

HEARING ON: H.R. 3605, TO ESTABLISH THE
SAN RAFAEL WESTERN LEGACY DISTRICT IN
UTAH, AND FOR OTHER PURPOSES

HEARING
BEFORE THE
SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC
LANDS
OF THE
COMMITTEE ON RESOURCES
HOUSE OF REPRESENTATIVES
ONE HUNDRED SIXTH CONGRESS
SECOND SESSION

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**HEARING ON: H.R. 3605, TO ESTABLISH THE
SAN RAFAEL WESTERN LEGACY DISTRICT
IN UTAH, AND FOR OTHER PURPOSES**

THURSDAY, MARCH 2, 2000

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

The Committee met, pursuant to call, at 10 a.m., in Room 1324, Longworth House Office Building, Hon. James V. Hansen [chairman of the Subcommittee] presiding.

Members present: Representatives Hansen, Duncan, Cannon, Kildee, and Udall.

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

Mr. HANSEN. Good morning and welcome. We appreciate your coming to be with us today. You probably all realize that Congress passed their last vote of the week yesterday, so many of our members are on holiday. We appreciate those who are here.

This morning we will hear testimony on Congressman Chris Cannon's bill, H.R. 3605, that would establish the San Rafael Legacy District and National Conservation Area in Eastern Utah.

The San Rafael region is host to many unique resources representative of the American West. These include influences from Native American culture, exploration, pioneering, and industrial development. H.R. 3605 will protect these resources while also ensuring the economic viability of the surrounding communities.

As many of the members are aware, Mr. Cannon has worked very hard to protect this area. But we have had some problems doing it, and he is continuing to work on it. We will return again this Congress with similar legislation that has been worked out with the administration and the local community.

Similar to past legislation, this bill provides real protection for an area that deserves national recognition and conservation. H.R. 3605 is legislation that should serve as a model of how local communities can come together, work with the Department of Interior, and work out a plan that preserves the land in a fashion that conserves and protects while respecting traditional users and values.

The Western Legacy District will be located in Emery County and will consist of approximately 2.8 million acres. The District, much like its heritage area, will be used to promote the develop-

ment of historical, cultural, and recreational resources related to the heritage of the San Rafael region and the State of Utah.

Working through the Bureau of Land Management, the Secretary of the Interior will appoint a 10-member Legacy Council who will be charged with advising the Secretary as to the interpretation, conservation, and planning for the many resources located within the Legacy District. Again, this plan calls for constant interaction between the local communities and the BLM to make sure this Legacy District is a success.

Within the Heritage District, H.R. 3605 establishes the San Rafael National Conservation Area. This land, consisting of almost a million acres, will be established to conserve the many unique biological, aesthetic, and recreational resources for future generations.

This includes some of the wildest lands in Utah, some of the greatest off-road recreation and the best bighorn sheep herd in the State. All of these resources are in need of a comprehensive management plan to balance all of these interests. The National Conservation Area approach establishes these goals.

I want to thank Congressman Cannon for his efforts in sponsoring this bill. Moreover, I want to thank Commissioners Randy Johnson and Kent Petersen for their undaunted courage to keep working towards a solution. If these men were paid by the hour, the county would go broke. They have worked literally for years to craft a compromise that works on the ground and can survive the political games played.

Needless to say, a great deal of time and effort have gone into its preparation. My thanks go to our State representatives, Wes Curtis and Courtland Nelson, who represent the Governor here today, as well as the rest of our witnesses for being here.

Finally, I want to thank Molly McUsic, Secretary Babbitt, and Sally Wisely for their dedication and work in bringing this legislation forward and working with Emery County. We sincerely appreciate the great work so many folks have done on this very difficult piece of legislation.

I would like to turn to my colleague from Utah, Mr. Cannon, the sponsor of this bill, for his opening statement.

[The prepared statement of Mr. Hansen follows:]

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

Good morning. The Subcommittee on National Parks and Public Lands will come to order. This morning we will hear testimony on Congressman Chris Cannon's bill H.R. 3605, that would establish the San Rafael Legacy District and National Conservation Area in Eastern Utah.

The San Rafael region is host to many unique resources representative of the American West. These include influences from Native American culture, exploration, pioneering, and industrial development. H.R. 3605 will protect these resources while also ensuring the economic viability of the surrounding communities.

As many of the Members are aware, Mr. Cannon and myself worked very hard during last Congress to protect this area but in the end were unable to provide the necessary protections because a few local extreme environmentalists would rather misrepresent the facts and fund raise rather than solve a problem.

Well we return again this Congress with similar legislation that has been worked out with the Administration and the local community. Similar to past legislation, this bill provides real protections for an area that deserves national recognition and conservation. H.R. 3605 is legislation that should serve as a model of how local communities can come together, work with the Department of Interior and work out a

plan that preserves the land in a fashion that conserves and protects while respecting traditional uses.

The Western Legacy District will be located in Emery County and will consist of approximately 2.8 million acres. The District, much like a heritage area, will be used to promote the development of historical, cultural and recreational resources related to the heritage of the San Rafael region and the State of Utah.

Working through the Bureau of Land Management, the Secretary of the Interior will appoint a ten member Legacy Council who will be charged with advising the Secretary as to the interpretation, conservation and planning for the many resources located within the Legacy District. Again, this plan calls for constant interaction between the local communities and the BLM to make this Legacy District a success.

Within the Heritage District, H.R. 3605 establishes the San Rafael National Conservation Area. This land, consisting of almost a million acres, will be established to conserve the many unique biological, aesthetic and recreational resources for future generations. This includes some of the wildest lands in Utah, some of the greatest off road recreation and the best big horn sheep herd in the State. All of these resources are in need of a comprehensive management plan to balance all of these interests. The National Conservation Area approach accomplishes these goals.

I want to thank Congressman Cannon for his efforts in sponsoring this bill. Moreover, I want to thank Commissioners Randy Johnson and Kent Peterson for their undaunted courage to keep working towards a solution. If these men were paid by the hour, the County would be broke. They have worked literally for years to craft a compromise that works on the ground and can survive the political games played around here. Needless to say, a great deal of time and effort have gone into its preparation. My thanks also goes to our State representatives, Wes Curtis and Courtland Nelson who represent the Governor here today as well as the rest of our witnesses for being here today to testify. Finally, I want to thank Molly McUsic, Secretary Babbitt, and Sally Wisely for their dedication and work in bringing this legislation forward and working with Emery County.

[The Bill H.R. 3605 follows:]

106TH CONGRESS
2D SESSION

H. R. 3605

To establish the San Rafael Western Legacy District in the State of Utah,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 9, 2000

Mr. CANNON (for himself and Mr. HANSEN) introduced the following bill;
which was referred to the Committee on Resources

A BILL

To establish the San Rafael Western Legacy District in
the State of Utah, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "San Rafael Western
5 Legacy District and National Conservation Act".

6 SEC. 2. DEFINITIONS.

7 In this Act:

8 (1) CONSERVATION AREA.—The term "Con-
9 servation Area" means the San Rafael National
10 Conservation Area established by section 201.

1 (2) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 (3) WESTERN LEGACY DISTRICT.—The term
4 “Western Legacy District” means the San Rafael
5 Western Legacy District established by section 101.

6 **TITLE I—SAN RAFAEL WESTERN**
7 **LEGACY DISTRICT**

8 **SEC. 101. ESTABLISHMENT OF THE SAN RAFAEL WESTERN**
9 **LEGACY DISTRICT.**

10 (a) IN GENERAL.—In order to promote the preserva-
11 tion, conservation, interpretation, scientific research, and
12 development of the historical, cultural, natural, rec-
13 reational, archeological, paleontological, environmental, bi-
14 ological, educational, wilderness, and scenic resources of
15 the San Rafael region of the State of Utah, as well as
16 the economic viability of rural communities in the region,
17 there is hereby established the San Rafael Western Legacy
18 Districts.

19 (b) AREAS INCLUDED.—The Western Legacy Dis-
20 trict shall consist of approximately 2,842,800 acres of land
21 in the County of Emery, Utah, as generally depicted on
22 the map entitled “San Rafael Western Legacy District
23 and National Conservation Area” and dated _____.

24 (c) MAP AND LEGAL DESCRIPTION.—As soon as
25 practicable after the date of the enactment of this Act,

1 the Secretary shall submit to the Congress a map and
2 legal description of the Western Legacy District. The map
3 and legal description shall have the same force and effect
4 as if included in this Act, except the Secretary may correct
5 clerical and typographical errors in such map and legal
6 description. Copies of the map and legal description shall
7 be on file and available for public inspection in the Office
8 of the Director of the Bureau of Land Management, and
9 in the appropriate office of the Bureau of the Land Man-
10 agement in Utah.

11 (d) LEGACY COUNCIL.—

12 (1) IN GENERAL.—The Secretary shall establish
13 a Legacy Council to advise the Secretary with re-
14 spect to the Western Legacy District. The Legacy
15 Council may furnish advice and recommendations to
16 the Secretary with respect to management, grants,
17 projects, and technical assistance.

18 (2) MEMBERSHIP.—The Legacy Council shall
19 consist of not more than 10 members appointed by
20 the Secretary. Two members shall be appointed from
21 among the recommendations submitted by the Gov-
22 ernor of Utah and 2 members shall be appointed
23 from among the recommendations submitted by the
24 Emery County Commissioners. The remaining mem-
25 bers shall be persons recognized as experts in con-

1 servation of the historical, cultural, natural, rec-
2 reational, archeological, environmental, biological,
3 educational, and scenic resources or other disciplines
4 directly related to the purposes for which the West-
5 ern Legacy District is established.

6 (3) RELATIONSHIP TO OTHER LAW.—The es-
7 tablishment and operation of the Legacy Council es-
8 tablished under this section shall conform to the re-
9 quirement of the Federal Advisory Committee Act (5
10 U.S.C. App.) and the Federal Land Policy and Man-
11 agement Act of 1976 (43 U.S.C. 1701 et seq.).

12 (e) ASSISTANCE.—

13 (1) IN GENERAL.—The Secretary may make
14 grants and provide technical assistance to accom-
15 plish the purposes of this section to any nonprofit or
16 unit of government with authority in the boundaries
17 of the Western Legacy District.

18 (2) PERMITTED USES.—Grants and technical
19 assistance made under this section may be used for
20 planning, reports, studies, interpretive exhibits, his-
21 toric preservation projects, construction of cultural,
22 recreational, educational, and interpretive facilities
23 that are open to the public, and such other expendi-
24 tures as are consistent with this Act.

1 (3) PLANNING.—Up to \$100,000 of amounts
2 available to carry out this section each fiscal year,
3 up to a total amount not to exceed \$200,000, may
4 be provided under this subsection only to a unit of
5 government or a political subdivision of the State of
6 Utah for use for planning activities.

7 (4) MATCHING FUNDS.—Federal funding pro-
8 vided under this section may not exceed 50 percent
9 of the total cost of the activity carried out with such
10 funding, except that non-Federal matching funds are
11 not required with respect to—

12 (A) planning activities carried out with as-
13 sistance under paragraph (3); and

14 (B) use of assistance under this section for
15 facilities located on public lands and that are
16 owned by the Federal Government.

17 (5) AUTHORIZATION OF APPROPRIATIONS.—
18 There are authorized to be appropriated under this
19 section not more than \$1,000,000 annually for any
20 fiscal year, not to exceed a total of \$10,000,000.

21 **SEC. 102. MANAGEMENT AND USE OF THE SAN RAFAEL**
22 **WESTERN LEGACY DISTRICT.**

23 (a) IN GENERAL.—The Secretary, through the Bu-
24 reau of Land Management, shall administer the public
25 lands within the Western Legacy District pursuant to this

1 Act and the applicable provisions of the Federal Land Pol-
2 icy and Management Act (43 U.S.C. 1701 et seq.). The
3 Secretary shall allow such uses of the public land as the
4 Secretary determines will further the purposes for which
5 the Western Legacy District was established.

6 (b) FISH AND WILDLIFE.—Nothing in this Act shall
7 be construed as affecting the jurisdiction or responsibil-
8 ities of the State of Utah with respect to fish and wildlife
9 within the Western Legacy District.

10 (c) PRIVATE LANDS.—Nothing in this Act shall be
11 construed as affecting private property rights within the
12 Western Legacy District.

13 (d) PUBLIC LANDS.—Nothing in this Act shall be
14 construed as in any way diminishing the Secretary's or
15 the Bureau of Land Management's authorities, rights, or
16 responsibilities for managing the public lands within the
17 Western Legacy District.

18 **TITLE II—SAN RAFAEL NA-** 19 **TIONAL CONSERVATION AREA**

20 **SEC. 201. DESIGNATION OF THE SAN RAFAEL NATIONAL** 21 **CONSERVATION AREA.**

22 (a) PURPOSES.—In order to conserve, protect, and
23 enhance for the benefit and enjoyment of present and fu-
24 ture generations the unique and nationally important val-
25 ues of the Western Legacy District and the public lands

1 described in subsection (b), including historical, cultural,
2 natural, recreational, scientific, archeological, paleontolog-
3 ical, environmental, biological, wilderness, wildlife, edu-
4 cational, and scenic resources, there is hereby established
5 the San Rafael National Conservation Area in the State
6 of Utah.

7 (b) AREAS INCLUDED.—The Conservation Area shall
8 consist of approximately 947,000 acres of public lands in
9 the County of Emery, Utah, as generally depicted on the
10 map entitled “San Rafael Western Legacy District and
11 National Conservation Area” and dated _____. Not-
12 withstanding any depiction on such map, the boundary of
13 the Conservation Area shall be set back 300 feet from the
14 edge of the Interstate 70 right-of-way and 300 feet from
15 the edge of the State Route 24 right-of-way.

16 (c) MAP AND LEGAL DESCRIPTION.—As soon as
17 practicable after the date of the enactment of this Act,
18 the Secretary shall submit to the Congress a map and
19 legal description of the Conservation Area. The map and
20 legal description shall have the same force and effect as
21 if included in this Act, except the Secretary may correct
22 clerical and typographical errors in such map and legal
23 description. Copies of the map and legal description shall
24 be on file and available for public inspection in the Office
25 of the Director of the Bureau of Land Management and

1 in the appropriate office of the Bureau of Land Manage-
2 ment in Utah.

3 SEC. 202. MANAGEMENT OF THE SAN RAFAEL NATIONAL
4 CONSERVATION AREA.

5 (a) MANAGEMENT.—The Secretary, acting through
6 the Bureau of Land Management, shall manage the Con-
7 servation Area in a manner that conserves, protects, and
8 enhances its resources and values, including those re-
9 sources and values specified in section 201(a), and pursu-
10 ant to the Federal Land Policy and Management Act of
11 1976 (43 U.S.C. 1701 et seq.), and other applicable provi-
12 sions of law, including this Act.

13 (b) USES.—The Secretary shall allow only such uses
14 of the Conservation Area as the Secretary finds will fur-
15 ther the purposes for which the Conservation Area is es-
16 tablished. Except where needed for administrative pur-
17 poses or to respond to an emergency, use of motorized ve-
18 hicles in the Conservation Area shall be permitted only
19 on roads and trails designated for use of motorized vehi-
20 cles as part of the management plan prepared pursuant
21 to subsection (e).

22 (c) WITHDRAWALS.—

23 (1) IN GENERAL.—Subject to valid existing
24 rights and except as provided in paragraph (2), all
25 Federal lands within the Conservation Area and all

1 lands and interests therein that are hereafter ac-
2 quired by the United States are hereby withdrawn
3 from all forms of entry, appropriation, or disposal
4 under the public land laws and from location, entry,
5 and patent under the mining laws, and from oper-
6 ation of the mineral leasing and geothermal leasing
7 laws and all amendments thereto.

8 (2) COMMUNICATION FACILITIES.—The Sec-
9 retary may authorize the installation of communica-
10 tions facilities within the Conservation Area, but
11 only to the extent that they are necessary for public
12 safety purposes. Such facilities must have a minimal
13 impact on the resources of the Conservation Area
14 and must be consistent with the management plan
15 established under subsection (e).

16 (d) HUNTING, TRAPPING, AND FISHING.—The Sec-
17 retary shall permit hunting, trapping, and fishing within
18 the Conservation Area in accordance with applicable laws
19 and regulations of the United States and the State of
20 Utah, except that the Secretary, after consultation with
21 the Utah Division of Wildlife Resources, may issue regula-
22 tions designating zones where and establishing periods
23 when no hunting, trapping, or fishing shall be permitted
24 for reasons of public safety, administration, or public use
25 and enjoyment.

