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HEARING ON H.R. 1952 AND H.R. 1500 TO DESIGNATE CERTAIN FEDERAL LANDS AND BUREAU OF LAND MANAGEMENT LANDS, IN THE STATE OF UTAH AS WILDERNESS, AND FOR OTHER PURPOSES

HEARING

BEFORE THE

SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS

OF THE

COMMITTEE ON RESOURCES
HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTH CONGRESS

FIRST SESSION

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HEARING ON H.R. 1952 AND H.R. 1500, TO DESIGNATE CERTAIN FEDERAL LANDS AND BUREAU OF LAND MANAGEMENT LANDS, IN THE STATE OF UTAH AS WILDERNESS, AND FOR OTHER PURPOSES

TUESDAY, JUNE 24, 1997

HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS, COMMITTEE ON RESOURCES, *Washington, DC.*

The Subcommittee met, pursuant to notice, at 10:15 a.m., in room 1334, Longworth House Office Building, Hon. James V. Hansen (Chairman of the Subcommittee) presiding.

STATEMENT OF HON. JAMES V. HANSEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH

Mr. HANSEN. The Subcommittee on National Parks and Public Lands convenes to once again address the issue of Utah BLM wilderness. We have proposals from Mr. Cannon and Mr. Hinchey before us, and I commend these members for their hard work.

Although this has been a hotly contested issue over the past 20 years in the State of Utah, and recently on a national scale, it was this subcommittee that actually brought the issue to the forefront last Congress.

The Utah Delegation, the Governor, the counties, and the people of Utah entered a very long and arduous public process to attempt to find a way to resolve this issue. Many have wondered why I would be willing to engage in this debate once again, given we have the same Administration, the same players in the House and Senate.

We must undertake this issue again because it needs to be solved for the State of Utah and for the benefit of the lands we all want to protect. I am proud of the millions of acres of wilderness I have helped designate in Utah and all over this Nation. I firmly believe we need to protect the true wilderness areas of southern Utah.

All of the issues in southern Utah that are gaining national attention revolve around the wilderness issue. RS 2477 rights-of-way, the wilderness reinventory by Secretary Babbitt, resource activities on public lands, and the designation of the new monument all hinge on the designation of wilderness.

This process began over 20 years ago with the passage of the 1976 Federal Land Policy Management Act. Since that time, the professionals at the BLM spent over 15 years and over $10 million to study and inventory the BLM lands of Utah pursuant to

FLPMA. In 1991, the BLM recommended that 1.9 million acres should be designated as wilderness of the 3.2 million acres that are in Wilderness Study Areas.

Many, including Secretary Babbitt, disavow that entire process, yet it has been upheld in Federal Court, and it is this process under which these lands are currently protected. This is the base from which we work, and certainly H.R. 1952 reflects the recommendations of the BLM. H.R. 1500, on the other hand, represents an effort started by Wayne Owens to protect 5.3 million acres—as you may recall, that was the amount that Wayne had in his bill—that is supported by the environmental community.

I would like to remind the Subcommittee that the counties originally recommended approximately 1 million acres, and the Utah Delegation doubled their suggestions last Congress. I would also like to remind the Committee that the State legislature did a 2-year exhaustive study—a very expensive study, and they recommended 1.4 million acres.

At the same time, it has been made clear by the supporters of H.R. 1500 that they will hold for 5.7 million acres, which they are entitled to do. The formation of public policy requires compromise, creative solutions, and doing what is right for this country. I would encourage all those engaged in this debate to work toward a solution as opposed to working toward further polarization.

During the 104th Congress, the debate stepped outside the bounds of the wilderness debate, and the rhetoric began to take personal shots at those involved in the issues on both sides. Mr. Hinchey and myself are colleagues. I respect his opinions, and he has been a gentleman throughout this process. In fact, Mr. Hinchey has authored a letter to the Utah press condemning those who make personal attacks. I appreciate his efforts, and this should always be above personal attacks on anyone.

I welcome our witnesses today. And I realize this is a shorter notice than some would prefer, but I believe all sides are adequately represented today. I hope we can hear testimony that moves us toward a solution. Simply tearing apart another proposal does little as far as educating the members and the public. I hope we can focus on the lands we need to protect and talk about positive ways to finally designate BLM wilderness in Utah.

I have to say respectfully that I am just a little weary of people saying we haven't given this adequate attention. I don't know of an issue in my 38 years as an elected official that has had more attention than this one. I don't want to put you all to sleep, but I could tick off the numbers of Congressmen from both the State of Utah and other States who have been to Utah to look at these lands.

I am tired of going to every one of them. I have personally been on every piece of this. I have looked at them. I have tried to use the standard of what constitutes wilderness and what does not. And hopefully we can come up with a compromise.

Our friend from Minnesota has to do a unanimous consent on the floor, and if the gentleman from American Samoa would give him the mike at this time, I would appreciate it.

[Prepared statement of Mr. Hansen follows:]

STATEMENT OF HON. JAMES V. HANSEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH

The Subcommittee on National Parks and Public Lands convenes to once again address the issue of Utah BLM wilderness. We have proposals from Mr. Cannon and Mr. Hinchey before us and I commend these Members for their hard work. Although this has been a hotly contested issue over the past 20 years in the State of Utah, and recently on a national scale, it was this Subcommittee that actually brought this issue to the forefront last Congress. The Utah Delegation, the Governor, the Counties and the people of Utah entered a very long and arduous public process to attempt to find a way to resolve this issue. After over 50 public meetings, thousands of personal and written testimonies and three Congressional hearings, we were still at an impasse over acreage and other issues. Many might wonder why I would be willing to engage in this debate once again given we have the same administration and the same players in the House and Senate. We must undertake this issue again because it needs to be solved for the State of Utah and for the benefit of the lands we all want to protect. I am proud of the millions of acres of wilderness I have helped designate in Utah and all over this nation and I firmly believe we need to protect the true wilderness areas of Southern Utah. All of the issues in Southern Utah that are gaining national attention revolve around the wilderness issue. RS 2477 rights-of-way, the wilderness re-inventory by Secretary Babbitt, resource activities on public lands and the designation of the new Monument all hinge on the designation of wilderness.

This process began over 20 years ago with the passage of the 1976 Federal Land Policy and Management Act. Since that time, the professionals at the BLM spent over 15 years and over $10 million to study and inventory the BLM lands of Utah pursuant to FLPMA. In 1991, the BLM recommended that 1.9 million acres should be designated as wilderness of the 3.2 million acres that are in wilderness study status. Many, including Secretary Babbitt, disavow that entire process yet it has been held up in Federal Court and it is the process under which these lands are currently protected. This is the base from which we work and certainly H.R. 1952 reflects the recommendations of the BLM. H.R. 1500, on the other hand, represents an effort started by Wayne Owens to protect 5.7 million acres that is supported by the environmental community. I would like to remind the Subcommittee that the Counties originally recommended approximately one million acres and the Utah Delegation doubled their suggestions last Congress. At the same time, it has been made clear by the supporters of H.R. 1500 that they will only settle for 5.7 million acres. The formation of public policy requires compromise, creative solutions and doing what is right for this country. I would encourage all those engaged in this debate to work toward a solution as opposed to working toward further polarization.

During the 104th Congress the debate stepped outside the bounds of the wilderness debate and the rhetoric began to take personal shots at those involved in this issue. Mr. Hinchey and myself are colleagues, I respect his opinions and he has been a gentleman throughout this process. In fact, Mr. Hinchey authored a letter to the Utah press last year that condemned personal attacks during this process. I appreciate his efforts to keep this debate above a level that leads us to nowhere.

I welcome our witnesses today. I realize this was shorter notice than some would prefer but I believe all sides are adequately represented today and I hope we can hear testimony that moves us toward a solution. Simply tearing apart another proposal does little as far as educating the Members and the public. I hope we can focus on the lands we need to protect and talk about positive ways to finally designate BLM wilderness in Utah.

[Text of H.R. 1952 may be found at end of hearing.]

[Text of H.R. 1500 may be found at end of hearing.]

[H.R. 1500 briefing paper may be found at end of hearing.]

Mr. FALEOMAVAEGA. Mr. Chairman, I would gladly defer to my good friend from Minnesota at this time.

Mr. VENTO. Well, I thank the member for——

Mr. HANSEN. We will recognize the gentleman from Minnesota.

STATEMENT OF HON. BRUCE VENTO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MINNESOTA

Mr. VENTO. Well, thank you, Mr. Chairman. I have listened carefully to your remarks, and I hear a lot of positive words this morn-

ing in terms of the consideration of these two bills. I note that there is concern about the Administration not being present to testify today and some of the Utah witnesses that were not able to accommodate the schedule, although I note that you sent the schedule out last week according to the rules and so forth. But I think there is a desire to hear from the Administration and perhaps some other witnesses on the matter.

I think it is especially important because the measure that we have before us—a new measure, H.R. 1952, is not simply a designation bill but a bill that attempts to consolidate land in Utah by taking lands that would be within the wilderness—State lands within the wilderness and consolidating or trading them out. I think that that is the purpose of it.

Although I haven't studied this carefully, I will read the testimony of our colleague that has introduced it. And I want to welcome both of our colleagues, my colleague on the Banking Committee, Mr. Chairman. Merrill has the duty of sitting in front of me as I speak once in a while. On that committee Merrill and I——

Mr. COOK. And it is a great pleasure.

Mr. VENTO. His friendship and his tolerance of my observations on financial institution matters, the last week especially as we tried to finish up some work. But, Mr. Chairman, my experience with this, as you have indicated, goes back at the behest of a member from Utah; held hearings on land consolidation and had the wisdom of the former Governor, Scott Matheson, in terms of his efforts to consolidate land in Utah. We held that hearing in Utah, and for one reason or another it didn't work out.

But I think that in working together with you we have made some good strides in terms of land consolidation which is important. I have come to realize that the school section is looked upon as being an important component, if not today, in the future in terms of supporting the schools in Utah.

As a former educator and teacher—science teacher actually, Mr. Chairman, I am especially impressed with the idea and the concerns that people in Utah have with regards to appropriate level of support for elementary and secondary education. I know that today the amount of revenue raised from these is very small compared to what the total dollars are that are invested in Utah, but it makes a difference in terms of what happens to kids.

So we obviously want to accord you and others that have this mixture of public lands, whether it is in BLM or Forest Service or happens to be in wilderness, the opportunity to utilize that particular resource.

Nevertheless, Mr. Chairman, one of the main controversies here, as you know, goes back over a decade. We have been working on this for almost 10 years, and I share your concern about bringing it to a conclusion. And the fact is with the 22 million acres of land, only about 3.5 million were formally studied. I think that most of us would—most thought that there should have been a greater amount that was studied. That particular controversy has carried through to the consideration of bills on Utah and the wilderness designation.

A former member, of course, introduced a bill that had a significantly greater number of acres. Mo Hinchey has picked up on that

particular view and has presented it. There is, as you know, a lot of support and opposition to that bill, and, of course, the recent designation—the monument designation by the President has engendered greater polarization.

So I think, you know, all of us have to kind of slow things down and pull it back together and go forward from where we are. I would do my best if we can come to some agreement with regards to wilderness and monument designation—whatever modifications or changes to any of these bills.

I certainly want to work with you and Congressman Hinchey and the other members of the Utah Delegation to put my abilities and talent to work so that we can resolve this issue and do a good job in terms of designation and park designation. In order to do that though, we have to obviously sit down and work and act in good faith.

And I think, Mr. Chairman, that your comments today and some of the other actions that will take place will, of course, lead us in that direction. And hearing from the Administration and other witnesses—we have got a little time this year. I hope that we indeed can do that.

And with that, Mr. Chairman, I apologize. I have to leave shortly, but I wanted you all to know, the folks from Utah that are here today and the members, of my continued interest in this matter. And if I have to absent myself, it will only be, Merrill, because I have to go over and do a banking bill. I take care of everything green—the money and the land—and a few red rocks.

Mr. HANSEN. We will get you a few, Bruce. We thank the gentleman from Minnesota for his comments. The gentleman from American Samoa, Mr. Faleomavaega.

STATEMENT OF HON. ENI FALEOMAVAEGA, A DELEGATE IN CONGRESS FROM THE TERRITORY OF AMERICAN SAMOA

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. And, Mr. Chairman, as we saw in the 104th Congress, the consideration of the Utah wilderness legislation can be quite controversial, to say the least. And, Mr. Chairman, I know of your deep, personal interest in this matter, and it is probably more than anyone sitting on this panel has had, the experience of knowing just about everything and anything there is dealing with wilderness in Utah.

So I truly respect your opinion and your efforts in trying to find some sense of resolution to this issue, as I am sure also the case of our good friend and colleague from New York, Congressman Hinchey, and his version of what should be wilderness.

And I guess with this backdrop, Mr. Chairman, I have just a little concern that perhaps if more notice or opportunity could be given not only to the Administration but to other members of the Committee, we could at least have had a chance to review the proposed bill offered by our good friend from Utah, Congressman Cannon.

And I certainly have the utmost respect for my friend from Utah, but the short notice just did not give us a chance to properly review the substance of the proposal. But I am sure that this is the reason why we have a hearing, and I certainly want to personally welcome

both Congressman Cook and Congressman Cannon for their presence and their testimony before the subcommittee.

Mr. Chairman, I look forward to working together with you on this proposed version that we have now before the subcommittee, and I sincerely hope that there will be a resolution to this and hopefully also that there may be another opportunity for a hearing concerning these two bills. And with that in mind, I look forward to hearing the testimonies.

Mr. HANSEN. Thank you. I appreciate the comments from the gentleman from American Samoa, who is really a misplaced Utahan as he went to BYU, which I won't hold against him at all. The gentleman from Maryland, Mr. Gilchrest.

STATEMENT OF HON. WAYNE GILCHREST, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MARYLAND

Mr. GILCHREST. Thank you, Mr. Chairman. I too look forward to the testimony from the witnesses today and will stay as long as I can with our other duties around this great Nation's capital. But I think, Mr. Chairman, this is a situation that people can sit down across the table and resolve so that the children in the State of Utah can get a good education, that the area can be enjoyed as far as recreational purposes, and wilderness areas are concerned from the people of Utah and from the people around this great country.

And the people of Utah and the people of this country are looking to us as representatives to sit down and figure out how we can accommodate both of these things. It always boils down to me, at any rate, when we are looking at issues that are somehow directly or indirectly related to environmental issues, it boils down to lung tissue and mortgage payments.

We all need lung tissue, and we all need to pay our bills. And if we could sit down and talk about these things, I think we would be able to come to a pretty good and reasonable solution that we all could agree on. And I thank you, Mr. Chairman, for having this hearing.

Mr. HANSEN. I thank the gentleman from Maryland. We are pleased to have our two Congressmen from Utah, other than myself, Congressman Merrill Cook from the Second District and Congressman Chris Cannon from the Third District. Mr. Cannon is the author of this bill, and, therefore, as the rules of our Committee, we will hear from him first. Normally, we would hear from Mr. Hinchey and then Merrill Cook. And if Mr. Hinchey walks in, we will go in that direction. Chris, we will turn the time to you, sir.

STATEMENT OF HON. CHRIS CANNON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH

Mr. CANNON. Thank you, Mr. Chairman, and fellow Committee members. I am delighted to testify before you today on the issue of Utah wilderness. I am particularly pleased to be sitting at the witness table with my friend and colleague from the Second District, Merrill Cook, and look forward to what he has to say on this issue as well.

I represent Utah's Third Congressional District which is a vast and sprawling area about the size of Ohio. My district stretches from snowcapped mountains of the Wasatch front to the red rock

vistas of southern Utah. I have four national parks, several national monuments, including a particularly large one that has been in the press a bit over the past few months. We also have several national forests.

I also represent the vast majority of the areas under debate in this Utah wilderness bill. As this subcommittee abundantly knows, wilderness has been, and is today, a terribly divisive issue in Utah.

In fact, my first proposal on coming to Congress on this issue was for a cooling off period whereby no legislation would be introduced during this session. My thought was that the best thing would be to do nothing to allow for discussion rather than confrontation.

So why did I introduce H.R. 1952 last week? The answer can be found in the title of my bill. It is the Utah Wilderness and School Trust Lands Protection Act of 1997. I have explicitly linked the issue of Utah wilderness and protection of Utah school trust lands because the issues are inextricably intertwined.

Acreage is not the focus of my bill. Protection of Utah school children is. H.R. 1952 contains about 2.1 million acres of wilderness. Frankly, I am not terribly wedded to the acreage issue. It is not, in my mind, the most important at all. I believe that the law and the science will guide us to a reasonable conclusion about how much acreage and which acreage should be included.

In my mind, wilderness designation should be based on those two issues; that is, the law and the science. It may well be that we need to have more acres than 2.1 million. I am completely open to that possibility. Or it may be that we should have considerably less. There are certainly some arguments for that as well. But that is an issue that I hope we debate rationally and calmly in the future.

School trust lands are worthy of immediate scrutiny. Utah became a State in 1896, and the State, like most western States, was divided into townships. A township is six miles by six miles, and so every township would be divided in about 36 sections of a mile square.

In order to support Utah's schools, the Congress granted to Utah, as it did with most western States, an endowment of school trust lands in each township. And in Utah, that was four sections for every township.

School trust lands were meant to be developed. The only way the revenues can be generated is by some form of development, whether by land sales, leasing, mining, timber, and development of some other similar activity. And I am pleased to note that that is acknowledged in at least the testimony that was supplied in advance by some of our witnesses who oppose or who wish to have a great deal more land set aside in Utah.

Other western States have been able to use their trust lands to generate substantial revenues for their schools. So, for instance, in New Mexico, they have a trust with $3.9 billion generating an income to New Mexico schools of about $275 million.

Our neighboring State of Wyoming uses its school trust lands to generate in excess of $110 million a year for Wyoming schools. Yet, Utah has struggled to generate revenue for the school trust lands,

mostly because of the effect of Federal land management decisions on those school trust areas.

The fundamental problem is the Federal Government is very good at making land designations, a monument, a national forest, or a national park, but very poor at remembering afterwards to take care of school trust lands. The fact is that Federal land designations have the effect of harming the value of school trust lands that are so encompassed.

Restrictive land designations such as wilderness have the effect of trapping school trust lands and sections by restricting access, precluding economic development, and often simply discouraging potential entrepreneurs from seriously considering any form of economic activity.

My guiding principle on the issue of wilderness is simple. Wilderness designation should not come at the expense of Utah schools. Within the 2.1 million acres of my proposed wilderness are about 140,000 acres of school trust lands. My bill ensures that Utah's 473,000 students and 22,000 teachers are not hit in the pocketbook by preserving the full value of all school trust lands impacted by the wilderness designation.

H.R. 1952 contains three provisions. First, any new wilderness areas officially transferred to the National Wilderness Preservation System—that is before any new wilderness areas are transferred the included school trust lands must first, repeat first be exchanged for other lands. This is a precondition, not an afterthought.

Second, my bill allows Utah School Trust Lands Administration to pick unappropriated lands for trades rather than rely on the Department of the Interior to come forth with a possible land trade package. The Secretary of Interior can object to lands selected but only on the narrow question of valuation. Thus, disputes over trades will be narrower and more focused than under the current practice.

Third, my bill creates authorization authority to reimburse Utah School Trust Lands Administration for their costs in conducting an exchange. This is an important point. Exchanges with the Federal Government are extremely expensive. Appraisals cost money. Planning costs money. The ever-present litigation over valuation-related issues adds a hefty tag. All these are probably necessary expenses, but these are expenses that when triggered by Federal action should be borne by the Federal Government, not Utah school children.

Let me briefly contrast the school trust land language in my bill with the language of H.R. 1500 by my colleague from New York. H.R. 1500, by designating 5.7 million acres as wilderness, would impact the value of about 630,000 acres of Utah school trust lands. This 630,000 acres is a considerable amount of land. It is an area roughly a third the size of Connecticut.

Certainly, this is an issue that should be of some concern to the subcommittee, but it is not an issue of concern in H.R. 1500. In fact, there is not one word about protecting Utah school trust lands in H.R. 1500. This is simply unacceptable.

Federal land protection must not come at the expense of education in my State. That is why I would encourage the subcommittee to analyze both of our bills side by side. I strongly believe that

H.R. 1952 does a better job in balancing the competing interests of our environment, local economic development, and protection of Utah schools. Thank you, Mr. Chairman.

Mr. HANSEN. Thank you, Mr. Cannon. I appreciate your testimony. We will turn to our friend from the Second District, the Honorable Merrill Cook. Merrill?

STATEMENT OF HON. MERRILL COOK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH

Mr. COOK. Well, thank you, Mr. Chairman, and other members of the Committee. I very much appreciate this opportunity to testify for a few minutes about a very, very important issue and an issue that has been debated and argued over and fought over for many, many years—several decades.

And I think the Salt Lake District that I represent, the Second District—the debate has been no more intense anywhere else in this country because people feel very strongly about wilderness, about the process by which wilderness is created, about our new monument, and about education and the school trust lands. And I really wanted to come here to endorse the concepts behind H.R. 1952.

I don't necessarily agree with the acreage that is listed in 1952, and I don't agree with the acreages that are listed in H.R. 1500. But I am very appreciative that both of these bills have come forward, and I have to say I have been very impressed with Mr. Hinchey's real concern about the lands in Utah, his interest, and his I think decent and honorable spirit of approaching it.

And I was also impressed that in the heat of a campaign last year he wrote a letter to the largest newspaper in my district and expressed his goodwill toward the Chairman of this Committee and toward the whole process. So although I may disagree with both Mr. Hinchey and Mr. Cannon in terms of the total number of acres that are contained in their bill, I really do applaud the process.

But I have to say that H.R. 1952 that has been introduced by my colleague from the Third District in Utah at least talks about some very important issues, links, and things that Mr. Hinchey's bill simply does not do. We have to be able to solve or resolve to whatever extent possible this whole question of school trust lands as we designate wilderness.

Now, just yesterday I made the point that over 176,000 acres of school trust lands are contained within the national monument that was created last year, and I think it is closer to 500,000 to 600,000 acres of school trust lands that are contained within the designations that would be if H.R. 1500 were passed into law, and obviously a lot less but I think something over 250,000 or around 200,000 acres if H.R. 1952 is enacted.

So the point is whether it be 200,000 or 500,000 acres of school trust lands, this question, as my colleague, Chris Cannon has indicated, really has to be taken into account and resolved in some manner. And I think the exchange approach where trust officials in the State of Utah have some say, that it is not just totally decided by the BLM, the Interior Department, that at least—and it may have to be worked out by both—I acknowledge that—but some

kind of an exchange process so that we can consolidate the lands. It is very important.

I notice that Mr. Vento indicated that this was going to be a whole new—opening up a whole new area. But I think this goes to the heart of what a proper and reasonable wilderness designation may turn out to be. If we could solve the questions or have answers in this bill to school trust lands, to other private property rights, to the status of roads that have been there for decades in many cases, to the other questions that are always coming up, then it will be a wonderful thing for the people of Utah to bring closure.

And I submit that the total number of acres is totally dependent upon how those questions are answered. In other words, if there could be absolutely no exchange of school State trust lands, then I really couldn't in good conscience vote for any additional wilderness designation on the Utah BLM lands. I just could not vote for a bill that would absolutely ignore the school trust lands issue, even if it were a proposal of half a million acres less than what have already been supported by members of the Utah Delegation.

So that is how strongly I feel, but on the other hand, I feel that the acreages that were determined years ago during the Wilderness Study Area phases of this might well be a reasonable number if we can get the exchanges and the protection of the property rights and the road questions and all the other things resolved.

Because the bottom line, and I will finish my statement with this point, the people of the Salt Lake Valley that I represent, they want wilderness designations but they also want jobs. They want lung tissue, and they want to be able to make their mortgage payments, as Mr. Gilchrest has stated in his opening statement. They want the balance. That is in the nature of the people of the State of Utah. It is in the nature of the people of my district to want a balance.

And I just happen to believe very strongly that no resolution of this issue will ever take place without it taking place in a bipartisan manner. I will just say now I don't think, unless Mr. Hansen and Mr. Cannon and Mr. Vento and others that I think have been very moderate and reasonable in this whole debate—unless they can agree, and, yes, I will include Mr. Miller—unless all of you can agree, I don't think this will ever happen.

And I do think there is an opportunity for compromise, and I think that is what we ought to look for. We ought to make the linkages that the Chris Cannon bill talks very clearly about, and we ought to get on—we ought to solve it in the 105th Congress because I don't think it is useful for the people of the State of Utah, indeed for this country, to keep punting this question into the 106th Congress, 107th Congress as it has been punted into the 105th Congress by previous Congresses. Again, I want to thank you very much for the opportunity to make this statement.

Mr. HANSEN. Thank you, Mr. Cook. I appreciate your comments. Questions for our colleagues? Mr. Faleomavaega.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. Chris, can you explain a little bit how New Mexico ended up with a $3.9 billion trust earning $275 million for their school children—apparently, I mean, because of this part of the whole deal with the Federal lands

involvement here? But I am just curious how New Mexico ended up with this. Because of the rich mineral resources they have?

Mr. CANNON. My understanding is minerals, oil, and gas are the basis for those funds. Those were, as I believe, areas which were more easily developed in earlier stages than Utah's. Utah's tend to be coal. There is difficulty of transportation with coal.

The oil and gas on our trust lands are deeper, and we have methane beds, other things that are of value, other minerals which are now, after we have developed much of our world, more economically viable. And, therefore, I think we are at a point where those trust lands could produce serious amounts of revenue for the State school trust fund.

Mr. FALEOMAVAEGA. You also indicated earlier that there is approximately 630,000 acres of school trust lands. Has there been any appraisal done of this 630,000 acres? That is a lot.

Mr. CANNON. That is a lot. The 630,000 is the amount of acreage of school trust lands in the 5.7 million acre proposal. Much of that has not been appraised. Much of it has been used for grazing and for other purposes but producing minimal revenues generally.

Mr. FALEOMAVAEGA. Do you think that maybe we ought to look into that a little more? I mean, have these trust lands—the school trust lands—have they been actually been located or——

Mr. CANNON. Yes.

Mr. FALEOMAVAEGA. [continuing] or have they been recognized?

Mr. CANNON. We should make it available to you—a little map of Utah that has distinguishing——

Mr. FALEOMAVAEGA. Now, was this done by the BLM or the Department of the Interior, or what Federal agency was involved in that?

Mr. CANNON. They were designated at statehood and were designated by a description, and subsequently most of them have actually been surveyed so we know where they are. But when you lay out a grid of a survey of Utah, you can see all of them. You can tell where they are. Some of them have been consolidated. It has been a long time, but some of them have been consolidated out of the national forests, for instance, into larger blocks of land.

Mr. FALEOMAVAEGA. Have there been any major changes made of these school trust lands since statehood—I mean, transfers, purchases, anything to affect the value of these 630,000 acres when they were first recognized?

Mr. CANNON. They have actually been managed by the State agency, the School and Institutional Trust Land Administration. The major changes that has happened with those lands has happened—this probably goes back to the time that the national forests were designated, when blocks of those trust lands were exchanged out.

So we know the lands. They are identified. They are managed. They are leased out for various activities, mostly grazing. But there are clearly some mineral development. For instance, Conoco is doing its current drilling within the monument on a school trust land section.

Mr. FALEOMAVAEGA. Now, I assume that the State of Utah does have a trust fund per se for school systems similar to New Mexico.

What is the current value now of your school trust fund, if there is any?

Mr. CANNON. The current value of that trust is about $100 million, and I have for you a map that has the State mostly in yellow with some other distinguishing colors. And the solid colored kind of dots indicate the State trust lands.

Mr. FALEOMAVAEGA. If you know, the Department of the Interior cannot even account for some $2 billion that are supposedly held in trust for the American Indians. How do you suppose they are going to be able to account for what you are suggesting here?

Mr. CANNON. Oh, the $100 million is held by the State, of course, and we have great confidence in our administrators of that fund. Is your question how are they going to account for the acres of land we are talking about in a trade?

Mr. FALEOMAVAEGA. Yes.

Mr. CANNON. I will tell you that they may misplace funds for Indian Trusts, but we have been through hell just trying to get a single section traded out of an expansion area we proposed for Arches National Park. It has taken us 6 months of the most incredible quibbling you can imagine. When you are quibbling about trades, you are talking about particulars, and in particulars they are persistent.

Mr. FALEOMAVAEGA. I would think that this is such a major issue in and of itself, just the total examination of Utah's—the school trust lands, just to examine it closely and how BLM and other Federal agencies—and I am sure my good friend, the Chairman, is very much aware of this issue, but I think it needs to be brought out certainly for the members of the subcommittee to understand it a little better because I think your points are well taken—the fact that other states do benefit quite well from it, except the State of Utah.

And I am curious as to why the BLM or whatever agency responsible has not been responsive to the needs, not only of the school children in Utah, but to see that there is some balance in terms of how it deals with the issues affecting the State of New Mexico. I mean, they are benefiting from it quite generously, and I am just curious why Utah does not get a similar type of package, if you might explain it in those terms.

Mr. CANNON. Thank you. I think that is truly worth an investigation. If I might just add one example that will give some poignancy to the issue, Arches National Park was made a monument in the 1950's. It incorporates certain trust lands. We have been trying to trade those lands out since the 1950's. In 1993 in the 103d Congress, we actually passed a law requiring the trade of those lands and since they have made no progress. So it is a difficult issue and one that is well worth considering.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman.

Mr. HANSEN. Thank you. I appreciate the gentleman's comments—point out that New Mexico was a little smarter than we were in the 50's and 60's. They made the trades before all these laws came along putting us in a position where we are not able to do it.

And they really make some money on their trust lands, where we get almost minuscule. But we do have an expert that is going to

be part of our panel. Mr. John Harja is the expert on school trust lands and can refer to it. The gentleman from Maryland, Mr. Gilchrest.

Mr. GILCHREST. Thank you, Mr. Chairman. I would just ask one maybe oversimplistic question. In the process of developing this legislation, is it possible—I mean, you have identified the specific areas that you wanted designated wilderness, I would guess, in your bill.

