



Department of Energy
Washington, DC 20585

April 3, 2017

MEMORANDUM FOR RECORD

FROM:

CARMELO MELENDEZ
DIRECTOR, OFFICE OF LEGACY MANAGEMENT

Thomas C. Paulig, for

SUBJECT:

Fifth Annual Post Competition Accountability Report –
Office of Legacy Management's High Performing Organization:
Fiscal Year (FY) 2016

On June 22, 2012, the Deputy Secretary transmitted the Office of Legacy Management's (LM) May 2012 proposal to the Office of Management and Budget (OMB) to sustain LM's high performance organization (HPO) designation for a second five year period (FY2012-16).

This memorandum provides the fifth annual Post Competition Accountability Report (PCAR) associated with the May 2012 proposal. The proposal includes measures in two areas: Management Excellence and Program Performance. Under each area, LM has identified goals and actions using a structure that reflects the President's six key management strategies. Those strategies are: 1) driving top priorities; 2) cutting waste; 3) reforming contracting; 4) closing the IT gap; 5) promoting accountability and innovation through open government; and, 6) attracting, motivating and retaining top talent.

This annual PCAR is comprehensive; it includes a status of all the goals and actions contained within the May 2012 HPO proposal. LM will continue to provide a quarterly report for the record on a subset of the goals and actions that have been identified as warranting more frequent reporting.

Attachments



**U.S. Department of Energy, Office of Legacy Management
Post Competition Accountability Report: High Performing Organization Proposal May 2012**

This report serves as an official record of the annual cost, personnel, and performance information for the Office of Legacy Management to satisfy the post competition accountability requirements.

**Reporting Period: Fiscal Years (FY) 2012 – 2016
FY 2016 Annual Report**

Key:	
	Completed
	Met or Exceeded
	On Track
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Management Excellence Goals

Driving Top Priorities	Target	FY2012	FY2013	FY2014	FY2015	FY2016
1. Achieve EMS/Sustainability Goals (normalized to the number of legacy sites). Be a leader among DOE offices in sustainability.	Annual	✓	✓	✓	✓	✓
2. Publish Post Competition Accountability Report on the LM internet.	Quarterly	→	✓	✓	✓	✓
3. Conduct independent evaluations of key programs, projects, or technical issues by goal using external auditors.	Annual	✓	✓	✓	✓	✓
4. Augment LM Federal staff through the use of intra- and inter-agency agreements.	Annual	✓	✓	✓	✓	✓
Cutting Waste (Improving Efficiency)	Target	FY2012	FY2013	FY2014	FY2015	FY2016
5. Transfer workforce restructuring policy and oversight to the DOE Office of Management.	FY 2013	→	■			
6. Manage increases in scope by raising Federal staff levels by 1 FTE per year to a total of 64 in FY 2016.	FY 2016	57	56	59	58	56
7. Limit program direction increases to levels allowed by OMB for inflation.	Annual	✓	✓	✓	✓	✓
8. Maintain LM's average grade level at GS 13.0.	Annual	13.09	12.67	12.64	12.54	12.69
9. Close the LM Federal office in Las Vegas, NV.	FY 2013	■				
Reform Contracting	Target	FY2012	FY2013	FY2014	FY2015	FY2016
10. Procure a 5-year, small business, performance-based incentive contract for environmental surveillance and maintenance, records management and property reuse.	1Q, FY 2013	↓	↓	↓	■	
11. Certify all LM task and sub-task monitors are Level II CORs and trained on new contract requirements.	March 2013	→	■	■		

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	Target	FY2012	FY2013	FY2014	FY2015	FY2016
Closing the IT Gap						
12. Increase telework by 20%, enhance security and reduce LM's carbon footprint by switching desktop computers to laptops with docking stations.	FY 2012	■				
Promoting Accountability and Innovation Through Open Government						
13. Maintain a safety record better than the DOE average.	Annual	✓	✓	↓	✓	✓
14. Baseline stakeholder satisfaction with LM performance in FY 2012; improve satisfaction level by 10% in FY 2015.	FY 2015	→	→	→	✓ ↓	■
Attracting, Motivating and Retaining Top Talent						
15. Score ≥5% above the DOE average on the annual OPM Federal Employee Viewpoint Survey.	Annual	10%	9%	16%	0%	9%
16. Maintain LM as one of the most diverse and inclusive organizations in DOE.	Annual	✓	✓	✓	✓	✓
17. Complete implementation of ≥90% of the actions identified in the LM 2011-15 HCMP.	Annual	✓	✓	→	✓	■
18. Eliminate non-supervisory GS-15 positions. Transfer salary and grade 'room' to expand the number of career ladders to the GS-14 level.	FY 2016	→	→	→	→	→