1 (e) MANAGEMENT PLAN.—Within 4 years after the
2 date of enactment of this Act, the Secretary shall develop
3 a comprehensive plan for the long-range protection and
4 management of the Conservation Area. The plan shall de-
5 scribe the appropriate uses and management of the Con-
6 servation Area consistent with the provisions of this Act.
7 The plan may incorporate appropriate decisions contained
8 in any current management or activity plan for the area
9 and may use information developed in previous studies of
10 the lands within or adjacent to the Conservation Area.

11 (f) STATE TRUST LANDS.—The State of Utah and
12 the Secretary may agree to exchange Federal lands, Fed-
13 eral mineral interests, or payment of money for lands and
14 mineral interests of approximately equal value that are
15 managed by the Utah School and Institutional Trust
16 Lands Administration and inheld within the boundaries of
17 the Conservation Area.

18 (g) ACCESS.—The Bureau of Land Management, the
19 State of Utah, and Emery County may agree to resolve
20 section 2477 of the Revised Statutes and other access
21 issues within the Conservation Area.

22 (h) WILDLIFE MANAGEMENT.—Nothing in this Act
23 shall be deemed to diminish the responsibility and author-
24 ity of the State of Utah for management of fish and wild-
25 life within the Conservation Area.

1 (i) GRAZING.—Where the Secretary of the Interior
2 currently permits grazing, such grazing shall be allowed
3 subject to all applicable laws, regulations, and executive
4 orders.

5 (j) NO BUFFER ZONES.—The Congress does not in-
6 tend for the establishment of the Conservation Area to
7 lead to the creation of protective perimeters or buffer
8 zones around the Conservation Area. The fact that there
9 may be activities or uses on lands outside the Conservation
10 Area that would not be permitted in the Conservation
11 Area shall not preclude such activities or uses on such
12 lands up to the boundary of the Conservation Area con-
13 sistent with other applicable laws.

14 (k) WATER RIGHTS.—Establishment of the Con-
15 servation Area shall not be construed to give rise to either
16 an implied or express reservation of any water or water
17 rights pertaining to either surface or ground water. Noth-
18 ing in this title shall affect any valid existing surface water
19 or ground water right in effect on the date of the enact-
20 ment of this Act or any water right hereafter approved
21 pursuant to the laws of the State of Utah or any other
22 State.

23 (l) WILDERNESS ACTS.—Nothing in this Act alters
24 the provisions of the Wilderness Act of 1964 (16 U.S.C.
25 1131) or the Federal Land Policy and Management Act

1 of 1976 (43 U.S.C. 1701 et seq.) as they pertain to wilder-
2 ness resources within the Conservation Area. Recognizing
3 that the designation of wilderness areas requires an Act
4 of Congress, the Bureau of Land Management, the State
5 of Utah, Emery County, and affected stakeholders may
6 work toward resolving various wilderness issues within the
7 Conservation Area.

○

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

Mr. CANNON. Thank you, Mr. Chairman. I appreciate the Subcommittee's holding this hearing this morning. As you know, we have worked hard and long on this legislation to provide for the reasonable management of the San Rafael Swell.

I would like to thank everyone who is here today, and also those who are at home, who have been involved in formulating this legislation. Randy Johnson, Kent Petersen, Val Payne, Ira Hatch, Wes Curtis, Wilson Martin, Courtland Nelson, who traveled from Utah. And we also have Mike Matz who is here with us today, and Larry Young—Larry has not traveled, but he is from Utah. We appreciate the sacrifice you have made to be here today.

I am sure their testimony will be helpful, and I look forward to the discussion of the merits of this legislation this morning.

I appreciate the support of the administration as expressed by Molly McUsic's testimony that she provided on behalf of the Department of the Interior. And, frankly, I am eager to send this bill to the President for his signature.

But I would especially like to thank Sally Wisely, who worked long, long hours on this legislation, and Molly McUsic, and Secretary Babbitt, for their work on behalf of the BLM and the Department of the Interior.

H.R. 3605 outlines a process to preserve the remarkable area famous for such outlaws as Butch Cassidy and the Sundance Kid.

Over the last three years, people in Emery County, Utah, have come together with county officials, landowners, and Bureau of Land Management to develop and support this plan. The San Rafael Legacy and National Conservation Area Act would place 2.8 million acres into a Legacy District to be managed for the conservation of the region's historical and cultural resources.

This bill allows management that would guarantee the preservation of the dramatic canyons, wildlife, and historic sites of the San Rafael Swell. Additionally, this bill sets aside almost a million acres as a National Conservation Area, withdrawn from future mining claims and providing increased protection for primitive and semi-primitive areas.

The Secretary of Interior, in conjunction with an Advisory Council, would develop a management plan for the National Conservation Area that would allow various land uses, while simultaneously preserving the natural resources of the area for future generations.

Many of you may remember a similar bill that I introduced in the last Congress. The concern with that previous bill related to the designation of wilderness. This time, the County Commissioners sat down with BLM and the people who live near and care about the San Rafael Swell and set up a process for dealing with management of the whole area.

We, as Americans, are united in our love for the land and our desire to use it appropriately.

This bill preserves a beautiful part of the State of Utah, while taking into account local needs and interests. It provides a process for managing access for people who come to enjoy the area. Additionally, this bill represents a breakthrough in land management

policy and provides a balance between preservation and recreation. It proves that consensus can be achieved from the ground up rather than from Washington down.

Again, Mr. Chairman, thank you for your work on this issue, and I look forward to hearing from our witnesses.

[The prepared statement of Mr. Cannon follows:]

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

Thank you Mr. Chairman. I appreciate the Subcommittee holding this hearing this morning. You know we have worked long and hard on this legislation to provide for the reasonable management of the San Rafael Swell area. I would like to thank everyone who is here today and those at home who have played a role in formulating this legislation. Randy Johnson, Kent Peterson, Val Payne, Ira Hatch, Wes Curtis, Wilson Martin, and Courtland Nelson have traveled from Utah. I recognize the sacrifice they have made to be here. I am sure their testimony will be helpful and I look forward to their discussion of the merits of our legislation this morning. I appreciate the support of the Administration as expressed in Molly McUsic's testimony provided by the Department of Interior. I am eager to send this bill to the President for his signature. I would especially like to thank Sally Wisely and Molly McUsic for their work on behalf of BLM.

H.R. 3605 outlines a process to preserve the remarkable area famous for such outlaws as Butch Cassidy and the Sundance Kid. Over the last three years, people in Emery County, Utah have come together with county officials, landowners, and the Bureau of Land Management to develop and support this plan.

The San Rafael Legacy and National Conservation Area Act would place 2.8 million acres into a Legacy District to be managed for the conservation of the region's historical and cultural resources. This bill allows management that would guarantee the preservation of the dramatic canyons, wildlife, and historic sites of the San Rafael Swell.

Additionally, this bill sets aside almost a million acres as a National Conservation Area, withdrawn from future mining claims and providing increased protection for primitive and semi-primitive areas. The Secretary of Interior, in conjunction with an Advisory Council, would develop a management plan for the National Conservation Area that would allow various land uses, while simultaneously preserving the natural resources of the area for future generations.

Many of you may remember a similar bill that I introduced in the last Congress. The concern with the previous bill related to the designation of wilderness. This time the County Commissioners sat down with BLM and the people who live near and care about the San Rafael and set up a process for dealing with management of the whole area.

We, as Americans, are united in our love of the land and our desire to use it appropriately. This bill preserves a beautiful part of the state of Utah while taking into account local needs and interests. It provides a process for managing access for people who come to enjoy this area.

Additionally, this bill represents a breakthrough in land management policy. It provides a balance between reservation and recreation. It proves that consensus can be achieved from the ground up, rather than Washington down.

Mr. Chairman thank you for your work on this issue and I look forward to hearing from our witnesses.

Mr. HANSEN. I thank the gentleman from Utah.

Our friend from Michigan, Mr. Kildee?

Mr. KILDEE. Thank you, Mr. Chairman. First of all, I appreciate you having this hearing today. We are anxious to work out some concerns we have on this bill, but I think that we can work those concerns out. I look forward to working with Mr. Cannon and yourself, Mr. Chairman, to get this bill in the proper shape. And I think we all have goodwill here in this, want to work together and move the bill forward.

Mr. Chairman, I also have another meeting of the Forest Committee right down the hall, so I—

Mr. HANSEN. I understand.

Mr. KILDEE. [continuing] will be popping in and out here today.

Mr. HANSEN. We understand and appreciate your being with us for a few moments.

The gentleman from Tennessee has no opening statement.

We will call on our first panel, then. Molly McUsic, the Counselor to the Secretary, Department of the Interior. She is accompanied by Sally Wisely, Utah State Director, Bureau of Land Management. And we will also on this panel have Commissioner Randy Johnson from Emery County and Commissioner Kent Petersen from Emery County.

If the four of you folks would like to come up. I am sure Nancy there can figure out where you are supposed to sit.

We surely appreciate all of you being with us today, and we appreciate Molly McUsic being with us, especially knowing that she has just come back from maternity leave. Thank you very much for being with us.

We are probably going to be a little liberal on time today. So, Nancy, don't get excited if they go over. And you see that little gizmo in front of you that says "five minutes," well, if you need extra time—for all our witnesses—we will be more than happy to give you a little extra time.

We will turn to you. Molly, pull that mike just a little closer to you, please.

STATEMENT OF MOLLY McUSIC, COUNSELOR TO THE SECRETARY, DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY SALLY WISELY, UT STATE DIRECTOR, BUREAU OF LAND MANAGEMENT

Ms. McUSIC. Let me begin by thanking you, Chairman Hansen, for encouraging me last summer—and Sally and Barbara Weyman—to go out and see the San Rafael area and to begin talking to the County Commissioners to see if we could find some common ground. I have to admit, as you probably realize, I was quite skeptical of the possibility of any success in that regard. And I am very pleased that at the end we were able to reach a bill that the administration could support.

And as you and Congressman Cannon mentioned, a great deal of that credit has to go to the Emery County Commissioners and the amount of work that they did to come up with a bill that we could support.

None of us got everything that we wanted, not what they got or what we got. And if we could write the bill in a perfect world, of course it would be different. But it is a good bill, and I am very pleased to be here today to testify in support of it.

As the Chairman well knows, the San Rafael area is an amazingly beautiful place and well-deserving of the special designation and protection that this bill confers. The administration supports this legislation because of the substantial protections that arise for these important public lands, including the withdrawal for mineral leasing and sale and exchange. There were very important restrictions on off-road vehicle use and the innovative provisions of the Legacy District.

However, we would like the opportunity to work with the Chairman and the Committee and Congressman Cannon to address a

few of our concerns. And I want to just highlight one today, which is we urge the need to modify the water language in 202(k) prior to markup. And we can talk about that.

As you are well aware, and as you can see from the map, both the National Conservation Area and the Legacy District are wholly within Emery County. What you may not be aware of is that Emery County contains the longest American highway without any highway services—over 110 miles. And what I like to imagine is some tourist whipping down there about 75 miles per hour and then suddenly being shocked by the amazing beauty of the cliffs and pinnacles and ridges that are there, and just thinking wow.

And if they stop for a minute and look at the map, I think they would be equally shocked and surprised by the wonderful place names in Emery County that suggest the great Western history there—places like Black Dragon and Robbers Roost and Convulsion Canyon, to name just a few.

Today, Emery County is poised to meet its economic future by living in harmony with the beauty and history of this land. What is striking to me about this legislation is that it reflects a recognition that the Federal lands can provide opportunities for economic growth in ways not simply on extraction of resources but also with protection and preservation of the resources.

The legislation simultaneously provides the opportunity for economic growth and protection with a unique two-tiered approach. First, which is the inner boundary there, is a nearly one million acre National Conservation Area. And then the outer boundary is the larger Legacy District, and that is the two tiers.

The first one, the National Conservation Area, has important protections. A number of them, it is withdrawn from mining, mineral leasing, sale and exchange. It also has important management language which requires the Secretary to only allow such uses as are consistent with conservation of the area.

It also, importantly, provides a limitation on vehicular travel cross country. Travel for off-road vehicles would be limited to designated roads and trails. The designation of which roads and trails, along with other management issues like that, would be decided at the local level in a planning process. And there would be, of course, a great deal of complete public input and partnership with the County Commissioners in determining that.

But, of course, while the planning process was going on—and even after the plan was finished—BLM continues to have the authority and the obligation to prevent any resource degradation caused by off-road vehicle use or any other use that damages the resource.

The National Conservation Area also encompasses six wilderness study areas and about 350,000 acres of land that have been found to have wilderness characteristics by the BLM in its 1999 inventory. This legislation has no effect on the wilderness status of these plans. It essentially has a hold harmless clause. It doesn't make any wilderness, and it doesn't release any of the lands from management, either as a WSA or the interim management of BLM.

Section 202(k) deals with water, and we have serious concerns about that language. It contains sweeping language that is not contained in any other law dealing with public lands. We would appre-

ciate the opportunity to work with the Committee and with Chairman Hansen and Congressman Cannon to resolve this before the bill goes to markup. We would also like to clarify some accurate acreages and map issues before the bill is marked up.

The second tier of this legislation, the larger boundary, is the Western Legacy District. And it is a new and unique concept that we think will work well here. As the Chairman mentioned, it encompasses over 2.8 million acres of land, of which a little over two million is BLM-managed public land.

The role of the Western Legacy District is to promote the conservation, history, and natural resources of this area, and this in turn will provide new economic opportunities for the local community. The bill also authorizes a total of \$10 million in matching grants and technical assistance.

This money would be available for a wide range of projects, including planning, historic preservation, and educational facilities. We believe that this will allow the local community to more fully realize the potential economic benefits derived from the protection of the San Rafael Swell area.

In sum, what is wonderful about this legislation is that it both provides considerable new protection for the public lands. At the same time, it provides the local community with opportunities for economic growth.

Let me end, then, Mr. Chairman, by commending, again, the Emery County Commissioners and the efforts they have made. Randy Johnson, Kent Petersen, and Ira Hatch deserve enormous amounts of credit for the bill before the Subcommittee today.

Thank you, and I would be happy to answer any questions.

[The prepared statement of Ms. McUSIC follows:]

STATEMENT OF MOLLY MCUSIC, COUNSELOR TO THE SECRETARY, DEPARTMENT OF THE INTERIOR

Thank you for the opportunity to testify regarding H.R. 3605, the San Rafael Western Legacy District and National Conservation Area Act. As the Chairman well knows, the San Rafael Swell is an area of immense beauty that deserves the special designation and protections that this bill confers. The Administration supports this legislation because of the additional protections it provides for important public lands including the withdrawal from mineral development and sale or exchange, restrictions on off highway vehicle (OHV) use and innovative provisions for a Legacy District. However, we would like the opportunity to work with the Committee and Congressmen Cannon and Hansen to address particular concerns.

The modification of the sweeping water language in section 202(k) must be addressed before markup. Furthermore, we believe the issue of NCA boundaries may need further modification. Wilderness designation for an appropriate portion of this area is a difficult issue that remains. The Administration believes that wilderness protections for a significant portion of this area is warranted and would have preferred that it could have been resolved in this legislation.

Both the NCA and the Legacy District are wholly within Emery County, in central Utah—an expanse of nearly 4,500 square miles populated by only 11,000 hardy souls. Emery County contains the longest stretch of interstate highway in America (110 miles from Green River to Salina) without highway services. Even with a 75 MPH speed limit, the stark and stunning beauty of the vertical cliffs, buttes, ridges, alcoves and pinnacles captures the eye and the imagination of nearly every daytime traveler who uses this remote stretch of interstate to traverse this extraordinary area. The place names of Emery County (Black Dragon, Robbers Roost, Humbug and Convulsion Canyon to name but a few) speak to a storied past and a promising future inextricably linked to the human history, rugged grandeur and harsh demands of these lands.