Mr. Hinchey, I suppose, has designated his acreage and both are based on what I would assume is reasonable science, what fits the criteria and so on. Can we then sit down and look at the trust land and up here decide which will be traded out and create a timeframe for that? Is that possible?

Mr. CANNON. I think that is possible, but I don't think it would even be appropriate for this Committee to do it unilaterally because even those of us like the Chairman who spent a large portion of his life traveling this area, flying over it and landing over it, knows the particulars of the ground well enough to do that unilaterally. I think we need to draw the BLM into the process.

Mr. GILCHREST. Well, I guess if we drew them into this process with this legislation, we wouldn't have enough time to pass the legislation if that was a part of it.

Mr. CANNON. That is where it comes down to the real rub of the problem. But if we give them clarity on what to do, which is what I have tried to do in my legislation—and I am not wedded to this particular process—we just think that the BLM has to be given an incentive to act instead of its inherent incentive to defer.

And so, yes, these are issues that they know well, and, in fact, the other participants—wilderness alliances have said these are important issues. They have done a great deal of inventorying of the land in Utah. If the various parties that were involved or knowledgeable decided to come forward and participate in the process that would protect Utah's schools, we could probably resolve this issue fairly quickly.

Mr. GILCHREST. What are the incentives in this bill that you have provided for that effort?

Mr. CANNON. In the first place, the wilderness designation would not take effect until after the trades were made. Second, it has cost a lot of money to a relatively small fund to go through the appraisal and even litigation process over these issues. We think that that bill ought to be borne by the Federal Government.

And then the third issue, which is probably the most controversial and the one we are not tied to particularly, which is essentially that the Utah trust lands would make a selection, and then BLM would have to respond but narrowly as to the valuation. "OK. You are trading. You are proposing 20 sections here for 20 sections there, but these 20 sections are richer in minerals and, therefore, more valuable." In that circumstance, what I hope we create is a dynamic whereby we actually move forward and get some reasonable trades fairly quickly.

Mr. GILCHREST. Given what needs to be done in your experience in this issue—Mr. Cook can respond to this as well—do you have some idea if this process is—you provide the incentive. I would also imagine maybe the Utah Delegation can provide the arena under

which this can be debated and discussed with BLM, with other groups that have an interest in this area. What would be your guess as to a reasonable timeframe to accomplish this task?

Mr. CANNON. I believe that that could be accomplished in rather a short timeframe if the various parties would come to the table. And, frankly, we are anxious to work with the various groups. We have talked to them about this. All of them have at least given lip service to the importance of trust lands.

If the various groups out there that are concerned about wilderness would come forward with their understanding—and, remember, nobody has the resources the BLM has, but we have a sense among us—we could probably sit down with BLM officials fairly quickly and come up with some trades that would make everyone happy I think, unless the objective is to not have trades.

Because if you are taking a 5.7 million acre wilderness area and you add to that the 630,000 acres, you are at 6.3 million acres of virtual wilderness even though you have locked up those rights. And if the goal is 6.3 million acres, we will never have a resolution. But if the goal is to protect Utah school children, it could be done fairly quickly.

Mr. COOK. Mr. Gilchrest, if I could just comment, I don't believe it would be possible to effectuate trades of the school trust lands or the exchanges prior to passing a wilderness bill. But I think it is very possible to set a process or a mechanism into place in the wilderness bill to begin that process on some kind of a reasonable basis that includes the Utah State Trust Lands Administration.

I think the concern in the State of Utah is that, number 1, we get exchanges on this because for one thing they were promised in terms of—at least in the context of the creation of the national monument last year.

But, second, that it not be a unilateral decision of the Bureau of Land Management or the Interior Department, that Utah trust lands administrators that have been effective in being able to bring in revenue, although it is very limited in the State of Utah, from a real patchwork quilt situation and a trust law situation that is working less effectively in Utah than almost any other State of the Union, if there could be some assurance in the bill that the Utah State Trust Lands Administration can be included along with the Department of Interior in an exchange process.

Then I don't think it is at all necessary and I don't think it would be wise to expect that all those rather complicated valuations and exchanges take place before there is a settlement or a resolution on the wilderness question.

Mr. GILCHREST. Thank you very much. Maybe some of that can be put into the report language—that direction. Thank you, Mr. Chairman. Thank you, gentlemen.

Mr. HANSEN. Thank you, Mr. Gilchrest. The gentleman from Tennessee, Mr. Duncan.

Mr. DUNCAN. Mr. Chairman, I don't have any questions, but I would say this. I have the privilege of representing about half of the Great Smokey Mountains National Park, and this is the most heavily visited national park in the country with about four times the number of visitors of any other park.

And most people who come there are awed by the size and the grandeur of the Smokies. Yet, it is less than a third the size of this 1.8 million acres. It is less than 600,000 acres. And somehow I am amazed that in this debate that we have gotten to the point where we think 1.8 million acres is not much land. It is a staggering amount of land. And to think of 5.7 million acres—I mean, that is almost incomprehensible. It is unbelievable.

And I am just not sure that a lot of people realize how much or how huge 1.8 million acres is. It is really amazing what we are talking about when you think that that is three times the size of the most heavily visited national park in this country. And I just thought I would make that observation for the record. I don't have any questions.

Mr. HANSEN. I appreciate the gentleman's comments. The gentlelady from Idaho, Mrs. Chenoweth.

Mrs. CHENOWETH. Thank you, Mr. Chairman. I have no comments or questions.

Mr. HANSEN. We thank our colleagues for their comments and invite them to join us on the dais. I see we have been joined by our friend from New York, Mr. Hinchey, who is the sponsor of one of the bills under consideration. So I think it would be proper, Mr. Hinchey, if we turned the time to you for your opening statement or whatever comments you would like to make.

STATEMENT OF HON. MAURICE HINCHEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. HINCHEY. Well, thank you very much, Mr. Chairman. I very much appreciate that consideration, and please let me extend to you and to others my apologies for not being here earlier. You have indicated, Mr. Chairman, on several occasions that it has been your intention for some time to hold hearings on the legislation affecting Utah wilderness.

As the sponsor of one of the two bills before us today, I certainly understand and very much appreciate that. You and I have worked together on this legislation now from different perspectives, of course, but in a very cooperative and friendly way, and I am very obliged to you for your attitude and the way that you have conducted your attention to this particular initiative.

So, nevertheless, there continues to be large differences between the two particular bills that are before the subcommittee. And I know that we are both well aware of the barriers to settling this matter anytime in the near future.

Since we debated the issue at length in the last Congress, my remarks about my own bill will be very brief. I have always been a strong supporter of protecting wilderness and was, in fact, the leading advocate for protecting State wilderness lands in New York in my former role as a member of the New York State Legislature.

I believe that one of the things that all of us who are here today agree on is that we are not making any new wilderness areas, and that the amount of wilderness remaining in the United States has declined sharply in the last century and will continue to decline if we do not protect what we have. To paraphrase former President George Bush, he said, "My goal is no net loss of wilderness."

The lands that would be designated as wilderness in my bill have been surveyed thoroughly by the people of Utah who share the goal that is expressed in that legislation. Most of last year's debate focused on whether the lands included in my bill were truly wild or not.

I have always said that I am willing to alter the bill, if it is actively considered, on the basis of new information that shows convincingly that some of the lands in my bill do not qualify as wilderness. Or if lands that are not in the bill do qualify, we are perfectly willing to modify the bill based upon that new, solid information.

Probably the best way to resolve this issue that is available to us would be to allow the Department of the Interior to proceed with the reinventory that you, Mr. Chairman, first suggested I believe it was last year.

I was pleased to see that Mr. Cannon's bill made several changes from the bill we considered in this subcommittee last year. I was especially encouraged by the deletion of language that would have allowed various kinds of development in designated wilderness areas. Perhaps that can be the first step toward eventual agreement on the Utah wilderness question. Even if we have a very long way still to go, that first step would be very good news indeed.

I believe it is particularly important today for me to address the issue of school trust lands, since my position on this has apparently been misunderstood several times this year. I have seen some individuals quoted as saying that my bill does not provide for any exchange of the school trust lands that would be enclosed under the legislation that I have introduced. That, of course, is simply not true.

My bill does provide for such an exchange under the terms of the Federal Land Policy Management Act, as is appropriate. What it does not do is prejudice any such exchange in advance. It says that any such exchange should take place on the same terms and under the same rules as the many exchanges that have taken place in other States since the Federal Land Policy Management Act was enacted.

I can well understand the interest of my colleagues in expediting land exchanges. However, I have been disturbed by the suggestions that some have made that my bill somehow stands in the way of land exchanges. There is simply no truth to that at all.

One of the first bills our subcommittee considered when I first came to Congress several years ago was a bill authorizing land exchanges in Utah, and, of course, I supported that bill. I understand that the Department of the Interior and the State of Utah have reached agreement on about half of those exchanges.

But if there are people who are concerned about delays and already authorized exchanges or the possibility of delays in future exchanges, I think that what we ought to do is to expedite the inventory and proceed with the exchange of information so that those exchanges can take place more rapidly.

Just 2 months ago, Secretary Babbitt, while testifying on the establishment of the Grand Staircase-Escalante National Monument, commented that his State exchanged 2 million acres with the Federal Government during his tenure as Governor.

It is my understanding that all of those exchanges took place under the rules established under the Federal Land Policy Management Act and did not require legislation establishing new rules or a new process. The same thing has happened in a number of other States.

It is my understanding that most of the trust lands that would be enclosed and exchanged under Mr. Cannon's bill and under my bill are not currently producing revenue for the Utah schools, and that large portions of them would be unlikely to produce revenue anytime in the near future.

According to testimony we have heard in the past, all the trust lands—that is, every single trust land throughout the State of Utah, not just those affected by either of these two bills—produce less than 1 percent of Utah's total school revenues. So I think it is unfair to suggest that any wilderness legislation is depriving Utah's school children of the education they deserve.

As I said, however, I share the concerns of all those people who want to see land exchanges expedited, but those exchanges won't take place until the larger question of wilderness designation is settled. That, in turn, won't happen until we move closer to an agreement of what lands qualify for wilderness designation. So I would strongly urge anyone who wants to see the lands in question exchanged, let the reinventory go forward, as you have suggested, Mr. Chairman, and as we all support.

And, again, I want to express to you my deep respect and even admiration, Mr. Chairman, about the way that you have conducted these proceedings up to this point. And I look forward to the opportunity to continue to work with you to try to bring about some equitable, just, and fair resolution to this problem.

[Prepared statement of Mr. Hinchey follows:]

STATEMENT OF HON. MAURICE D. HINCHEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. Chairman, you have indicated on several occasions that it is your intention to hold hearings on Utah Wilderness legislation in this Congress, and go no further than that. As the sponsor of one of the two bills before us today, I certainly understand and appreciate that. There continue to be large differences between the two bills, and I know we are both well aware of the barriers to settling this matter in the near future.

Since we debated the issue at length in the last Congress, my remarks about my own bill will be brief. I have always been a strong supporter of protecting wilderness, and was the leading advocate for protecting state lands as permanent wilderness during my years in the New York State Assembly. I believe that one of the things that all of us who are here today agree on is that we are not making new wilderness, and that the amount of wilderness remaining in the United States has declined sharply in the last century, and will continue to decline if we do not protect what we have. To paraphrase former President Bush, my goal is "no net loss of wilderness."

The lands that would be designated as wilderness in my bill have been surveyed thoroughly by citizens of Utah who share that goal. Much of last year's debate focused on whether the lands included in my bill were truly wild or not. I have always said I'm wiling to alter the bill—if it is actively considered—on the basis of new information that shows convincingly that some of the lands in my bill do not qualify as wilderness, or if lands that are not in my bill do qualify. Probably the best way to resolve this issue that is available to us today would be to allow the Department of Interior to proceed with the reinventory that you first suggested last year, Mr. Chairman.

I was pleased to see that Mr. Cannon's bill made several changes from the bill we considered in this Subcommittee last year. I was especially encouraged by the deletion of language that would have allowed various kinds of development in des-

ignated wilderness areas. Perhaps that can be the first step toward eventual agreement on the Utah wilderness question. Even if we have a very long way still to go, that first step would be good news.

I believe it is particularly important today for me to address the issue of school trust lands, since my position on this has been misrepresented several times this year. I have seen some individuals quoted as saying that my bill does not provide for any exchange of the school trust lands that would be enclosed under my bill. That is not true. My bill does provide for such an exchange under the terms of FLIPMA (Federal Land Policy Management Act). What it does not do is prejudice any such exchange in advance. It says that any such exchange should take place on the same terms and under the same rules as the many exchanges that have taken place in other states since FLIPMA was enacted.

I can well understand the interest of my colleagues from Utah and the people of Utah in expediting land exchanges. However, I have been disturbed by the suggestions some have made that my bill somehow stands in the way of land exchanges. There is no truth to that. One of the first bills our Subcommittee considered when I came to Congress in 1993 was a bill authorizing land exchanges in Utah, and I supported it. I understand that the Department of Interior and the State of Utah have reached agreement on about half of those exchanges.

But if Utahns are concerned about delays in already authorized exchanges, or the possibility of delays in future exchanges, it is not up to me or supporters of my bill to respond to that issue. I am sorry that this hearing was announced and organized so rapidly that the Department of Interior was unable to appear. The Department—and only the Department—can comment on why land exchanges have not proceeded more rapidly in Utah.

Just 2 months ago, Secretary Babbitt (while testifying on the establishment of the Grand Staircase-Escalante National Monument) commented that his state exchanged 2 million acres with the Federal Government during his tenure as Governor. It is my understanding that all of those exchanges took place under the rules established in FLPMA, and did not require legislation establishing new rules or a new process. The same thing has happened in other states.

It is my understanding that most of the trust lands that would be enclosed and exchanged under Mr. Cannon's bill and under my bill are not currently producing revenue for the Utah schools, and that large portions of them would be unlikely to produce revenue in the future. According to testimony we have heard in the past, all the trust lands throughout the state—not just those affected by either of these bills—produce less than 1 percent of Utah's total school revenues. So I think it is very unfair to suggest that any wilderness legislation is depriving Utah's school children of the education they deserve.

As I said, however, I share the concerns of Utahns who want to see land exchanges expedited. But those exchanges won't take place until the larger question of wilderness designation is settled. That in turn won't happen until we move closer to an agreement on what lands qualify for wilderness designation. So I would strongly urge anyone who wants to see the lands in question exchanged to let the reinventory go forward.

Mr. HANSEN. I appreciate the gentleman's comments. Let me point out to the members who have arrived after we started, we are looking at H.R. 1952 by Mr. Cannon and H.R. 1500 by Mr. Hinchey. And I have recognized everyone but the gentlelady from Virgin Islands. I appreciate you being here.

Ms. CHRISTIAN-GREEN. Thank you, Mr. Chairman. I have no questions or opening comments.

Mr. HANSEN. Thank you; I appreciate your statements. To my good friend from New York, let me not take issue with you on anything but just point out that I think it was Mr. Babbitt who wanted to do the reinventory. And I won't go through the litany of how that occurred unless you want me to, but a very interesting goal.

And as I said in my opening remarks, the Federal District Court in the State of Utah said he didn't have the right to do that. I don't know the status of the appeal or what is going on, but we will see what comes out of that interesting issue.

We have two panels we want to have before us at this particular time. The first panel is composed of, if I can put my hand on it,

three county commissioners from the State of Utah, Mr. Randy Johnson, County Commissioner from Emery County, Utah; Louise Liston, County Commissioner of Garfield County; and Joe Judd, County Commissioner of Kane County.

They will be joined by John A. Harja, Vice Chairman of the Board of Trustees of Utah School and Institutional Trust Lands Administration. If we could ask those folks to come up, I would appreciate it.

Mr. GILCHREST. Mr. Chairman, while they are coming up, can I ask Mr. Hinchey a very quick question?

Mr. HANSEN. I will recognize the gentleman from Maryland.

Mr. GILCHREST. Mr. Hinchey, Mr. Cannon—and I don't want to speak for Mr. Cannon—said he wasn't wedded to the number of acres designated as wilderness—1 million, 2 million, even 5 million. But prior to designation of wilderness, he had three issues—three key provisions—I am not sure if you are familiar with those three key provisions—dealing with the exchange of school trust lands.

And you don't have to answer it now, but I think it would be interesting to see what you consider based on your understanding of your bill if you would consider Mr. Cannon's three key provisions prior to designating 5.7 million acres, if they could be included, let us say, in your legislation?

The first one is before any land can be transferred, the school trust lands must first be exchanged; number 2, Utah School Trust Lands Administration would pick the unappropriated lands for trades rather than the Department of Interior; and, third, authorization authority to reimburse the School Trust Land Administration for their cost in conducting an exchange. If you are not familiar with them now, I would just be interested down the road what you think of those criteria prior to any designated wilderness.

Mr. HINCHEY. If the gentleman would yield?

Mr. HANSEN. Does the gentleman yield?

Mr. GILCHREST. Yes.

Mr. HINCHEY. Let me say, Mr. Gilchrest, that I very much appreciate the gentleman from Maryland's interest in this issue and his raising those particular points. I am, of course, willing to consider any suggestion that is made by any member of this subcommittee on this particular issue, particularly suggestions, of course, made by either Mr. Cannon or by our Chairman.

I am not in a position at this moment to give you an answer as to the specifics of each of those questions, but let me just say that I do not regard the issue of the school trust lands as an insoluble issue at all. First of all, it constitutes only a fractional part of this particular question.

As I indicated in my opening remarks, all of the school trust lands right now at this particular moment provide less than 1 percent of all the revenue that is provided from the State to the school districts in Utah and, therefore, to the education of the children of Utah.

So I do not regard this as a major aspect of this particular problem. However, to the extent that it is a significant issue, and it is an issue that has to be addressed, I am open to any suggestions

and will consult and work with anyone to try to reach a reasonable solution.

Mr. GILCHREST. Thank you very much.

Mr. FALEOMAVAEGA. Will the gentleman yield?

Mr. HANSEN. The gentleman from American Samoa has asked the gentleman from Maryland to yield.

Mr. GILCHREST. Yes.

Mr. FALEOMAVAEGA. I thank the gentleman for yielding. I just want to share with the gentleman the fact that in 1993 we did pass specifically a Federal law called the Utah School and Lands Improvement Act addressing this very issue. And I want to share with the gentleman the information.

Basically, the information that I am given is that 3.6 million acres of total land—school trust lands—1.5 million acres is State owned school trust lands. And I think what is at issue here is the fact that there are 630,000 acres that are within currently the Federal land. This is what we are—I think this is the concern that Congressman Cannon has indicated earlier.

And I also want to share with the gentleman the fact that in the Hinchey version of the bill, it does address school trust lands to the effect that he suggests that the FLPMA and the Wilderness Act be the administering agencies of this 630,000 acres that is at question. So I think from what I hear from my good friend from New York, we are open. We are willing to work what could be a solution to the problems that we are facing.

But I want to remind my good friend that 1.5 million acres of this is State owned already—trusts—and maybe this is where the exchange or maybe the lack of exchange on the part of BLM as well as with the State of Utah—maybe this is what we need to focus on.

Mr. HANSEN. Let me comment that we have some real good experts on this issue that are going to speak to this in just a moment, and we are going to run out of time for the use of this room, which concerns me greatly because we have another panel after this panel. And so if the members could hold on to their questions, Mr. John Harja is considered the expert.

And, John, with that in mind, I have set you up, and we expect you to respond to all of these things you have heard up here on the dais when the mike comes to you. But we are not going to start with you. We are going to start with Randy Johnson, and these folks have been before this committee so many times I start calling them members.

But, anyway, they all know the rules, and from this point on, I am going to hold both the witnesses and the members to the 5-minute rule just in the interest of time. As you know, it is just like a traffic light in front of you; green, you go; yellow, you wind up; and red, don't run it—too far, anyway. But if you have got something burning in your bosom you have just got to say on any panel that is here, I normally will listen to that. So, Mr. Johnson, let us start with you, and we appreciate all of our witnesses being here on both of our panels. Mr. Johnson, the time is yours for 5 minutes.

STATEMENT OF RANDY JOHNSON, COUNTY COMMISSIONER, EMERY COUNTY, UTAH

Mr. JOHNSON. Thank you, sir. So you are telling us to pay attention to this the way we pay attention to traffic lights in Utah. I understand that.

Mr. HANSEN. I want every witness to pull the mike up close to them. I always get in trouble when I ask witnesses to repeat. People think I am trying to cut them off and I am not so pull them up real close.

Mr. JOHNSON. Thank you. On behalf of rural Utah's public lands counties, I want to thank you for holding this hearing today. The BLM issue in Utah has been in the works since BLM first began to inventory lands during the Carter Administration. The level of debate continues on a fevered pitch, and I believe it is long past time to act to bring the warring factions together.

I am particularly grateful to Congressman Cannon for jumping into the fray and taking a strong leadership role. Specifically, the Cannon bill's emphasis on resolving the State school trust land impasse prior to the wilderness bill is well worth considering, and we can never truly have resolution until both trust lands and the road issues are resolved.

In regards to wilderness, it is my belief that Utah's counties have acted from the beginning in good faith. Our Governor and congressional delegation asked us to conduct honest inventories of the land in each of our counties and to make recommendations following the parameters of the 1964 Wilderness Act.

We responded by conducting careful inventories and recommending those lands which truly met the 1964 Act requirements of possessing outstanding solitude, of being untrammeled by man, where man is a visitor who does not remain, and shall be roadless.

Based on that criteria, just over 1 million acres of BLM land in Utah qualified. Even so, we recognize the political reality and have very reluctantly agreed to the congressional delegation's request to bring this figure to approximately 2 million acres.

Congressman Cannon's bill reflects that reality. Wilderness designations in areas which do not qualify under the 1964 Act is, in fact, a luxury which rural economies cannot afford and which is not in keeping with the intent of the 1964 bill.

In all candor, Mr. Chairman, it would be nice if Congress would follow the written definition of wilderness which Congress itself created. However, if the sentiment of the Congress in 1997 is to change that definition, then it should do so in order that this process may remain intellectually honest.

Is Congress moving into the business of creating wilderness? That is what we are doing with H.R. 1500. Those who tell us that once lost wilderness can never be regained are now telling us that if we close this road or that road, nature will eventually reclaim it. That is not what the Wilderness Act intended, and it is not right, nor is it necessary. Have we learned nothing in 30 years? Must we always begin our arguments as though it were 1970?

I ask you to settle this issue by passing legislation setting aside those lands which do actually qualify as wilderness and then remain vigilant to ensure that the remaining lands are protected

through FLPMA and NEPA and other Federal laws intended to guard our public lands.

Environmental groups have arbitrarily chosen to "tithe" Utah; that is, to take approximately 10 percent of the land area of the State and offer it up as wilderness. These so-called great defenders of the 1964 Wilderness Act have chosen to completely ignore it and to rely upon some arbitrary tithed number of 5.7 million acres, better known as H.R. 1500 or Mr. Hinchey's bill.

To make matters worse, this Administration has chosen, with a wink and a nod, to instruct public land managers in the field to manage BLM lands in Utah at that 5.7 million acre level. Legally, BLM can only manage 3.2 million acres of BLM land in Utah, the amount the FLPMA process produced as an accurate figure for Wilderness Study Areas as wilderness.

The deck is stacked against advocates of multiple use because until Congress finally acts, these lands will continue to be managed as wilderness. Environmental groups, therefore, cannot lose and have absolutely no incentive to negotiate.

As the stalemate continues, lands can neither be protected as wilderness, nor managed and perhaps developed for their natural resource potential. Only to the extent that the development on public land occurs will royalties to the Federal Treasury be paid.

Let me say that another way. Lands that do not merit wilderness status but which contain leasable minerals can, and I believe should, be developed following the strict environmental laws of the land. When this happens, everyone wins—taxpayers win.

Deserving lands can be protected and lands rich in God-given natural resources can be developed and then reclaimed in accordance with the environmental laws of the land. Isn't that how it should be, rather than our continuing in a never-ending stalemate?

I am out of time. I believe and in my opinion we have come the full cycle in this longstanding battle. The protectors have become the defectors. And in an effort to perpetuate themselves, the land, and the multitude of protections which exist for the benefit of that land are secondary to the war itself. Keeping the contention alive ensures their continued existence and the work of 30 years is ignored and a continued flood of misinformation and rhetoric.

We must dispel once and for all the idea upon which some of them have built their empires that it is wilderness or degradation, wilderness or bulldozers, wilderness or reckless strip mining. We want to and are anxious to protect this land but wish to do so under the laws that exist in a sensible manner. And we would hope that you will bring this to resolution so that we may do so. Thank you very much.

[Prepared statement of Mr. Johnson may be found at end of hearing.]

Mr. HANSEN. Thank you, Commissioner Johnson. We will now turn to the Commissioner from Garfield County, who I would also like to point out to the panel is also an expert on school trust land. In fact, she sits on the School Trust Land Board, and so besides John Harja, you can ask Louise Liston anything about it, and she will give you the correct answer; at least that is how I found it working with her over the years. Having set you up now, Commissioner, we will turn the time to you.

STATEMENT OF LOUISE LISTON, COUNTY COMMISSIONER, GARFIELD COUNTY, UTAH

Ms. LISTON. Thank you, I guess. I appreciate your concern and also your support, Mr. Chairman. And I wish to express my gratitude to you for holding yet another hearing on this wilderness issue in your subcommittee today.

I would also feel remiss if I did not thank Congressman Cannon. He has proven to be a tireless worker on the monument issue and with the introduction of H.R. 1952. He now puts before the Congress of the United States legislation which the people of rural Utah can, with some reservations, live with.

Mr. Chairman, let me say this about BLM wilderness. We the people of southern Utah want the issue resolved, but we are not now, nor will we ever be, willing to agree to legislation that destroys our livelihoods and way of life simply because we are tired of the conflict.

All of the issues—BLM wilderness, the new national monument, RS 2477 roads, State school trust lands, actual development of coal, oil, gas, and other mineral reserves on public lands—all of these issues must be taken into account and resolved equitably before we will consider the controversy settled.

We have always been willing to participate in the public process and have played by the rules. We regret that the President of the United States and his Secretary of the Department of Interior have not. To now consider adding millions of new acres of BLM wilderness in our counties without taking all of these issues into account would be unconscionable for us.

Without beating around the bush, we hear that there is talk of using this 2.1 million acre wilderness bill as a starting point and split the difference with advocates of H.R. 1500 at around 3.2 million acres. We hear that because some are tired of dealing with the issue, a 3.2 million acre bill sounds appealing because it would placate environmental groups. The fact is, Mr. Chairman, Secretary Babbit is, as Commissioner Johnson has said, illegally managing 5.7 million acres of BLM lands in Utah now as de facto wilderness.

It may be politically expedient to cut a deal at 3.2 million acres, but on the land where we live, that amount of wilderness, on top of the restrictions imposed by the creation of a 1.7 million acre national monument, on top of the restrictions imposed on us by four adversarial lawsuits over RS 2477 rights-of-way, will effectively place us into a permanent position of servitude.

Rural Utahans are aware that only about 1 million acres of land in the State qualify for wilderness under the definition of the 1964 Act. We have agreed to double that amount for political reasons. If Congress chooses to raise the acreage total to 3.2 million acres or higher and ignores the 1964 Wilderness Act criteria entirely, then it is time to amend the Wilderness Act to conform to reality.

If not, then Congress should adhere to the laws it passes and be honest with the American people. Please don't ask us to call something wilderness that does not fit wilderness criteria. If members of this Committee are going to change the rules, then I recommend that Congress should first consider changing the 1964 law.

Look at reality one more time. Sixty-seven percent of Utah is federally owned. The lands being managed as Wilderness Study Areas

now constitute over 20 percent of the Federal lands in the State. All told, 40 percent of the Federal lands in Utah, not including Indian reservations and military restricted areas, are effectively off limits to multiple uses.

An additional 13 percent of the lands in Utah are State school trust lands. Please understand these school trust lands are restricted to whatever use is deemed appropriate by the surrounding Federal land manager. That is why we only have less than 1 percent of the uniform school fund is generated by our school trust lands. We are locked into a sea of Federal lands, and we are islands in that sea.

While I am hopeful enactment of Congressman Cannon's bill means educational interests in Utah may finally receive the attention they deserve and actual exchanges take place, let me point out something many Members of Congress and many environmental groups absolutely do not want to hear.

That is, in order for any Federal-State land exchange to mean anything, school trust lands have to be explored and developed. Some courageous company or companies may invest capital in a coal-mining project or an oil-drilling operation and may actually develop the resource in order for any money to go to the school children of Utah. Let me say that another way. It is the royalties paid as a result of natural resource extraction which will fill the coffers of the State school trust.

As of today, less than 1 percent of the State school budget is derived from such development. Utah spends a higher percentage of its State budget, 80 percent, on education, higher than any other State. At the same time, Utah is dead last, 50th in per capita spending on education, in large part because it cannot tax its people any more without driving individuals and industry out of the State. If school trust lands are to contribute in a meaningful way, development must occur.

For those environmentalists who are now going ballistic, please know that all of the applicable environmental laws governing development on public lands—all of them still apply. So let me conclude by saying Garfield County supports Congressman Cannon's bill as the one which comes closest to portraying things the way they actually are on the land. It contains more wilderness than the 1964 Act definition allows, but we believe we can survive under the terms.

If I have been blunt in my testimony then, Mr. Chairman, I plead guilty. This is the way things really are. You know it and I know it. What we seem to be dealing with in the Utah wilderness debate is an endless parade of dancing around the truth, and I, for one, am tired of it. I stand ready to help you pass this legislation in any way that I can. Thank you.

[Prepared statement of Ms. Liston may be found at end of hearing.]

Mr. HANSEN. Thank you, Commissioner. I hope the members of the Committee when you look at these three commissioners down there realize that they represent the majority of land in both those bills right there. And so I am talking about somebody on the ground. We are honored to have Commissioner Joe Judd from Kane County with us. Joe, we will turn the time to you, sir.

STATEMENT OF JOE JUDD, COUNTY COMMISSIONER, KANE COUNTY, UTAH

Mr. JUDD. Thank you, Mr. Chairman. On behalf of the people of Kane County, I would like to express my gratitude for your holding these hearings. It seems like old home week, we have been here so many times.

