procedures, conduct surveys, and cause surveys to be conducted, to ensure that the real property holdings of Executive agencies shall continually be evaluated with special emphasis on the identification of properties that are not utilized, are under utilized, or are not being put to optimum use. The Administrator shall consult with appropriate Executive agencies in order to (a) identify real property that is excess or surplus to the needs of the Executive agencies, and (b) make such real property available for its most beneficial use under the various laws of the United States affecting such property.



Sec. 3. The Administrator of General Services shall report to the Director of the Office of Management and Budget with respect to any property or portion thereof which has not been reported excess to the requirements of the holding agency and which, in the judgment of the Administrator, is not utilized, is under utilized, or is not being put to optimum use, and which he recommends should be reported as excess property.

Sec. 4. The Director of the Office of Management and Budget shall review Federal real property policies and the objectives of the Executive branch of the Government; and shall review the reports made by the Administrator of General Services pursuant to Section 3 of this Order, as well as other reports relating to Federal real property, with particular attention to resolving conflicting claims on, and alternate uses for, any property described in those reports, consistent with laws governing Federal real property. The Director shall submit such recommendations and cause reports to be submitted to the President as may be appropriate.

Sec. 5. Executive Order No. 11724 of June 25, 1973, is hereby superseded.

WHITE HOUSE

, 1975



TAB C



December 17, 1975

DRAFT STATEMENT BY THE PRESIDENT:

Transfer of 38 Federal Properties to State and Local Governments; and reorganization of Federal Property Review Process

As the Nation's largest landholder, the Federal Government has a special responsibility to review its own use of valuable land to determine whether any of that land could be used better for another purpose.

In line with this objective, the Federal Government has a program to determine whether the property held by each of its agencies is excess to the needs of that agency or surplus to the needs of the Federal Government as a whole. One major aspect of this program is to make excess and surplus lands available to others for conservation, recreation and park purposes. Since 1971, lands totalling 77,354 acres with an estimated value of more than \$214 million have been turned over to state and local governments, making possible the creation of 563 parks. Since this program began, each state has received lands for at least one park.

I am pleased to announce today that the Federal Government is turning over 38 additional pieces of property, totalling 2,436 acres in 23 states, to State and local governments for park and recreation uses and to the U.S. Fish and Wildlife



Service, U.S. Forest Service and the National Park Service. This land is being made available without any charge to the States or localities.

I have also signed today an Executive Order which reorganizes the arrangements for carrying out the property review and transfer process. Heretofore, the responsibility has been assigned to the Federal Property Council, which was created in the Executive Office of the President to coordinate and carry out the program. Now that the program is well established, I have concluded that the special council arrangements are no longer necessary and that the various responsibilities should be carried out by the land holding agencies, the General Services Administration, the Department of the Interior, and the Office of Management and Budget.

Under the new arrangements, I expect the property review and transfer program to continue with equal or greater vigor, and with greater speed, efficiency and effectiveness without the past arrangements for centralized coordination or control.



TAB D



FACT SHEETTRANSFERS OF FEDERAL PROPERTY

The President today:

- announced the transfer of 38 parcels of Federal property with an estimated value of \$12.8million to State and local governments, the U.S. Fish and Wildlife Service, the U.S. Forest Service, and the National Park Service.
- signed Executive Order _____, which continues the program, but modifies the organizational arrangements for carrying it out.

BACKGROUND

- . As part of a commitment to the reduction of unneeded Federal landholdings, surplus Federal properties are made available for park and recreational purposes and fish and wildlife conservation uses.
- . Since 1971, a total of 563 parks containing in excess of 77,354 acres with a value of more than \$214 million have been announced under this program. Every state, including the Commonwealth of Puerto Rico, the Virgin Islands, and the District of Columbia, has received land for at least one park.
- . In 1970 the General Services Administration was assigned responsibility for conducting surveys of Federal land holdings for purposes of identifying excess lands, and the Property Review Board was created to coordinate the program (Executive Order No. 11508). In June 1973, the Federal Property Council was created within the Executive Office of the President to assume the functions of the Property Review Board.
- . Under the Executive Order issued today, Federal surplus land surveys will continue. The functions of the Federal Property Council will be assigned to the appropriate agencies, and the transfer of Federal property will be expedited.

PROPERTIES ANNOUNCED FOR TRANSFER

The 38 properties announced for transfer are located in 23 states. The properties are listed in the attachment along with the recipient organization and the estimated value.



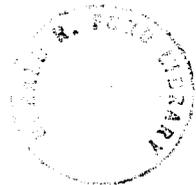
MODIFICATION OF ORGANIZATIONAL ARRANGEMENTS

The transfer of unneeded Federal properties would not differ much from current practice, but the organizational arrangements for carrying it out have been modified. The Federal Property Council has been abolished and its functions have been shifted to the General Services Administration, the Department of the Interior, and the Office of Management and Budget.

The Administrator of the General Services Administration will continue to conduct surveys of Federal properties, identifying those he believes can be put to better use and recommending appropriate action.

The Secretary of the Department of the Interior has the responsibility for announcing the Legacy of Parks transfers in coordination with GSA.

The Director of the Office of Management and Budget will assume the responsibility for resolving interagency disputes and claims for the use of Federal properties.