The beauty of the San Rafael Swell area began 40 to 60 million years ago when a massive uplift formed a geologic structure called an anticline. This bulge in the

earth's crust was later eroded to leave high mesas, deep canyons, domes, spectacular arches and spires. The terrain varies from sheer cliffs and dazzling canyons to more gently eroded badlands broken by shallow washes. The fins and folds of the San Rafael Reef jut through the southeast side of the area with dramatic sheer-walled cliffs, pinnacles, knobs, twisted canyons and valleys of stunning colors. Few canyons can compare to the entrenched, narrow gorges of the Black Boxes of the San Rafael River which twists and turns through the San Rafael Swell. The rugged nature of the region has long served to discourage exploration and settlement except by the hardiest of individuals.

Human occupation of the area dates to at least 11,000 years ago. Petroglyphs and pictographs attest to occupation of indigenous people of the Fremont culture at the turn of the first millennium. Early European exploration of the area probably dates to the mid-to late 18th century Spanish explorers. Through the 1800s American explorers traveled through and around the San Rafael Swell region and were as awestruck by the area as we are today. Lieutenant E. G. Beckwith, a member of a 1853 railroad exploration expedition, wrote this of the region:

Desolate as is the country over which we have just passed, and around us, the view is still one of the most beautiful and pleasing I have seen. As we approached the river yesterday, the ridges on either side of its banks to the west appeared broken into a thousand forms—columns, shafts, temples, buildings, and ruined cities could be seen, or imagined, from the high points along our route.

Nineteenth Century settlement of the area can be traced to the last colonizing mission called by Brigham Young. Fifty families were sent to settle Castle Valley by Brigham Young in August 1877, less than a week before the West's greatest colonizer left this life. In 1880 Emery County was created by the Utah Territorial Legislature and the 1880 Census counted 556 people, a number which increased to 4,657 by 1900.

Today, Emery County, which includes both the San Rafael Swell Area as well as more hospitable grasslands and river bottoms, is poised to meet the future by living in harmony with what these lands hold. The legislation before us today shows reflects a recognition that the Federal lands offer opportunities for economic growth that do not rely simply on extracting from the land but also on preserving and protecting special areas.

The San Rafael Western Legacy District and National Conservation Act provides important protections for this beautiful area, insuring future generations may also enjoy it. Not only will the people of Emery County have the opportunity to rediscover and rejoice in their own considerable history and contributions to the region but they will be able to share this history with the rest of the country—what a gift to all Americans.

The bill takes a unique two-tier approach to protecting this important region. First, H.R. 3605 creates a nearly one million acre National Conservation Area. The San Rafael National Conservation Area created by the bill encompasses approximately 959,000 acres of BLM managed public lands. (There may be room to consider whether these are the most appropriate boundaries or if modifications may be advisable.) Subject to valid existing rights these lands will be withdrawn from mining, land laws and mineral leasing providing important protections. The Secretary is charged under the bill with allowing only such uses of the NCA as further the purposes for which the conservation area is established—another critical protection.

Importantly, vehicular travel within the NCA will be limited to roads and trails designated for their use. The designation of roads and trails, along with many other aspects of management, will be finally determined as part of a management plan. This management plan will be developed with complete public input and involvement, and in partnership with the Emery County Commissioners. This bill does not in any way constrain current BLM authority to limit OHV use as necessary to prevent resource degradation. The BLM is committed to taking whatever interim actions are necessary to protect the resources of the area while the management plan is being developed.

The NCA encompasses six Wilderness Study Areas (WSAs) totaling 269,736 acres and an additional 354,866 acres of lands with wilderness characteristics as determined by the BLM in its *Utah Wilderness Inventory 1999*. This legislation addresses wilderness with a hold harmless clause. Section 4(l) of the bill makes clear that nothing in the bill alters the provisions of the Wilderness Act and FLPMA as they pertain to wilderness resources within the NCA. Appropriate wilderness designation is a component of providing full protection for these irreplaceable lands, and the Administration would like to have seen the wilderness issue resolved as part of this bill. However, this bill does protect these areas against degradation.

We are concerned about the language in section 202(k) of the bill that deals with water. It contains sweeping language not contained in any other law dealing with public lands. We would like the opportunity to work with the Committee and Congressmen Cannon and Hansen to resolve this and clarify accurate acreages before the bill is marked up. Also, it is our understanding that the map, dated February 8, 2000, and created by the BLM for the Emery County Commissioners, is the map that the bill will reference after markup.

The second tier of this legislation, a Western Legacy District, is a new and unique concept, and one that we believe can work well in this situation. This concept was developed from the Heritage Area model which has been so successfully used in the East, but here has been tailored to work in a western landscape dominated by Federal lands. The San Rafael Western Legacy District encompasses over 2.8 million acres of Federal, state and private lands. The vast majority of these lands are 2 million acres of BLM-managed public lands. The Western Legacy District encompasses the NCA and is coterminous with the boundaries of Emery County.

The role of the Western Legacy District is to promote the conservation, history and natural resources of the area. This in turn will provide new economic opportunities to the local community. The San Rafael region has a story just waiting to be told to a public fascinated with the history of the old west. Emery County doesn't need Hollywood to create that story—the people of Emery County lived it! Whether it's a retelling of Sid's Leap which commemorates a daring and dramatic leap on horseback over a 100-foot deep canyon by one of the Swazey Brothers or the attempt by another brother to tame a mountain lion, there is a tale to be told to a public eager to come, see, and hear it.

The bill establishes a Legacy Council which will provide the Secretary advice and recommendations for management of the entire area. The bill also authorizes a total of \$10 million (no more than \$1 million in any one year) to be available for matching grants and technical assistance. These monies may be used for a wide range of projects including: planning, historic preservation and educational and interpretive facilities. We believe it will allow the local community to more fully realize the potential economic benefits derived from the protection of the San Rafael region.

In addition to retelling the history of the settlement of the West, there are other opportunities for increased tourism, and economic growth. Within the proposed NCA boundary in northern Emery County is one of the world's foremost sites for dinosaur fossils—the Cleveland-Lloyd Dinosaur Quarry. Over 12,000 bones including those of the Allosaurus (the largest carnivore of the Jurassic Age) and its prey including Stegosaurus, Diplodocus and three distinct dinosaur species found only in Emery County have been excavated at the site. While scientists have explored the quarry since the early part of the 20th century, it has become a growing tourist attraction in more recent years. The Visitor Center with its mounted Allosaurus attracts 5-7,000 visitors annually. This site arguably rivals Dinosaur National Monument and the potential for increased visitation is excellent.

Mr. Chairman, the legislation before us provides considerable new protections for these important lands. It provides the local community with opportunities for economic growth and it does so in a rational, realistic manner.

Finally, Mr. Chairman let me take a moment to commend the Emery County Commissioners and the efforts they have made. Randy Johnson, Kent Peterson and Ira Hatch deserve enormous amounts of credit for the bill before this Subcommittee today.

I would be happy to answer any questions.

Mr. HANSEN. Thank you so very much.

Sally Wisely, do we turn to you?

Ms. WISELY. Mr. Chairman, I would simply echo what Ms. McUsic has said today, and, again, lend my support to the bill and the recognition, again, of the County Commissioners and the work that they have put into the bill.

Mr. HANSEN. Well, thank you, and we want to tell you how much we appreciate your working with the County Commissioners, and in a reasonable, thoughtful way trying to resolve a very tough problem. Thank you so very much.

Commissioner Johnson, we will turn to you, sir.

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

Mr. JOHNSON. Thank you, Mr. Hansen, members of the Committee. I would also like to express my appreciation to Molly and Sally, and all of the others who have been willing to spend so much time with us.

It is with great pleasure that I testify on behalf of H.R. 3605 today establishing the San Rafael Western Legacy District National Conservation Area. With your considered help, I believe that this bill could represent the future of public land management in America, not just because of how well it protects our public lands, but also because of the extensive process that has brought us to this point.

H.R. 3605 withdraws over a million acres of the San Rafael Swell area for special protection, thereby creating the San Rafael National Conservation Area. Working in tandem with this protective withdrawal would be a 2.9 million acre Western Legacy District, which is designed to protect the wonderful heritage and history of the San Rafael Swell.

These two plans are designed to work together. They complement each other. When we combine the special protection afforded by the NCA with the unique features of the Legacy District, our historical sites are protected, visitors to the San Rafael Swell are well instructed and receive an enhanced tourist experience, and the more pristine areas of the NCA are protected from unnecessary impacts.

The Western Legacy District part of the plan addresses the wonderful blend of man and nature which is unique to the San Rafael. Here the footprints of history trace themselves across the rugged beauty of the Swell. Dinosaur remains scatter the area. There is also ample evidence of Native American cultures throughout the Legacy District, with many of examples of their wonderful history preserved in rock art.

Further, the heritage of the early settlers of this unforgiving land is woven into the area and is every much as deserving of protection as the rocks surrounding them. Such treasures as Sid's Leap, Swasey's Cabin, and Temple Mountain are as much a part of the San Rafael Swell as sand and wind and deep canyon draws.

The Legacy District works to identify and protect these and other wonderful sites for the enjoyment of all who come to the San Rafael. Few other places in the world can provide such an ample supply of heritage sites. This wonderful blend of man and his world is the very heart and soul of this plan.

Tracking the various footprints of natural history and human heritage through the San Rafael Swell gives the breath of life to these lands and causes all who become hooked by the excitement and mystery of the area to take some share of ownership in the process of preservation and protection.

The National Conservation Area part of the bill works to preserve the more pristine areas of the San Rafael Swell in various levels of protection as directed by the land. We have been criticized by some because our bill does not contain any wilderness, but that is the very point of what we have tried to accomplish here. It is a process.

H.R. 3605 is wilderness neutral. We recognize that there are many complex issues to address in determining public land management policy. Consequently, we have proposed that we first withdraw more than a million acres and then, with that protective designation in place, we establish a four-year planning process in which we develop the permanent management plan.

It is during that process that we will work to protect the more pristine lands at an appropriate level. The result is protection within protection.

H.R. 3605 would establish permanent protection for over a million acres through congressional action, and it does it in a correct manner. It is built from the ground up, with all possible stakeholders and managers having a hand in the process, and drawing from those who know and understand the land best. It is permanent protection—protection within protection.

I would just like to point out several reasons why I believe that H.R. 3605 is important at this time. First, I think it is time for us to break the seemingly eternal logjam that we have had in the public land debate. And I think that H.R. 3605 would allow us to do that in a way that preserves and properly protects the land.

Second, H.R. 3605 allows for the involvement, in a respectful manner, of all possible stakeholders. Our public lands are owned by all of the people of this Nation, and they all have a right to their say in how these lands are managed. H.R. 3605 is a product of that extensive dialogue, and, consequently, there is a sense of ownership in the goals of this bill that builds a feeling of responsibility and respect in all of those who have played a part in the development of our bill and who use our public lands.

Third, H.R. 3605 combines the protective withdrawal of the National Conservation Area with the Western Legacy District, thus coordinating the management of the land with the management of the people who visit the land, to the benefit of both. This hybrid combination will enhance our ability to protect the land because we will be able to better focus the human interaction with the land.

H.R. 3605 has, with deliberate intent, drawn all possible stakeholders into the development stages. It, further, has worked to assure that all relevant ideas and concerns are addressed. This bill is not just about helping people carefully and respectfully coexist with the land; it is about helping people coexist with people, with respect for the opinions and ideas of each other while working for common solutions.

H.R. 3605, Mr. Chairman, represents a dream for our public lands, a dream of using our best work, through vision, science, and cooperative effort, to protect and care for our public lands. Also, it contains a prescribed manner for applying that vision for the land in such a way that the dream can actually be accomplished.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Johnson follows:]

STATEMENT OF COMMISSIONER RANDY G. JOHNSON

Mr. Chairman and members of the Committee:

It is with great pleasure that I testify on behalf of H.R. 3605, establishing the San Rafael Western Legacy District/National Conservation Area. With your considered help, I believe that this bill could represent the future of public land manage-

ment in America—not just because of how well it protects our public lands, but also because of the extensive process that has brought us to this point.

H.R. 3605 withdraws over 1,000,000 acres of the San Rafael Swell area for special protection, thereby creating the San Rafael National Conservation Area (NCA). Working in tandem with this protective withdrawal would be a 2.9 million acre Western Legacy District which is designed to protect the wonderful heritage and history of the San Rafael Swell.

These two plans are designed to work together. They compliment each other. When we combine the special protection afforded by the NCA with the unique features of the Legacy District, our historical sites are protected, visitors to the San Rafael Swell are well instructed and receive and enhanced tourist experience, and the more pristine areas of the NCA are protected from unnecessary impacts.

The Western Legacy District part of the plan addresses the wonderful blend of man and nature which is unique to the San Rafael. Here, the footprints of history trace themselves across the rugged beauty of the Swell. Dinosaur remains scatter the area, focusing at the Cleveland Lloyd Dinosaur Quarry, one of the largest sources of fossil remains in the world. There is also ample evidence of early Native American cultures throughout the Legacy District, with many examples of their wonderful history preserved in rock art. Further, the heritage of the early settlers of this harsh and unforgiving land is woven into the area, and is every much as deserving of protection as the rocks surrounding them. Such treasures as Sid's leap, Swasey's Cabin, and Temple Mountain are as much a part of the San Rafael Swell as sand and wind and deep canyon draws.

The Legacy District works to identify and protect these and other wonderful sites for the enjoyment of all who come to the San Rafael. Few other places in the world can provide such an ample supply of heritage sites. Places such as Swasey's Leap Historical site, Outlaw Joe Walker Trail Corridor, Hidden Splendor Historical Site, the Spanish Trail Corridor, Copper Globe Historical Area, Rock Art Historic Corridor, and many, many others. Access to these destinations will be accomplished by means of existing and long-used roads and trails. Most importantly, the ever-increasing flow of tourists will find a greatly enhanced visit to the San Rafael Swell, while we are able to better manage that flow of people and better protect the more pristine parts of the San Rafael lands.

This wonderful blend of man and his world is the very heart and soul of this plan. Tracking the various footprints of natural history and human heritage through the San Rafael Swell gives the breath of life to these lands, and causes all who become hooked by the excitement and mystery of the area to take some share of ownership in the process of preservation and protection. It is a user-friendly plan, and everyone benefits from its manageable approach.

The National Conservation Area part of the bill works to preserve the more pristine areas of the San Rafael Swell in various levels of protection as directed by the land.

We have been criticized by some because our bill does not contain any wilderness. But that is the very point of what we have tried to accomplish here. It is a process. H.R. 3605 is wilderness neutral. We recognize that there are many complex issues to address in determining public land management policy. Consequently, we have proposed that we first withdraw more than a million acres, and then, with that protective designation in place, we establish a four year planning process in which we develop the permanent management plan. It is during that process that we will work to protect the more pristine lands at an appropriate level. The result is protection within protection.

We have also been criticized because, while there are many layers of protection already on the land, it is not permanent. They say that only wilderness can make it permanent. H.R. 3605 establishes permanent protection for over 1,000,000 acres, through congressional action, and it does it in the correct manner. It is built from the ground up, with all possible stakeholders and managers having a hand in the process, and drawing from those who know and understand the land best. It is permanent protection—protection within protection—resulting from collaboration and cooperation rather than something being thrust down from above and forced into position whether it fits or not.

I would like to point out several reasons why I believe that H.R. 3605 is important at this time:

First, it is time to break the seemingly eternal logjam we have had in the public land debate. Wilderness purists would have us believe that until we accept huge and ever-increasing areas of wilderness, we will never adequately protect our lands. And since our bill does not accomplish that, it is "anti-wilderness." But the wilderness advocates are not interested in what protection our bill does offer. They are only concerned that it is not all wilderness, and therefore it does not meet their

moveable acreage quotas. But, how long must we remain hostage to such impossible tactics? It is time to move forward with new ideas and renewed commitment to resolve issues and solve problems. H.R. 3605 will allow us to do just that.

Second, H.R. 3605 allows for the involvement, in a respectful manner, of all possible stakeholders. Our public lands are owned by all the people of this nation, and they all have a right to their say in how those lands are managed. The current debate does not allow that. But H.R. 3605 is a product of that extensive dialogue, and consequently, there is an sense of ownership in the goals of this bill that builds a feeling of responsibility and respect in all those who have played a part in the development of our bill and who use our public lands. This sense of ownership will create a better quality of protection than any amount of attempting to just “lock people out” could ever do.

Third, H.R. 3605 combines the protective withdrawal of the National Conservation Area with the Western Legacy District, thus coordinating the management of the land with the management of the people who visit the land, to the benefit of both. This hybrid combination will enhance our ability to protect the land because we will be able to better focus the human interaction with the land.