I would like also to add my thanks to the Committee and to Congressman Cannon for what he said this morning in trying to resolve the issues of both Kane and Garfield Counties and making those things his first order of business in the Congress. Congressman Cannon is off to a good start with both his actions and a great blessing that we receive on the Grand Staircase-Escalante National Monument and hopefully with these BLM issues also.

Mr. Chairman, we are down where the rubber meets the road regarding this wilderness issue. We would like to have them resolved. We would also like to have this new monument issue resolved, as well as the RS 2477 issues, as well as State school trust lands, actual development of coal and gas and other mineral reserves on public lands. All of these issues must be taken into account and resolved equitably before we can consider the controversy settled.

We have always been willing to participate in a public process and have enjoyed, if not been anxious, to play by the rules. To now consider adding more and millions of acres to the BLM wilderness to our county without taking any of these things into consideration is really unconscionable to us.

The people of southern Utah are aware that about a million acres of the land still qualify as wilderness in the definition of the 1964 Act. We have agreed to double that to try to make this a political compromise, to make it work in our counties. We have entered into a partnership with the BLM trying to make the new monument work in our counties. Please don't ask us to do something that is entirely unreasonable.

Kane County cannot live with a political solution that ignores the 1964 Wilderness Act criteria and simply should try and get the bill passed. We have also made an opportunity known to those who are willing to listen that there are certain special interest groups that have made a lot of money trying to keep this controversy alive.

In Kane County, the combined impacts of the new national monument, with the additional BLM wilderness of about 2.1 million acres, and the problems that RS 2477 puts before us nearly puts us out of business. It is already clear the Federal Government wants to relegate southern Utah's economy to a seasonal economy based on tourism. And, again, if pumping gas and selling hamburgers and making beds could get it done, we would have had it done a long time ago. It just doesn't work.

Our ability to provide for ourselves has been taken regardless of what happens with this bill. We are the ones who must provide the services to all of the visitors who will come and are already coming to the national monument. Adding the BLM wilderness within the monument is legislative overkill, and it makes it doubly tough for us to provide the services we are mandated by law to provide.

Again, let me consider the realities before you stick it to us one more time. Our people have been beaten over the head by the Fed-

eral Government so many times I marvel at their ability to be able to take it and get up again. We no longer control our own destiny so at least help us minimize the future pain and provide us with the means to make every harsh socioeconomic climate in our communities from where I come.

Finally, let me add my support to Congressman Cannon's bill from Kane County and place his resolving the issues of the school trust lands. We in Kane County have already lost and are willing to stand many more losses if these resolutions will come to fruition.

The opportunity for the school trust lands to gain monetary value, along with the Counties of Kane and Garfield, were taken from us with the Andalex Smokey Hollow Mine project. That would have been worth some $600 million to the school trust land over the life span of the mine.

That illustrates the project point, however, for any future exchange. The point is that it is not the exchange of the lands between the State and the Federal Government alone which provides revenues for the school children of Utah. It is the development and actual mining, drilling, or some other extractive activity by royalty-paying companies which brings money into the State school trust.

Pro education environmentalists can't have it both ways. Either we develop the lands and put the money into the hands of the school children and their teachers, or we remain purists and leave the school trust lands undeveloped.

This bill addresses the issue of education, while Congressman Hinchey's bill does not. Congressman Hinchey and his supporters should consider the realities I have just mentioned, unless they really don't care about the Utah school kids and the teachers' salaries.

Mr. Chairman, I thank you for the opportunity to be able to testify and especially to be on a panel with the colleagues such as Commissioner Johnson and Commissioner Liston and along with John Harja. I appreciate this very much. Thank you.

[Prepared statement of Mr. Judd may be found at end of hearing.]

Mr. DUNCAN. [presiding] Thank you very much, Commissioner Judd, for being with us again. It is an honor to have you, and it is also a privilege to have with us the next witness, Mr. John A. Harja, who is the Vice Chairman of the Board of Trustees for the Utah School and Institutional Trust Lands Administration. Mr. Harja.

STATEMENT OF JOHN A. HARJA, VICE CHAIRMAN, BOARD OF TRUSTEES, UTAH SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION

Mr. HARJA. Thank you, Mr. Chairman. It is amazing to me to sit here today as Vice Chairman of the Board of Trustees and listen to all the fine Congresspeople mention school trust lands. I came here in 1992 to push a bill that was enacted, thank you, and nobody knew what they were. So it is fun to sit here and be able to talk school trust lands.

I am just going to toss my comments out and try to respond to some of the things that have been said. The education budget in

the State of Utah in 1996 was $1.5 billion. Less than 1 percent of that is still a lot of money.

The population of Utah is just over 2 million people. The population under 18 is 34.6 percent, which is first in the Nation. We have a lot of kids. Everybody knows that in Utah. The average teacher's salary was approximately $31,000, 43rd in the Nation. The State and local education spending per $1,000 of personal income was $90, 3rd in the Nation.

That is our situation. The taxes that are collected on education are very high. There are a lot of kids. The education system is busy. School trust lands are a portion of that. They are a small portion now, but they are a portion.

The State of New Mexico was mentioned, how so much money could be in that fund. It is a matter of history. It is a matter of luck. It is a matter of good work. The Spanish land grants in New Mexico caused lands to be moved—the school trust lands—immediately on statehood. They didn't have to wait till 1997. They were just moved.

And then it turns out oil and gas was discovered at shallow depths immediately, and a lot of money was funneled into that fund right away. And they have a large one, and it generates around 25 percent of their education budget.

Utah didn't have that luck. Our lands are still scattered. And, as the Congressman mentioned, a lot of our resources are deeper, harder to get to, more remote, and all the things that are mentioned.

We have not had an exchange in Utah in 30 years, nor do we have any under agreement today. The last ones that occurred were basically Canyonlands National Park that occurred in the 1960's. And everybody just got together and said we need to move these, these lands are approximate equivalent value, and they moved them. It was done.

Mr. Babbitt mentioned, when I was here last on the monument, that a whole bunch of appraisals have been done and there are agreement on many of them. I am going to tell you that is false. At this point in time, we have maybe 12 tracts out of 550 where the values on both sides appear to be the same.

That is, both sides look at the value and say we can live with that. That is as far as we have gotten. It isn't to say we are not going to get any further. We are going to get this thing done. We are committed to it. It is a long, expensive process.

Mr. Babbitt mentioned 2 million acres in Arizona. I don't want to dispute the Secretary. Our information indicates it is more like a million acres. And, frankly, if you give us the kind of flexibility for the BLM that they had in Arizona, we will get this done tomorrow. That is what it takes. In Utah, the flexibility to look at appraisals in the sense of the uniform nationwide standards is not there.

In fact, if I can really tell you some things here, it is our view the Federal Government is purposefully exerting influence on appraisers to come in at low values. I was at a conference yesterday. Appraisers were getting together to talk about appraisals in terms of remote areas, wilderness, national parks.

And a gentleman from the United States Forest Service sat down on the panel and said, "These are the rules. If you don't play it by our rules, which are restrictive rules and which do not allow for appraisals that look at conservation as the highest and best use, you will not do business with us." This was an overt threat to these folks and their economic stability. There was no question about it.

Why should that matter? The industry is moving that way. The markets are moving that way. In this country, we believe in capitalism. The markets are moving toward—if there are buyers and sellers, that represents the markets. The Federal Government agencies do not like this. They are attempting to stop it. It makes sense. It is going to cost them money perhaps. But if they are going to influence the market like that, they are not going to find a lot of people playing.

So, in our view, I have a fiduciary duty as a member of the Board. I have to look for a fair sense of equal value. I don't find that I get it from the current appraisal techniques. It is hard fought, and we will fight it. We are probably going to have to go to the judiciary to reach conclusion but we will do that because we want to get this done.

Therefore, I appreciate Mr. Cannon putting in this bill some other ideas that basically come from Project Bold and from the whole sense of if it was taken before, you get something else instead. We would just say we appreciate the idea that wilderness will not be declared until those exchanges are done. You could add that to any number of the other issues. I don't care.

But in terms of us, if you take it, we want something else. We are not going to say that we have low potential minerals, or we are going to take a producing oil field. We want equal value or approximately equal value. But give us something else and give us a fair process to get there. Mr. Babbitt apparently used swapping low potential lands for low potential lands—mineral potential. We will live with that. That is fine.

And the other thing we need have is keep the Feds at the table, and that is what FLPMA does not do. The Feds feel free anytime that they think they are not getting their way, they will walk away from the table, and all the work that goes into that exchange is tossed down the tubes. You need to keep them at the table. So with that, Mr. Chairman, my time is up, and I hope I am the expert you expected. But, if not, I can answer questions.

[Prepared statement of Mr. Harja may be found at end of hearing.]

Mr. HANSEN. [presiding] Well, thank you very much; appreciate your comments. We will recognize the members of the Committee and our two colleagues from Utah for 5 minutes each. We will start with the gentleman from American Samoa.

Mr. FALEOMAVAEGA. Thank you and I do appreciate the testimonies borne by the commissioners from these several counties representing the State of Utah. You probably heard earlier our dialog with Congressman Cannon and Congressman Cook, and I think I have had the privilege of also hearing your testimonies from previous hearings.

My understanding is that there is currently a total of 3.6 million acres in the whole State of Utah that are school trust lands. How

much acreage of that do you feel should be exchanged if there is—my understanding is that 1.5 million is State owned?

Is the problem here in the fact that some of these school trust lands really have no value, or is it because it is not situated in such a way that it could get the best monetary value for it if an exchange does take place with these Federal agencies?

Mr. HARJA. Mr. Congressman, there are 3.7 million acres of school trust lands and an additional 1 million acres of mineral-only lands in the State of Utah. They are school trust lands. They are scattered. If you look at your map, they are scattered like buckshot over the State.

There is no question that we are dependent upon the resource activities for the vast majority of our money. We make about $18 million a year right now. That is going up dramatically. Most of that is minerals. If the surrounding Federal lands are not available, there is not a lot we can do about it.

If you look at the revenues in the Wilderness Study Areas over the 15 years that they have been Wilderness Study Areas, they have declined—the revenues to the school trust because industry is not willing and can't to get the surrounding Federal lands. So it is a matter, as I said, like in New Mexico, a little bit of luck and a little bit of where you are.

A lot of our lands that have been blocked up are near cities, the city of St. George. And we are doing good things with those lands now, and a lot of our money is starting to come from those lands. We would love to move, but we need to move into those kind of areas. So it isn't that they have low value necessarily. It is, as the commissioners pointed out, we need the opportunity to get to development to find out what is really there.

And a lot of these studies that go on about it is not economic or not are nice, but as any mining engineer can tell you, you don't know what is there until you gut it out of the ground. And that is where the money comes from, and that is where the trust needs to head toward.

Mr. FALEOMAVAEGA. And one of the problems, as I recall from Commissioner Liston, your county is very much rural; rural in the sense that you are scattered out all over the State, and you are talking about farmlands, ranchers populationwise in your county is very limited, I suppose, compared to West Jordan or Granite County, if there is such a county—is there a Granite County? School district—Granite.

So populationwise, you are very, you know, hard-ridden in that sense that because of the rural area, you don't have much population as a tax base. And so because of that, it makes it very difficult even to support a school system that you have in your county.

Ms. LISTON. That is very true. We have less than 2 percent of the land base that is actually taxable. Ninety-eight percent is State and federally owned. And so it is virtually impossible, and yet we handle the services for close to 3 million visitors a year with a population of 4,000 people.

And if you don't think that handling those visitors detracts from the law enforcement and the fire protection and so on in our local communities, guess again, because we suffer when tourism starts.

Because when those visitors come, then it takes away from our local services. And we do suffer in many ways.

One thing I wanted to address with your other question was ingress and egress. I mean, when you develop, you have to have a way to get in and a way to get out. And when you try to do that over Federal lands nowadays, you are talking about an impossibility in many instances of doing that, especially if you are talking about wilderness areas. And although the State does have case law that says that they can have access to their school trust lands, it is still a major battle to get that done.

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman. My time is up.

Mr. HANSEN. The gentlelady from Idaho.

Mrs. CHENOWETH. Thank you, Mr. Chairman. I wanted to direct my question to Mr. Johnson. You quoted the 1964 Wilderness Act, that the wilderness must possess outstanding solitude, of being untrammelled by man, where man is a visitor who does not remain. Within that frame of reference, you stated that only 1 million acres of BLM land qualifies. Would you mind expanding on that for the record?

Mr. JOHNSON. Yes, I would be happy to do that. The commissioners, in their mandate from the delegation members and the Governor, went out and reexamined those lands that had been set aside, those Wilderness Study Areas, as well as lands in H.R. 1500, which had the potential to qualify as wilderness under what would become the Utah Wilderness bill of a year ago, as you recall.

And we examined those lands for conflicts and for man's imprints, and the 1 million acre recommendation that we gave back to the delegation was based on those lands that we could identify that had none of those conflicts, that were specifically spelled out in the 1964 Wilderness Act.

In other words, there were no roads or ways. We didn't get into the argument is that a way or a road. We simply identified an imprint of man, and we excluded that area. And we pulled those acreages back to those areas which were genuinely pristine in every way, and that is where that 1 million acre recommendation from the counties came from.

The lands that would be within this 2 million acre package are certainly beautiful and deserve protection, and many of the lands outside of that deserve protection. But what we are saying is that there are so many levels of Federal law that protect those lands now that wilderness is not necessarily the appropriate application in all of those situations. And our initial 1 million acre recommendation was simply drawing back to the exact specific wording of that bill.

Mrs. CHENOWETH. In the description of the lands that will be set aside in 1952, there are several pages of different sections of lands. Do you believe that all the lands that would fall under the 1964 description have been addressed in this bill? I mean, I have heard those of you who are commissioners express concern that this is going to go on and on and on and on. And I appreciate your tying it back to the original 1964 Act.

Mr. JOHNSON. So your question is have we addressed all of the lands? Yes, ma'am, we certainly have. We have walked those lands, driven those lands, flown over those lands a multitude of times,

and have used our satellite locators to be sure that we identified the roads and the conflicts. And we have addressed all of those lands, as a matter of fact.

And we feel comfortable in recommending those lands for wilderness status even though, in our opinion, wilderness is not protection. We believe that there are far better ways to protect land and to manage it than wilderness, but we are comfortable with making that kind of a recommendation and feel that we have adequately scoured those lands for those imprints.

Mrs. CHENOWETH. So would you be comfortable then in adding after the descriptions—I had it right here before me—where it says in the release language—yes, in the release language that all other lands shall be released for multiple use under FLPMA and the other references that are made here with language that says hereinafter and forevermore which States that ends it?

Mr. JOHNSON. We would not only be comfortable, that would be our strong preference. Yes, ma'am.

Mrs. CHENOWETH. I also wanted to ask Mr. Harja, is there a national indicator by which we can establish equivalent value?

Mr. HARJA. The standards are set by the various appraisal groups. There are standards of what constitutes an appraisal. There are standards of what is fair market value. That is what we use.

Mrs. CHENOWETH. And what are the names of those standards? Is it a western standard?

Mr. HARJA. No. It is the Appraisal Institute and the other nationwide groups of groups of appraisers. It is an industry group. They set the criteria for themselves on what constitutes an appraisal and what has to be in an appraisal.

Mrs. CHENOWETH. So if the equivalent value were also hooked to a national indicator——

Mr. HARJA. That would be fine with us.

Mrs. CHENOWETH. [continuing] do you think that would be fair?

Mr. HARJA. I think it is already sufficiently hooked to it. It is fine. It is just that the Federal Government is attempting to say what is a market and what isn't.

Mrs. CHENOWETH. In the language of the law where it states the State of Utah shall be entitled to select unappropriated public lands of equivalent value, if there was an indicator hooked to that?

Mr. HARJA. If the Congress could say in terms of mineral potential—if the United States Geological Survey says this area is low potential and this area is low potential for whatever, we would be happy to swap within that standard or high potential. I don't want to indicate to you we want to take a low potential the State owns and trade into high. That is not fair.

Mrs. CHENOWETH. No.

Mr. HARJA. We just want to go across. That would work.

Mrs. CHENOWETH. That is right. Thank you very much.

Mr. HANSEN. The gentleman from New York.

Mr. HINCHEY. Thank you very much, Mr. Chairman, and I want to express my appreciation to the panel of witnesses for their being here today and for bringing to the subcommittee their particular perspective on this issue. It is very important to us and very en-

lightening to hear your perspective on it. And I very much appreciate you taking the trouble to do so.

I just want to ask a couple of questions of Mr. Harja, if I may, with regard to the school trust situation. First of all, could you tell me roughly what percentage of all the lands owned by the school trust would be encumbered by either of the two bills that are the subject of this hearing?

Mr. HARJA. Well, in H.R. 1500, I have been told it would be anywhere from 650 to 700,000 acres. The total acreage we own is 3.7 million. I can't do the math right in my head but——

Mr. HINCHEY. And with the other bill?

Mr. HARJA. It would be around 200,000 acres approximately.

Mr. HINCHEY. Now, you say you have been told. Can you tell us what authority that is who gave you that information?

Mr. HARJA. The 600,000 acre figure I took out of the "Wilderness at the Edge" book. The 200,000 acres——

Mr. HINCHEY. And the 200,000 acre figure?

Mr. HARJA. Is just an approximate looking at the map and counting.

Mr. HINCHEY. So that is not an accurate figure?

Mr. HARJA. No, no.

Mr. HINCHEY. It is just a rough approximation. Is it possible to arrive at a more accurate figure?

Mr. HARJA. Certainly, if we knew the boundaries of all of them exactly, we would simply go and do a GIS map and count. And then we would go through our records, which are automated now, and add them up.

Mr. HINCHEY. OK. It might be interesting for us to have that figure if it is not too inconvenient for you or too difficult for you to arrive at it.

Mr. HARJA. No, it is not. In fact, when the monument was declared, we immediately set to work, and that is how we focused in on 176,000 acres of trust lands in the monument.

Mr. HINCHEY. OK. So you will provide the committee with that number when you can come up with it?

Mr. HARJA. Yes, sir, I will do that. Yes, sir.

Mr. HINCHEY. I appreciate that very much. Can you tell us how much revenue all of the remaining school trust lands that are producing today—how much they are producing today? I am referring to income derived from the lands themselves, not from financial assets of the trust.

Mr. HARJA. The annual income stream this last year was $16 million, and next year we are projecting $18 to $19 million.

Mr. HINCHEY. Sixteen and next year $18—$19?

Mr. HARJA. Yes.

Mr. HINCHEY. And that represents then 1 percent of the amount of money——

Mr. HARJA. No, sir. That money is put in the permanent fund, and the interest off the permanent fund less an inflation factor represents the 1 percent.

Mr. HINCHEY. OK. Thank you very much. Earlier this year, the school trust took an ad in "Roll Call," sort of the Hill magazine around here—newspaper, which criticized H.R. 1500. Subsequently, Mr. Terry and other representatives of the school trust came to

Washington and conducted a staff briefing. It was rather sparsely attended, but, nevertheless, there was a staff briefing in this building about the school trust problems.

At that briefing, Mr. Terry acknowledged that H.R. 1500 was not actually causing any problems for the school trust now, that it isn't likely to be considered in this Congress. That is to say the bill is not likely to be considered in this Congress, and that the problem of enclosed or encumbered trust lands would exist even if that bill, H.R. 1500, had never been introduced.

So I just have a couple of general questions with regard to the lobbying effort that is taking place centered around H.R. 1500. H.R. 1500 has been around for 8 years. No action on it is expected this year. What is the cause of the lobbying effort at this particular moment? What gives rise to it?

Mr. HARJA. Congressman, you are right. It has been there for 8 years. We have constantly said you need to put a trust lands provision in the bill. We appreciate the language you have now. We don't think it is sufficient. We felt we were being ignored so we felt like we needed to come here and make a statement, and that was the statement that was made.

Mr. HINCHEY. You say the language in the bill now is sufficient?

Mr. HARJA. No, it is not.

Mr. HINCHEY. Is not sufficient?

Mr. HARJA. No.

Mr. HINCHEY. OK. Well, I would be interested to hear from you, you know, what language you thought—not at this moment, but what language you thought would be sufficient. We would be happy, of course, to take a look at that.

Mr. HARJA. Congressman Cannon's language is a good start.

Mr. HINCHEY. Well, I would like your perspective on it.

Mr. HARJA. Congressman Cannon's language is a good start.

Mr. HINCHEY. Well, if you want to present me with your alternative, I would be happy to receive it. If you don't, that is fine also.

Mr. HARJA. I will do that.

Mr. HINCHEY. What is the origin of the plan? Who conceived of the lobbying plan? Was it developed solely by the people who work for the school trust?

Mr. HARJA. Yes.

Mr. HINCHEY. Was Conoco involved in the plan in any way?

Mr. HARJA. No.

Mr. HINCHEY. They had no interest in it and were not involved in it?

Mr. HARJA. No, not a bit.

Mr. HINCHEY. OK. There was a Utah newspaper which quoted Mr. Terry as saying, "I met with a member of my staff"—that is, my staff—"earlier in April to explain the trust land situation." That is the end of that quote.

In fact, a member of my staff attended Mr. Terry's briefing when he was here at that time, and Mr. Terry seemed quite surprised by his presence. At no time in the 4 years since I introduced H.R. 1500 has any representative of the school trust asked me to meet with them or meet with my staff.

Mr. Terry was further quoted in the paper as saying that I may plan—the quote is, "A plan to ignore trust land issues altogether."

That I think is, frankly, a misrepresentation of the bill that I introduced, H.R. 1500. Mr. Terry and his attorneys I think really know that—and also a misrepresentation of what was said at that unrequested meeting. My question is will someone, you or Mr. Terry, set the record straight on that?

Mr. HARJA. I would be happy to. I was here. It was in this very room. As we explained, we felt we were being ignored, and we were very happy to have your representative there. And he indicated if we wanted to, we could come try to see you.

Our interest is fulfilled by this hearing. Almost every single one of the Congresspersons and members here have spoken of school trust lands. I certainly hope the next panel will speak of them. We want to resolve this issue. We would like to find a standard solution that works.

Mr. HINCHEY. Well, we share that objective. I would like to resolve the issue also. As I have indicated, the bill was introduced 8 years ago before I got here. I would like to see it resolved at some reasonable point in the future as quickly as possible.

But I do want you to know, and I think you do know, that I personally am available to you or anyone else who wishes to meet with me on this particular subject. My staff is available to you under the same circumstances; that is, we are always available to you. No one had contacted us. Therefore, there was no way for us to know that there was anyone who thought they were being ignored.

And I just want to assure you that we have no intention of ignoring you, have not ignored you in the past, will not ignore you in the future. Any concerns that you want to bring to our attention, we will be happy to look at them and to consider them in great detail.

Mr. HARJA. I will try to see you very soon and explain our concerns to you.

Mr. HINCHEY. OK. Thanks very much. I appreciate it.

Ms. LISTON. Could I just please——

Mr. HANSEN. The time of the gentleman has expired. The gentleman from Utah, Mr. Cannon.

Mr. CANNON. Louise—I am not sure if I should call you Louise or Mrs. or Commissioner.

Ms. LISTON. Whatever.

Mr. CANNON. My dear friend, you have a comment. Would you like to make that?

Ms. LISTON. I just wanted to point out that one of the reasons for the renewed interest was that 2 years ago the school trust board was replaced by a new administration which is called the School and Institutional Trust Lands Administration. And a seven-member board was created, and that was done for the purpose of doing a better job of bringing revenues into the school trust fund. And we have been working very hard at doing that the last 2 years, and I think that probably generated a lot of the interest that has gone on.

Mr. HINCHEY. Thank you. I certainly understand the underlying motive for which that action swings in that case, and I thank you.

Mr. CANNON. Mr. Harja, could you tell us a little bit about the recent exchange of school trust lands in Arches, what the process was, how long it took, and what some of the pressures there were?

Mr. HARJA. You are referring to the exchange involved in your proposal to add——

Mr. CANNON. To expand the Arches, yes.

Mr. HARJA. Not the other exchange. We are engaged in another exchange.

Mr. CANNON. If you could talk about both of those, I would appreciate it.

Mr. HARJA. There are school trust lands in Arches that were captured when it was a national monument and then became a national park. They have been there for decades. A number of years ago, about 8 years ago, we went down there to talk to the Park Service personnel about doing something about them. And the Park Service personnel said, "We don't want to do anything about them. They are already ours." So that was an initiation of an attempt to exchange.

Mr. CANNON. Did you say the Park Service said, "We don't want to exchange them. They are already ours"?

Mr. HARJA. That is correct. It was a seasonal——

Mr. CANNON. By that you mean because they are incorporated within the park——

Mr. HARJA. Yes.

Mr. CANNON. [continuing] they had the benefit of those school trust lands without paying for it?

Mr. HARJA. That is what they said. The leadership of that park subsequently recanted that statement. However, what it represents is a feeling that this was not a problem. This was about eight—nine years ago. That is why I am so pleased here today that people are paying attention to the issue.

In an attempt to exchange in a fair market value sense, an equal-value-for-equal-value exchange was passed by this Congress in 1993, and we have been at it ever since. We have been appraising. We are now to the point we have, in fact, had a first meeting where we are arm wrestling the Feds over what the real value is. This is a negotiation, and we hope to conclude that soon. We may have to go to the judicial and ask for their advice.

The more recent effort of the Congressman is to add a little bit to the park. There is one section inside it. And, once again, the BLM is looking very carefully in much too much detail and stalling in the sense of figuring out what the value is, and we just simply want to swap it. You take this one, and we will take that one over there. It is equivalent value—minerals—and all that sort of thing, and nothing ever seems to get done. And that is why you need to keep them at the table.

Mr. CANNON. There is a fairly high incentive to make this recent trade where we would be expanding the park because that is not part of the park inventory right now, but the current park leadership wants that expansion to happen. Is that the reason we were able to actually consummate a trade?

Mr. HARJA. Yes, sir. The exchange is not consummated yet as far as I can tell.

Mr. CANNON. But that is why we have gotten close to it?

Mr. HARJA. We are getting as close as any other. We are also extremely close to an exchange of desert tortoise land near St. George. But, once again, as the appraisals are becoming done, a

Federal review appraiser interfered in the process, and that stalls things even more.

Mr. CANNON. Maybe we ought to have a hearing where we ask those questions of the appraisers and their hierarchy. Just one final question. Mr. Hinchey's bill refers to FLPMA as the exchange mechanism. The bulk of what you are saying, the thrust of your testimony is that that does not work. Is that correct?

Mr. HARJA. The structure is there or the structure should work. What we find in practice is that it becomes bogged down, and, "If you don't do it our way, we won't play. We will take our marbles and run," they being the Feds. And we need to keep them at the table, and we need a serious way to resolve values—differences in value. And that is the subset of the same problem.

Mr. CANNON. Thank you, Mr. Harja. Commissioner Liston, you mentioned that my bill actually incorporates more land than would be justified by your understanding of the law and the description of what would be encompassed by that. And then you said that for political reasons, you have been willing to go with a larger amount of land.

And, Commissioner Judd, you reiterated those same concepts, and both suggested that the amount of land that would be susceptible to wilderness designation based upon your understanding of the law would be in the ballpark of a million acres, which is much less than what I have even proposed here.

Let me be very clear about my view of the 2.1 million acres that we proposed. As you are aware, we had lots of discussions about what made sense to do. This is essentially the bill—it is the bill that was proposed by the delegation before. There have been some serious changes.

In the meantime, we now have a monument. It is my view that a monument precludes wilderness designation. I think that was also the idea or the opinion of some of the lawyers involved in considering the monument. That would take about 325,000 acres out. I think the 300,000 acres that was included at the last minute moved by Enid Green was not well considered and needs to be considered.

When I say that I believe we need to look at the law and the science, by that I mean we don't necessarily think we will end up with 2.1 million acres. It may be significantly less if the law described drives that. It may be more if, in fact, our opinions differ to what applies, and we make a legal conclusion that more would apply.

Let me also add that I think in that discussion we used the term science. You know, we are saying what is the area regardless of the law that should be preserved because you have a delicate ecosystem? And as we look at the science, we may find that there are areas where you have had incursions of man that still should be called wilderness. And in those cases, we have to look at a compromise.

This is a complex issue that we will have to deal with in a complex manner, and that may mean that we will have to reclaim some of those incursions of mankind, and that is the intent of the bill. Thank you.

Mr. HANSEN. I don't quite understand, Mr. Harja, the problem of the Federal agency's refusal to recognize values for conservation purposes and what problem that creates for the school exchange. Explain that a little further please.

Mr. HARJA. We are engaged in an appraisal process. Appraisals are for market value. There is a belief in this country that there is a market now for the purchase of lands for conservation purposes. There are groups we all know, the Trust for Public Lands, Nature Conservancy, and others, who buy land. Sometimes they go on to the Federal Government, sometimes they don't.

The point is there is at least the appearance of a market. Now, whether each individual transaction constitutes a comparable is open to appraisers looking at them. What we see, however, is that the Federal Government, led by the Department of Justice, is attempting to squash that as a market and say you cannot use those comparables at all.

And, in fact, a gentleman from Alaska at this conference yesterday got up and said an RFP, request for proposal, has been sent out by the Fish and Wildlife Service in Alaska, and it says—and this is hearsay, of course—you have to ask him—if you attempt to do this kind of appraisal or use those kind of comparables, not only will we not hire you, but we will file an ethical complaint against you with the Appraisal Institute.

I don't mind negotiating on each and every comparable about what it is and getting down and hard about appraisals, but when somebody is attempting to set the market, it is a problem. And that is what we sense is happening.

Mr. HANSEN. I would like to thank the panel.

Mr. FALEOMAVAEGA. Mr. Chairman?

Mr. HANSEN. Just one moment please. We would like to ask the Commissioners from Garfield and Kane County, would you describe the social impacts of the decrease of solid resource production jobs leaving your counties?

Ms. LISTON. I would be glad to go first on that because my county has the highest unemployment rate in the State of Utah. And that is we are a very rural county. Rural counties are rural because they depend upon the land for making a living and keeping their communities stable and their economies stable. When you take away that option, you take away the option for any community to survive.