LEGACY OF PARKS PROPERTIES

<u>Name, Location and Recipients</u>	<u>Approximate Acres</u>	<u>Estimated Value</u>
Portion of the Veterans Administration Hospital Fort Roots, North Little Rock, Arkansas Recipient: City of North Little Rock	32	\$ 160,000
Portion of Site 300, Parcel II San Joaquin County, California Recipient: State of California	100	30,000
Portion of the Norwalk Petroleum, Oil and Lubrication Station No. 2, Los Angeles County, Norwalk, California Recipient: Southeast Recreation and Park District, Norwalk, California	2	80,000
Portion of the Los Angeles Defense Area, Nike Site 78 Malibu, Los Angeles County, California Recipient: State of California	11	50,000
Portion of the Welaka National Fish Hatchery Putnam County, Florida Recipient: Putnam County	39	15,000
Spencer Grain Bin Site Will County, Illinois Recipient: New Lenox Community Park District, New Lenox, Illinois	2	15,000
Former U.S. Post Office, Biddeford, Maine Recipient: City of Biddeford	0.45	100,000
Launcher Area, NIKE Battery BA-03 Baltimore County, Maryland Recipient: Baltimore County	28	60,000



<u>Name, Location and Recipients</u>	<u>Approximate Acres</u>	<u>Estimated Value</u>
U.S. Army Coit Rifle Range Kent County, Michigan Recipient: Kent County	182	\$ 45,000
Clearwater Bin Site Antelope County, Nebraska Recipient: Village of Clearwater	2	1,000
Portion of Camp Lejeune Marine Corps Base Onslow County, North Carolina Recipient: Board of Commissioners of Onslow County, North Carolina	41	20,000
McKenzie Ranger Station McKenzie County, North Dakota Recipient: City of Watford City	1	20,000
Old Wickford Housing Area Quonset Point Naval Air Station North Kingstown, Rhode Island Recipient: Town of North Kingstown	41	100,000
Portion of Reese Air Force Base Lubbock County, Texas Recipient: City of Lubbock	10	26,000
Portion, Springville Fish Disease Laboratory Utah County, Utah Recipient: State of Utah	3	15,000
Portion of the Springville Fish Disease Laboratory Utah County, Utah Recipient: City of Springville	1	5,500



<u>Name, Location and Recipients</u>	<u>Approximate Acres</u>	<u>Estimated Value</u>
Second Class Tidelands, Fort Lewis Pierce County, Washington Recipient: U.S. Fish and Wildlife Service Department of the Interior	457	\$ 15,000
Portion of the North Head Light Station Pacific County, Washington Recipient: Washington State Parks and Recreation Commission	49	500,000
Portion of the Cheyenne Marginal Road Property Laramie County, Wyoming Recipient: City of Cheyenne	7	7,000
Portion, San Francisco Engineer Docks and Yards Marin County, California Recipient: City of Sausalito	4	400,000
Portion of Fort Knox Military Reservation Hardin County, Kentucky Recipient: The City of West Point	185	19,000
U.S. Army Reserve Center Site Riverside, Michigan Recipient: City of Riverside	7	150,000
Portion, Tucumcari Project Quay County, New Mexico Recipient: City of Tucumcari	28	7,000
Portion, Grand Forks Air Force Base Grand Forks County, North Dakota Recipient: North Dakota State Game and Fish Department	90	27,000



<u>Name, Location and Recipients</u>	<u>Approximate Acres</u>	<u>Estimated Value</u>
Portion, General Services Administration Depot Bastrop County, Texas Recipient: City of Bastrop, Texas	13	\$ 15,000
Portion of Cameron Station Alexandria, Virginia Recipient: The City of Alexandria	6	20,000
Portion of the Arsenal Way to Chico Highway Right-of-Way Bremerton, Washington Recipient: City of Bremerton Department of Parks and Recreation	4	91,000
Portion of Kingston Nike Site 92 Kitsap County, Washington Recipient: Kitsap County	15	27,500
Asotin Church Asotin, Washington Recipient: The Town of Asotin	0.25	15,000
Portion, U.S. Disciplinary Barracks Milwaukee, Wisconsin Recipient: City of Milwaukee	26	150,000
Portion of Tract A-5 Navajo Depot Activity Coconino County, Arizona Recipient: Department of Agriculture (U.S. Forest Service)	48	27,000
Former Bureau of Land Management Administrative Site Grand County, Colorado Recipient: Town of Kremmling	1	23,000



<u>Name, Location and Recipients</u>	<u>Approximate Acres</u>	<u>Estimated Value</u>
Portion of Fort Stewart Military Reservation Bryan County, Georgia Recipient: State of Georgia	2	\$ 1,000
Portion of Fort Knox Military Reservation Meade County, Kentucky Recipient: The City of Muldraugh	55	56,000
Portion, NIKE Battery 36 Hog Island Hull, Massachusetts Recipient: Town of Hull	9	100,000
Portion, Beef Cattle Research Station Warren County, Virginia Recipient: Department of the Interior (National Park Service)	503	583,000
Chambers Island Light Station Door County, Wisconsin Recipient: Town of Gibraltar	40	71,000
Portion of the former Sand Point Naval Air Station Seattle, Washington Recipient: City of Seattle Department of Parks and Recreation	196	4.9 million
TOTALS: 38 Properties	2,436	\$12,847,000