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Management Excellence Goals Narrative and Reference Documents

Driving Top Priorities

1. LM met or exceeded this HPO goal. LM achieved Excellent ratings in eight of the nine sustainability goal areas and received a Satisfactory rating in the ninth goal area. The HPO/sustainability stoplight table documents the ratings for each of the nine goals. Full documentation of the goals and a copy of the DOE Comprehensive Scorecard are available in the LM Annual Site Sustainability Plan. (See enclosed LM Site Sustainability Plan, December 2016; Executive Summary.)

When Executive Order (EO) 13693, *Planning for Federal Sustainability in the Next Decade*, was signed by President Obama on 19 March 2015, many of the previous federal sustainability goals were revised and new ones were added. LM's Sustainability Goal Summary reflects the goal areas and goals in EO 13693.

2. The Post Competition Accountability Report (PCAR) is available on the LM website at: www.lm.doe.gov.

3. During FY 2015, the only independent evaluation that was scheduled was an audit that was started in FY 2015 and was completed in FY 2016.

An Environmental Liabilities Audit was conducted from June 2015 to May 2016 at Legacy Management in Washington, DC. The audit covered potential environmental liabilities that would need to be funded by Legacy Management. The purpose of the audit was to determine whether LM was effectively accounting for any unexpected or unfunded liabilities that may arise at existing closure sites or potential sites.

4. LM utilizes intra- and inter-agency agreements to perform work. Examples of these agreements include: the Environmental Management Consolidated Business Center (EMCBC) for field site legal services, records classification, quality assurance, and realty support; the General Services Administration (GSA) for realty services; the Office of Science for support with two (2) Colorado inactive former uranium milling sites; and, the Bureau of Land Management (BLM) for land withdrawal applications and mineral potential reports. (see enclosed Agreements).

Cutting Waste (Improving Efficiency)

5. On May 5, 2011, the Secretary issued a guidance memorandum regarding contractor workforce restructuring; that memorandum did not assign any future actions or authorities to LM. Nonetheless, LM was still responsible for three functions in this area: (1) preparing an annual report to Congress; (2) maintaining the Work Force Information System (WFIS); and, (3) managing the Jobs Opportunity Bulletin Board System (JOBBS).

At DOE's request, Congress repealed the requirement, in the National Defense Authorization Act for FY 2013, for an annual workforce restructuring report. Based on the repeal and following discussions with the DOE Offices of Management, General Counsel, Economic Impact and Diversity, and the Chief Financial Officer, LM terminated operation of the WFIS. LM's other workforce restructuring responsibility, JOBBS, was discontinued on September 20, 2012.

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6. LM ended FY 2016 with 56 federal employees; 8 below the allowed staffing level of 64. Staffing levels are tracked in the DOE INFO system.
7. LM's FY 2016 budget request for Program Direction met this requirement (see the LM FY 2016 Congressional Justification).
8. LM is currently below the maximum grade level of 13.0 by 0.31. LM Human Resources (HR) maintains an internal Excel spreadsheet that calculates average grade levels on a monthly basis. HR information is briefed monthly at management meetings and workforce planning is conducted quarterly by senior management.
9. The Las Vegas, NV, office was closed in September 2012 and LM terminated the lease for office space. This action is complete.