And over the past few years, as long as I have been a commissioner, which is 10 years, and many years before that, resource development has decreased considerably each year. Two sawmills in our county have been shut down that depended upon resource development. Mines have been denied applications. We have one of the largest known CO2 fields right next to Escalante where I live, and that has been stopped. We had a coal-generation plant back in about 5 years ago. That was stopped.

I mean, everything that we have tried to do with the land in my county has been stopped as far as natural resource development is concerned. So economically we are strapped to making a living on tourism. And although we love it and our tourism industry is the largest employer in our county, it just does not put food on the table in the winter months, and it is a low-paying job that has no

benefits attached to it. And it is just not the kind of thing that generates a healthy economy.

Mr. HANSEN. Well, what was the reason that Kaibab closed?

Ms. LISTON. A number of reasons, one of them being appeals from environmental groups. For the 5 years prior to when the sawmills closed, every appeal but one—I mean, every timber offering sale but one was appealed. And another was that they were considering the Mexican spotted owl and habitat for the Goshawk, some of those Endangered Species Act issues.

Mr. HANSEN. Commissioner Judd?

Mr. JUDD. Thank you, Congressman. We lost a uranium mining operation right on the border of northern Arizona. Most of the help came from my county, Kane County, which is just across the county. It was about 200 jobs. As Commissioner Liston just alluded to, the Goshawk and the spotted owl, never seen, but suspected might live there some day, closed the sawmill there at Freedonia and where our people were employed of about 700 jobs.

And then, of course, the beauty, the one that really was the icing on the cake, after the EIS had gone on for about 6 years proving the fact that it could be mined in the Smokey Hollow area, our coal mine, which would have employed about 900 people, also was denied. And so now, like Commissioner Liston, we are at abeyance and hopefully that we will have an opportunity to make a living with the tourist trade.

I might also add that the tourist trade provides something for my county that has been a surprise. We began keeping records of our Court cases, and we found that during the tourist months, our Court cases became a spike. And now we are asked by the State of Utah to provide another Courtroom that will employ at least two more Judges just to take care of that caseload. So we have really been impacted and don't look for the tourism to be the solution to our problems.

Mr. HANSEN. Did I miss something? Did you say that there were two endangered species in your area that was never verified——

Mr. JUDD. It was a suspicion.

Mr. HANSEN. [continuing] but now has got a threatened or endangered habitat?

Mr. JUDD. This Kaibab Forest was suspicioned to be the habitat of an owl never seen.

Mr. HANSEN. Did the Fish and Wildlife declare it a threatened or endangered area?

Mr. JUDD. That is right. They said that the area that was studied was an area that might be inhabited some day because they deemed the area to be a habitat that might support the spotted owl. They had never seen one.

Mr. HANSEN. You are not pulling our leg are you, Commissioner?

Mr. JUDD. I am not. I am not. And that is the last thing I would want to do, Congressman.

Ms. LISTON. In fact, Mr. Chairman, I think they called it future protection—what did they call it? They had a name for it—for future—I can't think of it—potential habitat or something of those birds.

Mr. HANSEN. I guess I will have to go back and read that law. I thought I understood it. The gentleman from American Samoa, you had additional questions?

Mr. FALEOMAVAEGA. Just one additional question, Mr. Chairman. I wanted to ask Mr. Harja, is there a standard method currently being instituted to establish land appraisals? The meaning of my question—does the State of Utah have a different method of appraising land valuations than that from BLM or other Federal agencies?

Mr. HARJA. No, sir. We want to use the same method as used nationwide. We want to use the same standards. If there is a market, we want to be able to use the market as comparables in the appraisals.

Mr. FALEOMAVAEGA. My question is is there a difference? I mean, are you applying the same method as the Federal agency of land valuations?

Mr. HARJA. We are trying to make sure that appraisers—all of these are involving independent appraisers that are hired to do this work—we are trying to make sure that the appraisers can use whatever they believe to be a market. We do not believe that the Federal Government is allowing that to happen.

Mr. FALEOMAVAEGA. Should the Congress spell out how these appraisal methods ought to be done?

Mr. HARJA. Yes.

Mr. FALEOMAVAEGA. All right. Maybe this is something that we can address here. I notice in your capacity as the Vice Chairman of the Utah School, has there been any valuation done of the 3.7 million acres of school trust lands?

Mr. HARJA. There have not been appraisals done in every single one of them, no. We only do appraisals when there is a need. We have gone through and inventoried all of our lands and have gotten them computerized and have set a book value for purposes, and sometimes that is around just a book value of a dollar an acre, which everybody knows what that is.

Mr. FALEOMAVAEGA. So let us say approximately for the three commissioners here representing the three counties, can you wing it—have any sense of what it might be for the three counties that are represented here?

Mr. HARJA. Emery County has got a lot of production on trust lands. They have got some methane gas that is probably worth a fair amount to them. Garfield County is all—not much going on. And I don't know about Kane County right offhand. There is not a lot going on down there right now because of the monument and wilderness and other things.

Mr. FALEOMAVAEGA. So even currently there is a question on the standard on how we go about appraising lands, I mean, between the Federal and the State. And do you feel that we should be a little more specific on how we should go about making these valuations?

Mr. HARJA. It seems to me if the Federal agencies, the executive branch is interested in really looking at what represents a market value and swapping value for value, which is what FLPMA requires, they need to be a little more—they need to be directed.

It is our view—this is just us talking—and others in the appraisal world agree that they are attempting and are, in fact, through their intimidation tactics getting away with setting what a market is, rather than leaving it to the free marketplace to determine what a market is. That is what we have a concern about. If there is something that Congress can do, an oversight hearing or set legislation, I would appreciate it.

Mr. FALEOMAVAEGA. Well, I certainly would welcome your opinion on this and certainly would like to work closely with Congressman Cannon to see how that might be resolved. And I appreciate your response. Thank you, Mr. Chairman.

Mr. HANSEN. Mr. Cannon, do you have any further questions? Let me just say my able legal staff has corrected me on what Commissioner Judd said. We have endangered habitat for areas where we have no fish, but we have a fossil fish, which I think is maybe an extreme application of the law, but who am I to say? I am not entirely in accord with the Endangered Species Act. Mr. Cannon.

Mr. CANNON. Let me just followup, Mr. Chairman, on that and see if I—I have heard the story about the Kaibab. And it seems to me that you had a planning process down there, the Forest Service doing its plan—a 5-year plan I believe. And it was in the context of that that there was a lawsuit by environmental groups that ended in requiring them either by agreement or otherwise to look at habitat for the Goshawk and the Mexican spotted owl. Is that not what happened there?

Mr. JUDD. That is correct.

Mr. CANNON. So, in fact, you had a plan. That plan was objected to by a lawsuit from environmental groups?

Mr. JUDD. That is my understanding, Congressman.

Mr. CANNON. That is ultimately what ended up shutting off the logging because they didn't have a plan. They couldn't sell?

Mr. JUDD. That was the triggering mechanism. There were many things that took place after that situation arose, and it was merely the triggering mechanism. It was the domino that pushed that rest of it over.

Mr. CANNON. Do you recall which environmental groups brought that lawsuit?

Mr. JUDD. No, I do not.

Mr. CANNON. Thank you.

Mr. HANSEN. We appreciate the panel and your excellent testimony you have given us. And we will excuse you at this point. And we will ask our last panel if they will please come forward; Mr. William H. Meadows, President of The Wilderness Society; Debbie Sease, Legislative Director of the Sierra Club; and Heidi J. McIntosh, Legal Director of the Southern Utah Wilderness Alliance. Thank you very much. We appreciate your presence with us and appreciate your patience more than anything. Let me point out—I guess you all know the rules here. Mr. Meadows, we will start with you. Is 5 minutes sufficient? If you have to go over, by all means, go ahead.

STATEMENT OF WILLIAM H. MEADOWS, PRESIDENT, THE WILDERNESS SOCIETY

Mr. MEADOWS. Thank you, Mr. Chairman, and members of the subcommittee. I am Bill Meadows, President of The Wilderness Society, and I am pleased to come before you today to discuss a matter of great significance to our Nation's natural resources and public lands—the protection of the magnificent red rock canyons and other public lands in Utah. And I am not going ballistic.

With the passage of the Wilderness Act in 1964, the United States set on a course, uncharted in the history of nations, to preserve a few of the country's last remaining wildlands as cultural and scientific enclaves and to protect their natural ecological processes and values from encroaching an indiscriminate development.

Thanks to the wisdom, foresight, and perseverance of many dedicated individuals across this Nation, generations will enjoy an enduring legacy of wilderness resources to provide wildlife habitat, healthy soils and watersheds, primitive recreation, solitude, cultural and historical resources, and other scientific and ecological values.

The Wilderness Act established the National Wilderness Preservation System now some 100 million acres in size and containing wild places from all regions of the country. Some of the wildest, most magnificent and most remote wildlands in the lower 48 are in Utah, America's red rock wilderness.

"This is a region of the wildest desolation," wrote Major John Wesley Powell. More than four-fifths of the State has been fenced, farmed, dug up, raised into cities, criss-crossed by roads, mined, and appropriated by the military, but some 6 million acres retain that wild splendor that Powell saw. The wild public lands found in Utah harbor some of the largest and finest desert, roadless areas to be found anywhere in the world.

The Wilderness Society has been an active member of a broad coalition of 150 conservation, wildlife, scientific, and recreational organizations working to provide strong wilderness protection for BLM lands in Utah. We were a leading advocate for the passage of the Wilderness Act in 1964, and we have fought to protect our Nation's wilderness resources and wildlands since its founding in 1935.

We have offices in most regions of the country and a staff of trained scientists, economists, and advocates. We work with a wide variety of State, regional, and national organizations to further the protection of Federal lands.

Our 300,000 members and supporters believe in the sound management and protection of our Nation's public lands, national parks, national forests, wildlife refuges, and designated wilderness areas. They look to us to speak for these lands and the many values they provide us.

Let me turn to H.R. 1500 and H.R. 1952. These could not be two more different approaches to wilderness. One protects wilderness, one does not. The Wilderness Society is proud to be part of a coalition of 150 national, regional, and local organizations that support the citizens wilderness proposal contained in H.R. 1500 and sponsored by Mr. Hinchey called America's Red Rock Wilderness Act.

This bill, and its newly introduced Senate companion legislation, Senate Bill 773, would provide protection for most of the remaining wilderness resources on public lands managed by the BLM in Utah. In addition, H.R. 1500 would maintain the integrity of the wilderness system by continuing the important wilderness protections afforded to designated areas by the Wilderness Act of 1964.

The wilderness designations of H.R. 1500 are also widely supported by the people of Utah. Nearly 70 percent of those responding to Governor Leavitt's request for public comment indicated their support for the acreage of wilderness designations contained in H.R. 1500. In addition, when asked in a recent independent poll does wilderness designation make an area more or less appealing to you as a place to visit, 64 percent replied that wilderness designation makes a place more appealing.

We oppose H.R. 1952, Representative Cannon's Utah bill, because we believe that it actually makes no definite wilderness designation. It fails to provide protection for millions of acres of wilderness quality land. It ensures that undesignated areas will never again be considered for wilderness protection. And if by chance wilderness designations were ever to be actually implemented, these areas would be riddled by activities that are antithetical to wilderness.

Let me close by restating our interest in working with Representative Cannon and members of this Committee in addressing the issues of State trust lands. The Wilderness Act of 1964 provides for and The Wilderness Society supports the opportunity for State owned or privately owned land surrounded by congressionally designated wilderness to be exchanged for federally owned lands in the same State of approximately equal value under authorities available to the Secretary. It is in the bill. We are eager to work with you in resolving that particular disagreement. Again, I want to thank the committee for inviting me and The Wilderness Society to be present today.

[Prepared statement of Mr. Meadows may be found at end of hearing.]

Chairman HANSEN. Thank you, Mr. Meadows. Debbie Sease, we will turn the time to you.

STATEMENT OF DEBBIE SEASE, LEGISLATIVE DIRECTOR, SIERRA CLUB

Ms. SEASE. Thank you, Mr. Chairman. It is a pleasure to testify before you again. I would like to just briefly summarize my written statement. There are three issues I would like to touch on with regard to H.R. 1500. The Sierra Club vigorously supports this bill. It is a citizens proposal. It is a bill that is based on a citizens proposal.

The reason citizens had to go out and put their own proposal together on this stemmed in large part from the failure of the Bureau of Land Management in the late 70's and early 80's to do an adequate job on the inventory. I actually personally toured much of the areas that are covered by this bill with then State Director Gary Wicks.

And we stood in many, many areas where as far as the eye could see it was wild country. It was beautiful country in many cases. It

was natural. It was largely unaffected by man, and Mr. Wicks would say, "We dropped this entire area because you can't have outstanding solitude here. There is not enough topographical relief." So the inventory itself was shrunk far less than should have been considered.

The second point I wanted to make on H.R. 1500 is that it protects large blocks of largely intact ecosystem. It has a range of elevations of ecological communities and, where possible, entire watersheds. And it is one of the things I think is the strength of H.R. 1500 as a statewide wilderness bill for BLM.

Finally, I wanted to turn to the comments that have been raised this morning and previously about whether or not the areas in H.R. 1500 qualify as wilderness. The issue of whether or not areas are pure enough to be included in a wilderness system is not a new issue. I think for as long as the Wilderness Act has been around, this has been a subject of debate.

The Forest Service during the Rare One and Rare Two process spent a lot of time saying that areas should not be included in the wilderness system because they weren't pure enough because of the existence of an old two-track trail or stock watering ponds or abandoned mines. In Utah national forest wilderness, there are numerous examples of the same kinds of impacts that we see in H.R. 1500. I have itemized some of those in my statement.

I think if you look back to the crafters of the Wilderness Act itself, some of the things that they said about this issue are relevant here. Senator Mark Hatfield in 1973 said, "I am not a lawyer, but I do not think this language means there cannot ever have been human activities within the area, as the Forest Service seems to think or believe."

Senator James Buckley, another Republican from New York, said, "The untrammeled-by-man criteria, in my view, reflects an overly literal and narrow interpretation of the term wilderness. It ignores the elucidative phrases which also appear in Section 2[c] of the Wilderness Act, defining candidate areas as those which are without permanent improvements and with the imprint of man's work substantially unnoticeable."

During the debate on the Wilderness Act, Clinton P. Anderson says that the Wilderness Act "contains two definitions of wilderness. The first sentence is a definition of the pure wilderness area where the earth and its community are untrammeled by man. It states the ideal. The second sentence defines the meaning or nature of an area of wilderness as used in the proposed Act. The substantial area retaining its primeval character without permanent improvements which is to be protected and managed so man's works are substantially unnoticeable."

And, finally, former Chairman of the Interior Committee, Morris Udall, said, "It would be nice to have our wilderness preservation system absolutely pure and completely free of any sign of the hand of man. But the fact is we are getting a late start in this business of preserving America's wilderness. We cannot have perfection."

With regard to H.R. 1952, we have three general areas of concern. One is the scope—the fact that far too little acreage and too small an area is protected; second, a series of management con-

cerns, which I have detailed in my written statement; and, finally, the provision on State school exchanges.

With regard to the State school exchanges, there have been numerous models in previous BLM wilderness bills to attempt to expedite, to put some pressure on the Federal Government to stay at the table. And those examples, in my view, have managed to do so without unbalancing the playing field between the State and Federal interests.

And I would urge the committee in looking to solutions for the State school trust lands to look to some previous models, whether it is the Arizona Wilderness bill, the California Desert Protection Act. There were special provisions in the El Malpais Monument and Wilderness Area in New Mexico, and I think some of those are more fruitful models than what we see in H.R. 1952. That concludes my statement. I am happy to answer any questions.

[Prepared statement of Ms. Sease may be found at end of hearing.]

Mr. HANSEN. Thank you very much. I appreciate your testimony and appreciate you being with us. Heidi McIntosh, you are recognized.

STATEMENT OF HEIDI J. McINTOSH, LEGAL DIRECTOR, SOUTHERN UTAH WILDERNESS ALLIANCE

Ms. MCINTOSH. Thank you. I appreciate the opportunity today to comment on H.R. 1952, as well as on H.R. 1500, America's Red Rock Wilderness Act.

Mr. HANSEN. Pull the mike just a tad closer please. Thank you.

Ms. MCINTOSH. Is that better? I speak on behalf of the 25,000 SUWA members from throughout the country who cherish the breathtaking wildlands of southern Utah. H.R. 1952 suffers from numerous problems, but I will focus on two defects in the bill today—its limited size and its fatally flawed process for the exchange of school trust lands.

Simply put, H.R. 1952 is deju vu all over again. We have seen this bill before, minimal in acreage, leaving out places that vividly embody the core characteristics of wilderness. These places include the stunning coral pink sand dunes of Moquith Mountain, Fish, Owl and Road Canyons in the Cedar Mesa area, lower Muddy Creek, much of Labyrinth Canyon, the serpentine canyons of the Paria, and other areas too numerous to mention here.

The magnificence of Utah wilderness is no longer a secret shared by Utahans and a few adventurers from around the globe. Americans from every walk of life cherish the beauty of these unique lands and are fully aware of the threats of this wondrous region, whether from inadequate wilderness legislation or from the blade of a bulldozer.

Last year, in a stunning show of grassroots outrage, thousands of Americans from every corner of the country urged their Senators and Representatives to reject the Utah Delegation's paltry offer to extend protection to only 2.1 million acres. 5.7 million acres, not 1.8 or 2.1, was the message here heard in the Capitol, and the bill was defeated.

Let me turn to the school trust problem, because we recognize that it is a significant problem. We would like to work with every-

one involved to resolve it. We support in principle the idea that the school trust administration should be compensated fairly for lands where economically viable development is hampered by wilderness designation.

But first, some background. Without any restrictions attributable to wilderness designations, Utah has not been able to generate more than about 1 percent of the school budget from these lands. These lands are not a significant source of school funds under the best of circumstances.

Further, funding for public schools has traditionally come from taxes distributed by the State legislature. In Utah, where the government always runs in the black—there is money in the bank—State legislators reach out to Utah's school children with empty hands. Virtually no other State provides as little funding to educate its children as Utah.

This is not to say that trust lands should not be used to help finance State schools. They should, and we don't contest that. But blaming wilderness protection and wilderness supporters for lost education funding is a red herring that deflects attention from the serious problems that we have before us today—how to protect Utah wilderness.

Having said this, I reiterate that we support fair compensation to the trust. However, this bill is not acceptable. First, this bill postpones wilderness protection until the exchange process is completed. It would hold wilderness hostage to a State government and give control over Federal lands most in need of protection to those least interested in shielding it from development, to those with a strong motive to hold out, delaying the process with exorbitant claims, and all the while the lands with wilderness character remain unprotected and vulnerable to exploitation. Never before has wilderness protection been subject to this kind of State control.

The bill is also unacceptable because it strips the Secretary of his authority to resist unreasonable State demands for Federal lands, demands that may well wreak havoc on public lands management and result in exchanges that are not based on equivalent value.

Further, after the exchange is accomplished, the BLM would hold the former State section subject to existing leases and permits. Thus, exchange places all the benefits in the hands of the State and leaves the BLM holding the bag. It has to buy out the State lands, pay for the exchange process itself, and may yet again have to buy out the holders of the leases and permits whose activity would threaten even the mere acreage that would be protected under this bill. This bill would drain the Federal Treasury of crucial tax dollars.

Let me say too in closing that we understand, as I said, that the State school trust sections are a problem. They are a problem for us. They are a problem for a trust land administration. They are a problem for the Federal Government. And we have gone to the Utah Delegation and to the Governor of Utah to express our strong interest in trading out these lands within the monument.

It would be a terrific idea to use the monument as a laboratory to see how we may be able to effectuate an exchange which is mutually beneficial for all the parties concerned. And I hope that we can work together while these bills are pending. There is a window

of opportunity to see what we can accomplish together, all parties sitting at the table as equal bargaining parties. And I think that that is how it ought to progress instead of using the hammer provisions of Mr. Cannon's bill. Thank you for the opportunity to testify today.

[Prepared statement of Ms. McIntosh may be found at end of hearing.]

Mr. HANSEN. Thank you. We appreciate your comments. I don't mean to take issue with anybody and be argumentative. I used to be Speaker of the Utah House before I came here, and that made me Chairman of the Executive Appropriations Committee. And I just hope you realize that the biggest percent of money that goes into the State goes to schools that comes out of our school budget. We have the highest of any State in the Union.

We put more of our percent of money into schools than any other State in the Union. I don't know how much more you can push these folks. Yet, as Louise pointed out or Mr. Harja, per student it is still the smallest. Now, the obvious thing there is that there is more children than other people, and there is no question about that. I won't argue that point. We have a lot of children.

Also on your testimony where you point out that last year's delegation bill went down in ringing defeat. I don't know where I was. That was my bill that passed everyplace it went. It passed the subcommittee. It passed Full Committee. It passed the Senate. And if you would like to see the whip check, we had 231 votes over here. It takes 218 to pass. There are 57 in the Senate.

I would agree, and more than happy to accept that, that the President would veto it. And if that is considered ringing defeat, fine. But as far as the delegation's bill, it could easily have passed the House and the Senate. I don't know if it can now. That is something we may find out, but I guess there is a part of definition on that so I won't argue that point with anybody.

Ms. MCINTOSH. My reference was to the fact that it did not come out of the Senate and didn't become law but——

Mr. HANSEN. I am sorry. I didn't hear.

Ms. MCINTOSH. My reference was to the fact that it did not emerge from the Senate as law, but I don't want to argue with you on that point either.

Mr. HANSEN. It passed the Senate committee and passed over here. I sponsored the bill. I can tell you that is what happened. And we did an exhaustive whip check on it—very exhausting whip check on it. So what is the benefit of getting your head bashed in to send it down to Pennsylvania Avenue and have it come back, and we couldn't override a veto. I would agree with that if that constitutes a ringing defeat, but the bill wasn't defeated. There was enough up here to pass it in both places, and I don't mean to get into a semantic game, but that is what really happened.

Mr. Meadows, you made a point, as did Heidi McIntosh, about the polls, that the majority of people in Utah, in your opinion, and the polls you quoted wanted the 5.7 million acres. You know what I would be willing to do? I would be willing to say let us put it on the ballot, have no binding effect in Congress I am afraid to admit, and if 5.7 came out, I would sponsor the bill.

And I would make that pledge and sign it. If zero came out, I would sponsor the bill. If 1.4 came out, I would sponsor the bill. I mean, I have been in the State for a long time. I have 38 years as an elected official from that State. I was Speaker of the Utah House, the highest position in the legislature. I think I have a good knowledge of that, and I also know every pollster in that State. And I also know how they ask the questions, and I have done my share of actuarial work in polling. And I would be willing to take that pledge. I will sponsor it——

Mr. CANNON. If the Chairman would yield, I would take that pledge too.

Mr. HANSEN. But I want you to take the same pledge, that the President of The Wilderness Society would say whatever comes out, we will stand behind it. Do you take that pledge?

Mr. MEADOWS. Mr. Chairman, these issues are very complex, and I think when you survey the citizens of southern Utah, you survey the citizens of Utah as a State, and you survey the citizens of the United States as well, who actually have a significant interest. These are national lands. They are not simply Utah lands.

I think we need to have all of the information that we possibly can have about people's attitudes, and I think that is what we are doing here today is trying to exchange opinions, trying to understand what different Representatives believe is the correct way to go. We represent people who have strong wilderness values.

We see a lot of support for those values within the State of Utah, and the polling that we have seen indicates that support. When you get down to specific acreage and specific places, I am not certain the polling is that detailed. We would have to be careful then orchestrating that kind of instrument. We would be willing to explore that with you though.

Mr. HANSEN. I don't argue what you are saying. I just read your testimony and Heidi McIntosh's testimony where you both made a rather big point, that the people in Utah wanted that. I would concur with what you say. Other people have an interest in it. And you could add to your discussion to me—you could say will you make it a nationwide poll. Of course we couldn't.

I would do that if I could vote on all their stuff in every one of their areas. With that in mind, I cannot understand why you folks weren't in testifying on the Eastern Wilderness bill. No one can tell me that Maine, Vermont, Georgia doesn't have some gorgeous area that should be protected in wilderness.

Mr. MEADOWS. My understanding is The Wilderness Society's Peter Kirby was here testifying on behalf of the Eastern Wilderness bill.

Mr. HANSEN. You are right and I stand corrected. And the testimony was excellent testimony, and he should be commended for it.

Mr. MEADOWS. He is very knowledgeable, and we have a lot of respect for Peter's——

Mr. HANSEN. I would hope that we don't say that tongue-in-cheek on an Eastern Wilderness bill. There are plenty of areas, and what really concerns me is the people I see come out to Utah are the very wealthy. These are the people with money that come out to see it.

Yet, I worry about the innercity kid that doesn't get to enjoy that because being an old Scout master myself and taking a lot of kids into the Uinta Mountains a few times, which is one of the most pristine, gorgeous areas which is wilderness with my name on it, I would just feel that some kids on the East Coast and the East are missing out on a very good experience. And having spent years in the East, not only in this position but other positions, I know there are some gorgeous, gorgeous areas. And I do appreciate that, and I appreciate your comment.

Mr. MEADOWS. I am sorry that Mr. Duncan is no longer here. I am from Tennessee, and I was very actively involved in Eastern Wilderness bills 20 years ago.

Mr. HANSEN. Well, I commend you for that because I would hope to see the support of all three of your groups on something that I consider a good piece of legislation. Back to the poll, Heidi, what about you folks? Will you go along with that?

Ms. MCINTOSH. Well, there is support for 5.7 million acres of wilderness in Utah, as you know, and that poll is a 1995 poll that was conducted by Valley Research. And the plurality of the people polled were in favor of 5.7 million acres, and that is an important consideration, but it isn't the only consideration. It is only part of the equation.

The lands that we are talking about today are public lands that are owned by all Americans, and so while I think that Utah opinion is important, Utahns can't determine the fate of land that isn't owned by Utah. And so I would not be able to accept——

Mr. HANSEN. I am not arguing that. I am just going to your statement. I am going to your statement.

Ms. MCINTOSH. I was responding to your question about——

Mr. HANSEN. And your statement said that the majority of people in Utah wanted this, and I am just merely laying that on the table. If that is the question, let us do it that way. It would make it easy for me, for Mr. Cannon, for Senator Hatch, for Governor Leavitt, the whole nine yards. This would be a lot easier for us to just stand up and say this is what the people want, and we have all agreed that that is what we will do. But I cannot say if we can do that.

Let me just go a minute longer seeing I haven't used all my time before and say this. I would hope that—I am perfectly aware that the 5,000 acres has caveats to it—no question about that. You have probably seen down in Grand County where our Indian friends are very upset about 3 areas of your 5.7 proposal in the canyons of Fish, Owl, and Road, that they feel that they are really being subjected there because that is how they get their firewood.

And in the old days, they used to drag in there and carry it out with saws and axes. Now, they go in with pickup trucks and chain saws—roads all through it—four or five areas like that that I would hope that Mr. Hinchey, Mr. Cannon, and many of you folks and the previous panel talked about that there is probably a compromise here if everyone would get off their rigidity and say where is there some give and take?

And I would hope that, if I may say to these three organizations that are well represented here today, that you would give some thought to some of those areas on a retail basis. We are kind of talking wholesale today, and on a retail basis, it would be my wish

that you could work something out working with these folks who were here before and others because I really think this issue has polarized and become more contentious than it ever should be. But I want to thank all three of you for your attendance here today, and I will turn to the gentleman from American Samoa.

Mr. FALEOMAVAEGA. Mr. Chairman, the battle lines have been drawn, the die is cast, we are crossing the River Kan, and somewhere along the line I sincerely hope that we do find a resolution to the issues brought about. I was just curious too, Mr. Chairman, in asking Mr. Meadows and Ms. McIntosh, these polls were taken in 1995. Do they still stand substantively, or do you suppose that 2 years later there may have been a shift or a change in sentiments of the people of Utah?

Ms. MCINTOSH. I suspect that there may have been a shift. It is the most recent poll that was done on the issue, but since 1984, our membership in Utah and nationwide has doubled, and that was primarily because of the Utah wilderness issue and the threat that people felt was imminent and threatening these lands. And so, if anything, I would guess that there is a little more support in Utah and elsewhere for wilderness than what is reflected in this poll data.

Mr. FALEOMAVAEGA. I know the Chairman has always kindly reminded me that since taking up this responsibility as the Ranking Member that 67 percent of the State of Utah is owned by the Federal Government, as opposed to our friends from the eastern States that have literally no presence of the Federal Government.

And I guess that is part of the frustrations that some of our congressional delegations coming from western States like Nevada, Utah, and Colorado—the presence of the Federal Government can be a blessing. It can also be especially frustrating for those who do represent the Utahans or the State of Utah in that respect.

Because of that, and I suppose you might say that it is just a constant intrusion of the Federal Government by way of regulations, laws supposedly to help us dealing with wilderness, dealing with the forestry, dealing with BLM. We don't have that as much—the presence in the eastern States. And I couldn't agree with you more. This is America. We all have got to look at what is on the grand scale of things and should be helpful.

But what do you suggest, Ms. McIntosh, to equalize this imbalance—that I consider it an imbalance? Should every State be considered maybe 50 percent owned by the Federal Government? Maybe some of the State lands owned by New York or Vermont ought to be put in some sense of balance so that there is no inequality here.

I suppose if I were a Utahan and 67 percent of the State of Utah owned by the Federal Government, would you share any sense of sentiment and frustration that maybe the residents of Utah do have and the fact that there is constantly an encroachment or an infringement of Federal laws telling them what to do?

Ms. MCINTOSH. I think you will find a split of opinion on that question. People who live in the West—I have lived in the West for almost all my life, and I thank God every day that there are Federal public lands in the West where you can go out and just experience the sheer beauty and the solitude of those lands. And sure

those lands can and should be developed in some places, but they need to be protected too.

And in trying to tie back to the reason that we are here today, I think that we need to deal with the reality in that most western States—the Federal Government owns a large chunk of land. But let us try to make the most of it, and let us work together to try to resolve this school trust situation. The least we can do is sit around the table and try to negotiate as equal bargaining partners some sort of solution that consolidates the land to the benefit of all the parties.