Part of the problem with the current debate is that it omits the human equation. There is a growing number of people who love the public lands and who have every right to expect to be able to visit and enjoy them in their own way. Wilderness proposals ignore this human element, but the San Rafael National Western Legacy District/National Conservation Area bill takes into account the people part of the equation and works to resolve it. The result will be a better brand of protection.

I would like to further illustrate this point by pointing out the differences between H.R. 3605 and current wilderness proposals:

- Wilderness purists remain focused on one thing only—wilderness. They will not be part of any discussion that may vary from that focus.
- H.R. 3605 takes into account all possible points of view and works to draw each perspective into the process.
- Wilderness purists rely on contention and controversy, and therefore they continually work to escalate the urgency of their claims.
- H.R. 3605 is designed to resolve long-standing issues and works for permanent and genuine resolution.
- Wilderness purists claim that all public lands are beautiful, all public lands are at risk, and that only wilderness will protect them from the risk.
- H.R. 3605 recognizes all levels of need, takes into account current protections, and views wilderness as one tool in a complex management system.
- Wilderness purists refuse to come to the discussion table, refuse any form of dialogue, and reject any type of consensus building.
- H.R. 3605 recognizes all the values of the land and all the people who use it. It works to resolve land management issues with respect for all stakeholders.
- Wilderness purists view man as a harmful intruder in the natural world.
- H.R. 3605 asserts that man and nature can and must coexist in a sensitive and respectful manner.
- Wilderness purists believe that as long as there is no progress in the debate, they have won their cause. A loggerhead is a victory.
- H.R. 3605 contends that we have the science, the understanding, and the inclination to address our public land management issues to the benefit of the land and all who use it.
- Wilderness purists use such words as “War,” “Fight to the death,” and “No net loss” in the public land debate.
- H.R. 3605 uses such words as “Solution,” “Cooperation,” and “Peaceful resolution” in development of its on-going planning process.

Lastly, the third, perhaps most compelling reason for H.R. 3605 is because we need a solution to our public land management dilemma. We have been at loggerheads for far too long. I believe that H.R. 3605 has the potential to move around the blockade and create a positive future for public land management in America.

Unfortunately, in a nation where diversity is the central thread in our national fabric, we have created a situation in the public lands debate where gross generalities dictate the parameters of the discussion and diverse opinions are no longer welcome.

We have always had widely diverse points of view on all the different issues of running this nation. And, we have always been able to draw those viewpoints to the table to create solutions that are a blend of the best ideas and are the best for all involved. It is important to have a process where these viewpoints can come together to establish common ground and to seek common solutions.

Unfortunately, we do not have that ability in the current wilderness debate. Consensus building and dialogue are considered to be hostile to the vision of “pure” wilderness.

It is deeply concerning to me that, in this nation, any group or individual would be able to say, “Our idea is so sacred and so perfect that no other perspectives will be entertained.” What is even more alarming is that such a group could gather enough power as to be able to essentially hold hostage any democratic process and thwart any true progress toward resolution of the issues in question.

Quite frankly, the wilderness issue is just such a scene. The wilderness vision, as defined by current advocates, cannot do all things that the land needs, and creates enemies of people who should be cooperative allies.

In deep contrast, H.R. 3605 has, with deliberate intent, drawn all possible stakeholders into the development stages. It further has worked to assure that all relevant ideas and concerns are addressed. This bill is not just about helping people carefully and respectfully coexist with the land, it is about helping people coexist with people—with respect for the opinions and ideas of each other while working for common solutions.

We have become much too intolerant of each other, unwilling to bend, unwilling to consider the needs of the other. Perhaps it is because we have become so consumed with the issue itself that we have lost sight entirely of who we are.

A great man once said, “Tolerance may be a virtue, but it is not the commanding one. There is a difference between what one is and what one does. What one is may deserve unlimited tolerance; what one does only a measured amount. A virtue when pressed to the extreme may turn into a vice. Unreasonable devotion to an ideal, without considering the practical application of it, ruins the ideal itself”.

No dream has real value unless there is a practical application of its vision.

The wilderness dream has no practical application. It is laden with difficulty. Wherever it is proposed it creates far more problems than it could ever solve.

H.R. 3605, on the other hand, represents a dream for our public lands—a dream of using our best work, through vision, science, and cooperative effort to protect and care for our public lands. But also, it contains a prescribed manner for applying that vision to the land in such a way that the dream can actually be accomplished.

H.R. 3605 is Vision and Reality as cooperative partners.

We believe that we must re-evaluate our public lands management philosophy. We must look at the conflict we have created, and ask ourselves where we are going and who benefits from the continual contention.

I close my testimony with the Words of Thomas Jefferson, from the walls of the Jefferson Memorial:

“I am not an advocate for the frequent changes in law and constitutions, but laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths discovered and manners and opinions change, with the change of circumstances, institutions must advance also to keep pace with the times...”

It is time to move beyond the loggerhead. It is time to keep pace with the times. It is time to do the right thing.

Thank you.

Mr. HANSEN. Thank you, Commissioner Johnson.
Commissioner Petersen?

STATEMENT OF COMMISSIONER KENT PETERSEN, CHAIR, EMERY COUNTY, UTAH

Mr. PETERSEN. Chairman Hansen, and members of the Committee, my name is Kent Petersen, and I am Chairman of the Emery County Commission. I am just happy to be here.

The San Rafael Western Legacy District includes all of Emery County—2.8 million acres—and it will be established really to take care of the historical, cultural, natural, and scenic resources of the San Rafael region and will help the local communities to continue to exist. Perhaps most importantly, it will collect the history and stories of the San Rafael and tell these stories to the people who come to visit.

It will also help us to develop a control basis for a tourism-type economy that will benefit the local people but will not overrun us. The San Rafael National Conservation Area will provide enhanced management and protection for about 1.1 million acres on the San Rafael Swell. It will manage the land and the people who come to visit. Combining the Legacy District with the NCA will provide a plan for managing and protecting the land and managing the people who come to visit.

Geologically, as it has been explained a little bit, the San Rafael Swell is an uplifted dome that has eroded over millions of years to leave amazing canyons, buttes, pinnacles, and even open grassland. And the San Rafael Swell, it must be pointed out, is in the middle of the conservation area. The conservation area surrounds it and contains all of it.

It is a land of scenic beauty, but it is much more than that. It has a unique history and heritage. Many of the dinosaur skeletons on display in museums throughout the world came from the Cleveland Lloyd Quarry on the edge of the Swell. Rock art and other remnants of the early Native Americans abounds throughout the Swell.

Butch Cassidy and the Robbers Roost gang frequented the Swell. Cowboys have managed their livestock on the Swell from the early 1870s until today. Prospectors and miners searched for and mined valuable uranium on the Swell from the early 1900s until the late 1960s.

If you protect the San Rafael as all wilderness, as many here today may suggest that we should do, you will have one more area of fantastic rocks, but that isn't unusual in Utah. If you don't hear the stories, you miss the best part of the Swell.

This proposal will not only preserve the land, but it will preserve and pass on the story. If you go and visit the Lower Black Box, you will see a magnificent gorge about 20 feet wide and 300 feet deep, with the San Rafael River in the bottom. If you know the stories, you can imagine Sid Swasey jumping his horse across the canyon to win a bet with his brother Charlie.

Since the early 1900s, the people of Emery County have worked with the government to protect the land. In the early 1900s, they petitioned for the existence of the Manti National Forest. Again, in the 1930s, we worked to help to develop the Taylor Grazing Act and protect the land that is now the San Rafael.

Following in this tradition, Emery County, in 1992, became a pilot county in an effort to resolve the Utah wilderness issue, in a project developed by Project 2000, A Coalition for Utah's Future, which is a broad-based public interest group. We met with a widely diverse group of stakeholders, including environmentalists, oil and gas interests, everybody. And we reached consensus on many issues, but we didn't reach final solution because of outside pressures.

But this led to the development of the Emery County Public Lands Council, which meets regularly with all of the citizens and the public agents. They were responsible, with the Department of the Interior, for the development of this bill.

We found that we all wanted the land protected. We also found that wilderness isn't the only method. In fact, sometimes it isn't the best method.

We studied various protection methods and determined that the National Conservation Area, with various protection schemes inside the NCA, would be the best way for managing the Swell. And that is what is proposed in this bill.

You will probably recall we brought H.R. 3605 to this Committee about two years ago. It was received friendly in some places, but then was shot down in the Omnibus bill at the end of the session. After that, we thought we ought to get back together and see what we could do to make this thing work. And that is when we talked to the Department of the Interior.

Molly came out to see us, Molly and Sally. We drove around the San Rafael, and we even arranged for a small band of bighorn sheep to be sitting right underneath the ledge when we arrived there for them to see. I think that probably helped Molly in selling her on the concept.

And we invite all of the members of the Committee, even the ones who aren't here—and members of the environmental community—to come out and see us. We will show you around the San Rafael. We will talk to you, tell you some of the stories, tell you about our views, and we will serve you some good food while we are there.

We think this is a good bill, and we think that it may be able to provide a blueprint for resolving public lands issues in the West. In many ways, it is similar to the establishment of a national monument, which seems to have been popular with this administration and the environmental community, except that it was started from the ground up.

Details for the management of the lands in the conservation area will be developed over a four-year planning process, just as was done with the Escalante Grand Staircase National Monument.

And the first area to be considered in this management plan is the development of an access management plan, which will control the use of ORVs in the Swell. When this plan is developed, it will be enforced in probably the only way that something like this can be adequately enforced. It will not just be the BLM, but the Emery County Sheriff's Department will be involved. We think that is a way to accurately take care of it.

Thanks to you for giving me the opportunity testify, and thanks, Chairman Hansen, for holding this hearing.

[The prepared statement of Mr. Petersen follows:]

STATEMENT OF KENT R. PETERSEN

Chairman Hansen and members of the Committee, my name is Kent Petersen. I am chairman of the Emery County Commission. I was elected to the Commission in 1992. I am pleased to be here to talk to you about H.R. 3605, The San Rafael Western Legacy District and National Conservation Area.

The San Rafael Western Legacy District includes all 2.8 million acres of land in Emery County. It will be established to preserve, conserve, and interpret the historical, cultural, natural, and scenic resources of the San Rafael region of the state of Utah, as well as the economic viability of rural communities in the region. The San Rafael National Conservation Area will provide enhanced management and protection of 1.1 million acres located on the San Rafael Swell in the heart of the Legacy District.

Only 8 percent of the land in Emery County is in private ownership, 82 percent is in Federal ownership, and 10 percent belongs to the state of Utah. The citizens of Emery County have a long history of caring for the land whether it was private, Federal, or state. In the late 1890's and early 1900's you could tell the location, from the valley floor, of the sheep and cattle herds 15 miles away on the mountains, by the clouds of dust they kicked up from the severely over grazed land. Large herds of cattle from outside the area, of cattle from outside the area, even from outside of the, state were grazing uncontrolledly on the public lands. Local citizens petitioned the government for the establishment of the Manti National Forest. Through cooperative efforts of the local ranchers and the Forest Service the lands have recovered and are once again very productive.

In the 1930's we cooperated with the Federal Government to establish Taylor Grazing Act, on the lands in the San Rafael Swell. Again grazing was limited to holders of grazing allotments. Through conservation efforts of local users and the BLM, the condition of the land is again improving.

The San Rafael Swell which is within the National Conservation Area is a land of scenic beauty, but it is much more than this. It has a unique history and heritage. Many of the dinosaur skeletons on display throughout the world have come from the Cleveland Lloyd Quarry operated by the BLM on the northern edge of the Swell. Rock art, and other remnants of the early Native Americans, abounds throughout the Swell. Butch Cassidy and the Robbers Roost gang frequented the Swell and used it as a getaway route after more than one robbery. Cowboys have managed their livestock on the swell from the early 1870's until today. They also named most of the landmarks and places of interest. Prospectors and miners searched for, and mined valuable uranium on the Swell during the 1950's and 60's. These are only a part of the history and legacy we will be protecting with the San Rafael Western Legacy District and National Conservation Area.

When I was elected to the County Commission in 1992 the wilderness debate had been going on for more than 10 years with no solution in sight. We in Emery County decided we should work for our own solutions. We became the pilot county in an effort to resolve the Utah wilderness issue developed by **Project 2000, A Coalition for Utah's Future**. They are a broad based public interest organization. We met with a widely diverse group of stakeholders to see if we could come to a consensus resolution of the wilderness issue in Emery County.

The stakeholders included members of state and national environmental groups, oil, gas, mining and utility interests, OHV users, ranchers, local government, state and Federal land management agencies, and local citizens. We met for about two years. We were able to reach consensus on many issues but were unable to come to a final resolution because of outside political pressures.

These discussions led to the formation of the Emery County Public Lands Council. It is a broadbased group of local citizens that meet on a regular basis to discuss and resolve public land issues. We have signed Memorandums of Understanding (MOU's) with the BLM, Forest Service, and State Agencies. We decided if we were going to have a say in our destiny we would have to become proactive and seek workable solutions. These discussions also led to the demise of the Utah Wilderness Association, the main environmental group working with us. They were blackballed by the other Utah environmental organizations for working with us.

While meeting with **Project 2000, The Coalition for Utah's Future** we found that our goals for the land were not all that different from most members of the environmental community. We all wanted the San Rafael to remain forever as it is today. The differences were in how we were to accomplish this goal.

At a public meeting in Castle Dale, Montell Seely, a local sheep rancher and historian, and George Nickas, a member of the Utah Wilderness Association, described very similar visions for Sid's Mountain in the heart of the San Rafael. They differed only in the methods for accomplishing their vision. George, the environmentalist thought it should be made a part of a large wilderness area. Montell said that it should always remain wild and that its location would ensure that it would. H.R. 3605 will satisfy both of their visions.

We determined that we all wanted the land protected. We also found that wilderness was only one method of land protection and is often not the best method. It is, in fact, a non management tool. We studied various protection methods and determined that a National Conservation Area (NCA) with various protection schemes inside the boundary would be the most effective method from the ground up. Details for management of lands within the Conservation Area will be developed during the four year planning process.

This is a bill started at the local level with strong consideration of national interests. It will protect some very important lands. It will protect and manage the wildlife who live on these lands. It will manage the people who visit and use these

lands. And it will protect the heritage and the history of those who have called these lands home.

I am sure that after careful study you will agree that H.R. 3605 is the ideal management tool for the San Rafael Swell and for all of Emery County, Utah. Maybe it will be the model for a new way to resolve public land disputes in the west.

Thanks to you for giving me the opportunity to testify, and thanks to Chairman Hansen for holding this hearing.

Mr. HANSEN. Thank you, Commissioner Petersen. We appreciate your testimony.

Commissioner Petersen is quite renowned for his cowboy poetry, too, and the last time he was here he—

Mr. PETERSEN. Well, thank you.

Mr. HANSEN. [continuing] delighted the Committee with a few extra things concerning the San Rafael Swell.

Questions for the panel? We will start with you, Congressman Cannon.

Mr. CANNON. Thank you, Mr. Chairman.

First of all, Ms. McUsic, let me congratulate you on the new addition to your family. It is nice to see you.

Could you comment, Ms. McUsic, on the role of the BLM after the previous bill was determined to be unsatisfactory. What happened after that? I mean, you guys were wonderful about taking some initiative there.

Ms. MCUSIC. Sure. Let me actually defer to Sally Wisely of the BLM to explain how the BLM helped.

Mr. CANNON. Great.

Ms. WISELY. Shortly after I came to Utah—actually, on my very first round after I was appointed Director, in the visit with all of you, you asked me to take a look, thought there were some good ideas in the previous bill and asked me to revisit that.

And, again, Ms. McUsic and myself and Barbara Weyman, at the Commissioner's invitation, went out to the Swell to spend a couple of days with them, taking a look on the ground at the issues and what opportunities there might be.

In the interim, then, our office has been talking a lot with the County Commissioners, as they really took the lead in terms of making suggestions and really taking a hard look at what we thought worked and what we thought maybe there were some problems with in the last bill, to craft something, then, that everyone felt good about.

Mr. CANNON. Ms. Wisely, thank you in particular for all of the time that you did spend on this. I know that it was a lot of time, and I think the bill reflects your efforts there.

