

Washington, DC—Oregon Congressmen Earl Blumenauer, Peter DeFazio, and David Wu and Oregon Congresswoman Darlene Hooley today asked Interior Secretary Gale Norton to review the Bureau of Land Management's contracting procedures, in light of recent revelations that the BLM hired a private contractor with strong ties to the mining industry to help draft a management plan for Steens Mountain and the surrounding federal land. The Steens Mountain Cooperative Management and Protection Act, approved by Congress in 2000 with the strong support of all four lawmakers, establishes various levels of protection over about one million acres of public land.

“Retaining a company with strong commercial affiliations for this project raises questions about the federal guidelines for the hiring of private contractors by public agencies,” said the Oregon lawmakers in a letter sent to Norton today. “We urge your full attention to reviewing the procedures used to hire private companies and a thorough evaluation of the policies concerning conflicts of interest.”

Blumenauer has long been concerned about the increasing use of private contractors to perform government work. In the letter to Norton the lawmakers express specific concerns about the potential loss of expertise within agencies, the lack of experience in administering contracts and the potential for conflicts of interest when contracting out government functions.

“These are America's public places,” Blumenauer said. “I want to make sure that the public can have confidence in the stewardship of these lands.”

The letter asks for a review of the BLM's contracting procedures and raises several issues they would like addressed, including the processes and guidelines to screen for conflicts of interest and public disclosure of potential conflicts of interest. The lawmakers also question the Steens plan contractor's final recommendation of leaving 448,000 acres in the Andrews Resource Management Area open to mining.

A copy of the letter to Secretary Norton follows:

Dear Secretary Norton:

As you may know, an investigation published last week by the Oregonian revealed that a private contractor with strong ties to the mining industry, Enviroscientists Inc., of Reno, Nevada, was hired by the Bureau of Land Management (BLM) to help draft a management plan for Steens Mountain and its surrounding lands. You may be aware that Oregonians from a broad spectrum of stewardship perspectives have a long history of interest in improving the ecosystems within Steens-Andrews planning area.

Many of our constituents and statewide membership organizations were intimately involved in the negotiations that led up to the Steens Mountain Cooperative Management and Protection Act. These issues are of the utmost importance to the Oregonians who actively monitor the development of management plans for the Steens area, the citizens who live and work in the area, and the thousands of Americans for whom Steens Mountain is a prime destination for its pristine environment and recreational opportunities.

Retaining a company with strong commercial affiliations for this project raises questions about the federal guidelines for the hiring of private contractors by public agencies. We would, therefore, appreciate your review of the contracting procedures that are currently in use by the BLM. As part of your review, we would appreciate a response to the following points:

- The manager of the Steens plan is treasurer of the California Mining Association, and the assistant manager of the project is on the board of trustees of the Northwest Mining Association. What are the processes and guidelines to screen for and evaluate potential conflicts of interest when public agencies are contracting with private companies?

- In a response to the Oregonian article, BLM State Director Elaine M. Brong writes that the General Services Administration (GSA) determines whether private companies are "capable of doing the work to government standards," and that conflicts of interest are evaluated "by the contracting officer." Ms. Brong states that, "in the end, professional organization affiliations are not considered conflicts of interest." Does this mean that, in all cases, a private company's professional affiliations are simply disregarded in the contract selection process? We would appreciate some clarification as to whether professional affiliations are a factor in the process for selecting a contractor, and how. We also seek information on when and to whom conflicts of interest are disclosed, and how such information is generally made available to the interested public.

- While the acreage within the Steens Mountain Cooperative Management Area is withdrawn from mineral resource development, the plan drafted by Enviroscientists Inc. also encompasses the 1.6 million-acre Andrews Resource Management Area. The plan's preferred option leaves 448,000 acres, the maximum allowable amount of land for the Andrews area, open to mining. This includes the mineral-rich Pueblo and Trout Creek Mountains, areas which were the focus of an intense battle over cyanide heap-leach mining in the early 1990s. Do the questions now overshadowing the contracting process raise concerns about the preferred recommendation? How will this information be taken into account in the final EIS? Also, how will BLM assure the public that its recommendation is based solely on the highest public good and in accordance with application law and regulation?

We understand that land use plans have been contracted out by public agencies for some time. However, questions about potential conflicts of interest are undermining the public's confidence in the contracting process. This is especially true given this Administration's intention to encourage more stewardship contracting by our public lands management agencies. We are concerned that many agencies, through no fault of their own, lack the experience, resources, or capacity to effectively administer increased contracting endeavors. In addition, as more and more functions are contracted out of the federal government, key expertise within agencies will also be lost in the long run. We therefore urge your full attention to reviewing the procedures used to hire private companies and a thorough evaluation of the policies concerning conflicts of interest.

We appreciate your assistance in looking into these matters and look forward to hearing from you.