Mr. FALEOMAVAEGA. This issue is not necessarily dealing with wilderness, but I make an analogy in the fact that for the past 30 years perhaps, the nuclear industry have been great advocates of building nuclear reactors to provide electricity for our country. And in doing so, we have got a whole bunch of nuclear waste material sitting out there among the eastern States, and they want to shift it to States like Nevada or maybe even in Utah if there are some presence. Already there is a lot of presence of that.

And if you were a resident of Nevada, would you appreciate getting nuclear waste products from Tennessee and other States for the simple fact that because we own 80 percent of Nevada federally and then maybe even in Utah we should send some of our nuclear wastes byproducts to Utah because we own 67 percent of that State.

What would be your recommendation on how we might resolve this multibillion dollar problem that we are going to be faced with in the very—some very crucial weeks and months ahead, that the 1.2 million residents of Nevada are going to be the recipients of nuclear waste products that will be coming from the eastern States?

Ms. MCINTOSH. Can I study that and get back to you later? I am sorry. I know it is a complicated issue, and I don't have an answer for you as I sit here today.

Mr. FALEOMAVAEGA. Mr. Meadows?

Mr. MEADOWS. Well, I will offer an opinion. You know, I haven't studied this issue either. But I am not certain that the issue is so much whether it should be stored on Federal, private, or State lands. It seems to me that they are issues of security, they are issues of stability, they are issues of permanence.

I am not certain that Nevada is the right place to store nuclear waste. You know, I think we all wish that we did not have to deal with this problem. We do need to find a way to stabilize and secure this waste. But I don't think it has to be based on who has the most Federal lands, and, therefore, you dump it in my backyard.

Ms. SEASE. Well, again, I didn't come prepared to talk about nuclear waste disposal, but the Sierra Club does have a position against the Yucca Mountain legislation which would place nuclear waste in the Nevada. And if you want details about alternatives, I can certainly have somebody from my energy team provide you with that.

Mr. FALEOMAVAEGA. No. I understand that, Ms. Sease. I was just making an analogy on what we are talking about. This is America, and we all ought to share—have a great sense of responsibility to share equally in terms of some of the things that come to bear and

the resources that Utah has. Great. Let us all share in the wealth, whether it be out in the wilderness or the trees or whatever.

But when it comes to the junk stuff, all the other States want to get rid of it, and let us send it to Utah as well since it is easier for the Federal Government to make designations in Nevada and Utah to store some of this waste. But I was only making an analogy. I wasn't trying to solicit your expert opinion on it.

But, you know, I have been dealing with nuclear issues now for the past several years. Thanks to President Chirac, you know, the great French government that many Americans did not realize they detonated almost 200 atomic bombs in these islands out there in Pacific, let alone the 66 detonations that we have done in the Marshall Islands; one specifically, a hydrogen bomb that was 1,000 more powerful than the bombs we dropped in Hiroshima and Nagasaki.

And surprisingly many people in America don't realize that this is what we have done. And yet we put a stop to it because we found that there was strontium 90 in milk products in Wisconsin and Minnesota. So I just want to share those concerns with you, but I do appreciate your testimonies.

I sincerely hope that—I certainly do take it in a constructive way and hopefully that we might find a resolution to this problem that has been gnawing at us now not only for the residents of Utah, but certainly for our Nation. Thank you, Mr. Chairman.

Mr. HANSEN. Thank you. Mr. Cannon.

Mr. CANNON. Thank you, Mr. Chairman. I would like to talk for a moment about the polls because I think they are relevant. The world should know that we love Valley Research, Inc., because they came out a couple weeks before my election and had me 20 points down, and that certainly motivated my supporters to get out and vote. Our internal polls were much different.

And let me just say that polling is a tricky thing. This is, as you all have said, a complicated issue and citing polls of people who don't understand the complications who like the term wilderness. I mean, we believe in conquering the wilderness, and then many of us believe in subduing it and having dominion over it. Polls don't do that when you use the naked term wilderness, and so I don't believe this an issue that ought to be driven by public opinion.

Let me also say that I deeply appreciate the way, Mr. Meadows, you have approached the discussion. We have differing views it is clear, but you have been measured and thoughtful. And let me say the same, Ms. Sease, that we probably have more clear distinctions with the Sierra Club in Utah.

Your proposals to drain Lake Powell or your organization's proposals to drain Lake Powell, and the attacks on sport utility vehicles I think are ill-founded and don't do much good for the environmental movement or the protectionist movement.

But, generally speaking, I think that, and especially in your testimony today, this has been very pleasing and that there has been a foundation I think from moving forward and working together. We look forward to do that.

I tend to look at language to try and figure out where people are coming from. And I think it has been very clear, Ms. McIntosh, that SUWA has been on the extreme polar edge of this debate. In

looking through your testimony—in Mr. Meadows's testimony, he talked about not going ballistic, and that was about as rhetorical as that got, and that was saying we are not on the extreme I thought.

But as I look through your testimony, you talk about on the one hand you have got extreme words like cherishing the breathtaking wildlands. You talk about lyrical language in the Wilderness Act. On the other hand, my bill is deju vu all over again, and you refer to it as paltry and stingy and meager. And in another place you talk about vociferously opposing and exorbitant and astronomical, words that tend to be extreme.

And, you know, frankly, I don't understand where SUWA is coming from from a point of view of what they believe. I think that I could sit down and talk with Mr. Meadows, and we probably would come at least to a context for discussion. Can you give me a little bit of background about yourself personally? You know, you mentioned you were raised in the West. What part of the West, what your beliefs are, what your religion is possibly? An idea of where you derive your views from that you are representing here?

Ms. MCINTOSH. That is a difficult question to summarize in the time we have here. I am from Tucson, Arizona. I have always enjoyed being in the wilderness. I have always enjoyed observing wildlife, enjoying the quiet, the solitude. It has been a major influence in my life. It is something that I think is inherent in my character. I don't know if I can really explain any better than that.

With respect to my testimony, I think it is beneficial for everyone if we have a frank and honest discussion, and that is how I phrased my written statements and my verbal statements here today. It benefits you to know exactly how we feel about this.

Now, while I was very descriptive in my testimony, I think that we ought to sit down, and we ought to talk about this issue that you have raised in your bill, which I think is an important issue, and that is the exchange of trust lands. Let us do it. Let us see what the possibilities are.

Mr. CANNON. Well, certainly SUWA has done a great deal of inventorying of the State of Utah, I think more than perhaps anyone else. You have actually pushed for more than the 5.7 million acres not publicly yet, I know. In that process, do you think that you can identify 630,000 acres that we could talk about exchanging that would be available for development and commercialization?

Ms. MCINTOSH. Any acres that we have identified in our proposal?

Mr. CANNON. The question is could you identify—because in your organization you have a huge body of expertise. Could you identify a large number of acres that you would be willing to say these are appropriate, not in the wilderness areas obviously, but in other areas—these are appropriate for development, for commercialization, for oil and gas and mining and those kind of things?

Ms. MCINTOSH. I think that we should try, but I think that your question assumes that all of the school trust lands are appropriate for the type of development you describe, and that is not an accurate statement of the character of the school trust lands.

As Mr. Harja mentioned, these weren't selected because they are particularly valuable. They are scattered through the State like

buckshot. They are random sections, 4 out of every 36. So not all of them have mineral or oil and gas value. But I think that we could sit down and talk about where there would be exchanges of equivalent value, and I suggest again that we do that in the monument.

Mr. CANNON. I would like to pursue this a little bit in the next round of questioning. I see my time is gone, but I recognize that not all of the school trust lands have mining or oil and gas or other kinds of those commercial-type revenues. But there is a mandate to produce revenue off those lands, and there are many ways to do that. And development doesn't mean building condos. Obviously, the water situation doesn't support that.

So the question is, and I would appreciate it if you would consider for a moment, are there blocks of land or can SUWA within its organization come up with blocks of land that it could propose as consolidated trades for the scattered trust lands? My time has expired, but I will come back to that.

Mr. HANSEN. The gentleman from Colorado, Mr. Schaffer.

Mr. SCHAFFER. Thank you, Mr. Chairman. I am not a member of the subcommittee. I came just first to say that we in Colorado share an awful lot in common with Utah having a great amount of Federal involvement in ownership of public lands, as well as management of the public lands. And certainly the outcome of issues like this are of great concern to us, and we are very interested in them.

A couple questions that I had deal with—I would like to ask all three of you—with respect to this Grand Staircase-Escalante National Monument and setting the 1.7 million acres in that project. Did your organization support or oppose the President in that particular designation?

Mr. MEADOWS. We very much supported the President in that designation, and we are very interested in working with BLM as it addresses the management options for that monument. So we are much committed to that.

Ms. SEASE. We also support the designation of the monument.

Ms. MCINTOSH. We also supported the designation of the monument, and we too look forward to working toward developing a good management plan for the monument.

Mr. SCHAFFER. The reason I asked that question is because I was impressed, frankly, with your comments about your desire to work with the Utah Delegation on the school lands issue. And the reason I asked about the monument was to really inquire into the depths of that sincerity.

This monument designation was not done with the support or even the consultation of the State of Utah, the Utah officials. It was announced in another State and I believe one of the most unfortunate examples of cowardice in the Administration in the way it went about that particular designation in an election year from another State and, again, with the total absence of any consideration for the values of the State of Utah.

Knowing now that you support that, I want to inquire—or you supported that activity. I want to go a little further into your concern and your willingness to work on the school lands issue. Most

western States have very similar arrangements with how they fund local schools.

The 2.1 million acres that Mr. Cannon proposes includes 140,000 acres of school trust lands, and this is the defining issue of the bill, I believe. You all said that you supported H.R. 1500, which has 5.7 million acres of wilderness and 630,000 acres of Utah school trust lands.

And, again, you expressed your desire to work with the Utah Delegation on the school lands issue. I am curious as to how you worked or to what extent you consulted the Utah Delegation before arriving at your decision to support H.R. 1500 and its treatment of the school lands issue? Any one of you jump right in.

Mr. MEADOWS. Let me make a couple of comments related to that. First of all, I think we really are sincere in working on the opportunities for exchange. As many of you know, Conoco Oil Company is now inside the monument on State lands preparing to drill exploratory wells.

They have asked for permission to do the same on Federal lands. The Bureau of Land Management issued an environmental assessment. We suspect that Conoco will move ahead, that BLM will grant that, and Conoco will move ahead and do that drilling sometime this summer.

We have been in discussion—all three of our organizations have been in discussion with Conoco and with BLM trying to work through a way in which we might be able to do a land exchange. The question becomes value for value. It is a very difficult issue, and it is not one that anyone is necessarily experienced enough or has enough information or data about the place in order to make those kinds of judgments, and that is what makes it difficult.

I would offer that we are dealing with different acreages and different values for each of those sections, in fact. It isn't as if we have to find similar acreage. What we are trying to find is similar value. So if we can find similar value within the State of Utah and publicly owned lands for the trade of the 600,000 school trust land acreage, then we would work to do that. It doesn't necessarily mean it has to be 600,000 acres.

I would also go on to say that our organizations have really focused our understanding of the land on what is inside the monument and what is inside the wilderness areas that we have researched. We are not as familiar, I suspect, with those areas outside the monument or outside the wilderness areas. So we don't have the expertise of all the lands in Utah but would be eager to pursue that.

Mr. SCHAFFER. On the school land issue, which officials in Utah have you dealt with to arrive at the decision that you made to work with the officials in Utah? On the school lands issue which ones or which individuals in the State—representing the State did you work with before you came to the conclusion to support H.R. 1500?

Mr. MEADOWS. Well, I have to admit that I came to The Wilderness Society on December the 1st of 1996 so this decision had already been made. I applauded it from a distance, but I have not talked with any official within the State of Utah about that particular issue.

Ms. SEASE. Congressman Schaffer, the Sierra Club I think has a long history of working in a number of States with both the equivalent of the State school trust and with the delegation to craft workable solutions to exchanges and wilderness proposals.

I can certainly recall—in fact, I just sent off to our archives two file drawers full of materials on a project in Utah that was referred to as Project Bold. The fact that that did not come to a successful resolution doesn't mean that we didn't try to work cooperatively.

Most of the bills that have had a successful resolution on the State school trust were not introduced with that exact language initially. It was derived as one headed into the closing years of negotiation over the bills.

Mr. SCHAFFER. Any elected officials that you can name that you worked with or cooperated with in a similar sort of way on this bill?

Ms. SEASE. On this particular bill——

Mr. SCHAFFER. H.R. 1500 I mean.

Ms. SEASE. On H.R. 1500, if you will look at it, it does not have a detail section on State school trust lands.

Mr. SCHAFFER. It ignores it is my point.

Ms. SEASE. And I think that if that language were to be developed, certainly it would be appropriate for the sponsor of the bill and for supporters of the bill to work very closely with folks in Utah on that issue.

Mr. HANSEN. The time of the gentleman—possibly, you asked a kind of a tantalizing question about the monument in Utah. You can well imagine yesterday there was a lawsuit filed by the counties and the school trust, and we have done a lot of work on that. We have had a hearing—a very exhaustive hearing on it. We were also asked—we were going to subpoena the information that was between the White House and the Interior Department.

I think little by little most of the environmental communities are coming to the same conclusion that they did, the 1906 Antiquity Law doesn't offer anywhere near the protection of the 1964 Wilderness Act, NEPA, and the 1976 FLPMA Act. In fact, in the statement between Kathleen McGinty and Secretary Babbitt, he states that.

They didn't bring that out, of course, and, therefore, to a certain extent in both these bills that are being offered today, they both have rather large chunks in the area that is now the monument. You can ask the question did the effort of the President extinguish the WSAs? Possibly; possibly not. But we will find that out I am sure maybe a judicial question. I would argue that it would.

Anyway, I think somebody really fouled up on it as far as protecting an area as they surely didn't do it. They had better protection under FLPMA than they ever got under this monument. And that seems to be from every legal opinion we can get. That seems to be the premise. I am not faulting anybody for doing it. The President has that right.

I do think though that the Act has well outlived its usefulness. It was there and at the time there was no way to protect the Grand Canyon and Zions and all those beautiful areas. Anyway, I think that someone shot themselves in the foot on that one if I may say so. And now we are finding—we are getting letters daily on that.

Maybe you have gone through that too in Colorado, but I say that as Chairman of the Committee.

I just want to thank you folks. We had excellent testimony from all three of you; appreciate it very much. Now, let me add that you are welcome in my office anytime. We are more than happy to talk to you. Contrary to popular belief, there isn't any "them and us" around here.

And we gain a lot from you folks, and so long as we keep it civil, we are more than happy to talk to any folks. And, Mr. Meadows, congratulations on your position now. I didn't realize it had been so short. I hope that works out well for you.

Mr. MEADOWS. Thank you.

Mr. HANSEN. And with that, we thank you all, all who have been here, and we will conclude this hearing with me banging the gavel because there is another one that is going to start in a little while in here.

[Whereupon, at 1 p.m., the Subcommittee was adjourned.]

[Additional material submitted for the record follows.]

STATEMENT OF LOUISE LISTON, COUNTY COMMISSIONER, GARFIELD COUNTY, UTAH

Mr. Chairman:

On behalf of the people of Garfield County, I wish to express my gratitude to Chairman Hansen for his longstanding leadership on the wilderness issue in Utah and for holding yet another hearing on this issue in his subcommittee today. I would also feel remiss if I did not thank Congressman Cannon for fulfilling the promises he made to the people of Utah that his first order of business as a Congressman would be to act to redress our grievances due to the September 18, 1996 Presidential executive order creating the Grand Staircase Escalante National Monument. Congressman Cannon has proved to be a tireless worker on the Monument issue and with the introduction of S. 1952, he now puts before the Congress of the United States legislation which the people of rural Utah can—on the whole—live with. It is refreshing to have someone represent us who does not simply complain, but keeps their promises by acting—Thank you for getting off to a good start as our 3rd District Congressman.

Mr. Chairman, let me say this about BLM wilderness. We the people of southern Utah are tired of it. We want the issue resolved. But, we are not now, nor will we ever be willing to agree to legislation that destroys our livelihood, simply because we are tired of the conflict. All of the issues: BLM wilderness, the new National Monument, RS 2477 roads, state school trust lands, actual development of coal, oil, gas and other mineral reserves on public lands; all of these issues must be taken into account and resolved equitably before we will consider the controversy settled. We have always been willing to participate in the public process and have played by the rules. We regret that the President of the United States and his Secretary of the Interior have not. To now consider adding millions of new acres of BLM wilderness in our counties without taking all of these issues into account would be unconscionable for us.

Without beating around the bush, we hear that some would like to use this 2.1 million acre wilderness bill as a starting point and split the difference with advocates of H.R. 1500 at around 3.2 million acres. We hear that because some are tired of dealing with the issue, a 3.2 million acre bill sounds appealing because it would placate environmental groups, who view the legal 3.2 million WSA limit as their bottom line. The fact is, Mr. Chairman, Secretary Babbitt is illegally managing BLM lands in Utah now as de facto 5.7 million acres, not the legal limit of 3.2 million acres. It may be politically expedient to cut a deal at 3.2 million acres, but on the land, where we live, that amount of wilderness, on top of the restrictions imposed by the creation of a 1.7 million acre national Monument, on top of the restrictions imposed on us by four adversarial lawsuits over RS 2477 rights-of-way, will effectively place us into a permanent position of servitude.

Rural Utahns are aware that only about 1 million acres of land in the state qualify for wilderness under the definition of the 1964 Act. We have agreed to double that amount for political reasons. If Congress chooses to raise the acreage total to 3.2 million acres or higher and ignores the 1964 Wilderness Act criteria entirely, then it is time to amend the Wilderness Act to conform to reality. If not, then Congress should adhere to the laws it passes and be intellectually honest with the American people. Please don't ask us to call something wilderness that does not fit the criteria. If members of this committee are going to change the rules, then I recommend the Congress consider first changing the 1964 law.

Look at reality one more time. Sixty seven percent of Utah is federally owned. The lands being managed as wilderness study areas now constitute over 20 percent of the Federal lands in the State. Existing Forest Service & BLM wilderness constitutes another 5 percent of Federal lands. The National Park Service Controls another 7 percent of the Federal lands, the Grand Staircase-Escalante National Monument (absent the 350,000 BLM WSA acres) constitutes another 8 percent of the Federal land. All told 40 percent of the Federal lands in Utah, not including Indian Reservations and military restricted areas are effectively off limits to multiple uses. Said another way, less than half of the lands in Federal ownership are classified as multiple use lands and available for economic development. An additional 13 percent of the lands in Utah are state school trust lands. I will talk more about them in a minute, but please understand these school trust lands are restricted to whatever use is deemed appropriate by the surrounding Federal land manager. Unless these lands are blocked-up so they can be developed, they are worthless to the state school trust and can not generate revenue of any kind.

So let me conclude by saying Garfield county supports Congressman Cannon's bill as the one which comes closest to portraying things the way they actually are on the land. It contains more wilderness than the 1964 Act definition allows, but we believe we can survive under its terms.

Just as important, the Cannon bill takes a significant step toward resolving the age-old impasse over Federal-state land exchanges by allowing the trustees for the school system in Utah to select unappropriated Federal lands within 2 years of enactment and requires that the school trust provisions of the bill must occur before any wilderness designations can take place. H.R. 1500, Mr. Hinchey's bill, as in years past, fails to address these critical issues.

While I am hopeful enactment of Congressman Cannon's bill means educational interests in Utah may finally receive the attention they deserve and actual exchanges take place, let me point out something many Members of Congress and many environmental groups absolutely do not want to hear. That is, in order for any Federal-state land exchange to mean anything, school trust lands have to be exploited, developed. Some courageous company or companies must invest capital in a coal-mining project, and oil drilling operation and actually develop the resource in order for any money to go to the school children of Utah. Let me say that another way. It is the royalties paid as result of natural resource extraction, which will fill the coffers of the state school trust.

As of today, June 24, 1997, less than 1 percent of the state school budget in Utah is derived from such development. Utah spends a higher percentage of its state budget (80 percent) on education than any other state. At the same time, Utah is dead last, fiftieth in per capita spending on education—in large part, because it can not tax its people any more without driving individuals and industry out of the state. If state school trust lands could begin to contribute in a meaningful way, perhaps Utah could spend more on students, pay its teachers better salaries, or even lower its already high taxes. For that to happen, development must occur on state lands.

For those environmentalists who are now going ballistic, please know that all the applicable environmental laws governing development on public lands: NEPA, FLPMA, SMCRA, ESA, CWA, CAA—all of them still apply. If the objective of each of these Acts is to simply stop all development however, then this legislation can call for unlimited land exchanges and in lieu selections and the outcome would still be meaningless. The parties must act in good faith and allow natural resource development to occur somewhere in Utah.

If I have been blunt in my testimony then, Mr. Chairman, I plead guilty. This is the way things really are. You know it and I know it. What we seem to be dealing with in the Utah wilderness debate is an endless parade of dancing around the truth, and I for one, am tired of it. I stand ready to help you pass this legislation in any way that I can. Thank you.

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105TH CONGRESS
1ST SESSION

H. R. 1952

To designate certain Bureau of Land Management lands in the State of Utah as wilderness, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 18, 1997

Mr. CANNON introduced the following bill; which was referred to the Committee on Resources

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A BILL

To designate certain Bureau of Land Management lands in the State of Utah as wilderness, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Utah Wilderness and School Trust Lands Protection Act of 1997".

SEC. 2. DESIGNATION OF WILDERNESS.

(a) DESIGNATION.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the following lands in the State of Utah are hereby designated as wilderness and therefore as components of the National Wilder-

ness Preservation System upon completion of the exchange specified in section 7:

(1) Certain lands in the Desolation Canyon Wilderness Study Area comprised of approximately 254,478 acres, as generally depicted on a map entitled "Desolation Canyon Wilderness—Proposed" and dated _____, and which shall be known as the Desolation Canyon Wilderness.

(2) Certain lands in the San Rafael Reef Wilderness Study Area comprised of approximately 47,786 acres, as generally depicted on a map entitled "San Rafael Reef Wilderness—Proposed" and dated _____, and which shall be known as the San Rafael Reef Wilderness.

(3) Certain lands in the Horseshoe Canyon Wilderness Study Area (North) comprised of approximately 22,943 acres, as generally depicted on a map entitled "Horseshoe/Labyrinth Canyon Wilderness—Proposed" and dated _____, and which shall be known as the Horseshoe/Labyrinth Canyon Wilderness.

(4) Certain lands in the Crack Canyon Wilderness Study Area comprised of approximately 20,322 acres, as generally depicted on a map entitled "Crack Canyon Wilderness—Proposed" and dated

_____, and which shall be known as the Crack Canyon Wilderness.

(5) Certain lands in the Muddy Creek Wilderness Study Area comprised of approximately 37,244 acres, as generally depicted on a map entitled "Muddy Creek Wilderness—Proposed" and dated _____, and which shall be known as the Muddy Creek Wilderness.

(6) Certain lands in the Sids Mountain Wilderness Study Area comprised of approximately 41,154 acres, as generally depicted on a map entitled "Sids Mountain Wilderness—Proposed" and dated _____, and which shall be known as the Sids Mountain Wilderness.

(7) Certain lands in the Mexican Mountain Wilderness Study Area comprised of approximately 34,107 acres, as generally depicted on a map entitled "Mexican Mountain Wilderness—Proposed" and dated _____, and which shall be known as the Mexican Mountain Wilderness.

(8) Certain lands in the Phipps-Death Hollow Wilderness Study Area comprised of approximately 42,437 acres, as generally depicted on a map entitled "Phipps-Death Hollow Wilderness—Proposed"

and dated _____, and which shall be known as the Phipps-Death Hollow Wilderness.

(9) Certain lands in the Steep Creek Wilderness Study Area comprised of approximately 21,277 acres, as generally depicted on a map entitled "Steep Creek Wilderness—Proposed" and dated _____, and which shall be known as the Steep Creek Wilderness.

(10) Certain lands in the North Escalante Canyons/The Gulch Wilderness Study Area comprised of approximately 103,324 acres, as generally depicted on a map entitled "North Escalante Canyons/The Gulch Wilderness—Proposed" and dated _____, and which shall be known as the North Escalante Canyons/The Gulch Creek Wilderness.

(11) Certain lands in the Scorpion Wilderness Study Area comprised of approximately 16,692 acres, as generally depicted on a map entitled "Scorpion Wilderness—Proposed" and dated _____, and which shall be known as the Scorpion Wilderness.

(12) Certain lands in the Mt. Ellen-Blue Hills Wilderness Study Area comprised of approximately 62,663 acres, as generally depicted on a map entitled "Mt. Ellen-Blue Hills Wilderness—Proposed"

and dated _____, and which shall be known as the Mt. Ellen-Blue Hills Wilderness.

(13) Certain lands in the Bull Mountain Wilderness Study Area comprised of approximately 11,424 acres, as generally depicted on a map entitled "Bull Mountain Wilderness—Proposed" and dated _____, and which shall be known as the Bull Mountain Wilderness.

(14) Certain lands in the Fiddler Butte Wilderness Study Area comprised of approximately 22,180 acres, as generally depicted on a map entitled "Fiddler Butte Wilderness—Proposed" and dated _____, and which shall be known as the Fiddler Butte Mountain Wilderness.

(15) Certain lands in the Mt. Pennell Wilderness Study Area comprised of approximately 18,620 acres, as generally depicted on a map entitled "Mt. Pennell Wilderness—Proposed" and dated _____, and which shall be known as the Mt. Pennell Wilderness.

(16) Certain lands in the Mt. Hillers Wilderness Study Area comprised of approximately 14,746 acres, as generally depicted on a map entitled "Mt. Hillers Wilderness—Proposed" and dated _____,

and which shall be known as the Mt. Hillers Wilderness.

(17) Certain lands in the Little Rockies Wilderness Study Area comprised of approximately 48,928 acres, as generally depicted on a map entitled "Little Rockies Wilderness—Proposed" and dated _____, and which shall be known as the Little Rockies Wilderness.

(18) Certain lands in the Mill Creek Canyon Wilderness Study Area comprised of approximately 7,838 acres, as generally depicted on a map entitled "Mill Creek Canyon Wilderness—Proposed" and dated _____, and which shall be known as the Mill Creek Canyon Wilderness.

(19) Certain lands in the Negro Bill Canyon Wilderness Study Area comprised of approximately 7,432 acres, as generally depicted on a map entitled "Negro Bill Canyon Wilderness—Proposed" and dated _____, and which shall be known as the Negro Bill Canyon Wilderness.

(20) Certain lands in the Floy Canyon Wilderness Study Area comprised of approximately 28,290 acres, as generally depicted on a map entitled "Floy Canyon Wilderness—Proposed" and dated

_____, and which shall be known as the Floy Canyon Wilderness.

(21) Certain lands in the Coal Canyon Wilderness Study Area and the Spruce Canyon Wilderness Study Area comprised of approximately 46,669 acres, as generally depicted on a map entitled "Coal/Spruce Canyon Wilderness—Proposed" and dated _____, and which shall be known as the Coal/Spruce Canyon Wilderness.

(22) Certain lands in the Flume Canyon Wilderness Study Area comprised of approximately 31,568 acres, as generally depicted on a map entitled "Flume Canyon Wilderness—Proposed" and dated _____, and which shall be known as the Flume Canyon Wilderness.

(23) Certain lands in the Westwater Canyon Wilderness Study Area comprised of approximately 25,383 acres, as generally depicted on a map entitled "Westwater Canyon Wilderness—Proposed" and dated _____, and which shall be known as the Westwater Canyon Wilderness.

(24) Certain lands in the Beaver Creek Wilderness Study Area comprised of approximately 24,531 acres, as generally depicted on a map entitled "Beaver Creek Wilderness—Proposed" and dated

_____, and which shall be known as the Beaver Creek Wilderness.

(25) Certain lands in the Fish Springs Wilderness Study Area comprised of approximately 36,142 acres, as generally depicted on a map entitled "Fish Springs Wilderness—Proposed" and dated _____, and which shall be known as the Fish Springs Wilderness.

(26) Certain lands in the Swasey Mountain Wilderness Study Area comprised of approximately 34,803 acres, as generally depicted on a map entitled "Swasey Mountain Wilderness—Proposed" and dated _____, and which shall be known as the Swasey Mountain Wilderness.

(27) Certain lands in the Parunuweap Canyon Wilderness Study Area comprised of approximately 19,122 acres, as generally depicted on a map entitled "Parunuweap Canyon Wilderness—Proposed" and dated _____, and which shall be known as the Parunuweap Wilderness.

(28) Certain lands in the Canaan Mountain Wilderness Study Area comprised of approximately 30,864 acres, as generally depicted on a map entitled "Canaan Mountain Wilderness—Proposed" and

dated _____, and which shall be known as the Canaan Mountain Wilderness.

(29) Certain lands in the Paria-Hackberry Wilderness Study Area comprised of approximately 57,641 acres, as generally depicted on a map entitled "Paria-Hackberry Wilderness—Proposed" and dated _____, and which shall be known as the Paria-Hackberry Wilderness.

(30) Certain lands in the Escalante Canyon Tract 5 Wilderness Study Area comprised of approximately 756 acres, as generally depicted on a map entitled "Escalante Canyon Tract 5 Wilderness—Proposed" and dated _____, and which shall be known as the Escalante Canyon Tract 5 Wilderness.

(31) Certain lands in the Fifty Mile Mountain Wilderness Study Area comprised of approximately 121,434 acres, as generally depicted on a map entitled "Fifty Mile Mountain Wilderness—Proposed" and dated _____, and which shall be known as the Fifty Mile Mountain Wilderness.

(32) Certain lands in the Howell Peak Wilderness comprised of approximately 14,518 acres, as generally depicted on a map entitled "Howell Peak Wilderness—Proposed" and dated _____, and

which shall be known as the Howell Peak Wilderness.

(33) Certain lands in the Notch Peak Wilderness Study Area comprised of approximately 28,778 acres, as generally depicted on a map entitled "Notch Peak Wilderness—Proposed" and dated _____, and which shall be known as the Notch Peak Wilderness.