For either you, Ms. Wisely, or Ms. McUsic, how do you anticipate dealing with OHVs? Has the county worked with BLM so far in setting up management for off-highway vehicle use?

Ms. WISELY. If I could take a shot at that. First of all, let me just mention that we are aware that we have some OHV issues in that general area. There is no question that we have some issues there.

What we have been doing within BLM is taking a hard look at trying to figure out what those issues are, how to get our arms around that, how best, then, to address that. We have been having some discussions with the Commissioners, and what I would expect

is that very shortly here we will then take some actions to kind of lay out a strategy in terms of how to approach that.

Mr. CANNON. Thank you. I just wanted to say that I went on a four-wheeler trip in the area last summer, and it was really truly a remarkable experience. It is beautiful. It is interesting. I was deeply concerned about what kind of damage might be done. Where we went—the country can handle that. We were with a very responsible group of OHV handlers, and—I think it is an important element of what we do.

Commissioner Johnson, thank you, again, for coming. Would you mind elaborating a little bit on the process used to establish the outline for this bill?

Mr. JOHNSON. Yes, sir. As you recall, last year when we presented this bill, we essentially used the San Rafael Swell itself as the outline for the National Conservation Area.

But in the process of working with the Department of the Interior, we looked at all of the other lands that had, you know, the need for some form of management and the need for this sort of special protection afforded by an NCA, and decided that we would expand those boundaries to cover those lands that would benefit from this four-year process. And, essentially, that is what we came up with in that process—you know, taking into account all of the factors of the land itself.

Mr. CANNON. Is it your sense that the people in the county support the bill?

Mr. JOHNSON. When we came to terms with this bill with the Department of Interior and BLM, we felt it was essential that we let our constituents in Emery County know where we were with this bill. It certainly is a movement for the local constituents in terms of its new concept and its sort of expansive dream.

And so we decided that we would take it to as many people as we could. And in the process of doing that, we went to town councils, to water boards, cattlemen associations, OHV groups, every organization that met in our county in any manner—we attended their meetings and presented this plan to those folks.

We also held a public hearing at the end of that process and invited folks to come and give their input on the plan. And they were overwhelmingly in support of our proceeding with this bill.

Now, I would hope that we, in some way, could express to you what a wonderful concept this is for the folks of Emery County, who largely have sort of had these concepts of land management thrust down upon them over the last 20 or 30 years in a manner which has made them feel that they have not adequately taken care of those lands, and that they could not adequately continue to take care of those lands.

So it has caused them to be a bit defensive. For them to recognize the status of public lands issues at this time in the history of this process, and for them to be willing to take this kind of a step to protect those lands, I think is a remarkable thing and a tribute to the understanding and willingness of the folks in Emery County to take good care of the San Rafael Swell area.

Mr. CANNON. I also think it is a remarkable thing.

Mr. Chairman, I notice my time has expired. Could I ask unanimous consent to extend my time for another five minutes?

[Laughter.]

I won't do that, but I do have a few more questions.

Let me just ask you, Commissioner Johnson, one other question, or a compound question, actually. The bill doesn't provide specifically for wilderness designation. Could you talk a little bit about the advantages that has? And do you anticipate that some of the land will actually be managed in the same way as wilderness?

Mr. JOHNSON. There is no question that much of the land will be managed as wilderness. Whether we call it wilderness, or whether we call it primitive, or what it ends up calling, I can't predict that. But I will tell you that there will be much of the land within that NCA that there is no question in my mind will be managed for its primitive qualities.

And I think that there should be no threat to the fact that there isn't wilderness there. I think it should be more threatening if it was, because part of this whole process is that we have four years to look at that land in a very deliberate manner with a planning team that has expertise in recognizing qualities of the land and how they should be protected.

And in that four-year process, I believe it will come up with a management scheme that fits the land very well. So I am comfortable that the land will be managed for—in the manner that it needs to be managed, and that those pristine lands will be adequately addressed.

Mr. CANNON. The county has rights of way and access on many roads in the area. Do you expect to be trading off some of those rights in the context of an overall plan?

Mr. JOHNSON. I don't know if trading off those rights would be an accurate way to say it. I think that there are places within this NCA where there is some indiscriminate use. But I would hope that folks would understand that there is a small handful of folks that sort of ignore the rules and the laws governing OHV use.

It is the same in any other area of law. There is always a handful of folks who ignore the law and do what they want to do. And I would not want to paint a picture of OHV use being just indiscriminate whenever anybody starts a four-wheeler.

Emery County has a lot of roads and a lot of trails in that area that we assert as RS2477. But we recognize that an early part of this planning process would be that we identify an access plan and work with the BLM and the Department of the Interior to come up with that access plan. And there most certainly would be some spurs and some trails and some roads that we would close as a result of that, because they are unnecessary or they are causing some undue degradation.

But we also remind you that having a proper access plan is an essential part of the Legacy District. And so we would identify those roads which would most benefit getting to and from the sites that the tourists would want to see and that we need to preserve and protect and provide access to. So that will all be part of that plan.

But the reason that I believe this will work in this plan to the benefit of all is because, in a cooperative effort, we draw everyone into this discussion, and the end product everyone has ownership

in. And so if we have opened the road, everyone has decided that road is essential.

If we close a road, everybody has decided that road is unessential. And we don't just have something that people feel threatened by, and, therefore, those handful of folks that are going to break the laws anyway are continuing to go into.

The other part of it is that you have a couple of factors enter into it because of this process. One is we have the ability and the finances to do a far better job of educating the public. Some of the damage that is done down there is not deliberate.

It is done because they are unsure where the trail is or where to go in some circumstances, and where they can and can't go. We would have a good, extensive education process that would come out of this to keep people in the proper places.

The second thing that would come out of it is that we would have a cooperative enforcement effort. Now, the BLM simply doesn't have the manpower to handle a county the size of Connecticut with one man, essentially. When the county enters into it, then we would become partners in that protection, and we would help them make sure that the roads and trails that do remain part of this access plan are used properly and that undue degradation doesn't occur.

Mr. CANNON. Thank you, Commissioner.

Commissioner Petersen, I really enjoyed your comment, your idea that, I think you said, if you don't hear the stories, you have missed the best part of the Swell. So we need a commitment from you—and I haven't quite formulated this yet—but it has got to have to do with numbers of years you commit to live and number of poems you write per year.

I suspect in the meantime we could get away with just a commitment that, as people visit, that you will share some of your cowboy poetry with them.

Mr. PETERSEN. Well, we will certainly commit to doing that.

Mr. CANNON. And you and I can talk later on about the other output issues.

Mr. PETERSEN. If you will give me a guarantee on the number of years, I will be glad to accept it.

[Laughter.]

Mr. CANNON. Maybe we could increase the output over the years and then it is your responsibility to do the output and then get the years or something. I don't know.

Could you talk a bit about what the purpose of the Legacy District is, and what some of the problems are that you are currently having that it will solve?

Mr. PETERSEN. Well, we look at the Legacy District as a way to pull the whole thing together and make the local area part of it. This is the thing that will help to preserve the stories. In fact, we are out there doing that right now. Even as we speak, we have a couple of people who are out gathering oral histories to continue to have the history of the San Rafael Swell, and they are doing it with modern technology, so they have videotapes in addition to audio.

But we want to have the stories, and we want—we know there are people that come to visit the Swell right now. I drive across it fairly regularly. Molly talked about the I-70 across there. I wonder

what people think who have no idea what they are coming on, they have never heard of the San Rafael, and they are coming from the east and they see the San Rafael Reef, and then they drive across the Head of Sinbad, and they see all of that country, and they don't have the slightest idea what it is. I just wonder what people think.

We want to tell those people what they are seeing. We want to get them into our community, so that perhaps they can leave a few dollars. We want to focus the visitors so they can go out and have a good experience, so they can hear the stories and they can see the things out there, but they don't destroy what they are seeing in the meantime. We don't want to have everybody in the world coming out there and tramping around, but we do want some of them to come and help us to sustain some kind of an economy with it.

Mr. CANNON. I have to say that drive over I-70 is one of the most remarkable on earth. It is breathtaking. I love to travel my district. I really love going over that stretch of highway.

Can you talk a little bit about what kind of dialogue you have had on off-highway vehicle use within the county?

Mr. PETERSEN. There has been a lot of it. I guess that would summarize it fairly well. But I think we need to make this point very clear. I think the majority of people down there already feel that we think the off-road vehicle use should be on designated roads and trails.

We have talked a lot with the BLM. I suppose when we get right down on a few roads we might have some very interesting dialogue. But overall, I think we can agree that we want to control it. The ORV community has joined together to work with the BLM to try and protect some areas, and we have some very interesting things that have been done.

They volunteered to put in some of the signage. We think that if a sign is out there, if it isn't a sign that just says the BLM says this is wilderness, you can't go, but is something done by the local ORV community saying, "This is where the road goes, up here. If you stay on this road, this is what you will see. Don't get off this road. You will destroy our land," those kind of things we think will work.

Mr. CANNON. Great. Thank you, Commissioner.

Mr. Chairman, you have been very generous with the time. I would just like to thank this panel. This group has been remarkably assiduous in a long and difficult task, and I think that the product is really good for Utah public lands and for America and for the citizens of America.

Thank you very much.

Mr. HANSEN. Thank you, Mr. Cannon.

The gentlemen from New Mexico, Mr. Udall, any questions for this panel?

Mr. UDALL. I will pass, Mr. Chairman. Thank you very much, though.

Mr. HANSEN. Thank you, Mr. Udall.

Molly, let me just submit to you some questions. As I have been getting up to speed on this bill, it seems like if there is a little rough spot we have got to kind of sand down a little bit, it may be on water rights. And so if I could, I would like to probably not

really ask you specifically here but maybe submit to you questions about the administration's concerns on that.

And also—and I am sure you realize the in-stream flow right of the State of Utah that they have in the San Rafael River. If I could prevail upon you to respond to those by letter, I would really appreciate it. I could get that to you. And I do want to tell you and Sally Wisely how much we appreciate your testimony today.

Commissioner Johnson, one of the debates we have had around this Committee for the last 20 years is where do we stand on just—I want your opinion. I know few individuals, you and Commissioner Petersen, who have spent more time on the lands of Utah. And there seems to be a debate that always is prevalent in this Committee. Is wilderness the only way to protect ground?

I have heard this debated since the day I walked in here in 1980. And, actually, under the past two administrations they argued, as this one has sometimes, that the management plans of BLM, Forest Service, Park Service does a better job of protection.

There seems to be a perception out there that is fast dwindling, is what is the best way to protect ground? A man of your stature and your understanding, I would like you to respond to that issue.

Mr. JOHNSON. Well, certainly not trying to offend anyone, but just responding to you from my personal perspective, I would say that it is concerning to me when we have a concept or an idea that is held by one group or individual that they feel is so pure and so perfect that all other ideas are hostile to that, and that it becomes so pervasive that it sort of deadlocks and logjams all other considerations.

And I am afraid that what was once an excellent concept of setting aside certain exemplary lands has so permeated the land management discussion that it causes us to be at odds with each other all the time, it causes us never to be able to make progress, and it causes us to constantly be in turmoil over what we should do on our public lands.

Now, what I am saying is that the original vision of wilderness I think was a good one, but it has been taken to the point where it makes it impossible for us to even get any work done, and because of that I don't like the concept of wilderness. Not because I don't like that vision, but because I don't like where it has been taken.

What we have tried to do with this discussion is to recognize that everyone has an opinion on how our public lands should be managed. It is interesting to me, because when I pull up through I-70—or I used to live up in the Oregon area years and years ago, and there are some wonderful arching bridges that cut across some of those canyons and gorges down the Columbia River Gorge.

It is a remarkable thing to me to see the engineering of man as you watch a glistening highway cut across some of those lands or a beautiful bridge cut across against those green hills. I think it is a wonderful thing to see the ingenuity of man blended against the beauty of nature. I think that is wonderful.

There are those who think that any sign of man is a scar on the land. Am I wrong and they are right? Are they wrong and I am right? And, see, that is where we have been thrust with this whole

wilderness debate. There are many opinions that ought to be valued.

We have the OHV use, for example. The way that we have portrayed that is that anybody who gets on a four-wheeler and wants to go down and visit those beautiful lands is evil and destructive, and they are going to go off and do bad things. That is largely untrue. In fact, some of the OHV clubs in the State of Utah are the most responsible users of our public lands, and yet their voice is constantly pushed to the side because of the image that is created.

What we have tried to do with this bill, sir, is draw everyone possible to the table and say, "We value your opinion. Let us come up with a package that can protect these lands properly, that can manage the use of those lands, that factors in the human equation that we cannot ignore, and then comes up with a protective package that does all of that properly."

I think that we can do that with this bill, and I think that that is where we need to go with public lands issues, because we simply can't abide a deadlock for the rest of our lives. I am tired of the fight, and I think a lot of people are.

Mr. HANSEN. I appreciate that well thought out answer. You know, I think that the agencies—BLM, Forest Service, Park Service—have really done a remarkable job over the years in taking care of the public lands. You have got to hand it to them for working very well.

Of course, there has been an entire industry built around one word, and, really, kind of a misconception in many areas. We have done a very unscientific area of what happens to an area once it is put in wilderness. It draws a lot of attention. It is almost like a big, red, sore thumb sitting there saying, "Come and see us."

And sometimes areas that are never mentioned have the most pristine qualities to them. Always a tough issue, but it is one of the biggest issues that we face in this Committee, if I may say so. Appreciate your comments.

The gentleman from Utah, the gentleman from New Mexico, any further questions for this panel? Anybody inspired to say anything? [Laughter.]

Mr. UDALL. A couple of questions, Mr. Chairman.

Mr. HANSEN. This is one of those easy days. Nothing is going on on the floor, and they rarely happen this way. You know, most of the time we are pressed for every second.

The gentleman from New Mexico?

Mr. UDALL. The last discussion we just had was about wilderness and the idea that it had been taken too far. My understanding is there are some lands within this area that may well have wilderness values. Do you agree with that? I would ask the members of the panel. And if you do, what are your intentions as far as getting these into wilderness? And I would—go ahead, Commissioner, we will start with you, and then—

Mr. JOHNSON. Since this is rather—a little less stressful than some I have testified at in this area, I would like to recognize that I have my granddaughter Libby with me today, and she has come to share this experience, Mr. Chairman, and then I will answer your question.

I would be the first to acknowledge that there are lands within this NCA that have pristine qualities. Absolutely. And I would be the first to assure you that in this planning process those areas would be addressed to protect those pristine qualities.

Again, I reiterate, I don't know the answer as to whether we will call that wilderness or we will call it something else. But it will address the wilderness qualities of the land and protect for them. Within this area, there are already established WSAs, and so nothing about this bill would take away the BLM's responsibility to manage those WSAs for non-degradation.

So they are under an obligation to address those lands in the planning process, because they are already in WSA status.

There are also some lands in here that have been reinventoried and found to have some wilderness qualities. So you can see that we are not trying to sidestep that issue by this planning process. We recognize that in the four-year plan we will have to address those, and we will do so willingly.

Mr. UDALL. Thank you. Any other members of the panel that wish to comment on that?

Ms. MCUSIC. Yes, Congressman Udall. We believe strongly that there is a significant portion of this area that is deserving of wilderness protection. There is at least some over 600,000 acres of land that has WSA status currently or were inventoried to find wilderness characteristics.

There is nothing in this bill that is inconsistent with ultimately having wilderness protection or the continued management of these WSAs and interim protections. This essentially holds harmless while the debate continues. It provides significant protections for these lands by eliminating the mining and leasing and providing off-road vehicle protections. But, yes, we believe that a significant portion of this land should be protected.

Mr. UDALL. Thank you very much.

Mr. HANSEN. Thank you, Mr. Udall. We appreciate your comments.

We want to thank the Committee. You have been very generous with your time, and we appreciate your being with us, appreciate the excellent testimony from all of you, and recognize Libby, Commissioner, and we are glad your granddaughter could be with you at this particular time.

At this time, we will call our second panel. Our last panel is Mr. Wilson Martin, Deputy State Historic Preservation Officer, Utah Division of State History; Courtland Nelson, Director, Utah Division of Parks and Recreation; Wesley R. Curtis, Director of the Governor's Rural Partnership Office; and Mike Matz, Executive Director of the Southern Utah Wilderness Alliance.

Folks, please come up. We appreciate your being here with us. Get everybody in their place there and ready to go.