Reform Contracting

10. The 5-year, small business, performance-based incentive contract was originally awarded on April 5, 2013. However, due to protests the Department took corrective action and the Source Evaluation Board (SEB) re-evaluated the proposals and submitted a revised report. Several protests to the award were filed and GAO upheld one protest. As a result, the Department again reevaluated the proposals, submitted a revised report, and award was made on January 29, 2015. Protests were filed, but the award was upheld allowing transition from the incumbent contractor to the new contractor to commence on June 1, 2015. Transition was completed on September 30, 2015 and the new contractor took over on October 1, 2015.
11. In accordance with Acquisition Career Manager Guidance and FAC-COR revisions issued by the Office of Federal Procurement Policy (effective January 1, 2012), task and sub-task monitors will not be issued COR certifications. LM will continue to train task and sub-task monitors on new contract requirements and encourage COR training in compliance with the certification requirements. The revised goal consistent with the new procurement policy will be: "Ensure LM staff has the proper training to meet contract administration requirements". This goal includes grants and cooperative agreements and any required Technical Program Officers (TPO) training and certification. LM provided tailored COR training in Morgantown, WV, from August 19-21, 2014 and in Grand Junction, CO, on August 26-28, 2014. Forty-two (42) LM employees attended this training: 16 LM employees in Morgantown and 26 employees in Grand Junction. Additionally, a separate training course was provided to the LM Managers in Westminster, CO. All eleven (11) LM Managers attended this training session.

Closing the IT Gap

12. All LM employees received a laptop in Calendar Year 2012. All new LM employees are issued laptops, and, if the respective supervisor concurs, Government Issued cell phones.

Promoting Accountability and Innovation through Government

13. LMS was at or below the DOE average for most of FY 2016; three months of FY 2016 were above the DOE average of 1.0. The OSHA Total Recordable Injury/Illness Case Rate is reported quarterly by use of the DOE Computerized Accident/Incident Reporting System (CAIRS). Injury/Illness Case Rates for LM are communicated monthly to DOE via e-mail and are presented at the monthly Goals 1 and 4 LMS Program Review by the LMS Environmental, Safety, Health and Quality (ESH&Q) Manager. Final reporting for FY 2016 is: 26,054 safe work hours since the last recordable incident and

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718,857 safe work hours since the last lost time incident. The rolling 12 month recordable case rate is currently 1.1 with 4 recordables in the FY 2016.

14. In 2015, an independent contractor conducted a communications and outreach stakeholder satisfaction survey to gauge the effectiveness of DOE-LM's communication and outreach strategies. A standardized method of comparing survey responses and quantifying the responses to determine the level of satisfaction of stakeholders with LM's performance was developed. Results in several areas improved. Results in other areas declined.

Attracting, Motivating and Retaining Top Talent

15. LM's scores were about 9% higher than the DOE net positivity scores on average in the OPM Federal Employee Viewpoint Survey (FEVS) conducted in 2016. With a 91% employee participation rate in 2016, LM believes the survey results are an accurate reflection of its employees' viewpoint. LM's overall net positivity survey results in 2016 (57.3%) rose slightly from the 2015 results (49.8%). LM attributes this slight increase to a number of organizational changes, which includes recruitment of 8 new positions on the management team. These changes on the management team are due to retirements and shifting of positions within the management team. The new managers are now in place and LM expects that the scores for 2017 will increase again to be significantly above the DOE average.

16. LM finalized its Diversity and Inclusion (D & I) Implementation Plan on October 1, 2013. In FY 2016, LM scored, on average, 10% above DOE in the three questions related to diversity and inclusion in the OPM FEVS. In FY 2016 LM's survey results in this area also dramatically declined. Although LM scored significantly higher than DOE in one of the questions (22.6% higher in question #34), LM's scores in the other two questions (#'s 45 and 55) were 4.2% and 1.6% above the DOE average. LM continues to be a majority female organization with racial and ethnic diversity that is greater than the DOE average. LM HR continues to maintain diversity data in an Excel spreadsheet. LM continues to work towards meeting the goals in its Action Plan (Goal 1: Workforce Diversity, Goal 2: Workplace Inclusion, and Goal 3: Sustainability & Accountability).

17. All HCMP actions are tracked and updated quarterly by the LM HR Team. LM has completed the remaining FY 2013 milestones in the HCMP and implemented over 75% of our FY 2014 HCMP actions. In August of 2016, 90% of the milestones in the FY 2011-2015 LM HCMP were complete, and a five year FY 2011-2015 HCMP Review was issued (DOE/LM-1479). The FY 2017-2021 HCMP is currently being drafted.

18. At the end of FY 2016 there is only one non-supervisory GS-15 who reports to the LM Deputy Director (LM-1). LM has recently eliminated one other non-supervisory GS-15 position. HR information is briefed monthly at management meetings and workforce planning is conducted quarterly by senior management. LM HR maintains retirement eligibility data in an Excel spreadsheet.