(34) Certain lands in the Wah Wah Mountains Wilderness Study Area comprised of approximately 41,311 acres, as generally depicted on a map entitled "Wah Wah Mountains Wilderness—Proposed" and dated _____, and which shall be known as the Wah Wah Wilderness.

(35) Certain lands in the Mancos Mesa Wilderness Study Area comprised of approximately 48,269 acres, as generally depicted on a map entitled "Mancos Mesa Wilderness—Proposed" and dated _____, and which shall be known as the Mancos Mesa Wilderness.

(36) Certain lands in the Grand Gulch Wilderness Study Area comprised of approximately 51,110 acres, as generally depicted on a map entitled "Grand Gulch Wilderness—Proposed" and dated

_____, and which shall be known as the Grand Gulch Wilderness.

(37) Certain lands in the Dark Canyon Wilderness Study Area comprised of approximately 67,099 acres, as generally depicted on a map entitled "Dark Canyon Wilderness—Proposed" and dated _____, and which shall be known as the Dark Canyon Wilderness.

(38) Certain lands in the Butler Wash Wilderness Study Area comprised of approximately 25,400 acres, as generally depicted on a map entitled "Butler Wash Wilderness—Proposed" and dated _____, and which shall be known as the Butler Wash Wilderness.

(39) Certain lands in the Indian Creek Wilderness Study Area comprised of approximately 6,769 acres, as generally depicted on a map entitled "Indian Creek Wilderness—Proposed" and dated _____, and which shall be known as the Indian Creek Wilderness.

(40) Certain lands in the Behind the Rocks Wilderness Study Area comprised of approximately 13,728 acres, as generally depicted on a map entitled "Behind the Rocks Wilderness—Proposed" and

dated _____, and which shall be known as the Behind the Rocks Wilderness.

(41) Certain lands in the Cedar Mountains Wilderness Study Area comprised of approximately 25,645 acres, as generally depicted on a map entitled "Cedar Mountains Wilderness—Proposed" and dated _____, and which shall be known as the Cedar Mountains Wilderness.

(42) Certain lands in the Deep Creek Mountains Wilderness Study Area comprised of approximately 71,024 acres, as generally depicted on a map entitled "Deep Creek Mountains Wilderness—Proposed" and dated _____, and which shall be known as the Deep Creek Mountains Wilderness.

(43) Certain lands in the Nutters Hole Wilderness Study Area comprised of approximately 3,647 acres, as generally depicted on a map entitled "Nutters Hole Wilderness—Proposed" and dated _____, and which shall be known as the Nutters Hole Wilderness.

(44) Certain lands in the Cougar Canyon Wilderness Study Area comprised of approximately 6,408 acres, including those lands located in the State of Nevada, as generally depicted on a map entitled "Cougar Canyon Wilderness—Proposed" and

dated _____, and which shall be known as the Cougar Canyon Wilderness.

(45) Certain lands in the Red Mountain Wilderness Study Area comprised of approximately 9,216 acres, as generally depicted on a map entitled "Red Mountain Wilderness—Proposed" and dated _____, and which shall be known as the Red Mountains Wilderness.

(46) Certain lands in the Deep Creek Wilderness Study Area comprised of approximately 3,063 acres, as generally depicted on a map entitled "Deep Creek Wilderness—Proposed" and dated _____, and which shall be known as the Deep Creek Wilderness.

(47) Certain lands within the Dirty Devil Wilderness Study Area comprised of approximately 75,854 acres, as generally depicted on a map entitled "Dirty Devil Wilderness—Proposed" and dated _____, and which shall be known as the Dirty Devil Wilderness.

(48) Certain lands within the Horseshoe Canyon South Wilderness Study Area comprised of approximately 11,392 acres, as generally depicted on a map entitled "Horseshoe Canyon South Wilderness—Proposed" and dated _____, and which

shall be known as the Horseshoe Canyon South Wilderness.

(49) Certain lands in the French Spring-Happy Canyon Wilderness Study Area comprised of approximately 12,343 acres, as generally depicted on a map entitled "French Spring-Happy Canyon Wilderness—Proposed" and dated _____, and which shall be known as the French Spring-Happy Canyon Wilderness.

(b) MAP AND DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior (hereafter in this Act referred to as the "Secretary") shall file a map and a legal description of each area designated as wilderness by subsection (a) with the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. Each such map and description shall have the same force and effect as if included in this Act, except that corrections of clerical and typographical errors in each such map and legal description may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Director of the Bureau of Land Management, and the office of the State Director of the Bureau of Land Management in the State of Utah, Department of the Interior.

SEC. 3. ADMINISTRATION OF WILDERNESS AREAS.

(a) IN GENERAL.—Subject to valid existing rights, each area designated by this Act as wilderness shall be administered by the Secretary in accordance with this Act, the Wilderness Act (16 U.S.C. 1131 et seq.), and section 603 of the Federal Land Policy and Management Act of 1976. Any lands or interest in lands within the boundaries of an area designated as wilderness by this Act that is acquired by the United States after the date of enactment of this Act shall be added to and administered as part of the wilderness area within which such lands or interests in lands are located.

(b) MANAGEMENT PLANS.—The Secretary shall, as soon as possible, prepare plans to manage the areas designated by this Act as wilderness.

(c) LIVESTOCK.—Grazing of livestock in areas designated as wilderness by this Act, where established prior to the date of the enactment of this Act, shall—

(1) continue and not be curtailed, phased out or rendered economically infeasible due to wilderness designation or management; and

(2) be administered in accordance with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines set forth in House Report 96–1126.

(d) STATE FISH AND WILDLIFE.—In accordance with section 4(d)(7) of the Wilderness Act (16 U.S.C. 1131(d)(7)), nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Utah with respect to fish and wildlife management activities, including water development, predator control, transplanting animals, stocking fish, hunting, fishing and trapping.

(e) PROHIBITION OF BUFFER ZONES.—The Congress does not intend that designation of an area as wilderness by this Act lead to the creation of protective perimeters or buffer zones around the area.

(f) OIL SHALE RESERVE NUMBER TWO.—The area known as "Oil Shale Reserve Number Two" within Desolation Canyon Wilderness (as designated by section 2(a)(1)), located in Carbon County, Utah, shall not be reserved for oil shale purposes after the date of the enactment of this Act and shall be under the sole jurisdiction of and managed by the Bureau of Land Management.

(g) ROADS AND RIGHTS-OF-WAY AS BOUNDARIES.—Unless depicted otherwise on a map referred to by this Act, where roads form the boundaries of the areas designated as wilderness by this Act, the wilderness boundary shall be set back from the center line of the road as follows: 300 feet for high standard roads such as paved high-

ways; and 100 feet for roads equivalent to high standard logging roads and dirt roads used for right-of-way maintenance.

(h) LAND ACQUISITION BY EXCHANGE OR PURCHASE.—The Secretary shall offer to acquire from non-governmental entities lands and interests in lands located within or adjacent to areas designated as wilderness by this Act. Lands may be acquired under this subsection only by exchange or purchase from willing sellers.

SEC. 4. WATER RIGHTS.

(a) NO FEDERAL RESERVATION.—Nothing in this Act or any other Act of Congress shall constitute or be construed to constitute either an express or implied Federal reservation of water or water rights for any purpose arising from the designation of areas as wilderness by this Act.

(b) ACQUISITION AND EXERCISE OF WATER RIGHTS UNDER UTAH LAW.—The United States may acquire and exercise such water rights as it deems necessary to carry out its responsibilities on any lands designated as wilderness by this Act pursuant to the substantive and procedural requirements of the State of Utah. Nothing in this Act shall be construed to authorize the use of eminent domain by the United States to acquire water rights for such lands. Within areas designated as wilderness by this Act,

all rights to water granted under the laws of the State of Utah may be exercised in accordance with the substantive and procedural requirements of the State of Utah.

(c) EXERCISE OF WATER RIGHTS GENERALLY UNDER UTAH LAWS.—Nothing in this Act shall be construed to limit the exercise of water rights as provided under Utah State laws.

SEC. 5. NATIVE AMERICAN CULTURAL AND RELIGIOUS USES.

In recognition of the past use of portions of the areas designated as wilderness by this Act by Native Americans for traditional cultural and religious purposes, the Secretary shall assure nonexclusive access from time to time to those sites by Native Americans for such purposes, including (but not limited to) wood gathering for personal use or collecting plants or herbs for religious or medicinal purposes. Such access shall be consistent with the purpose and intent of the Act of August 11, 1978 (42 U.S.C. 1996; commonly referred to as the "American Indian Religious Freedom Act").

SEC. 6. WILDERNESS RELEASE.

(a) FINDING.—The Congress finds and directs that all public lands in the State of Utah administered by the Bureau of Land Management have been adequately studied for wilderness designation pursuant to sections 202

and 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712 and 1782).

(b) RELEASE.—Except as provided in subsection (c), any public lands administered by the Bureau of Land Management in the State of Utah not designated wilderness by this Act shall not be subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1783(c)) but shall be managed for multiple uses in accordance with land management plans adopted pursuant to section 202 of such Act (43 U.S.C. 1712).

(c) CONTINUING WILDERNESS STUDY AREAS STATUS.—The following wilderness study areas which are under study status by States adjacent to the State of Utah shall continue to be subject to section 603(c) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782(c)):

(1) Bull Canyon; UT–080–419/CO–010–001.

(2) Wrigley Mesa/Jones Canyon/Black Ridge Canyon West; UT–060–116/117/CO–070–113A.

(3) Squaw/Papoose Canyon; UT–060–227/CO–030–265A.

(4) Cross Canyon; UT–060–229/CO–030–265.

SEC. 7. EXCHANGE RELATING TO SCHOOL AND INSTITUTIONAL TRUST LANDS.

(a) FINDINGS.—The Congress finds that—

(1) approximately 142,041 acres of school and institutional trust lands are located within or adjacent to areas designated as wilderness by this Act;

(2) such lands were originally granted to the State of Utah for the purpose of generating support for the public schools through the development of natural resources and other methods; and

(3) it is in the interest of the State of Utah for such lands to be exchanged for interests in Federal lands located outside of wilderness areas to accomplish this purpose.

(b) INDEMNITY SELECTIONS PERMITTED.—

(1) The State of Utah shall be entitled to select unappropriated public lands of equivalent value within the State of Utah pursuant to sections 2275 and 2276 of the Revised Statutes (43 U.S.C. 851–852) in lieu of lands granted or reserved to the State that are located within the boundaries of any area designated by Congress as part of the National Wilderness Preservation System pursuant to Public Law 88–577 (78 Stat. 890; 16 U.S.C. 1131–1136) (commonly known as the "Wilderness Act of 1964"). The selection of indemnity lands pursuant to this section may be made without regard to whether title to lands granted or reserved to the State has vested;

provided, however, that the selection of any lands in lieu of sections granted or reserved to the State shall be a waiver by the State of all right, title, and interest in the granted or reserved sections. Such selection shall occur within 2 years of the date of enactment of this Act.

(2) Upon the selection by the State of Utah of indemnity lands in lieu of base lands within a Federal reservation, and the State's waiver of all right, title, and interest in the base lands, the United States shall succeed to all rights of the State under any lease or permit encumbering the base lands, subject, however, to all obligations of the State under and with respect to that lease or permit.

(3) In the event that base lands for which indemnity selections are available pursuant to this section were granted or reserved to the State of Utah for purposes other than support of the State's common schools pursuant to sections 7, 8, and 12 of the Utah Enabling Act (Act of July 16, 1894, ch. 138; 28 Stat. 107), indemnity selections made pursuant to this section shall be held by the State for the purpose for which the base lands were granted or reserved.

(4) The Secretary of the Interior may not refuse to accept any indemnity selection made by the State of Utah pursuant to this section by reason of section 7 of the Act of June 28, 1934 (48 Stat. 1272, as amended; 43 U.S.C. 315f) (commonly known as the "Taylor Grazing Act").

(c) AUTHORIZATION OF REIMBURSEMENT OF UTAH SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION FOR COSTS OF EXCHANGE.—There are authorized to be appropriated such sums as are necessary to reimburse the Utah School and Institutional Trust Lands Administration for all costs incurred in order to complete the exchange specified in this section.

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105TH CONGRESS
1ST SESSION

H. R. 1500

To designate certain Federal lands in the State of Utah as wilderness, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 1997

Mr. HINCHEY (for himself, Mr. ACKERMAN, Mr. ANDREWS, Mr. BARRETT of Wisconsin, Mr. BERMAN, Mr. BONIOR, Mr. BROWN of California, Mr. BROWN of Ohio, Mr. CAMPBELL, Mr. CAPPS, Mr. CLAY, Mr. CLYBURN, Mr. CONYERS, Mr. COYNE, Mr. DEFAZIO, Ms. DEGETTE, Ms. DELAURO, Mr. DELLUMS, Mr. DEUTSCH, Mr. DICKS, Mr. DIXON, Mr. ENGEL, Ms. ESHOO, Mr. EVANS, Mr. FARR of California, Mr. FAWELL, Mr. FAZIO of California, Mr. FILNER, Mr. FLAKE, Mr. FRANK of Massachusetts, Ms. FURSE, Mr. GEJDENSON, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HOLDEN, Ms. HOOLEY of Oregon, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. KENNEDY of Massachusetts, Mr. KENNEDY of Rhode Island, Mrs. KENNELLY of Connecticut, Mr. KLECZKA, Mr. KLUG, Mr. LAFALCE, Mr. LAMPSON, Mr. LANTOS, Mr. LATOURETTE, Mr. LEACH, Mr. LEWIS of Georgia, Mr. LIPINSKI, Ms. LOFGREN, Mrs. LOWEY, Mrs. MALONEY of New York, Mr. MARKEY, Mr. MARTINEZ, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCHALE, Ms. MCKINNEY, Mr. MCNULTY, Mr. MEEHAN, Mrs. MEEK of Florida, Mr. MENENDEZ, Mr. MILLER of California, Mrs. MINK of Hawaii, Mr. MORAN of Virginia, Mr. MURTHA, Mr. NADLER, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PASTOR, Mr. PAYNE, Mr. PORTER, Mr. RANGEL, Ms. RIVERS, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SABO, Mr. SANDERS, Mr. SAWYER, Mr. SCHUMER, Mr. SERRANO, Mr. SHAYS, Mr. SHERMAN, Mr. SKAGGS, Ms. SLAUGHTER, Mr. SPRATT, Mr. STARK, Mr. STOKES, Mrs. TAUSCHER, Mr. THOMPSON, Mr. TIERNEY, Mr. TORRES, Mr. TOWNS, Ms. VELÁZQUEZ, Mr. VENTO, Ms. WATERS, Mr. WATT of North Carolina, Mr. WAXMAN, and Mr. YATES) introduced the following bill; which was referred to the Committee on Resources

A BILL

To designate certain Federal lands in the State of Utah as wilderness, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "America's Red Rock Wilderness Act of 1997".

SEC. 2. GENERAL PROVISIONS.

(a) NAME.—Each wilderness area named in a table contained in title I shall be—

(1) the area referenced in the table, as generally depicted on the map entitled "Utah BLM Wilderness Proposed by H.R. 1500, 102d Congress"; and

(2) known by the name given to it in that table.

(b) MAP AND DESCRIPTION.—As soon as practicable after enactment of this Act, the Secretary shall file a map and a legal description of each wilderness area designated under this Act with the Committee on Natural Resources of the House of Representatives and with the Committee on Energy and Natural Resources of the Senate. Each such map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such legal description

and map may be made. Each such map and legal description shall be on file and available for public inspection in the Office of the Director of the Bureau of Land Management, Department of the Interior.

(c) SECRETARY.—For the purposes of this Act, the term "Secretary" means the Secretary of the Interior.

TITLE I—DESIGNATION OF WILDERNESS

SEC. 101. GREAT BASIN WILDERNESS AREAS.

(a) FINDINGS.—The Congress finds that the Great Basin region of western Utah is comprised of starkly beautiful mountain ranges which rise as islands from the desert floor. Some, like Wah Wah Mountains, are arid and austere, with massive cliff faces and leathery slopes speckled with pinyon and juniper. Others, like the Deep Creek and Stansbury Mountains, are high enough to draw moisture from passing clouds and support ecosystems found nowhere else on earth. From bristlecone pine, the world's oldest living thing, to newly flowered mountain meadows, these islands of nature support remarkable biological diversity and provide opportunities to experience the colossal silence of the Great Basin.

(b) DESIGNATION.—In order to protect and manage so as to preserve the natural conditions of the Great Basin wilderness areas in western Utah and in furtherance of

the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the following lands in the State of Utah are hereby designated as wilderness and therefore as components of the National Wilderness Preservation System:

Name of Wilderness Area	Approximate Acreage
Cedar Mountains Wilderness	62,100
Conger Mountain Wilderness	20,400
Deep Creek Mountains Wilderness	90,200
Dugway Mountains Wilderness	23,100
Fish Springs Range Wilderness	55,200
Granite Peak Wilderness	16,000
House Range Wilderness	139,400
King Top Wilderness	78,800
Little Goose Creek Wilderness	1,300
Newfoundland Mountains Wilderness	23,300
Rockwell Wilderness	13,400
Silver Island Mountains Wilderness	27,200
Stansbury Mountains Wilderness	22,500
Wah Wah Mountains Wilderness	109,700
White Rock Range Wilderness	3,900

SEC. 102. ZION AND MOJAVE DESERT WILDERNESS AREAS.

(a) FINDINGS.—The Congress finds that Zion National Park's renowned landscape of soaring cliff walls, forested plateaus, and deep narrow gorges extends beyond the boundaries of the park onto surrounding public lands managed by the Secretary through the Bureau of Land Management. From the pink sand dunes of Moquith Mountain to the golden pools of Beaver Dam Wash, the Zion and Mojave Desert wilderness areas encompass three major provinces of the Southwest: the sculpted canyon country of the Colorado Plateau, the Mojave Desert, and portions of the Great Basin—a rich mosaic of biological, archeological, and scenic diversity. One of the last remain-

ing populations of endangered desert tortoise is found within this wilderness.

(b) DESIGNATION.—In order to protect and manage so as to preserve the natural conditions of the Zion and Mojave Desert wilderness areas of Utah and in furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the following lands in the State of Utah are hereby designated as wilderness and therefore as components of the National Wilderness Preservation System:

Name of Wilderness Area and Unit	Approximate Acreage
Beaver Dam Slopes Wilderness:	
Beaver Dam Wash	24,900
Joshua Tree	13,500
Cottonwood Canyon Wilderness	11,500
Cougar Creek-Does Pass Wilderness	29,400
Upper Kanab Creek Wilderness	42,200
Moquith Mountain Wilderness	26,500
Red Mountain Wilderness	18,500
Zion Wilderness:	
Beartrap Canyon	40
Black Ridge	21,800
Canaan Mountain	52,100
Deep Creek	7,100
Goose Creek	89
LaVerkin Creek	567
Orderville Canyon	6,500
North Fork Virgin River	1,040
Parunuweap Canyon	37,700
Red Butte	804
Spring Canyon	4,400
Taylor Creek Canyon	35
The Watchman	600

SEC. 103. GRAND STAIRCASE AND KAIPAROWITS PLATEAU WILDERNESS AREAS.

(a) GRAND STAIRCASE.—

(1) FINDINGS.—The Congress finds that the area known as the Grand Staircase rises more than

6,000 feet in a series of great cliffs and plateaus from the depths of the Grand Canyon to the forested rim of Bryce Canyon. It spans six major life zones, from the lower Sonoran Desert to alpine forest, and encompasses geologic formations which display 3,000,000,000 years of earth history. Wildlands, managed by the Secretary through the Bureau of Land Management, line the intricate canyon system of the Paria River and form a vital wilderness corridor connection to the deserts and forests of these national parks. Each of the units specified in paragraph (2) is located within the Grand Staircase-Escalante National Monument.

(2) DESIGNATION.—In order to protect and manage so as to preserve the natural conditions of the wilderness area known as the Great Staircase and in furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the following lands in the State of Utah are hereby designated as wilderness and therefore as components of the National Wilderness Preservation System:

Name of Wilderness Area and Unit	Approximate Acreage
Grand Staircase Wilderness:	
Box Canyon	2,300
Cockscomb	10,300
East of Bryce	900
Mud Spring Canyon	55,100
Paria-Hackberry	158,700
Squaw and Willis Creek	22,300
The Blues-Table Cliff	18,700

(b) KAIPAROWITS PLATEAU.—

(1) FINDINGS.—The Congress finds that east of the Paria River lies the Kaiparowits Plateau, one of the most rugged and isolated wilderness regions in the United States, a lonely, windswept land of harsh beauty, distant vistas, and a remarkable variety of plant and animal species. Ancient forests, abundant big game animals, and 22 species of raptors thrive undisturbed on its grassland mesa tops. Each of the units specified in paragraph (2) is located within the Grand Staircase-Escalante National Monument.

(2) DESIGNATION.—In order to protect and manage so as to preserve the Kaiparowits Plateau and in furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the following lands in the State of Utah are hereby designated as wilderness and therefore as components of the National Wilderness Preservation System:

Name of Wilderness Area and Unit	Approximate Acreage
Kaiparowits Wilderness:	
Burning Hills	68,400
Carcass Canyon	72,600
Cave Point	4,800
Fiftymile Bench	11,100
Fiftymile Mountain	173,900
Horse Spring Canyon	27,900
Nipple Bench	31,600
Squaw Canyon	11,200
Wahweap-Paradise Canyon	228,000
Warm Creek	21,000

SEC. 104. ESCALANTE CANYONS WILDERNESS AREAS.

(a) FINDINGS.—The Congress finds that enchanting glens and coves carved in massive sandstone cliffs, spring-watered hanging gardens, and the silence of ancient Anasazi ruins are exemplary of the unique features that entice hikers, campers, and sightseers from around the world to Escalante Canyon. This wilderness links the spruce fir forests of the 11,000 foot Aquarius Plateau with winding slickrock canyons that flow into Lake Powell. It protects critical habitat for deer, elk, and wild bighorn sheep, as well as the scenic integrity of one of Utah's most popular natural areas. Each of the units specified in subsection (b) (other than Dogwater Creek, Long Canyon, and Notom Bench) is located within the Grand Staircase-Escalante National Monument.

(b) DESIGNATION.—In order to protect and manage so as to preserve Escalante Canyon wilderness areas and in furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the following lands in the State of Utah are hereby designated as wilderness and therefore as components of the National Wilderness Preservation System:

Name of Wilderness Area	Approximate Acreage
Colt Mesa	23,500
Dogwater Creek	3,500
Fortymile Gulch	640
Fremont Gorge	19,400
Hurricane Wash	4,300
Long Canyon	16,400

North Escalante Canyons	144,000
Notom Bench	8,400
Phipps-Death Hollow	43,500
Scorpion	38,100
Steep Creek	34,400
Studhorse Peaks	9,500

SEC. 105. HENRY MOUNTAINS WILDERNESS AREAS.

(a) FINDINGS.—The Congress finds that the last mountain range to be discovered and named by early explorers in the contiguous United States, the Henry Mountains, still retains its wild and mysterious character. Fluted badlands adorn the flanks of 11,000 foot Mount Ellen and Mount Pennell, containing islands of critical habitat for mule deer and the largest herd of free-roaming buffalo in the Nation. Despite their relative accessibility, the Henry Mountains remain one of the wildest, least-known ranges in the United States.

(b) DESIGNATION.—In order to protect and manage so as to preserve the Henry Mountains and in furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the following lands in the State of Utah are hereby designated as wilderness and therefore as components of the National Wilderness Preservation System:

Name of Wilderness Area and Unit	Approximate Acreage
Henry Mountains Wilderness:	
Bull Mountain	12,400
Bullfrog Creek	36,900
Mount Ellen-Blue Hills	116,900
Mount Hillers	18,600
Mount Pennell	141,200
Ragged Mountain	23,300

SEC. 106. DIRTY DEVIL RIVER WILDERNESS AREAS.

(a) FINDINGS.—The Congress finds that the Dirty Devil River, once the fortress hideout of outlaw Butch Cassidy's Wild Bunch, has sculpted a maze of slickrock canyons through an imposing landscape of monoliths and inaccessible mesas. This isolated and remote area, long a barrier to civilization and would-be colonists, now beckons a different type of explorer, the modern recreationist, who seeks to experience solitude and isolation amid spectacular beauty.

(b) DESIGNATION.—In order to protect and manage so as to preserve the Dirty Devil River wilderness areas in southeast Utah and in furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the following lands in the State of Utah are hereby designated as wilderness and therefore as components of the National Wilderness Preservation System:

Name of Wilderness Area and Unit	Approximate Acreage
Dirty Devil Wilderness:	
Dirty Devil-French Springs	175,300
Fiddler Butte	88,200

SEC. 107. CEDAR MESA WILDERNESS AREAS.

(a) FINDINGS.—The Congress finds that over a thousand years ago, the Anasazi Indian culture flourished in the slickrock canyons and on the pinyon-covered mesas of southeastern Utah. Evidence of their ancient presence pervades the Cedar Mesa area where haunting cliff dwellings,

rock art, and ceremonial kivas embellish sandstone overhangs and isolated benchlands. This area cries out for protection from the vandalism and theft of these unique cultural resources. These wilderness areas are drawn to protect both the Nation's archaeological heritage and extraordinary wilderness scenic and ecological values.

(b) DESIGNATION.—In order to protect and manage so as to preserve the Cedar Mesa wilderness areas and in furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the following lands in the State of Utah are hereby designated as wilderness and therefore as components of the National Wilderness Preservation System:

Name of Wilderness Area and Unit	Approximate Acreage
White Canyon Wilderness:	
Gravel and Long Canyon	35,000
Cheesebox Canyon	28,500
Harmony Flat	9,100
Fortknocker Canyon	12,400
San Juan-Anasazi Wilderness:	
Arch and Mule Canyon	15,300
Comb Ridge	15,000
Fish and Owl Creek	59,000
Grand Gulch	139,800
Nokai dome	93,400
Road Canyon	60,100
San Juan River	13,200
Squaw and Cross Canyons Wilderness:	
Squaw and Papoose Canyons	6,580
Cross Canyon	1,000
Dark Canyon Wilderness:	
Dark Canyon	126,500
Sheep Canyon	3,700
Glen Canyon Wilderness:	
Mancos Mesa	108,700
Little Rockies	60,000

SEC. 108. CANYONLANDS WILDERNESS AREAS.

(a) FINDINGS.—The Congress finds that Arches and Canyonlands National Parks safeguard only a small portion of the extraordinary red-hued, cliff-walled canyonland region of the Colorado Plateau. Canyons with rushing perennial streams, natural arches, bridges, and towers, and the gorges of the Green, Colorado, and Dolores Rivers lie on adjacent wildlands managed by the Secretary through the Bureau of Land Management. Designation of this wilderness achieves a wholeness of protection for this erosional masterpiece of nature and the rich pockets of wildlife found within its expanded boundaries.

(b) DESIGNATION.—In order to protect and manage so as to preserve the canyonland wilderness areas near Arches and Canyonlands National Parks and in furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the following lands in the State of Utah are hereby designated as wilderness and therefore as components of the National Wilderness Preservation System:

Name of Wilderness Area and Unit	Approximate Acreage
Canyonlands Basin Wilderness:	
Bridger Jack Mesa	32,700
Butler Wash	28,300
Goose Neck	8,300
Harts Point	62,800
Indian Creek	27,000
Shafer Canyon	3,000
Labyrinth Wilderness:	
Labyrinth Canyon	120,000
Horseshoe Canyon	51,700
Arches-Lost Spring Wilderness	16,900

La Sal Canyons Wilderness:	
Beaver Creek	28,200
Fisher Towers	15,100
Granite Creek	5,100
Mary Jane Canyon	24,200
Mill Creek	15,700
Negro Bill Canyon	20,600
Seweump Mesa	600
Behind-The-Rocks Wilderness:	
Hunter Canyon	4,000
Goldbar Canyon	12,500
Hatch Wash	14,300
Behind-The-Rocks	20,300
Westwater Wilderness:	
Black Ridge	5,100
Westwater Canyon	32,500

SEC. 109. SAN RAFAEL SWELL WILDERNESS AREAS.

(a) FINDINGS.—The Congress finds that the San Rafael Swell towers above the desert like a wilderness castle, ringed by thousand-foot ramparts of Navajo Sandstone. Its highlands have been fractured by uplift and scooped hollow by erosion over countless millennia, leaving a tremendous basin punctuated by mesas, buttes, and canyons and traversed by sediment-laden desert streams. Among other places, the San Rafael wilderness offers exceptional back country opportunities in the colorful Wild Horse Badlands, the monoliths of North Caineville Mesa, the rock towers of Cliff Wash, and the dark volcanic mountains bordering Capitol Reef National Park. The mountains within this wilderness are among Utah's most productive habitat for Desert Bighorn Sheep.

(b) DESIGNATION.—In order to protect and manage so as to preserve the San Rafael Swell wilderness areas and in furtherance of the purposes of the Wilderness Act

(16 U.S.C. 1131 et seq.), the following lands in the State of Utah are hereby designated as wilderness and therefore as components of the National Wilderness Preservation System:

Name of Wilderness Area and Unit	Approximate Acreage
San Rafael Wilderness:	
Cedar Mountain	14,500
Devils Canyon	21,500
Hondu Country	18,900
Jones Bench	2,800
Limestone Cliffs	21,300
Mexican Mountain	102,600
Muddy Creek	246,300
Mussentuchit Badlands	23,000
Red Desert	36,800
San Rafael Reef	95,000
Sids Mountain	95,800
Upper Muddy Creek	17,000
Wild Horse Mesa	57,400

SEC. 110. BOOK CLIFFS AND UINTA BASIN WILDERNESS AREAS.

(a) FINDINGS.—The Congress finds that the Book Cliffs and Uinta Basin wilderness areas offer a unique quality of wilderness big game hunting opportunities in verdant high-plateau forests, multiday float trips down the Green River in Desolation Canyon, and opportunity for calm water canoe weekends on the White River. The long rampart of the Book Cliffs bounds the area on the south, while seldom-visited uplands, dissected by the rivers and streams, slope away to the north into the Uinta Basin. Bighorn sheep, elk, mule deer, bear, and cougar all flourish in the back country of the Book Cliffs.