Mr. Martin, we will start with you, and the same thing holds. It is one of those easier days. You can go ahead and—

**STATEMENT OF WILSON MARTIN, DEPUTY STATE HISTORIC
PRESERVATION OFFICER, UTAH DIVISION OF STATE HIS-
TORY-PRESERVATION OFFICE**

Mr. MARTIN. Well, Mr. Chairman, it is good to be here again. I am glad to have Sally Wisely back in Utah. It was just a few years ago that we worked together on the Four Corners Heritage Council, which I currently serve as Chair, and she was very helpful and instrumental in helping us bring that partnership together, which has some similarities with this partnership.

So I am glad to have her back on board. She spent a little stint in Alaska, and then came back to us in Utah. So we are glad to have you back, Sally.

Mr. Chairman, some two years ago, this Committee considered another proposal similar to this, and we found and made good progress because of this effort and also the BLM's commitment, providing some funding to help us move the Legacy District concept along. Also, the County Commission has held numerous meetings, which have been very helpful in establishing a dialogue on the Legacy District.

In partnership with Utah State University, we have also developed a database of heritage shops and businesses and attractions which we think will be very important in planning this legacy area. The county has also committed a significant number of assets, but it is interesting, the history.

Edward Geary said the earliest European-American travelers clearly on record as visiting the county was Jedidiah S. Smith during a southwestern expedition of 1826. Smith found the region unpromising, he said, describing it as very barren, rocky, with little appearance of Indians, and quite scarce in the area of mountain sheep and antelope. Now we have seen a change in that.

The Old Spanish Trail reached its further northernmost point in Emery County in order to skirt the canyonlands and take advantage of the Green River crossing and the relatively low elevation of the Wasatch Pass. In some places, visible traces of thousands of horses and mules that traveled the trail remained imprinted on the land until the mid 20th century.

Now only the San Rafael name has remained to memorialize the era, though at one time many landmarks bore Spanish names. Huntington Canyon was known as San Marcus, Cottonwood Creek as San Mateo, Muddy Creek as Rio del Morro or Castle River, and Ivie Creek as Rio del Puerto or the River of the Pass.

Most of the recorded impressions of the Emery County region by early travelers carried on the uncomplimentary tradition established by Jedidiah Smith. George Yount, a member of the 1830 William Wolfskill party, remembered Castle Valley as the most desolate and forlorn dell in the world. "Everything about it was repulsive and supremely awful," he said.

Hanna Seely, compelled to trade a spacious brick home in Mount Pleasant for one-room log cabin on the banks of the Cottonwood Creek, was initially less optimistic than her husband about the region's prospects. She later recalled, "The first time I ever swore was when we arrived in Emery County."

[Laughter.]

I said, "Damn a man who would bring a woman"—can I say that? "Damn a man"—I guess I can. "Damn a man who would bring a woman to such God-forsaken country," she said.

The district, however, contains examples of pre-Columbian and Native American culture, Paleontological resources, geologically unique land features, and the history of exploration, pioneering, settlement, ranching, outlaws, prospecting, and mining. The San Rafael's resources support the development of a Legacy District.

The rock now exposed contains a wealth of a geological record, including fossils of dinosaurs, as we have talked about before at the Cleveland Lloyd. Over 300 Pictograph and Petroglyph panels are scattered throughout this complex maze of canyons and cliffs in a region along with Paleo-Indian sites, the Black Dragon Canyon Pictographs, Ferron Box Pictographs and Petroglyphs, Rochester-Muddy Creek Petroglyphs, and the Temple Mountain Wash Pictographs.

All are listed on the National Register of Historic Places. These sites have national significance for their beauty and for their age—many historic sites, and also attractions, that exist in the communities.

Other destinations include Cedar Mountain Driving Tour, which gives the public access to archaeological sites of the area. There are not just National Register sites that can attract visitors, but sites from the 1950s, including Temple Mountain Uranium Mines, where unique stories can be told.

Emery County residents not only cherish their rural heritage, but also place a high value on easy access to both the Wasatch Plateau and the San Rafael Swell. Local people tend to read their own and their families' histories in these public lands. They return year after year to the same mountain campsites or take their Easter excursions to some favorite destination in the San Rafael.

Ask Kent about those experiences. The Easter celebrations in San Rafael are notorious.

They show their children and grandchildren where a pioneer ancestor scratched his name on a rock, or where a sheepherding great-uncle carved an inscription on the smooth white bark of a quaking aspen. The trails where the family's cattle were once driven to the summer range on the mountains or the winter range in the desert, the forest clearing where a relative once operated a sawmill, the ledge where grandpa almost struck it rich during the uranium boom, all have deep personal meaning, according to Ed Geary.

Wallace Stegner remarked on the aloofness with which this country greeted human intrusion and the effect it had on its settlers. The plateau remains aloof and almost uninhabited, but the valleys are a collaboration between land and people, and each has changed the other.

The San Rafael Swell has the resources, the people, and the organizations to develop a Legacy District. Together they can assist in conserving this important heritage area, establish and maintain interpretive destinations, develop recreational opportunities and increased public awareness, and appreciation of the natural, historical, and cultural resources.

Not only this, but economic development can be realized. Much of the land is Federal and managed by the Bureau of Land Management, which makes the Legacy District a good idea and a good fit.

The Legacy District, developed in conjunction with businesses, local, State, and Federal partners, has an excellent opportunity for success. Most importantly, it is a partnership for economic development and has, as we call it in Utah, the opportunity to develop a heritage industry, a partnership between private and public sector to achieve economic success through the use and protection of our past.

These landscapes and culture and heritage of these people and these communities will better be protected and served through the designation of the county as the San Rafael Western Legacy District, where they will serve as a living part of our national historic heritage for current and future generations. We strongly support the passage of House Resolution 3605 to create the San Rafael Western Legacy District in Utah.

[The prepared statement of Mr. Martin follows:]

Mr. HANSEN. Well, thank you very much for that very interesting testimony. I like that part where you said grandpa almost struck it rich.

Mr. MARTIN. There is a lot of stories like that out there, Mr. Chairman.

Mr. HANSEN. My father was one of those.

[Laughter.]

Mr. CANNON. Maybe this was from him. I don't know.

Mr. HANSEN. Courtland Nelson, grateful to have you with us. We will turn the time to you, sir.

STATEMENT OF COURTLAND NELSON, DIRECTOR, UTAH DIVISION OF PARKS AND RECREATION

Mr. NELSON. Good morning, Mr. Chairman, members. I am Courtland Nelson, Director of the Utah Division of Parks and Recreation. Under the direction and support of Governor Michael Leavitt, our organization has worked diligently to cooperate with local and Federal agency partners to protect Utah's natural, cultural, and recreational areas.

Specifically, in Central and Southern Utah, we have several parks which have direct or collateral responsibilities with the Bureau of Land Management and the U.S. Forest Service in the protection of resources and the management of recreation on State and Federal lands. Our joint planning efforts and management activities, whether initiated by Federal requirements or State policy, have led me to some observations regarding the San Rafael area.

The San Rafael Swell has been discovered. Bisected by I-70, in close proximity to Moab, and within 250 miles of two million people, the ever-growing impacts are real. Every year, each spring, comes more and more users to the area. The users are wide and varied in their interests, but visitors have impacts which need to be managed.

Second, without a plan which has come from local, State, Federal, and special interest groups, management and the public good will be lost on individual issues. This bill spells out a solid four-

year planning process desperately needed for an area that is on the front end of significant change.

Parenthetically, House Bill 701, the Conservation and Reinvestment Act, could be a very strong financial tool for the application of this plan.

Number three, wilderness values need to be an important part of the planning discussion. Certain areas within the Swell have significant wilderness components. The six wilderness areas, however, are often adjacent to locations, showing the impacts of 150 years of man's influence, whether it is ranching, mining, or recreational activity.

The history of the Swell is a geological, biological, and cultural story. For our purposes, the stories have different audiences—wilderness proponents, educational interests, grazing leaseholders, archaeological enthusiasts, miners, and so on. Let us find a way to have the beauty and wonder of wilderness protected but not at the exclusion of other legitimate activities.

I have hiked the Swell in the dead of winter and the blast furnace heat of summer, meandering from slot Canyons to scenic mountaintops with vistas of 200 miles or more. I have traveled on roads lined with ancient Petroglyph panels, sneaking a peek at the more modern autographs of the Butch Cassidy gang on the same wall.

I have camped on Sid's Mountain, in old mining camps, in an isolated mesa where my family and I enjoyed the solitude of the high desert on a cloudless evening. I have enjoyed dirt bikes, mountain bikes, day hikes, dutch oven dinners, cowboy poetry, spring water in the heat of the day at Swasey's Cabin, and the campfire stories of geologic wonders and human blunders while recreating in the Swell. The San Rafael is a wonderful place.

However, as Director of Utah State Parks System, I am deeply concerned with the ramifications of population growth in the inner mountain area, compounded by ever-increasing tourism. Both of these trends result in greater and greater impacts on natural and cultural resources. The abundance of wildlife populations, the presence of irreplaceable cultural resources, the variety of recreational opportunities and majestic landscapes, are all elements which can be negatively affected by the sheer growth of unbridled recreation use.

This scenario is being replicated across Utah and throughout the West, as we all know. All land management agencies, local, State, and Federal, struggle with this relatively new condition. One way our agency has found to deal with this problem is by working together across boundaries to resolve issues of mutual concern.

Utah State Parks partners with the BLM in places as diverse as Yuba Reservoir, Coral Pink Sand Dunes, the Colorado River, and to assist in the problems of protection of the resources and public. We work with local governments in places like Goblin Valley in Emery County and Antelope Island in Davis County and the Great Salt Lake to do the same.

I believe that H.R. 3605 is a recipe for just such a collaborative effort. I support the bill because I believe the planning process it outlines will ultimately bring more human and financial resources to the planning table.

And what a wonderful piece of American West the San Rafael Swell is—an anticline of immense proportions, cut by deep canyons, rare, arid, high elevation grasslands, ringed by sandstone domes, buttes and mesas. It is a land of secret, hidden springs surrounded by grand, vast, open vistas.

It is an ecosystem supporting one of the largest bighorn sheep herds in Utah. The western saga has also left its imprint, which Wilson covered.

As the Committee well knows, the land use issues that are currently—we are dealing with are some of the most divisive, rancorous, and emotions facing the American West. Only by working together, building respect, trust, and confidence, can we ever hope to truly and permanently solve some of our land use issues.

In conclusion, the variety and range of resources in the San Rafael Swell demands a sophisticated approach in utilizing the land manager's entire tool set.

H.R. 3605 conceptualizes a planning process to bring together citizens with diverse interests and values to work with Federal, local, and State agencies to protect these lands and benefit the public. The Division of Parks and Recreation and our sister agencies in the Department of Natural Resources stands ready to roll up our sleeves and work with the citizenry, the BLM, the Department of Interior, and Emery County to do a wonderful thing in the San Rafael Swell.

Thank you.

[The prepared statement of Mr. Nelson follows:]

THE SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS
Thursday, March 2, 2000 - 10:00 a.m.
Room 1324 Longworth HOB

Courtland Nelson, Director
 Utah Division of State Parks & Recreation
 March 2, 2000

Introduction

Good morning! Thank you for the opportunity to speak before you today regarding the "San Rafael Western Legacy District and Conservation Act".

I am Courtland Nelson, Director of the Utah Division of Parks and Recreation. Under the direction and support of Governor Michael Leavitt, our organization has worked diligently to cooperate with our local and federal agency partners to protect Utah's natural, cultural, and recreational area. Specifically, in central and southern Utah, we have several parks which have direct or collateral responsibilities with the Bureau of Land Management and the U.S. Forest Service in the protection of resources and the management of recreation on state and federal lands. Our joint planning and management efforts, whether initiated by federal requirements or state policy, have led me to some observations regarding the San Rafael area.

1. The San Rafael Swell has been discovered. Bisected by Interstate 70, in close proximity to Moab, and within 250 miles of 2 million people, the ever growing impacts are real and permanent. Every year, with each spring, comes more and more users to the 1 million acre area. The uses are wide and varied, but visitors have impacts which need to be managed.
2. Without a plan which has come from local, state, federal, and special interest groups, management and the public good will be lost on individual issues. This bill spells out a solid four year planning process desperately needed for an area that is on the front end of significant change.
3. Wilderness values need to be an important part of the planning discussion. Certain areas have significant wilderness components. Similarly, these areas are often adjacent to areas showing the impacts of 150 years of man's influence, whether ranching, mining, or recreational activity. The history of the Swell is a geological, biological, and cultural story. For our purposes, the stories have different audiences - wilderness interests, educational interests, archeological interests, and so on. Let us find a way to have the beauty and wonder of wilderness protected, but not at the exclusion of other legitimate activities.

As director of Utah's State Park system, I am deeply concerned with the ramifications of population growth in inter-mountain area compounded by ever-increasing tourism. Both of these trends result in greater and greater recreational impacts on natural and cultural resources and more crowded or lost experiences for visitors. The abundance of wildlife populations, the protection of irreplaceable cultural resources, the endless recreational opportunities and visual impacts on the landscape are all elements which can be negatively affected by the sheer growth of unbridled recreational use. This scenario is being replicated across Utah and throughout the west. All land managing agencies, local, state and federal, struggle with this relatively new condition.

One way our agency has found to deal with this problem is by working together across boundaries to solve issues of mutual concern. Utah State Parks partners with the BLM in places as diverse as Yuba Reservoir and the Coral Pink Sand Dunes to put people on the ground to protect resources and serve the public. We work with local governments in places like Goblin Valley in Emery County and Antelope Island in the Great Salt Lake to do the same. Collaborative efforts often work in synergistic fashion to bear fruit in the form of people, in the field, on-site, working to protect the public's trust.

I believe H.R. 3605 is a recipe for just such a collaborative effort. I support the bill because I believe the planning process it outlines will ultimately bring more resources to the table which will consequently bring more resources to work for the land and the people that find value there.

And what a wonderful piece of the American West is the San Rafael Swell. An anticline of immense proportions, cut by deep canyons, rare arid high elevation grass lands ringed by sandstone domes, buttes and mesas. It is a land of secret, hidden springs surrounded by grand, vast and open vistas. It is an ecosystem supporting one of the largest and oldest bighorn sheep herds in Utah. The western saga has left it's imprint, where prehistoric native cultures left most arduous trails^[*] across the west, where pioneers left cabins and corrals used to round-up wild horses, a place where Chinese immigrants built an unused railroad grade and more recently where prospectors mined uranium to fight the cold war. The breadth and abundance of high-quality heritage sites is perhaps the defining element of the San Rafael.

As the committee well knows, land use issues are currently some of the most divisive, rancorous and emotional facing the American West. Only by working together, building respect, trust and confidence, can we ever hope to truly, permanently solve some of our land use issues. Resolution of these conflicts is the only way, as Governor Michael Leavitt states, to bring a degree of certainty to rural western communities in how the public lands that surround and sustain are managed.

The variety and range of resources in the San Rafael Swell demands a sophisticated approach utilizing the land managers entire tool set. H.R. 3605 conceptualizes a planning process to bring together citizens with diverse interests and values, federal, local and state agencies to protect these lands and benefit the public. The Utah Division of Parks and Recreation and the Department of Natural Resources stands ready to roll up our sleeves and work with the citizenry, the BLM and the Department of the Interior and Emery County to do something wonderful in the San Rafael Swell.

[*] Wallace Stegner - "American Places", 1980

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Mr. HANSEN. I thank you, Mr. Nelson. Also, I wanted to thank you for taking me into that area and spending time with me and explaining a lot of things to me. That was very kind of you to do that.

Mr. Wesley Curtis, we will turn to you, sir.

**STATEMENT OF WESLEY R. CURTIS, DIRECTOR, GOVERNOR'S
RURAL PARTNERSHIP OFFICE**

Mr. CURTIS. Thank you, Mr. Chairman. My name is Wes Curtis. I am a member of the Governor of Utah's senior staff, as well as Director of the Governor's Rural Partnership Office. I am here today representing Governor Leavitt and the interests of the State of Utah. I do appreciate this opportunity to talk to you about a remarkable proposal for protecting one of the Nation's unique public land and heritage treasures—the San Rafael Swell.

I begin by stating that H.R. 3605, the San Rafael Western Legacy District and the National Conservation Area, has the full endorsement and support of Governor Leavitt.