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Program Performance Goals

Driving Top Priorities	Target	FY2012	FY2013	FY2014	FY2015	FY2016
1. Increase LM site responsibility from 87 to 109 (sites transferred from DOE/EM, the USACE, and private licensees under UMTRCA Title II). [Goal 1]	FY 2016	89	90	89	90	91
2. Increase the number of records from 86K to 110K cubic feet. [Goal 2]	FY 2012	111	114.7	114.0	114.1	113.8
3. Increase the number of terabytes of data from 26 to 107. [Goal 2]	FY 2012	133	199.5	244.1	228.6	273.0
4. Transfer Title X Program inspection and reporting functions from EM to LM. [Goal 4]	FY 2012	■				
5. Transfer the Title X Program from EM to LM upon OMB and Congressional approval. [Goal 4]	FY 2015	○	○	○	○	→
6. Complete analysis of LM management of ongoing mission sites with large 'footprint' reductions (e.g. Hanford and Savannah River). [Goal 1]	FY 2013	→	↓	↓	↓	↓
7. Implement the Grants Mining District five-year plan. [Goal 1]	FY 2015	→	→	→	→	→
8. Renew and implement the first four years of the 2 nd Five-Year Plan for addressing uranium contamination on the Navajo Nation. [Goal 1]	FY 2017	○	○	→	→	→
9. Maintain compliance with environmental laws and regulations. [Goal 1]	Annual	✓	✓	✓	✓	✓
10. Dispose of five additional Federal properties. [Goal 4]	FY 2016	0	0	5	1	0
11. Increase Federal properties in reuse from 21% to 39% by FY 2016. [Goal 4]	FY 2016	31%	32%	32%	38%	42%
Cutting Waste (Improving Efficiency)	Target	FY2012	FY2013	FY2014	FY2015	FY2016
12. Reduce the cost of long-term surveillance and maintenance by 2% per year based on an independently reviewed baseline. [Goal 1]	Annual	11%	12%	7.9%	10.7%	14.4%
13. Reduce the cost of managing records and information by 3% per year on a cubic foot and terabyte basis. [Goal 2]	Annual	→	3.7%	4.9%	5.4%	15.94%
14. Eliminate closure site pension liability through the purchase of annuities. [Goal 3]	FY 2015	→	→	→	→	→
15. Eliminate the Annual Report to Congress on workforce restructuring. [Goal 3]	FY 2013	→	■			

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16. Audit medical reimbursements for improper payments on a rotating basis. [Goal 3]	Annual	✓	✓	✓	✓	✓
Reform Contracting						
	Target	FY2012	FY2013	FY2014	FY2015	FY2016
17. Receive and transfer to the U.S. Treasury \$10 million in Title II fees. [Goal 4]	FY 2016	\$0	\$0	\$0	\$0	\$0
18a. Complete Uranium Leasing Program EIS.	FY 2014	→	→	■		
18b. Receive and transfer to the U.S. Treasury a minimum of \$500 thousand per year in royalties. [Goal 4]	Annual	\$0	\$0	\$0	\$0	\$0
Closing the IT Gap						
	Target	FY2012	FY2013	FY2014	FY2015	FY2016
19. Update or archive the LSN based on final non-appealable court order. [Goal 2]	FY 2014	○	○	○	○	○
Promoting Accountability and Innovation Through Open Government						
	Target	FY2012	FY2013	FY2014	FY2015	FY2016
20. Establish uranium mining reclamation national standard and contribute to IAEA mine and mill site remediation and management guidance. [Goals 1 & 4]	FY 2014	→	→	→	→	→

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Program Performance Goals Narrative and Reference Documents