(b) DESIGNATION.—In order to protect and manage so as to preserve the Book Cliffs area and in furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), the following lands in the State of Utah are hereby designated as wilderness and therefore as components of the National Wilderness Preservation System:

Name of Wilderness Area and Unit	Approximate Acreage
Desolation Canyon Wilderness:	
Eastern Book Cliffs	154,600
Desolation Canyon	527,100
Turtle Canyon	36,900
White River Wilderness	9,700
Greater Dinosaur Wilderness:	
Bull Canyon	500
Diamond Breaks	7,800
Daniels Canyon	5,300
Moonshine Draw	3,500
Cold Springs Mountain	3,400
Wild Mountain	600

TITLE II—ADMINISTRATIVE PROVISIONS

SEC. 201. ADMINISTRATION.

Subject to valid existing rights, the wilderness areas designated under this Act shall be administered by the Secretary in accordance with section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782) and the provisions of the Wilderness Act governing areas designated by that Act as wilderness.

SEC. 202. WATER.

(a) RESERVATION.—(1) With respect to each wilderness area designated by this Act, Congress hereby reserves a quantity of water sufficient to fulfill the purposes of this

Act. The priority date of such reserved rights shall be the date of enactment of this Act.

(2) The Secretary and all other officers of the United States shall take all steps necessary to protect the rights reserved by paragraph (1), including the filing by the Secretary of a claim for the quantification of such rights in any present or future appropriate stream adjudication in the courts of the State of Utah in which the United States is or may be joined and which is conducted in accordance with section 208 of the Act of July 10, 1952 (66 Stat. 56; 44 U.S.C. 666, commonly referred to as the "McCarran Act").

(b) PRIOR RIGHTS NOT AFFECTED.—Nothing in this Act shall be construed as a relinquishment or reduction of any water rights reserved or appropriated by the United States in the State of Utah on or before the date of enactment of this Act.

(c) RULE OF CONSTRUCTION.—The Federal water rights reserved by this Act are specific to the wilderness areas located in the State of Utah designated by this Act. Nothing in this Act related to reserved Federal water shall be construed as establishing a precedent with regard to any future designations, nor shall it constitute an interpre-

tation of any other Act or any designation made pursuant thereto.

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BRIEFING PAPER ON H.R. 1500
A BILL TO DESIGNATE CERTAIN FEDERAL LAND IN THE STATE OF UTAH AS WILDERNESS AND FOR OTHER PURPOSES

JUNE 24, 1997

BILL SUMMARY

H. R. 1500 was introduced by Congressman Maurice Hinchey of New York to designate approximately 5.7 million acres of land as wilderness in the State of Utah. This bill would also reserve to the Federal government water rights within the designated wilderness areas. This bill would be known as "America's Red Rock Wilderness Act of 1997".

BACKGROUND

This bill, with relatively minor changes, was first introduced by former Congressman Wayne Owens (D-UT) in 1989. The changes added 300,000 acres to Owens' H. R. 1500 which designated 5.4 million acres, so that the current H.R. 1500 designates approximately 5.7 million acres of wilderness in Utah.

In complying with the original Wilderness Act of 1964, the Federal Land and Policy Management Act (FLPMA) of 1976 directed the Bureau of Land Management (BLM) to inventory lands which contained the described wilderness characteristics, then to recommend to the President those lands which fit the description of wilderness, the so-called Wilderness Study Areas (WSA). After years of study and inventory, the BLM finally recommended 1.9 million acres. This bill, however, designates over 3.8 million acres more than those areas studied and recommended. The 5.7 million acres include over 130 separate units of wilderness designated throughout the state. The original Wilderness Act was primarily aimed at designating lands untrammeled by man, that contain wilderness characteristics, and are 5000 acres or more in size. Many of the designations in H. R. 1500 are much smaller than 5000 acres (26 total areas less than 5000 acres).

There are an estimated 630,000 acres of school trust lands within this bill's wilderness designation. School trust lands are those lands held in trust in order to generate revenue for the benefit of Utah's schoolchildren. H.R. 1500 does not address the school trust land issue.

H.R. 1500 is supported by 103 Congressional cosponsors. However, this bill is not supported by any of the Utah Congressional Delegation, the Governor, the State Legislature, local officials, nor has the Administration endorsed this bill.

This bill would also reserve to the Federal government a quantity of water sufficient to fulfill the purposes of this Act. H.R. 1500 directs the Secretary of the Interior and all other officers of the United States to take all the steps necessary to protect the quantity of water rights reserved to the Federal government.

was no longer contiguous to the boundary of the designated National Forest Deseret Peak Wilderness, and it was formally dropped as a WSA (Federal Register Notice, December 18, 1987.) Approximately 8000 acres of split estate (federal subsurface and state subsurface) acres in 4 WSAs were also reinstated as a result of the decision.

The resolution of challenges and appeals was part of the process that resulted in the boundaries and acreage of the WSAs. Ninety-five WSAs were identified which included approximately 3.2 million acres. In 1993, Scott's Basin WSA involving about 6,900 acres in the Deep Creek Mountains became the 96th WSA.

Eighty-three of the study areas (including 5,400 acres in Nevada) were analyzed in the Utah BLM Statewide Wilderness Environmental Impact Statement (EIS). Approximately 24,000 acres in seven WSAs in Utah were studied by the BLM in Nevada and Colorado in a total of four additional EISs. Five of the Instant Study Areas (about 3,000 acres) were independently studied in 1980 and 1981. The Utah Statewide Draft EIS was made available for public review and comment in 1986. Seventeen public hearings were held. The Draft EIS generated about 4,500 responses with over 6,000 signatures. The study involved all resource values within the WSAs, not just wilderness values. Considerations included present and projected future uses of the areas, the manageability of the areas as wilderness, mineral surveys prepared by the U.S. Geological Survey and Bureau of Mines, and public input.

In October, 1991, then Secretary of the Interior, Manuel Lujan Jr., reported the results of BLM's wilderness review. The Department of the Interior's 1991 recommendation was that approximately 1.9 million acres within 69 WSAs be designated as part of the National Wilderness Preservation System and that approximately 1.3 million acres within 63 WSAs be released from wilderness study. In this recommendation, Manual Lujan changed BLM's original recommendation for Turtle Canyon from suitable to nonsuitable. A subsequent lawsuit Colorado Environmental Coalition, et al. v. Babbitt, Civil No. 91-S-1815 (D. Colorado) was resolved out of court. Resolution involved the written intention of the Department of the Interior to take a new look at areas of issue in this lawsuit (e.g. Turtle Canyon) as well as all BLM candidate wilderness areas at the time that designation bills are taken up by Congress.

A total of $10,052,733 has been directly expended to the Wilderness Program in Utah between 1978 and 1992 and approximately 2,777 workmonths has been officially charged to the Wilderness Program during the same period.

POSITION OF THE ADMINISTRATION

Has not taken a position

STAFF CONTACT

Tod Hull - x67736

Testimony on S. 1952
The Utah Wilderness
and School Trust Lands Protection Act of 1997
by Commissioner Randy Johnson--Emery County
Chairman, Rural Public Lands County Council
June 24, 1997

Mr. Chairman, on behalf of rural Utah's public lands counties which constitute 67% of Utah, I want to thank you for holding this hearing today. The BLM issue in Utah has been in the works since BLM first began to inventory lands during the Carter Administration. The level of debate continues on at a fevered pitch and I believe it is long past the time to act to bring the warring factions together. I am particularly grateful to Congressman Cannon for jumping into the fray and taking a strong leadership role. Specifically, the Cannon bill's emphasis on resolving the state school trust land impasse prior to the wilderness bill is worth considering.

Rural public lands counties support the blocking up of state school trust lands so long as the royalty formula which exists on federal lands to protect counties remains in place. That is, we should be held harmless from any increase in school trust lands in any of our counties which may decrease essential Payment in Lieu of Taxes (PILT) payments. I believe this can be accomplished with some drafting changes. On the central issue of school trust lands, let me point out the most important point, which is that in order to generate revenues for the school trust, these trust lands must actually be developed and royalties paid by companies willing to invest their capital in mineral resource extraction. I would expect, and in fact insist, that all the governing environmental laws governing protection of these lands, including reclamation after the projects are concluded be enforced. The people of our counties would expect nothing less.

It is my belief that Utah's public lands counties have acted from the beginning in good faith. Our Governor and Congressional delegation asked us to conduct honest inventories of the land in each of our counties and make recommendations following the parameters of the 1964 Wilderness Act. We responded by conducting careful inventories and recommending those lands which truly meet the 1964 Act requirements of "...possessing outstanding solitude, of being untrammeled by man, where man is a visitor who does not remain...and shall be roadless..." Based on that criteria, just over one million acres of BLM land in Utah

qualifies. Even so, we recognize political reality and have very reluctantly agreed to the Congressional delegation's request to raise this figure to approximately 2.1 million acres. Congressman Cannon's bill reflects that reality. We hope and trust that rumors of even higher levels of wilderness prove to be unfounded. Wilderness designations in areas which do not qualify under the 1964 Act is, in fact, a luxury which rural economies can not afford.

In all candor Mr. Chairman, it would be nice if Congress would follow the written definition of wilderness which Congress itself created. However, if the sentiment of the Congress in 1997 is to change that definition, then it should do so in order that this process remain intellectually honest.

Environmental groups have arbitrarily chosen to "tithe" Utah, that is to take approximately 10% of the land area of the state and offer it up as wilderness. These so called great defenders of the 1964 wilderness Act have chosen to completely ignore it and rely upon some arbitrary tithed number of 5.7 million acres better known as HR 1500, Mr. Hinchey's bill. To make matters worse, this Administration has chosen to--with a wink and a nod--instruct public land managers in the field to manage BLM lands in Utah at that 5.7 million acre level. Legally, BLM can only manage 3.2 million acres of BLM land in Utah, the amount the FLPMA process produced as an accurate figure for Wilderness Study Areas (WSA), as wilderness. The deck is stacked against advocates of multiple use because until the Congress finally acts, these lands will continue to be managed as wilderness. Environmental groups therefore cannot lose and have absolutely no incentive to negotiate.

The record so far demonstrates this reality. These environmental groups, while claiming to represent all Americans have arrogantly stated they will not negotiate. Mr. Chairman, why should they? They have everything to lose and nothing to gain. That is why rural Utah counties support efforts to provide sunset provision to Wilderness Study Areas (WSAs) in order to force Congress to act. Lands in WSA status, not designated or released from wilderness status within seven years should automatically be released. Otherwise, this stalemate will continue for generations, with taxpayers across the land the losers.

As the stalemate continues, lands can neither be protected as wilderness, nor managed and perhaps developed for their natural resource potential. Only to the

extent that development on public lands occurs, will royalties to the federal treasury be paid. Let me say that another way. Lands that do not merit wilderness status, but which contain leasable minerals can, and I believe should, be developed following the strict environmental laws of the land. When this happens everyone wins--taxpayers win. Deserving lands can be protected, and lands rich in god-given natural resources can be developed and then reclaimed in accordance with the environmental laws of the land. Isn't this how it should be, rather than our continuing in a never ending stalemate?

I would submit that in my county, Emery county, we have acted in good faith to try to solve problems. In 1995 we formed what we call a "public lands steering committee" made up of twelve citizens from varied backgrounds, along with the three elected county commissioners and a full-time public lands administrator. This group included environmentalists, off-road vehicle advocates, sportsmen, and small businesspeople. To develop recommendations to the Congress, this group participated in an open, democratic process with much give and take. The final product represented approximately 250,000 plus acres in five separate areas. Many local citizens were not pleased with the outcome, many were pleased. But all were involved and supportive of the process and recognized the necessity of reaching a resolution. In other counties much the same process took place. National environmental groups through their actions seem to show contempt for the democratic process. They choose not to participate and fail to negotiate.

Speaking, I believe on behalf of all counties, Mr. Chairman, our frustration is that we have already rejected arguments by extremists on both sides of this issue in our counties to arrive at our recommendations, yet we are branded as the extremists none the less. I would submit it is the uncompromising environmental groups which are advocating the extreme position in the case. The reality is that if this issue is ever resolved they are out of business. They thrive on controversy and strive to perpetuate it. They have made a short fortune by scaring honest, but unknowing American citizens across the land into believing that those of us who live in Utah on the land of our forbearers are about to systematically destroy the land we love with bulldozers. The amazing thing is... they continue to get away with their sophistry. Why? Because the laws of the land are stacked against us, the media doesn't understand us, and these groups are bankrolled by good, decent people, who if they really understood the issue, would never allow to continue this campaign of misinformation. Perhaps too, those of us who want the issue resolved

have done a lousy job of explaining ourselves to the public. We will try to do a better job in the future.

Mr. Chairman, public lands counties, not federal agencies provide most of the services on the public lands. Police--search and rescue, fire, garbage collection and the like, are all services which counties are legally liable to perform. I would be willing to bet most of the American public does not understand that reality, but it is the truth. Many public lands counties, with huge amounts of untaxable federal lands within their borders, must heavily tax their local citizens and rely upon federal Payments in Lieu of Taxes (PILT) to provide these services. Last year, in Emery county, the sheriffs department rescued 150 non county residents at a cost of over $100,000. Other counties spend similarly high proportions of their budgets on behalf of such visitors. When wilderness areas are created, the natural curiosity in people lead them the visit such areas. Yet, this committee should know that counties are buckling under the weight of protecting these visitors. While these issues remain in limbo, our expenses of providing services keep increasing. We need help at both ends--to end the wilderness impasse-- and to provide sufficient funds so we can take care of the health and safety of our visitors.

Mr. Chairman, in conclusion we support the Cannon bill as the legislation which best reflects the realities of life in Utah. Congressman Cannon has made a good faith effort to address, up-front, the school trust issue and to resolve the BLM wilderness issue. Counties, for their part have acted in good faith and compromised already, by reluctantly agreeing to double the amount of acreage which actually qualifies for wilderness under the 1964 Wilderness Act. We believe resolving this issue is in the best interest of the people of Utah and the country. We also believe there are groups which would prefer to continue this debate forever. Please know I stand willing to assist you in any way that I can to see that resolution does occur as soon as possible. Thank You.

Testimony on HR. 1952
The Utah Wilderness
and School Trust Lands Protection Act of 1997
By Commissioner Joe Judd
Kane County

Mr. Chairman, on behalf of the people of Kane County, I want to express my gratitude to you for holding this hearing today and for your longstanding leadership on the wilderness issue. I also want to thank Congressman Cannon for doing what he said he would do which was to make resolving these issues in Kane and Garfield counties his first order of business. Congressman Cannon is off to a good start with both his actions on the Grand Staircase – Escalante National Monument and with the BLM wilderness issue.

Mr. Chairman, we want the wilderness issue resolved, but all of the issues: BLM wilderness, the new National Monument, RS 2477 roads, state school trust lands, actual development of coal, oil, gas and other mineral reserves on public lands; all of these issues must be taken into account and resolved equitably before we will consider the controversy settled. We have always been willing to participate in the public process and have played by the rules. To now consider adding millions of new acres of BLM wilderness in our counties without taking all of these issues into account would be unconscionable for us.

Rural Utahns are aware that only about 1 million acres of land in the state qualify for wilderness under the definition of the 1964 Act. We have agreed to double that for political reasons. H.R. 1952 reflects that compromise. We have already raised our own ante more than once. Please don't ask us to do it again. Kane County can not live with a political solution, which ignores the 1964 Wilderness Act criteria entirely simply to get a bill passed which is acceptable to environmental groups outside of Utah. The Southern Utah Wilderness Alliance, which claims to be a Utah group, has made a financial fortune off of this controversy and can't afford to resolve it. Were this not so, then they too would compromise off of their 5.7

million-acre figure the same way we have compromised up from 1 million acres to 2.1 million acres.

In Kane County, the combined impacts of the new National Monument, with additional BLM wilderness above the 2.1 million-acre figure and the RS 2477 problem puts us out of business. It is already clear the federal government wants to relegate southern Utah's economy to a seasonal economy based on tourism. That said, this Congress has an obligation to us financially in a big, big way. We can not make it on our own. Our ability to provide for ourselves has been taken regardless of what happens with this bill. We are the ones who have to provide the services for all of the visitors who will come and are already coming to the National Monument. Adding BLM wilderness within the Monument is legislative overkill and it makes it doubly tough for us to provide the services we are mandated by law to provide.

Again, please consider these realities before you stick it too us one more time. Our people have been beaten over the head by the federal government so many times, I marvel that they have been able to get up as many times as they have. We no longer control our own destiny, so at least help minimize the future pain and provide us with the means to make the most of a very harsh socio-economic climate in the communities from which I come.

Finally, let me add my support for the emphasis, Congressman Cannon has placed on resolving the issue of state school trust lands. We in Kane County have already lost what could have been a huge contributor to the school trust in the Andalex Smokey Hollow mine. That project alone would have been worth some $600 million to the school trust over the life span of the mine. That project illustrates a point however, for any future exchange. That point is that it not the exchange of the lands between the state and the federal government alone which provides the revenues to the school children of Utah. It is the development, the actually mining, drilling or some other extractive activity by a royalty paying company which brings money into the state school trust. Pro education environmentalists can't

have it both ways. Either we develop the lands and put money into the hands of the school children and their teachers or we remain purists and leave school trust lands undeveloped. This bill addresses the issue of education, while Congressman Hinchey's bill does not. Congressman Hinchey and his supporters should consider the realities I've just mentioned, unless he really doesn't care about Utah's school kids and teachers salaries.

Mr. Chairman, thank you again for this opportunity to testify once again on this very important issue. Thank you.

U.S. House of Representatives
Committee on Resources
Subcommittee on National Parks and Public Lands
Hearing on Utah Wilderness Legislation
June 24, 1997

Testimony of John A. Harja
Vice-Chair, Board of Trustees
Utah School and Institutional Trust Lands Administration

Thank you, Mr. Chairman, for the opportunity to testify before the Committee on this important and controversial issue. I represent the Utah School and Institutional Trust Lands Administration, an independent state agency that manages more than 3.7 million acres of land within Utah that is dedicated to the financial support of public education. I serve as the Vice-Chair of the Board of Trustees that supervises the Trust Lands Administration's activities and provides policy direction to the agency. I am also an employee of Utah Governor Mike Leavitt's Office of Planning and Budget, where I specialize in natural resources and public lands issues.

Those members of the Committee who represent the western and midwestern states are aware of the crucial role that state school and university trust lands have played in the development of public education in your states. In the western states, these land grants were intended by Congress to provide a steady source of revenue for public schools where the traditional source of school funding -- property taxes -- was limited due to vast and untaxable federal landholdings. The importance that Congress attached to these school grants is revealed by the fact that Congress actually conditioned the admission into the Union of many of the western states -- including Utah -- upon the states' commitment to manage these lands as a trustee for the financial benefit of the public schools.

Utah has tried hard in recent years to fulfill this commitment through the wise and profitable management of its trust lands. Our permanent school fund -- a non-expendable fund that generates interest income for school purposes -- has grown to $120 million, from $46 million only five years ago. The Trust Lands Administration is well on track to doubling the fund again, to more than $200 million, in the next three years. Yet ironically, even though it is the federal government that has imposed upon us the duty to manage the school trust lands profitably, federal land management policies have become the greatest obstacle to our doing so.

The majority of Utah's school trust lands are composed of one square mile sections interspersed among surrounding federal lands managed by the Bureau of Land Management, at the rate of four sections per every 36 square mile township. As a result of this checkerboarding pattern, the use and utility of the school trust lands is drastically affected by federal land management. The BLM's denial of routine road access across federal lands proposed for wilderness, its refusal to permit mineral leasing of surrounding federal lands, and similar restrictive practices have in many cases driven away potential users of the interspersed school trust lands, and substantially reduced the economic return from those lands to Utah's schoolchildren.

Just as importantly, the presence of school trust lands within areas having high natural values for wilderness, wildlife habitat, or other environmental uses may have a very negative impact on those lands. The State of Utah has a legal mandate -- imposed by Congress -- to manage the school trust lands for the economic benefit of Utah's schools. In some cases, the economic development that we must pursue is inconsistent with the legitimate protection of surrounding federal lands.

This is not a small problem. Over 3.2 million acres of BLM lands in Utah currently have formal protection as wilderness study areas, pending the enactment of wilderness legislation by Congress. The use of almost 300,000 acres of interspersed state school trust lands has been affected by this withdrawal. Representative Hinchey and the Utah Wilderness Coalition are now proposing 5.7 million acres of BLM wilderness, which would trap some 600,000 acres of trust lands -- almost 20% of our land portfolio -- within wilderness. At the request of the environmental community, the Department of Interior has in fact been managing the 5.7 million acres within the UWC proposal as de facto wilderness (a withdrawal that violates Congress' directive in FLPMA that it be consulted in executive withdrawals of public lands from multiple use), resulting in the same negative effects on economic development of school trust lands that I have previously described.

At this point, most people, whether for or against wilderness, would say: "Why not simply exchange the state trust lands out of wilderness for other federal lands?" This would permit the State of Utah to obtain lands that could be managed for economic development, while allowing protection of former school trust lands with high natural values. Unfortunately, Representative Hinchey and the co-sponsors of H.R. 1500 have chosen not to include any authorization for exchanges of school trust lands out of their wilderness proposal. Although they are quick to point out the enormous scenic and natural values of these lands, they would deprive Utah's schools of any benefit from the lands by locking them up perpetually without compensation. As the Trust Lands Administration has pointed out in an advertisement earlier this year in Roll Call, if these lands do have value to the nation as a whole for wilderness, it is appropriate for the nation, not Utah's schools, to bear the cost.

The Trust Lands Administration does wish to emphasize that it does not take a position on the specific acreage of wilderness to be designated by Congress. We recognize that the

people of Utah and other states have broadly different opinions about the appropriate amount of wilderness and the exact balance to be drawn between wilderness protection and economic uses of the public lands. What we do ask is that any Utah wilderness bill considered by this Committee take into account the fact that hundreds of thousands of acres of school trust lands are located within areas proposed for wilderness designation, and provide for the fair and timely exchange of those lands for equivalent public lands elsewhere in Utah.

The Trust Lands Administration would like to applaud Representative Cannon for including in H.R. 1952, his "Utah Wilderness and School Trust Lands Protection Act of 1997", provisions that we believe would provide for this type of exchange. We hope that Representative Hinchey and his co-sponsors will consider amendment of H.R. 1500 to include a similar mechanism for both protecting the interests of Utah's schools and permitting unified management of any wilderness areas that are designated.

In discussing the school trust land provisions of H.R. 1952, some history is useful. When Congress' grant to Utah of sections 2, 16, 32 and 36 of each township for the support of the state's public schools became effective, many of the designated sections were already in private ownership or withdrawn from entry for federal reservations such as national forests and Native American reservations. To make up for unavailable lands, Congress granted the states the right to select additional federal lands "in lieu" of those that had been lost. These indemnity selections were to be made on an acre-for-acre basis at the state's discretion, without the need for appraisals or valuation other than an evaluation of mineral status.

H.R. 1952 extends this system of indemnity selections to state lands within areas newly designated by Congress as wilderness under the Wilderness Act of 1964. Once a new wilderness area is created, the State of Utah would be entitled to select otherwise unappropriated federal lands of equivalent value within Utah, and relinquish its title to its wilderness lands. Existing limitations on state selections of producing federal mineral lands would be maintained, although the Secretary of Interior would not otherwise have the ability to reject state selections for non-economic considerations.

We believe that this proposal provides a great deal of flexibility to Congress in the resolution of the wilderness debate, and avoids some of the problems that have bedeviled past state-federal exchanges. In deciding how much wilderness to designate, Congress need not further consider the school trust lands issue, since the State would have an automatic "safety valve" to relinquish its lands inside any designated wilderness in exchange for equivalent lands elsewhere. The process also avoids the federal administrative exchange process, which has been profoundly unsuccessful in permitting successful exchanges in the past.

The Trust Lands Administration would oppose general exchange language in wilderness legislation, if it simply authorized the Secretary to exchange state trust lands within designated wilderness without identification of available federal lands, strict deadlines upon the federal government, and fair valuation provisions. One problem with past exchange proposals has been

the magnitude of necessary exchanges. In addition to the approximately 600,000 acres of school trust lands trapped within the H.R. 1500 proposal, there are over 200,000 acres of school trust lands inheld within Utah's national parks, national forests and Native American reservations; 176,000 acres trapped within the new Grand Staircase-Escalante National Monument, and 10,000 acres of prime development lands within the Mojave Desert Tortoise reserve in southwestern Utah. In other words, a million acres of Utah's school trust lands have been requested by the federal government. Yet the Department of Interior has identified only a few thousand acres of federal lands that it might be willing to give up. It is unfair to authorize exchanges, but then give the federal government sole discretion as to what, if anything, it will put on the table (a right the state has not had).

Similarly, the Department is either unwilling or unable to process exchanges expeditiously. Amendments of federal land management plans, NEPA review, cultural and endangered species clearances, and similar requirements, many self-imposed, combine to make large scale administrative exchanges unworkable. An example is the exchange currently being conducted for the Mojave Desert Tortoise preserve near St. George, Utah. Utah's 10,000 acres within the reserve are prime development lands, many within the city limits of one of the fastest growing cities in the nation. Secretary Babbitt has publicly stated since he took office that the exchange of these lands was one of his priorities. Yet the BLM's tortuous administrative process has meant that, although exchange negotiations have been pending since 1993, the first 120 acre exchange (only 1% of the total) is still wending its way through the bureaucracy. At the rate of past progress, using existing BLM administrative exchanges to exchange the state's wilderness inholdings would take decades, if not centuries.

A final problem has been valuation. While I need not go into the many disputes between the United States and the various western states over the value of state inholdings within federal reserves, it is sufficient to say that there is a strong perception in Utah that the BLM is adhering to rigid and inflexible appraisal practices that do not reflect the real value of the beautiful and unique lands that the state is being asked to give up. It is our belief that Congressman Cannon's focus on equivalent values and lands rather than an appraisal process, may avoid some of these conflicts.

In conclusion, we may not have the exact formula for dealing with the school trust inholdings issue, but we believe H.R. 1952 is a good start. We would encourage those on the Committee who support H.R. 1500 to include similar language, so that the debate on wilderness can move beyond the school trust lands issue to the real debate -- the proper amount of BLM wilderness in Utah. We would also encourage those on both sides of the debate, and the Department of Interior, to talk with the Trust Lands Administration about how we can avoid past problems, and come up with a fair and workable solution to this issue. Again, thank you for permitting me to testify before the Committee.

THE WILDERNESS SOCIETY

Testimony of William H. Meadows, President, The Wilderness Society

on H.R. 1500, "America's Red Rock Wilderness Protection Act"

before the

House Resources Committee, Subcommittee on National Parks, Forests, and Lands

June 24, 1997

"The Nation behaves well if its treats the natural resources as assets which is must turn over to the next generation increased and not impaired in value." --Theodore Roosevelt

Mr. Chairman and Members of the Subcommittee, I am William H. Meadows, President of The Wilderness Society, and I am pleased to come before you today to discuss a matter of great significance for our nation's natural resources and public lands: the protection of the magnificent red rock canyons and other public lands in Utah.

Echoing the tradition of Teddy Roosevelt and other early conservationists, the mission of The Wilderness Society (TWS) directs us to ensure that the integrity and beauty of America's wild lands are protected unimpaired for future generations. We have established two goals: to build and sustain a nationwide network of wild lands; and, to ensure that customs and practices affecting wild lands embody the land ethic. As described by Aldo Leopold and Robert Marshall who were instrumental in the founding of The Wilderness Society in 1935, the land ethic, "changes the role of Homo Sapiens from conqueror of the land community to plain member and citizen of it. It implies respect for his fellow-members and also respect for the community as such."

Our vision for the future has as its core the commitment to secure and maintain the essential benefits and values of wilderness: habitat for the diversity of plant and animal species, pure air and water, natural beauty, physical recreation, spiritual renewal, scientific research and the opportunity to educate ourselves and our children about the proper place of humanity in the great tapestry of the natural world. We see Congressionally designated wilderness areas as the core of the national network of wild lands which we seek: a network also comprised of protected and well managed forest, park, refuge, and public lands.

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Utah's Red Rock Wilderness

As part of our efforts to achieve this vision of wild land protection, The Wilderness Society has been an active member of a broad coalition of 150 conservation, wildlife, scientific, and recreational organizations working to provide strong wilderness protection for BLM lands in Utah. The wild, public lands found in Utah harbor some of the largest and finest desert roadless areas to be found anywhere in the world. They include the huge canyon systems of the Colorado, Green, San Juan, and Dolores Rivers; the intimate slickrock narrows of the Escalante, Dirty Devil, Paria, and Virgin Rivers; the vast table-lands and massive cliff-walls of the Kaiparowits Plateau, the Book Cliffs, and the Grand Staircase; and the isolated mountain ranges and desert riparian areas of Utah's Great Basin country. Each year, millions of U.S. citizens and others from the world over come to visit and enjoy these incomparable lands.

H.R. 1500 -- A Sound Approach to Protect America's Red Rock Wilderness

The Wilderness Society is proud to be part of a coalition of 150 national, regional and local organizations that support the citizens wilderness proposal contained in H.R. 1500, "America's Red Rock Wilderness Protection Act." This bill (and it's newly introduced Senate companion legislation, S. 773) would provide protection for most of the remaining wilderness resources on public lands managed by the BLM in Utah. In addition, H.R. 1500 would maintain the integrity of the wilderness system by continuing the important wilderness protections afforded to designated areas by The Wilderness Act of 1964.

H.R. 1500 is also widely supported by the people of Utah. Nearly 70 percent of those responding to Governor Leavitt's request for public comment indicated their support for H.R. 1500, according to the governor's office. In addition, when asked in a recent independent poll, "Does wilderness designation make an area more or less appealing to you as a place to visit?" -- 64 percent replied that wilderness designation makes an area more appealing.

Congressional passage of H.R. 1500 is needed in addition to the Grand Staircase-Escalante National Monument, which was created in September, 1996. This National Monument provided protection for some 1.8 million acres of public land in Utah, 1.3 million acres of which are also contained in H.R. 1500. In light of the significant wild lands values of this magnificent area, we believe that the additional protection afforded by wilderness designation is warranted. Such designation would more fully protect the area from inappropriate development, notably the creation of roads in the area.