H.R. 3605 is the product of years of work and a long process of public involvement. It is a marvelous manifestation of local initiative acting in the national interest. It is a remarkable example of the innovation and quality that can occur when public processes are allowed to take root and develop in a natural and healthy way.

The product of this effort is a proposal that addresses both the protection needs of the public lands, as well as the long-term economic future of the region. It is a unique proposal that could only be designed by those who are closest to the lands and who understand its intricacies and nuances.

This proposal is evidence of a positive and courageous attitude on the part of the local leaders in Emery County as well. They have been willing to break ranks with many of their sister counties and actively pursue a legitimate conservation initiative. They have done this because they honestly want to see the Swell managed in a responsible manner that will protect all of its resources, both natural and historic.

Consider for a minute what this measure will do. First, the National Conservation Area will provide comprehensive management for what amounts to an entire ecosystem, preserving the integrity of the whole resource.

Second, this proposal withdraws the threats of new oil drilling, mining, and timbering from the lands within the NCA boundary—a remarkable concession for a rural county with an economy based on mineral extraction.

Third, it recognizes the new economic realities being faced by rural communities in the West. Thus, it provides an innovative means for helping the region transition from an extractive/resource-based economy to a new sustainable economy, while at the same time preserving nationally important historical treasures.

This will be accomplished through the creation of a Western Legacy District. Preserving the scenic and historic resources of the Swell is viewed locally as caring for the goose that can lay the golden eggs. It is critical to the future economic viability of the area.

This legislation is viewed as an important step in the direction of environmental protection, as well as being a far-sighted ap-

proach to achieving a greater degree of economic sustainability in the San Rafael region.

At this point, I would like to address two other important concepts related to the objectives and the intent of this legislation.

The first has to do with the potential for future wilderness designations within the National Conservation Area. This bill has deliberately avoided any attempt to designate any specific lands as wilderness because there are other processes in motion—on the part of the BLM and others—that will ultimately determine which lands will receive wilderness designation.

It is important to note that this bill is wilderness neutral. It does not affect nor delay these wilderness review processes in any way. It allows the wilderness issue to be dealt with through the processes and mechanisms that are already in place, without hampering nor hindering those processes.

In that same context, it is also important to note that this bill does not contain any wilderness release language, so no lands with wilderness potential are adversely affected by this legislation.

What this bill does do is provide a much higher degree of protection for these lands during the time that wilderness issues are being reviewed and debated—namely, withdrawal from mining and drilling. This bill is not a compromise on the wilderness issue, nor is it an attempt to circumvent the wilderness processes. It simply, and deliberately, does not deal with the issue. It is, however—and I emphasize this—an important step forward, a step toward protecting these lands until these issues are ultimately resolved.

The second issue I wish to address has to do with the management of off-road vehicle use within the San Rafael Swell. I can assure you that the State of Utah, along with the local citizens of the San Rafael region, are very concerned about the damage that is being caused by the misuse of OHVs. It is reassuring to note that there is strong local support for addressing this concern and for taking action to stop the bleeding.

For this reason, Emery County has formally asked the BLM to address this issue and to develop a comprehensive transportation management plan for the area as soon as possible. Emery County recognizes that this issue must be addressed whether or not this legislation passes. The BLM has responded positively and affirmatively, and is already moving forward in addressing this OHV issue.

It needs to be clearly understood that the implementation of a BLM OHV management plan will not have to wait on the four-year planning process associated with the National Conservation Area. These wheels are already in motion under existing NEPA processes, and may well be completed before the NCA planning process even begins.

In conclusion, may I repeat that this legislation takes an important step forward in the conservation and management of one of the Nation's most important natural and historic resources. At the same time, it is also sensitive and innovative in dealing with future economic needs of the affected region. There is no down side to this proposal. Passage of this legislation just simply makes good sense.

Thank you, Mr. Chairman, for providing me the opportunity to address this Committee.

[The prepared statement of Mr. Curtis follows:]

STATEMENT OF WES CURTIS, DIRECTOR, GOVERNOR'S RURAL PARTNERSHIP
OFFICE, STATE OF UTAH

Mr. Chairman, Ranking Member, and members of the Subcommittee, my name is Wes Curtis. I am a member of the Governor of Utah's senior staff, as well as director of the Governor's Rural Partnership Office. I am here today representing Governor Leavitt and the interests of the State of Utah. I appreciate this opportunity to talk to you about a remarkable proposal for protecting one of the nation's unique public land and heritage treasures—the San Rafael Swell.

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This proposal is evidence of a positive and courageous attitude on the part of local leaders in Emery County. They have been willing to break ranks with many of their sister counties and actively pursue a legitimate conservation initiative. They have done this because they honestly want to see the "Swell" managed in a responsible manner that will protect all of its resources—both natural and historic.

Consider for a minute what this measure will do:

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Second, this proposal withdraws the threats of new oil drilling, mining and timbering from the lands within the NCA boundary—a remarkable concession for a rural county with an economy based on mineral extraction.

Third, it recognizes the new economic realities being faced by rural communities in the West. Thus, it provides an innovative means for helping the region transition from an extra active/resource based economy to a new sustainable economy—while at the same time preserving nationally important historical treasures. This will be accomplished through the creation of a Western Legacy District. Preserving the scenic and historic resources of the Swell is viewed locally as caring for the goose that can lay the golden eggs. It is critical to the future economic viability of the area.

This legislation is viewed as an important step in the direction of environmental protection, as well as being a far-sighted approach to achieving a greater degree of economic sustainability in the San Rafael region.

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Thank you, Mr. Chairman, for providing the opportunity to address this Committee.

Mr. HANSEN. Thank you, Mr. Curtis.

Mr. Mike Matz, we will turn to you, sir.

**STATEMENT OF MIKE MATZ, EXECUTIVE DIRECTOR,
SOUTHERN UTAH WILDERNESS ALLIANCE**

Mr. MATZ. Mr. Chairman, members of the Subcommittee, my name is Mike Matz, and I am the Executive Director of the Southern Utah Wilderness Alliance, Utah's largest conservation organization with 18,000 members, over half of whom live in our beautiful State.

We are very grateful for the opportunity to present our views today on H.R. 3605, legislation which would establish the San Rafael Western Legacy District, and the San Rafael National Conservation Area. We wish also to express our lament and concern that we don't see Representative Vento on the dais there with you, but we understand he is making progress, walking a mile a day, even as he undergoes treatment, and we hope he is back among you in good health very soon.

As you well know, Mr. Chairman, the Utah wilderness to date has been an arduous one. You and Senator Garn passed legislation in 1984 to designate wilderness for lands administered on behalf of the American public by the U.S. Forest Service, and we applaud you for that legislation.

Since then, the as yet unanswered question of how much public land administered by the Bureau of Land Management should be designated as wilderness has lingered. The conservation community has united behind H.R. 1732, a bill which would answer this question completely by designating a bit under 40 percent of BLM land in Utah as wilderness.

It is a reasonable resolution that has considerable support. The majority of people in Utah stand behind the citizens' proposal and the national interest is apparent in the fact that more than 150 members of Congress have co-sponsored this legislation.

Five years ago, Mr. Chairman, you sponsored legislation that would have designated a little more than 180,000 acres of wilderness in the same region covered by the legislation on which today you are taking testimony. Two years ago, another bill like H.R. 3605, introduced by Representative Cannon, included about

140,000 acres of wilderness—less than what you had earlier proposed. Neither of those bills passed.

Today, this Subcommittee is gathering testimony on legislation that would designate no wilderness. This is movement in the wrong direction and signals a disappointing backwards regression.

The administration has indicated its interest in H.R. 3605, based on its discussions with Emery County officials, and testimony by the Interior Department has covered the detail. We would like to take a step back and point out the bigger picture.

The Clinton Administration has of late exercised its rightful authority under the 1906 Antiquities Act to establish new national monuments much like the Grand Staircase Escalante in our own State.

Secretary Babbitt has announced his intention to create a legacy of what he calls national landscape monuments, which is a proposition we avidly support, as does the general public. Mr. Babbitt would like to ensure that large tracts are withdrawn from mineral development and oil and gas development, two of the more serious threats.

By moving legislation to do just that for the San Rafael Swell, you are helping Secretary Babbitt and we support your assistance in accomplishing his goal.

We are very appreciative this legislation would prevent oil and gas development or mining from spoiling most of the San Rafael Swell. Secretary Babbitt understands that these activities are harmful to any landscape, yet he and others at the Interior Department are perhaps not fully aware of the specific problem in the San Rafael Swell.

Field professionals in the Bureau of Land Management are acutely aware of the specific problem. This place is being overrun by off-road vehicles. BLM has documented widespread soil erosion, airborne dust, degradation of water supplies, impacts to wildlife and its habitat, and serious loss of native vegetation. Written field reports are awash with examples of ORV abuses.

If I could, Mr. Chairman, I would like to enter these BLM field reports into the record.

Mr. HANSEN. No objection.

Mr. MATZ. This legislation does nothing to deal with that pervasive problem. H.R. 3605 makes the problem worse, actually, because it would postpone anything from happening until four years from the date of enactment. During that four-year period, as yet another plan for this region is prepared—and likely beyond that time, as the experience with other plans demonstrates—continued abuse of off-road vehicles will occur.

Mr. Chairman, my written testimony provides details regarding rampant use of ORVs in the San Rafael Swell. So let me conclude by simply summarizing. We would very much like to see resolved the general issue of wilderness in Utah. H.R. 3605 makes no progress in this regard. The bill, as written, unfortunately makes the problem in that region even worse.

We would like to support H.R. 3605, but until two significant deficiencies are remedied we cannot. One is that the legislation should include all of the San Rafael Swell. The other is that ORVs have to be dealt with in a meaningful manner.

Again, we appreciate the opportunity to testify, and I am happy to answer any questions.

[The prepared statement of Mr. Matz follows:]

TESTIMONY OF MIKE MATZ, EXECUTIVE DIRECTOR
FOR THE SOUTHERN UTAH WILDERNESS ALLIANCE

Mr. Chairman, members of the Subcommittee on National Parks and Public Lands, we are honored again to come before you this time to present our views regarding H.R. 3605, legislation which concerns the disposition and management of public lands located in Emery County, Utah, but owned by the American people and administered on their behalf by the Bureau of Land Management (BLM). Since the inception of the Southern Utah Wilderness Alliance in 1983, our organization and its 18,000 members in Utah and across the nation have been deeply involved in discussions centered on designation of certain public lands as part of the National Wilderness Preservation System. We remain committed to ensuring that future generations of Americans will have the opportunity to use and enjoy without diminishment the spectacular array of landscapes bestowed upon the State of Utah. We are dedicated to protecting the integrity of this superlative natural heritage and the biological processes supporting it.

H.R. 3605 is focused exclusively on public lands within Emery County, one of 15 counties in southern and western Utah with proposed wilderness areas. The bill relates specifically to the region known as the San Rafael Swell, an uplifted dome of sedimentary rock eroded by water and wind into a scenic series of sandstone cliffs and sinuous canyons, isolated buttes and open expanses. One of its most notable features is a 60-mile-long jagged anticline called the San Rafael Reef. The San Rafael Swell and Reef are redrock splendor emblematic of all of southern Utah, but located closest to the major metropolitan areas along the Wasatch Front. In the past 50 years, proposals for legislation to protect the San Rafael Swell have been made repeatedly. The Utah State Planning Board in 1935 proposed to establish a national park in this region. In the 1980s, the Emery County Development Council proposed a national park for the northern part of the San Rafael Swell. In this region, a methodical survey conducted by residents of Utah has catalogued just over a million acres of lands that merit inclusion in the National Wilderness Preservation System.

In contrast to previous bills sponsored by members of Utah's Congressional delegation or to past proposals emanating from the state or affected county, H.R. 3605 would extend no park or wilderness designation to qualifying lands. Instead, H.R. 3605 establishes a Western Legacy District and a National Conservation Area (NCA). A Western Legacy District is wholly without precedent, and appears merely to comprise an ostentatious mechanism for funneling money from the federal treasury to local government units or independent parties. NCAs are a hodgepodge without a clear model or pattern, some of them set up well, some of them badly. Unlike park or wilderness designation, which have clearly understood standards, NCAs are ad hoc or nebulous.

H.R. 3605 creates an NCA poorly conceived because of serious deficiencies. The first major issue with this NCA is that it fails to encompass all of the San Rafael Swell, leaving out key places that spill over into counties other than Emery County. A second major issue with this particular version of an NCA is that it constitutes a playground for off-road vehicles (ORVs), despite overwhelming evidence demonstrating ORVs to be the most significant problem in conserving the San Rafael Swell. The third and most problematic issue stems from the very basic

and inexplicable omission of wilderness designation, since such designation is key to conserving the landscape.

Widespread public acceptance for wilderness protection within the San Rafael Swell is abundantly in evidence by the degree of support for H.R. 1732. H.R. 1732 seeks to answer in a comprehensive manner the vital question regarding wilderness in Utah by designating approximately 9 out of 23 million acres of public land administered by BLM. More than 155 members of the House of Representatives have cosponsored H.R. 1732, and a companion bill in the U.S. Senate has garnered 14 cosponsors. These are lands of national interest, with record levels of support for their protection.

H.R. 3605 is a step in the wrong direction; this legislation represents a massive government subsidy for local economic development that will not lead to any progress in the ongoing Utah wilderness debate. Significant and irreparable damage to the San Rafael Swell will continue unabated if this bill is enacted as currently drafted.

The San Rafael National Conservation Area

One could assume that the designation of this NCA under Title II is intended to serve the purpose of providing an attraction in Emery County that makes use of taxpayer funds appropriated under Title I. The San Rafael Swell, however, is already such an attraction. Because of its proximity to urban areas of Utah, the San Rafael Swell is one of the most heavily visited locales in southern Utah. On any weekend, one can visit Fuller Bottom and see half a dozen horse trailers, camp at Buckhorn Wash with crowds of off-road vehicle enthusiasts, or hike Wild Horse Canyon with a number of other parties. Existing and proposed mining activity under valid existing rights add to the pressure on the land, and the habitat it provides for desert plants and wildlife. From our measured perspective, the establishment of a National Conservation Area, as outlined in H.R. 3605, exacerbates rather than alleviates the problems in the San Rafael Swell. Only through amending the legislation to make significant improvements can these major deficiencies be rectified.

Arbitrary Boundaries

In essence, the boundaries demarcated for this NCA make it a county recreation area. The majority of the San Rafael Swell does lie within Emery County, yet not all of it. Portions of the region lie north of Highway 24 in Wayne County, including Factory Butte, the Red Desert, Upper Muddy Creek, and Wild Horse Mesa. Other portions of the San Rafael Swell to the west spill over into Sevier County, in places called Jones Bench, Limestone Cliffs, Mussentuchit Badlands, and Rock Canyon. Arbitrarily lopping off these areas in the San Rafael Swell region because they cross boundaries of different political units makes a mockery of the name of this NCA. It in no way encompasses all the natural features that comprise the San Rafael Swell. It is also bad science to draw boundaries that slice a natural system into parts.

Equally disconcerting is the process by which Emery County arrived at the figure of 947,000 acres for inclusion in this NCA. We were informed that a target of a million acres was set. To avoid exceeding that target figure, places like Rock Canyon and Mussentuchit Badlands, even though they do lie predominately within the boundaries of Emery County, were excluded. Rather than aiming to protect the integrity of a biological system or protect the natural features as

a whole, Emery County chose to stick to its target acreage or draw lines on the map that ended exactly at the county line. The end result of both these ill-advised courses is a delineation that does not take in all of the San Rafael Swell, including some of its most notable features, such as Factory Butte.

Off-road vehicular mayhem

Increasingly illegal use of off-road vehicles (ORVs), including sport utility vehicles, customized jeeps, three- and four-wheelers, and motorcycles, represents the most serious and pervasive threat to the environment in southern Utah. The San Rafael Swell is particularly at risk because of the closeness of the region to weekend joyriders from Price, Provo, and Salt Lake City, who choose this place as their playground. The Bureau of Land Management has documented pandemic soil erosion, airborne dust, degradation of water quality, impacts to wildlife habitat, and loss of native vegetation. Yet the problem is not limited to destruction of habitat and disruption of natural processes. Explosive use in recent years has led to growing visitor conflicts with other recreational users as well.