Driving Top Priorities

1. LM maintains the LM Site Management Guide which is updated on an annual basis. The Painesville, OH, site transitioned to LM during FY 2016. One UMTRCA Title II site (Bear Creek, WY) that was scheduled to transfer during FY 2016 was delayed. LM ended FY 2016 with 91 sites.
2. LM uses an electronic record keeping system to track its records. LM met the goal in FY 2012 and continues to exceed the goal. In FY 2016, LM's paper record volume was 113,771 cubic feet.
3. LM maintains an inventory of its electronic data. Total electronic data includes all information stored on LM servers (e.g. employee work files, site files, electronic records, etc.). LM continues to exceed the goal in FY 2016 with 273 terabytes of electronic data as of September 30, 2016.
4. LM took responsibility for the audit and reporting functions for the Title X program on May 17, 2011. A joint memorandum was established between Environmental Management (EM) and LM.
5. During FY 2016 LM and EM reached agreement on the transfer of the remaining functions under the Title X program. A Memorandum of Agreement was drafted during FY 2016 to outline the details of the transfer.
6. LM, EM and the National Nuclear Security Administration (NNSA) started an analysis of management options; however, the analysis was not completed in FY 2016 due to a resource shift needed to support DOE's contribution to an interagency effort to start addressing the legacy of defense related uranium mines that provided ore to the Atomic Energy Commission.
7. LM currently participates as a member of a multi-agency effort to address the impacts of uranium milling and mining in the Grants Mining District, New Mexico (see the Assessment of Health and Environmental Impacts of Uranium Mining and Milling Five-Year Grants Mining District, New Mexico, August, 2010). US EPA Region 6 has the lead for the plan. EPA continues to evaluate uranium contamination in the Grants area, focusing on uranium mill tailings disposal sites as potential sources. LM maintains frequent contact with the responsible EPA and US Nuclear Regulatory Commission staff, and attends periodic meetings with participating agencies.
8. LM continues to be an active member of the multi-agency effort to address the impacts of uranium contamination on the Navajo Nation under the framework of the "Five-Year Plan." The second Navajo Nation Five-Year Plan was issued as a working draft by US EPA Region 9, the lead agency, in September 2014. Although the plan has not yet been issued as "final" pending formal consultation between US EPA and the Navajo Nation, the involved agencies are actively working on uranium issues as described in the plan. LM has met all our commitments in the Five Year Plan, including establishing and filling the position of Outreach Liaison, with a community outreach office in Window Rock, AZ, the Navajo Nation capitol. LM has also contributed to the creation of the multiagency outreach calendar, which consolidates myriad activities supporting improved communication with local communities. Meetings were conducted in April, 2016 in Monument Valley to define and agree on the agencies' respective roles and responsibilities. The GAO's

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2014 report identified this as an area needing additional improvement and considerable efforts have been successful in demonstrating improved coordination. For example, the agencies held multiple joint community outreach events during 2016, working together to provide stakeholders with knowledgeable and responsible points of contact for their questions and concerns.

9. LM is currently in compliance with environmental laws and regulations. See the FY 2016 LMS 4th Quarter Performance Assurance Summary and Performance Measurement Manager (PMM) database.

10. LM completed 5 disposals during FY 2014. These included the final parcel at the Monticello, UT, Site; and the transfer of six parcels (three of them counting as one property disposal) to the U.S. Fish and Wildlife Service at the Rocky Flats, CO, Site. LM disposed of a parcel at the Spook, WY, Site during FY 2015. Work is underway to relinquish parts of two land withdrawals at the Gnome-Coach, NM, Site and the Rio Blanco, CO, Site.

11. LM ended FY 2015 with 38% of our sites in reuse, and increased the percentage of eligible properties in reuse to 42% by FY 2016 (see enclosed Reuse Tracking spreadsheet).

Cutting Waste (Improving Efficiency)

12. LM exceeded the goal for reducing the cost of long-term surveillance and maintenance in FY 2016 (see enclosed portions of PMM Status).

13. LM established baselines in FY 2012 which includes records and electronic data. These efficiency numbers are measured against the physical record material (in boxes (\$/ft³) and in electronic record data (\$/terabyte), which is a subset of all of LM's electronic data. Yucca Mountain records and information costs were excluded from the baseline calculations. LM showed a 20.37% decrease in \$/per record terabyte and an 11.5% decrease in \$/ft³ records costs.

14. The proposal to convert the Mound, OH, site Pension Plan to insurance company annuities was approved by the Secretary in FY 2016. Once completed, this action will save the Department an estimated \$13 million in administrative expenses.

15. The FY 2013 National Defense Authorization Act eliminated the Annual Report to Congress on workforce restructuring.

16. Participant audits of the retiree medical benefit program are done during the process of producing annual financial reports to the DOE CFO. In FY 2016, a participant audit for the Rust Geotech (Grand Junction, CO, site) retiree medical benefit program was performed. Ten deceased participants were removed from the plan, saving the Department \$5,000 a month in insurance premiums. Claim audits of the larger closure sites (Fernald, Mound and Rocky Flats) are on a 5 year cycle. The last audits were performed in FY 2012.