Congress, it is said, cannot "create" wilderness, it can only protect the lands that are currently wild or allow them to be lost forever. The lands identified in H.R. 1500 are part of a spectacular national resource which richly deserves wilderness status. The Wilderness Society urges your support for the enactment of H.R. 1500.

H.R. 1952 -- "The Wilderness Limbo Bill"

With these magnificent public canyons and wild lands as the backdrop, H.R. 1952 has recently made a disappointing appearance in the Utah wilderness debate. In spite of the importance of the public land values at risk and in spite of the clear support for full wilderness protection from Utah citizens and others nationally, H.R. 1952 actually introduces as yet untried attacks on Utah wilderness.

If passed, H.R. 1952 would not immediately create any new wilderness areas for public lands in Utah. Rather, the actual wilderness designation and protection for specified lands would only begin after the exchange of State-owned and federal lands was completed. Meanwhile, however, Wilderness Study Area (WSA) designations would "disappear" and interim protection for wilderness resources would be eliminated.

This time-frame creates a dangerous "limbo" for wilderness resources in the state; which will lose any interim protection they have received in recent years, and not receive meaningful wilderness protection until some unknown date in the future. This is an unacceptable attack on the magnificent federal wilderness resources in Utah and an unacceptable Congressional precedent for wilderness legislation.

H.R. 1952 also fails to designate the full range of areas deserving Congressional wilderness protection and likewise, fails to give full wilderness protection to those lands it does designate. The following outlines our concerns based on our initial analysis of H.R. 1952, which we received late last week. We would be glad to provide a more detailed analysis to the Committee Members and staff at a later date.

1. Insufficient acreage.

Once, not so long ago, the 53 million-plus acres of what is now Utah was all spectacular, unspoiled, desert wilderness. Today, after a century of development, only about 6 million acres qualifies for protection under The Wilderness Act of 1964. The Wilderness Society supports wilderness protection for all wilderness quality BLM lands in the state. H.R. 1952 would only designate 1.8 million acres (not 2 million acres as has been reported in the press) as wilderness, and the protection of even these areas is in question.

2. Uncertain Wilderness Protection

Section 2(a) of H.R. 1952 states that the lands identified for wilderness designation in this bill "are hereby designated as wilderness and therefore as components of the National Wilderness Preservation System *upon completion of the exchange specified in section 7.*" (emphasis added.) This delay makes a mockery of the wilderness protection the bill purports to provide and places important wilderness resources in an unprotected "limbo" status. When read in conjunction with the release language of Section 6 (b), it becomes clear that while all existing WSA's not "designated" as wilderness will lose their existing wilderness protection,

no immediate wilderness protection will be provided to any "designated" lands by the Act. **In addition, the delay provides an incentive for the State of Utah to stall implementation of the poorly-crafted exchange process of Section 7 (see below). This potential delaying tactic raises the possibility that under the provisions of H.R. 1952, if enacted, no wilderness protection would ever be granted to BLM lands in Utah.**

Even assigning the best of motives to all parties, large land exchange processes are by definition complicated and time-consuming affairs. It is not appropriate to hinge wilderness protection on the completion of the land exchange process, no matter how important that exchange is.

3. Inappropriate management provisions for livestock:

During passage of The Wilderness Act of 1964 and subsequent wilderness debates (guidelines set fort in House Report 96-1126), Congress has attempted to balance the continuation of pre-existing grazing management in areas designated as wilderness with the protection of federal range resources and other legitimate planning and management concerns. TWS believes the language of H.R. 1952 would alter the existing balance between grazing and the protection of resources within wilderness areas, effectively providing the BLM with less ability to protect range resources within wilderness areas than on non-wilderness public lands.

Specifically, H.R. 1952 contains a provision (Section 3(c)) stating that the Secretary cannot take actions that would render grazing "economically infeasible due to wilderness designation or management." As this provision appears in the absence of any reference to the necessity of protecting range condition or resources, this language would seem to place grazing on an even higher priority than it has previously held in wilderness. Specifically, this language could easily be interpreted to mean that the BLM lacks the authority to change or manage livestock numbers, water developments, or other grazing-related matters in wilderness -- as such matters would be subject to claims of economic necessity (feasibility) by ranchers. Put another way, this provision would make all other natural resource values hostage to the purported economics of livestock grazing.

4. Sweeping exceptions for state fish and wildlife management:

The Wilderness Act specifically allows for the continued jurisdiction of state fish and wildlife agencies over matters related to the management of fish and wildlife populations. The language of H.R. 1952 (Section 3(d)) broadens the existing situation under The Wilderness Act to the point that state fish and game agencies could undertake almost any fish or wildlife related management activity, including water impoundments, dam or road construction, motorized use, and other significant development activities with no apparent restrictions. This language is unnecessarily and dangerously broad.

5. Damaging road management language:

The set-back provisions regarding "roads and rights-of-way as boundaries" (Section 3(g)) is similar to those of previous bills (H.R. 1745/S. 884) brought forward by the Utah Delegation. This language seems designed to minimize wilderness protection and maximize inappropriate road and vehicular access into these wild and magnificent lands. If H.R. 1952 is to include provisions against "buffer zones" that extend wilderness-like protection outside of wilderness areas, it should not include these "anti-wilderness buffers" that extend development and mechanized travel into the heart of wild areas.

6. Restrictive water rights provisions:

The water rights provision (Section 4) of H.R. 1952 is similar to that of H.R. 1745/S. 884 and expressly denies Congressional reservation of a water right sufficient to sustain these magnificent desert lands. In the Utah desert, wilderness areas must be protected from the future drain-off of their streams and other water resource "lifelines." H.R. 1952's provisions forcing the federal government to apply for a water right consistent with Utah state law provides only a sham opportunity, as Utah state water laws do not recognize wilderness resources as an appropriate recipient of water.

In the two most recent BLM wilderness bills enacted for arid Arizona and California, Congress reserved a quantity of water sufficient to maintain the integrity of their ecosystems. Both bills balanced the needs of water rights holders with that of the wilderness users and wildlife -- this bill does not.

Additionally, Section 4 (b) and (c) contain language that appears to open yet another door for inappropriate water developments and dam construction in wilderness. Section 4(b) states: "Within areas designated as wilderness by this Act, all rights to water granted under the laws of the State of Utah may be exercised in accordance with the substantive and procedural requirements of the State of Utah." At a minimum, this language is dangerously sweeping and requires careful additional study.

7. Release of areas not designated wilderness, loss of WSA protection:

Of the 22 million acres of BLM land in Utah and the roughly 6 million acres of wilderness quality land in that state, the Agency designated only 3.2 million acres as Wilderness Study Areas. H.R. 1952 would designate only 1.8 million acres as wilderness; under Section 6 (b) the remaining 20.2 million acres of public land in the state would be subject to multiple use management as defined by the Agency's too-often outdated resource management plans. These 20.2 million acres could never again be studied for their wilderness potential.

Additionally, under this "release" language, some 1.4 million acres of former WSA's (which are currently receiving interim protection as wilderness) will no longer be managed to protect their wilderness values. Without wilderness quality protection, these lands may be lost to development activities including road construction and oil and gas drilling. Finally, I must again note that while this wilderness "release" would occur immediately upon enactment of the

bill, wilderness protection would be delayed (perhaps permanently) pending completion of the land exchange.

8. "Special Deals" for Utah State Lands and Others:

The Wilderness Act of 1964 provides for -- and The Wilderness Society supports -- the opportunity for State-owned or privately owned lands surrounded by Congressionally designated wilderness to be "exchanged for federally owned land in the same State of approximately equal value under authorities available to the Secretary." The actual process for such exchanges can be conducted in a number of ways. [For example, under the provisions of the Utah Schools and Lands Improvements Act, exchanges of State-owned and federal National Forest, Park and Reservation lands in Utah have been proceeding since the bill was passed in 1993. While no process can eliminate controversy, roughly 50 percent of these exchanges are nearly completed.]

However, basic principles of fairness and taxpayer equity apply. First, the federal government -- on behalf of all U.S. taxpayers -- must work to assure that an equal value trade occurs. Second, while it is perfectly appropriate for the State in question to identify prospective federal lands for exchange, the ultimate decision of disposition of federal lands must rest with the Secretary of Interior. Third, all States deserve equal treatment during such exchange processes, no one State, be it Utah or any other, should receive "special favors" of federal land or resources. Four, all Federal and State entities involved in the exchange must work to make the exchange process successful, no party should have the opportunity to benefit by stalling/delaying the process.

As drafted, the State land exchange provisions at Section 7 of H.R. 1952 run counter to each of these principles. H.R. 1953 sets out a process in which the State of Utah would chose the federal lands it wishes to receive in trade --a provision which undercuts both the "equal value" principle and the Secretary's fundamental authority over public lands. In addition, even after the federal government received the state lands, those lands would continue to be encumbered by pre-existing leases and state permits, thus effectively reducing their value to the U.S. taxpayer and potentially eliminating their wilderness qualities.

Perhaps most crucially to the issue of wilderness protection: this process provides an incentive for the State of Utah to delay completion of land exchanges and thereby prevent the actual designation and protection of wilderness areas on the public lands managed for all Americans by the BLM in Utah.

Finally, we note that Section 3 (h) forces the Secretary to offer to acquire lands from non-governmental entities if such lands are located not only ***within***, but also ***adjacent to*** lands designated as wilderness. Given the limited funding available to the federal government, the Department of Interior must be very selective in prioritizing lands to acquire. We see no reason to ***force*** the Secretary to offer to acquire lands that are not surrounded by wilderness designations.

Summary: To summarize, Mr. Chairman:

- The Wilderness Society strongly supports H.R. 1500 (an its Senate companion bill, S. 773) as the legislation to address the protection of BLM managed wilderness in Utah.

- We oppose H.R. 1952 because we believe that it: 1) actually makes no definite wilderness designations, 2) fails to provide even speculative wilderness "designation" for millions of acres of wilderness quality land, 3) ensures that un-designated areas will never again be considered for wilderness protection, and 4) if by chance wilderness designations were ever actually implemented, these areas would be riddled by activities that are antithetical to wilderness.

We thank you for the opportunity to testify before you today.

Testimony of Debbie Sease, Legislative Director

for the

SIERRA CLUB

regarding

H.R. 1500 AND H.R. 1952

"Protecting America's Wilderness: For Our Families, For Our Future."

before the
Subcommittee on National Parks, Forests, and Lands
Resources Committee
Rep. Don Young, Chairman
U.S. House of Representatives

June 24, 1997

My name is Debbie Sease and I am the Legislative Director of the Sierra Club. Mr. Chairman and members of the subcommittee, I am grateful for the opportunity to testify today on the two bills under consideration. The Sierra Club, an organization of over 600,000 members, supports the passage of H.R. 1500, but opposes the passage of H.R. 1952.

I first would like to address H.R. 1500, America's Redrock Wilderness Act. As you know, H.R. 1500 was first introduced in the 101st Congress by Utah Representative Wayne Owens. It has since been updated and reintroduced by Representative Maurice Hinchey of New York. If enacted, it would protect 5.7 million acres of some of the most beautiful land in the world. Who has seen the deep, narrow canyons, the wild rivers, the isolated mountain ranges, the infinite shades of every color in the spectrum, and not felt a deep sense of awe?

H.R. 1500 reflects untold hours of field research by Utahns who have carefully catalogued the remaining publicly owned wildlands in Utah. I am sorry to report that these citizens of Utah were compelled to mount this Herculean effort due to the failure of the U.S. Bureau of Land Management to adequately study the public lands of Utah to determine their suitability for wilderness protection as directed by Congress through passage of the Federal Land Policy and Management Act of 1976. As the former Chairman of this subcommittee, Representative John Seiberling, learned when he held field hearings in Utah in 1983, the BLM used minor human impacts as an excuse to eliminate from further wilderness study large pristine tracts of land.

In other instances the agency dropped areas merely because the topography was relatively flat. For example, the entire 140,000-acre Wahweap roadless area was eliminated from further consideration when the agency concluded that "on the flat upper bench areas...the opportunity for solitude is limited because of the flatness of the terrain." Yet the BLM's own wilderness inventory guidelines clearly stated, "It is erroneous to assume that simply because a unit or a portion of a unit is flat and/or unvegetated, it automatically lacks an outstanding opportunity for solitude." As the Salt Lake City, Utah *Deseret News* stated in an August, 1982 editorial, "The work of the Bureau has been too hasty and too piecemeal...[T]here was much Utah land that should have been considered for possible designation as wilderness, but the BLM did not study it." In fact, the Interior Board of Land Appeals directed the BLM to add hundreds of thousands of acres to its wilderness study due to the inadequacy of the agency's wilderness review.

In crafting the Citizen's Proposal for desert wilderness in Utah advocates of designation have striven to exclude significant human impacts. In the lower 48 states we do not always have the luxury of starting with perfectly pristine areas. Thus, many wilderness areas designated by Congress since 1964 contain some human intrusions which do not detract from the overall wilderness qualities of these areas. Fortunately, the Wilderness Act provides for flexibility in criteria and management. True roads are excluded from H.R. 1500. But the rough vehicle tracks sometimes referred to as "jeep trails" have been included in some instances because such tracks either have never been constructed except by the passage of the occasional vehicle, or the route has not been maintained and the track is reverting to nature. Congress has included such tracks in wilderness areas before, such as the old mining "road" up Red Pine Canyon included in the Lone Peak Wilderness in Utah and a similar "road" in Porter Fork in the Mt. Olympus Wilderness. (The Mt. Olympus Wilderness was designated under the 1984 U.S. Forest Service Wilderness Act for Utah.) Similar old "roads" can be found in the Twin Peaks Wilderness near Lake Blanche and near Upper Bell's Reservoir in the Lone Peak Wilderness, all in Utah.

Some have correctly pointed out that H.R. 1500 includes old mine sites. Once again, Congress has included inactive mines in such places as Mule Hollow in the Mt. Olympus Wilderness and in the Lone Peak Wilderness, both in Utah. Water developments are also included in H.R. 1500, just as there is such a pipeline in Stairs Gulch in the Twin Peaks Wilderness in Utah. Indeed, the Forest Service has upgraded the Stairs Gulch pipeline since the Twin Peaks Wilderness was established.

Just as Congress has established wilderness in lands in the eastern U.S. that are recovering from development in the 18th and 19th centuries, so were Utah's Wasatch Front wilderness areas designated on lands that were once intensively logged. In fact, there were sawmills operating in the Big and Little Cottonwood Canyon drainages in the 1800's. The mills were shut down by 1900 because they had run out of trees.

One of the best features of H.R. 1500 is that it embodies a recognition of the opportunity to protect large ecosystems in Utah that are generally intact. Biologists at Brigham Young University, the University of Utah and the Utah Museum of Natural History explained the importance of the Wilderness Act as a tool for protecting the biodiversity of Utah's desert ecosystems in an article entitled "Selecting Wilderness Areas to Conserve Utah's Biological Diversity". In the article's abstract they write:

> Wilderness areas play many important roles, and one critical role is the conservation of biological diversity. We propose that objectives for conserving biodiversity on BLM lands in Utah be to (1) ensure the long-term population viability of native animal and plant species, (2) maintain the critical ecological and evolutionary processes upon which these species depend, and (3) preserve the full range of communities, successional stages, and environmental gradients. To achieve these objectives, wilderness areas should be protected so as to protect large, contiguous areas, ...[and] conserve entire watersheds and elevational gradients...

If enacted, H.R. 1500 would clearly help to achieve the goals outlined by these experts by protecting the largest available blocks of still wild publicly owned land in Utah. That the Wilderness Act of 1964 was intended for such purposes is recognized by the Utah biologists in their article. As they observed, "Congress plainly anticipated that ecological considerations were an important dimension of the wilderness concept, since the act provides that wilderness may contain 'ecological' features of 'scientific, educational, scenic, or historical value'." (*The Great Basin Naturalist*, 30 April 1996)

I now wish to address my remarks to H.R. 1952. I have already outlined the reasons why we should seek to protect the largest remaining blocks of wilderness in Utah. This is an obligation we have not only to ourselves, but also to future generations. Indeed, a majority of the people in Utah seem to feel the same way. The *Salt Lake Tribune* published the results of a public opinion poll conducted in February of 1995. The pollster, Valley Research, sampled the opinions of residents of Salt Lake, Summit, Utah, Weber and Davis counties where 80% or more of Utah's population resides. In response to the question, "Is it important to you to keep the remaining undeveloped lands in Utah in a natural state?", the *Tribune* reported that 82% of the 604 adult respondents said, "yes". (The poll had a plus or minus 4% margin of error.) I would simply point out that H.R. 1500 would achieve the objective outlined in the poll question. But H.R. 1952, which would designate only 2.1 million acres, would fall far short, entirely leaving out the central Kaiparowits Plateau, the Nokai Dome, White Canyon, Fish and Owl Creek and Road Canyon units of the San Juan-Anazazi area, and a majority of the popular San Rafael Swell area, for example.

In addition to concerns relating to the limited scope of H.R. 1952, there are several flaws in the bill regarding wilderness management and release language I would like to draw to the Committee's attention.

First, regarding the release provisions of Section 6 of HR 1952. By including "Section 202" in the determination that the remaining public lands in Utah had been adequately studied for wilderness pursuant to Sections 202 and 603 of the Federal Land Policy and Management Act (FLPMA), the release language goes beyond what is necessary, and would seem to preclude the future review of wilderness values in the ongoing land use planning process mandated by Section 202 of FLMPA. Since future land use planners should have the ability to look at a full range of uses and values for lands not designated we prefer the more standard BLM release language employee in previous BLM wilderness bills. This standard language makes it clear that the mandatory wilderness review of Section 603 has been met, and that the interim management requirements of Section 603(c) no longer apply.

Another issue of serious concern is that of wilderness water rights. Especially in desert areas, water is a precious resource. Riparian or stream-side areas are among the richest in terms of species diversity. Quite simply, if the water disappears, so does the habitat. In past wilderness bills, such as the California Desert Protection Act and the Arizona Desert Wilderness Act, Congress expressly reserved a federal water right for purposes of wilderness preservation, and directed the Secretary of the Interior to quantify that right in an appropriate state adjudication process. Regrettably, H.R. 1952 expressly denies any water right for the wilderness that would be established by the Act. The Sierra Club firmly believes that, in order to protect the water resources of new wilderness areas in Utah and in keeping with past Congressional practice, any Utah wilderness legislation should contain water rights language such as that contained in Sec. 202 of H.R. 1500.

Grazing in wilderness is an issue for which a standard approach has been developed. This is a model that has been applied repeatedly in both BLM and forest wilderness bills, it has provided protection for the wilderness resource, and for grazing interests within the wilderness areas. While the language of Section 3(c) is only subtly different than the standard grazing language, it is both unnecessary and unwise to reopen this contentious issue, when there is an agreed upon, workable solution available.

A similar situation occurs with Section 3(d), where new language is offered for the state fish and wildlife disclaimer. In both of these cases, the Sierra Club would recommend use of the standard language that has been used in a large number of preceding wilderness bills.

Sec. 5 of H.R. 1952, entitled "Native American Cultural and Religious Uses", contains one item of concern. This section would permit "wood gathering for personal use" by Native Americans. The gathering of downed wood by wilderness visitors is generally permitted except where wilderness managers have banned the practice in order to protect wilderness resources. However, Sec. 5 places no restrictions whatsoever on the manner in which wood could be gathered in the designated wilderness areas of H.R. 1952. Quite often, wood gathering involves the use of motorized vehicles, the creation of vehicle routes, and the use of chain saws to standing as well as downed trees. Such activities are clearly incompatible with the protection of wilderness values. Further, this section would appear to foreclose any management decisions which would limit the volume of wood harvested or which would protect wildlife habitat.

Sec. 7 of H.R. 1952 deals with the issue of state school trust land in-holdings in wilderness areas established under the act. Congress granted the state of Utah four-one square mile sections of land per 36-square mile township when Utah joined the Union in 1896. These tracts are scattered throughout the public lands of the state, and they were granted in order to support the common schools of Utah. Sec. 7 of H.R. 1952 acknowledges that it is in the best interest of the state to remove its in-holdings from within any new wilderness areas.

Though the Sierra Club supports the concept of state school trust land exchanges, we do not support the exchange method outlined in Sec. 7. Large scale land exchanges are by their nature complicated, and require a careful process to ensure that the potentially competing interests of the federal and state landowners are both respected. The process outlined in Section 7 -- permitting the state to make "indemnity selections" from among all unappropriated federal land holdings in Utah -- is troubling as it creates an unequal playing field and gives an unfair advantage to state school trust interests over the federal government by expressly denying any authority on the part of the Secretary of the Interior to refuse to accept any indemnity selection made by the State of Utah.

Additionally, while the section calls for an exchange of equal valued lands, there is no process described for ensuring that the lands selected are of equal value. Rather than incorporating the procedures and safeguards of the exchange provisions of Section 206 of the Federal Land Policy and Management Act, this section would in effect override those constraints.

There have been a number of different models for facilitating and expediting state school exchanges in previous BLM wilderness bills which were built upon the exchange provisions of Section 206 of FLPMA. These models have proved effective and have protected both the state and federal interests.

In closing, I want to express the Sierra Club's strong support for HR 1500, America's Redrock Wilderness Act. This is a visionary bill that is a gift to our children and their children.

For the reasons described above, the Sierra Club opposes HR 1952, The Utah Wilderness and School Trust Lands Protection Act.

This concludes my testimony. Once again, thank you for the opportunity to testify.

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Southern Utah Wilderness Alliance

Before the U.S. House Subcommittee
on National Parks, Forests and Lands

TESTIMONY OF HEIDI MCINTOSH, LEGAL DIRECTOR

SOUTHERN UTAH WILDERNESS ALLIANCE, ON

H.R. 1500, AMERICA'S REDROCK WILDERNESS ACT AND
H.R. 1952, THE UTAH WILDERNESS AND SCHOOL TRUST LANDS
PROTECTION ACT

June 24, 1997

My name is Heidi McIntosh. I am an attorney with the Southern Utah Wilderness Alliance in Salt Lake City.[1] I appreciate the opportunity to comment today on H.R. 1952, the Utah Wilderness and School Trust Land Protection Act of 1997, as well as on H.R. 1500, America's Redrock Wilderness Act. I speak on behalf of the 25,000 SUWA members from throughout the country who cherish the breathtaking wildlands of southern Utah.

Simply put, H.R. 1952 is deja vu all over again. We have seen this bill before, minimal in acreage, leaving out places that vividly embody the core characteristics of wilderness. Places where, in the lyrical language of the Wilderness Act, "the earth and its community of life are untrammeled by man, where man himself is a visitor who does not remain." These places include the stunning coral pink sand dunes of Moquith Mountain, Fish, Owl and Road canyons in the Cedar Mesa area, lower Muddy Creek, much of Labyrinth Canyon, the serpentine canyons of the Paria and other areas too numerous to name here. H.R. 1952 suffers from numerous problems, but I will focus here on two defects in the bill: its limited size, and its fatally flawed process for the exchange of school trust lands.

The Acreage is Inadequate

The magnificence of Utah wilderness is no longer a secret shared by Utahns and a few adventurers from around the globe. Americans from every walk of life cherish the beauty of these unique lands, and are fully aware of the threats to this wondrous region, whether from inadequate wilderness legislation or from the

[1] In fulfillment of House Rule XI, clause 2(g), SUWA states that it does not receive federal grants or contracts.

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blade of a bulldozer. Last year, in a stunning show of grassroots outrage, thousands of Americans from every corner of the country, urged their Senators and Representatives to reject the Utah delegation's paltry offer to extend protection to only 2.1 million acres. The bill then, and now, simply leaves out too much land bearing the hallmark characteristics of wilderness. Five-point-seven million acres, not 1.8 or 2.1, was the message heard here in the Capitol, and the delegation's bill went down to ringing defeat.

Yet here again, we have a meager, inadequate wilderness proposal from another member of the Utah delegation. Stingy in its scope, neither Utahns, nor Americans from the other 49 states with a stake in this crucial debate, will support it. Instead, they will -- once again -- vociferously support H.R. 1500, America's Redrock Wilderness Act, introduced again this year with a record number of original co-sponsors.

It is difficult to understand why H.R. 1952 was introduced, given the express lack of support for a measure so inadequate in its protection. While wilderness opponents, ignoring the fact that these lands are owned by all Americans, proclaim that Utahn don't want wilderness, that's just not true. A poll released on May 18, 1995 by Valley Research Inc., "2News Statewide Poll for Coalition for Utah's Future, found that 64% of Utahns support more than 2 million acres of wilderness, and that 30% favored H.R. 1500 -- a plurality of those polled. Further, there are over one million Americans who belong to the member organizations of the Utah Wilderness Coalition, of which SUWA is a part. H.R. 1952 does not reflect the values of Americans who cherish the environment and want it protected.

The School Trust Lands Problem

We support, in principle, the idea that the school trust administration should be compensated fairly for lands where economically viable development is hampered by wilderness designation. But first, let's set the stage for the discussion with some important facts. Despite its best efforts, and without any restrictions attributable to wilderness designations, the Utah Trust Lands Administration and its predecessors have not been able to generate more than about 1% of the school budget from these lands. These lands are not a significant source of school funds under the best of circumstances.

Further, funding for public schools has traditionally come from taxes, distributed by the state legislature. In Utah, where the government always runs in the black, state legislators reach out to Utah's schoolchildren with empty hands; virtually no other state provides as little funding to educate its children as Utah.

These points are important to a full understanding of the issue, and illuminate the fact that blaming wilderness protection, and wilderness supporters, for lost education funding is a red herring that deflects attention away from the crucial problem before us today -- wilderness designation.

Having said this, I reiterate that we support fair compensation to the trust. However, this bill is not a solution. Instead, this bill postpones wilderness protection until the exchange process is completed. It would hold wilderness hostage to a state government, give control over federal lands most in need of protection to those least interested in shielding it from development, to those with a strong motive to hold out, delaying the process with exorbitant claims. And all the while, the lands remain unprotected, their wilderness character fully recognized, yet vulnerable to exploitation. Never before has wilderness protection been subject to this kind of state control.

We have seen this before. In terms reminiscent of the great cosmologist Carl Sagan, the school trust administrators have repeated the mantra of "billions and billions of tons of coal" over and over again, lamenting the loss of mining opportunities in the rock-bound, tortured landscape of the Kaiparowits Plateau. Never mind that no one has ever proven that the recovery of that coal would be economically feasible. Finding coal in the Kaiparowits is about as significant for us as finding coal on Mars, given the extremely inaccessible and twisted topography in which it is embedded, the astronomical cost of the transportation infrastructure which would have been required to market the coal, and the ample supply of readily available coal elsewhere, including in central Utah. This example gives us a chilling preview of the state's unrealistic approach to valuing trust lands.

The bill is also unacceptable because it strips the Secretary of his authority to resist unreasonable state demands for federal lands, demands that may well wreak havoc on public lands management and result in exchanges that are not based on equivalent value. The Secretary must retain authority to enter into negotiations as an equal bargaining partner with the state, free to protect vital federal interests while accomplishing a mutually beneficial agreement.

Moreover, as you know, many of the state trust lands possess only a nominal value, or no commercial value at all. There is no reason to delay wilderness designation while the BLM and the state grapple over an exchange of lands that offer no real opportunity for economic gain. H.R. 1952's exchange provision would achieve an enormous windfall for the state of Utah, at significant and unfair

disadvantage to the American taxpayers across the country who own these lands.

Other problems plague the bill. For example, after the exchange is accomplished, the BLM would hold the former state sections subject to existing leases and permits. Thus, the exchange places all the benefits in the hands of the state and leaves the BLM holding the bag -- it has to buy out the state lands, pay for the exchange process itself, and may yet again have to buy out holders of the leases and permits whose activities would threaten even the meager acreage that would be protected under this bill. I look forward to the analysis describing the extent to which how this bill would drain the Federal treasury of crucial tax dollars.

The Bill's Release Language is Ambiguous

The bill should make it clear that any lands not designated as wilderness will be eligible for future wilderness protection, ensuring that the needs of future generations for wild, open country can be met. In its present form, the bill is ambiguous on this important point, and should be revised to include express "soft release" language.

The Bill Limits the Authority of Land Managers to Address Environmental Damage due to Grazing.

Section 3(c) of the bill provides that "[g]razing of livestock . . . shall continue and not be curtailed, phased out or rendered economically infeasible due to wilderness designation or management." The language is overly broad, and would unnecessarily limit the ability of land managers to address the often severe environmental damage caused by grazing. The language opens the door to otherwise inappropriate activities in wilderness areas based on claims that such actions are necessary to render the ranching operation "economically feasible." Section 3(c)(1) should be deleted from the bill.

The Bill Grants Inappropriately Expansive Authority to the State Fish and Wildlife Agency

Section 3(d) of the bill would permit the state fish and wildlife agency to build water developments in wilderness areas, a provision directly at odds with the very purposes of the Wilderness Act. Moreover, predator control by motorized means would also be inappropriate in a wilderness area.

The Provision Prohibiting Buffer Zones is Overly Broad

Even under es of use when doing so reduces user conflict and protects resources. The language in Section 3(e) strips land managers of that authority to the detriment of both the public lands and visitors pursuing a variety of activities.

Water Rights should be Reserved to Fulfill the Purposes of the Wilderness Act

In the arid deserts of Utah, the presence of water means the difference between a healthy and a sterile natural environment. Depriving Utah wilderness areas of water rights (which would be reserved as of the date of the wilderness reservation)in many instances undermines the very character which qualifies the area for protection. We urge the passage of a bill which recognizes the importance of water to protect healthy ecosystems, and includes the reservation of water rights.

The Set Back Provision for Roads would Lead to Harmful Motorized Use

The set-back provision for roads only encourages the use of vehicles in sensitive backcountry terrain and encourages the expansion of dirt trails into unnecessary roads. It is unnecessary, creates a threat to the integrity of the public lands and should be eliminated.

In summary, the bill's fatal flaws render it unworkable.

Thank you again, on behalf of SUWA and its members, for the opportunity to discuss this issue with you today.