Reform Contracting

17. LM did not receive any Title II sites in FY 2016; therefore, no fees were received or transferred.

18. On October 18, 2011, the U.S. District Court of Colorado issued an Order in which it held, among other things, that DOE had violated NEPA by issuing its July 2007 PEA and FONSI rather than issuing an EIS. DOE issued a Notice of Intent (NOI) to prepare the ULP PEIS in the Federal Register on June 21, 2011, and a supplemental notice was issued on July 21,

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2011, to announce the four public scoping meetings and the meeting locations and the extension of the public scoping period to September 9, 2011. Throughout FY 2012, LM continued work on the Draft ULP PEIS. In FY 2013, LM completed the draft PEIS, four public meetings, and closed the public comment period on the Draft ULP PEIS. In April 2014, DOE issued the Final PEIS followed by a Record of Decision (ROD) in May 2014. (The summary of the PEIS can be found at [http://ulpeis.anl.gov/documents/fpeis/Final ULP PEIS Summary.pdf](http://ulpeis.anl.gov/documents/fpeis/Final_ULP_PEIS_Summary.pdf).) In November 2014, DOE issued the Uranium Leasing Program Mitigation Action Plan for the Final Uranium Leasing Program Programmatic Environmental Impact Statement DOE/EIS-0472. LM has made significant progress toward resumption of the program. Although the U.S. Department of Justice had petitioned the U.S. District Court of Colorado to lift the injunction on the program in FY 2016, the U.S. District Court denied the motion and required that DOE and the Plaintiffs enter into a Joint Case Management Plan for the review of whether the PEIS satisfies the Court Order. At the end of FY 2016, DOE and the Plaintiffs were conferring on the PEIS Administrative Record in accordance with the Plan. Among actions completed for managing the program when mining and mine reclamation resume include development of the mitigation action plan, a revised method of calculating production royalties that would be paid from uranium and vanadium ore produced, and revised agreements with the Bureau of Land Management and the Colorado Department of Reclamation Mining and Safety.

Closing IT Gap

19. A final non-appealable court order has not been issued.

Promoting Accountability and Innovation through Open Government

20. In July 2013, the International Atomic Energy Agency (IAEA) sponsored and paid for a LM consultation in Vienna to assist in the initial planning for an IAEA Technical Document to provide guidance to countries needing to reduce health risks at small abandoned uranium mines. LM drafted a case study of the detailed technical processes used for reclaiming small abandoned uranium mines on DOE uranium lease tracts in the U.S. Training material for reclaiming and conducting post-reclamation inspection and maintenance on abandoned uranium mines was being prepared in FY 2014 and was completed in FY 2015. In addition, in FY 2014 LM helped IAEA develop a draft for the Technical Document for the first phase of the International Initiative on Regulatory Supervision of Legacy Sites (RSLs). LM plans to participate in the FY 2016 annual Technical Meeting of RSLs where the Technical Document for Phase I which focuses on legacy uranium mines and mills will be completed. Also, in June 2015, LM and the IAEA Technical Cooperation Program for Regional Europe teamed to host a workshop on former uranium site clean-ups and long-term care programs. Workshop participants from Eastern Europe, Russia, and central Asia visited five LM sites in Utah and Colorado, as well as the Moab Project managed by the DOE Office of Environmental Management.

In August 2014, the Secretary of Energy signed and DOE issued to Congress "The Defense Related Uranium Mines Report (DRUM) to Congress". A total of 4,225 uranium mines were identified that provided all or some of the uranium ore produced for the U.S. Atomic Energy Commission for defense purposes. As requested by Congress, DOE did extensive consultation with the Secretary of the Interior (DOI) and the Administrator of EPA in preparing the report. In all, eight other federal agencies, 12 states, and the Navajo Nation contributed data for the report. As follow-up to the report, DOE is partnering with many of the same agencies on a multi-agency effort to address health and safety risks from abandoned mines. In FY 2016, LM partnered with DOI's Bureau of Land Management as well as the U.S. Forest Service to conduct DRUM verification and validation work which includes inventory and assessment activities at sites on lands managed by these agencies. At least 60% of all DRUMs are located on federal public land.