Damage from abuse of ORVs can be readily seen throughout the region. In the reinventory of wilderness conducted by residents of Utah, several places had to be dropped from the list of areas that qualified as wilderness because the terrain had been so torn up by ORVs. Areas adjacent to a legitimate road running through Buckhorn Wash have become an ORV sacrifice zone and had to be dropped. In other cases hikers have encountered people on ORVs riding four-wheelers on slickrock high atop the San Rafael Reef in a Wilderness Study Area, miles from where ORV use is permissible. Stand at the top of the rim overlooking North Salt Wash, and plainly evident below is a track devoid of vegetation that runs parallel to the stream, crossing it in several places as the course winds around bends. This is the case with innumerable canyon bottoms.

Cryptobiotic soil, the basic building block of the entire desert ecological system, are destroyed by one vehicle overrunning it. Vegetation at the top of watersheds is denuded. Once a track is laid, others on ORVs tend to follow the same route and cause hardening of the site. Some are responsible users who unknowingly follow the routes of others into places where ORV use is restricted. Others are consciously determined to establish routes such as these and others branching out solely to disqualify areas from designation as wilderness. These users vandalize or steal government property and cost taxpayers money with removal or destruction of closure signs, in addition to causing degradation of the environment. The abuse is particularly acute in the San Rafael Swell.

BLM has been lax all over the state in monitoring and enforcing laws and regulations pertaining to off-road vehicle use, and while the agency has been fiddling, Rome is burning. In general, the agency needs to adopt the policy authorized by existing executive orders, which would close areas unless specifically designated as open. The reverse is currently true with BLM, which allows virtually unchecked ORV use. The policy now in effect has been an invitation to abuse the land by entering places that are legally closed. Additional monitoring and enforcement must also be done under a new policy, as irresponsible users routinely vandalize or steal signs marking areas as closed. Responsible users will not be affected with a shift in policy because no legitimate roads that have been constructed and maintained will be closed, and tracks or ways where it is permissible to enjoy ORVs will be clearly marked to distinguish them from non-permissible routes. Prompted by legal action brought against the agency because of its failure to regulate ORV use as

required, BLM is now taking steps to enact a policy, monitor use and enforce that policy when necessary, and stem the damage. The action cannot come soon enough. Many areas in need of immediate closure lie in the San Rafael Swell.

Unacceptably, H.R. 3605 would postpone for four years any type of action to abate ongoing abuses of ORVs, though this type of action was needed yesterday. By deferring any regulation or restriction until the management plan for the NCA determines how ORV use should be managed (Section 202(b)(2)), ORVs will continue to wreak their havoc and make the situation worse by adding more illegal routes, ways, and tracks during the course of the next four years. This legislation may even circumvent, for this region, any decision by the court in the pending case regarding BLM's lack of proper administration regarding the problem of lax management of ORVs. The directive in H.R. 3605 for a management plan completed in four years would delay any adoption of a workable and necessary policy for the San Rafael Swell that the agency is currently undertaking.

Proponents of this NCA perhaps will contend that the management plan BLM is directed to prepare within four years of enactment is the means by which ORV use can be regulated. It is a specious and disingenuous contention, for the experience with BLM management plans is quite the opposite. Although the San Rafael Resource Management Plan (RMP) proposed in 1991 to close to ORVs an area approximating 9 percent of the entire resource area in order to protect rare plant communities and picturesque scenic values, the closure could take place legally only with a travel plan and notice in the Federal Register. In 1992, BLM began preparation of a travel plan to designate specific routes as open, closed, or limited to ORVs. Five years later a draft travel plan recommended closing the same 9 percent proposed in the 1991 RMP. ORV groups heightened their opposition to even this minimal closure, and members of Congress made pointed inquiries. The travel plan remains in limbo nine years after BLM recognized the problem and attempted to deal with it through the planning process.

In the meantime, ORVs have been running amok in sensitive and fragile places throughout the Swell, places that the travel plan would have closed. The problem is so severe that BLM was required to develop a Habitat Management Plan to protect endangered species such as the San Rafael cactus (*Pediocactus despainii*), which is only found there, and is located in areas that are heavily used by ORVs. The plan states: "Another conflict with the riparian habitat is the increasing popularity of the area for recreation use, primarily ORVs. The ORVs utilize the riparian bottoms as highways to gain access into the interior of the WSAs. Their use has impacted the riparian habitat, but more serious is the impact of the ORVs on the surrounding watershed and the potential of severely impacting the perennial waters by reducing vegetative cover of the surrounding watershed." The plan concludes: "Increasing enforcement of existing ORV closures, such as in WSAs, is needed in some areas, particularly during peak use periods." However, neither trail designation, regular monitoring of existing impacts, nor consistent enforcement of RMP area-wide designations has yet occurred under any of these planning efforts. There remains little money, even less will to stand up to ORV groups, and continuing damage being done to unique natural resources of the San Rafael Swell.

Written BLM field reports are awash with examples of the problems stemming from its current policy and inadequate monitoring and enforcement. The San Rafael Swell harbors one of the state's largest concentrations of bighorn sheep, a species particularly susceptible to disturbance from ORVs. "This year in some of the areas [where] they usually see sheep, instead they saw new ORV tracks," reports BLM staff after discussions with state Division of Wildlife personnel.

Another report notes the activities of irresponsible ORV users by writing, "All signs to denote those areas closed to OHV [off-highway vehicle] travel (Saddle Horse Canyon and Sids Mountain) have been removed. I have in the past five years replaced these signs a number of times but they do not last long." A field staffer from BLM providing natural history lessons to a college class reported, "On Saturday afternoon, as the class was sitting by the side of the wash at North Salt Wash...a group of four motorcycles passed by the students through the wash FOUR times. In addition, a further 12 ATVs and another motorcycle traveled down and up the wash while the class was in session." The class was suspended because of the disturbance. "After all, why try to train students to filter out tiny bits of organic materials to keep the waters pristine, when the ATVs were given free reign [sic] to travel up and down the wash, inadvertently stirring up sediments, possibly polluting the waters with oil and gas, and increasing the noise level to interstate decibels."

Calling for another plan is not the answer. A plan only delays giving requisite attention to the problem. It's an effective dilatory tactic that has been very successfully employed in this case. Effective implementation of existing plans might have been the answer, but their implementation has been blocked by ORV groups, Utah Congressional delegation's interference in the job professional land managers are supposed to do, and even the inability of the BLM itself to avoid succumbing to these pressures.

The NCA as proposed fails miserably to deal with rampant and explosive use of ORVs. Because of this fundamental defect in the establishment of this NCA, the intent is clear. This is far from a genuine proposal to conserve the land from the activity that even the BLM recognizes is a serious problem. What earlier we correctly coined a county recreation area, because the boundaries are drawn exclusively within Emery County, would become almost assuredly a playground for ORVs. By refusing to grapple with the most problematic issue facing the San Rafael Swell today, this legislation is woefully inadequate. Because this legislation is a means to allow continued abuse of the San Rafael Swell, one of Utah's key landscapes, the notion that this is a "conservation" area is incongruous and absurd.

The intent behind the establishment of this NCA as currently constructed is made doubly apparent, Mr. Chairman, by your letter to Secretary Babbitt, dated January 19, 2000, in which you request that the Interior Department halt all efforts to establish a national policy for ORV use, and to address ORV abuses, until 90 days after a reply to you providing a list of documents requested in your letter. Combined with this legislation, your letter appears to represent a systematic and conscious effort to prevent the very kind of action so badly needed to conserve the landscape in Utah, or at least to stall until much more damage is inflicted by irresponsible or illegal ORV use. The net result is to cause irreparable destruction of wildlife habitat, degradation of water quality, erosion of soils, and elimination of native vegetation, which are the very kinds of things this NCA designation should – but would not – halt.

Wilderness

In legislation reported from this committee in the 104th Congress, wilderness designation for 180,613 acres was approved for five units in the San Rafael Swell. The legislation was sponsored by you, Mr. Chairman, but the Hansen bill never made it to the floor. Legislation taken to the floor in the 105th Congress, like H.R. 3605 pertaining specifically to the San Rafael Swell, included 130,718 acres of wilderness to be designated for four units. That bill was sponsored by Rep. Chris Cannon (R-UT), but was rejected by the House. Despite past and current acknowledgment of lands worthy of wilderness designation in the San Rafael Swell, H.R. 3605

oddly calls for no designation of wilderness. Not a single acre. We have seen San Rafael Swell wilderness proposals dwindle from small to smaller to nonexistent. Previous attempts to pass legislation concerning the disposition of these public lands have failed to be enacted precisely because those proposals gave inadequate consideration to wilderness.

Despite the sliding reduction in proposed wilderness these past five years, in a letter to the Five Associations of Counties, dated September 10, 1999, the following quote can be found: "I also support wilderness designation for many areas under Bureau of Land Management (BLM) jurisdiction, such as the Canyons of the Escalante, the Wah Wah's, and the San Rafael Swell just to name a few." The letter was written by Sen. Robert F. Bennett (R-UT).

Exactly 1,029,800 acres in seventeen units qualify as wilderness in the San Rafael Swell and merit designation as part of the National Wilderness Preservation System. This figure includes places outside the boundaries proposed for this NCA, including Factory Butte, Jones Bench, Limestone Cliffs, Molen Reef, Mussentuchit Badlands, Red Desert, Rock Canyon, Upper Muddy Creek, and Wild Horse Mesa, all of which should rightly have been included but for the above-mentioned arbitrary criteria used by Emery County to select places for inclusion in their NCA. Within the chosen boundaries of this NCA, approximately 757,000 acres, or 80 percent, merits designation as wilderness. BLM has identified Devil's Canyon, Mexican Mountain, Muddy Creek, the San Rafael Reef, and Sids Mountain as Wilderness Study Areas, and is currently undertaking a planning process under Section 202 of the Federal Land Policy and Management Act to establish additional study areas for the San Rafael Swell that recently its professional staff determined to qualify as wilderness, including all or portions of those places listed above, and Cedar Mountain, Honda Country and Upper Muddy Creek. Residents of Utah have also identified wilderness areas for Price River, Humbug Canyon, Lost Spring Wash, and Eagle Canyon, all included in the above figure.

We are at a loss to understand why wilderness designation would be omitted from H.R. 3605. We can find no sensible explanation. By accepting language to withdraw lands within the NCA from future mineral entry and leasing for oil and gas, as would be the case for designated wilderness, Emery County concedes that mining activity or oil development are moot issues, except for places such as Molen Reef, Mussentuchit Badlands, and Rock Canyon, for which there are active claims on approximately 15,400 acres with speculative potential for development, and which Emery County excluded from the NCA. Emery County even agreed to extend the boundary for this NCA to the north to include Price River and Humbug Canyon, areas only recently identified by residents of Utah to merit designation as wilderness, but apparently would go no farther than withdrawing these special places from mineral development. The crux of the opposition to wilderness appears to be motorized vehicles. Since wilderness designation eliminates use of motorized vehicles, that may well be why not a single acres is proposed for designation this time around.

Wilderness designation is the best means available in law to provide the kind of regimen necessary to handle the most serious problem facing the San Rafael Swell. The prudent course to take is to designate these areas as part of the National Wilderness Preservation System, which applies the most definitive stricture where compliance is reasonably and readily assured. This step must be taken, sooner rather than later, or we will lose the very attributes that make the San Rafael Swell so special. Instead of taking this step forward, this legislation ignores wilderness designation completely. This NCA is an artifice for the real thing.

The San Rafael Western Legacy District

The Western Legacy District appears simply intended to funnel financial assistance of up to \$1,000,000 a year for ten years in the form of "grants and technical assistance" to a select few. The Southern Utah Wilderness Alliance finds nothing inherently wrong in the use of funds from the U.S. Treasury for "planning; reports; studies; interpretive exhibits; historic preservation projects; construction of cultural, recreational educational, and interpretive facilities that are open to the public; and such other expenditures as are consistent with this Act." {Section 101(e)(2)} Establishment of a "district" such as this is unnecessary, however, to provide the 10,600 residents of Emery County these types of planning and technical grants.

Congress has power to appropriate money to any number of existing programs without creating a new and superfluous designation that will have other Western counties knocking at the door. Fiscal conservatives might well and should be concerned with the possibility of ten-year \$10,000,000 allocations to counties that have proposed wilderness within their boundaries. For Utah's 15 such counties, the tab would amount to \$150,000,000, or \$15,000,000 per year, to counties similarly as sparsely populated as Emery County. Unclear is what taxpayers would receive with expenditure of their tax dollars for this district. Section 101(e)(2) could be interpreted to mean that taxpayer money would be used to pay for ORV trails that are in fact detrimental to the "legacy" this district is supposed to represent. It may rather be more appropriate to provide funding directly to BLM, which it lacks, for adequate monitoring and enforcement under its legal responsibilities and existing authority.

There is also ambiguous guidance contained within H.R. 3605 on how the lands included within this district would be managed. The district encompasses 2,842,800 acres of land – both public and private – within Emery County. Other than to authorize an appropriation, and create an advisory council, this designation has no specific purpose or purposes, besides a sweeping generalization that appears to encompass everything under the sun – and "the economic viability of rural communities in the San Rafael region." {Section 2(1)(b)} The sole guidance, under Section 102, is that the lands are to be managed in accordance with "the applicable provisions of the Federal Land Policy and Management Act," which is the status of the publicly owned lands there at present, and under which all of the countless activities listed in Section 2 can be accommodated. The land contained within this district can already be leased for coal development. Oil and gas development is currently permitted in this proposed district. Development of tourist facilities is likewise allowed under existing law.

The absence of a clearly defined and far more specific set of purposes, or general guidelines for management beside existing law and the status quo, is a glaring deficiency in H.R. 3605. Appropriating these sums of money seems a steep price to pay for a classification of public land lacking any distinct set of purposes. The public's interest in conserving a "legacy" of natural heritage for the San Rafael Swell is not served and cannot be attained without distinct purposes making management of this land different from other lands managed by BLM under the Federal Land Policy and Management Act. Without such direction from Congress, the classification is meaningless, except as a mechanism for channeling tax dollars to Emery County. In perception, it would appear as though the establishment of this funding mechanism is a thinly veiled bribe to a local governmental unit for accepting the designation called for in Title II of H.R. 3605. There are more appropriate ways for members of Congress to bring home the bacon.

With the establishment of a district without a set of purposes, and authorization of funds from the federal treasury for vague reasons, disappointingly overlooked is the obvious. Protection of landscapes is inarguably a boon to local economies. Numerous studies show that the act of simply designating wilderness brings an infusion of new spending into the local economy, both directly to local businesses and indirectly to local government coffers through room taxes, gas taxes, and sales taxes. People generally come to see pretty places, not coal mines or oil fields, though we recognize the latter do also have their place in a diversified economy. Moreover, counties in the West with their scenic grandeur and open spaces protected serve as magnets to attract new residents who can ply their trades in the new economy of virtual offices in newly constructed homes replete with computers, faxes, and e-mail. Their spending and income taxes generate more money for the economy and government.

The problem is that Emery County has too much public land devoted now to ORVs and heavy industry, and too little dedicated to protection. Establishment of this district does nothing to remedy that imbalance. If Congress intends to authorize an appropriation of \$1,000,000 per year to conduct planning and carry out studies, presumably for development of tourism facilities, then the tourists should be provided something to visit other than lands scarred by ORVs, coal mines and oil fields. If this legislation as written were to be enacted, there won't be much to see in four years.

Furthermore, the establishment of a council heavily represented by local and state appointees of the county commission and governor, respectively, is an abrogation of the broader national interest in these lands. The Secretary of Interior "shall establish a Legacy Council to advise the Secretary with respect to the Western Legacy District." {Section 101 (d)(1)} In practical effect, this legitimizes the anti-federal platform of some in the county population of 10,600 and nearly all county commissioners who continually bemoan the presence of federal public land. We do not disagree that local involvement in decisions affecting public lands need be given serious consideration. Opinions of local residents are, in fact, given disproportionate weight by BLM district managers who live in these very same communities. The existing Resource Management Planning process provides ample opportunity for local participation in determining management of these public lands. Establishment of this type of advisory body, with its function and membership, serves only to grant excessive local control over public land owned by all Americans. With H.R. 3605, Congress would be giving something, in money and control, and the American public gets nothing.

Conclusion

Fifty miles long and thirty miles wide, the San Rafael Swell rises 1,500 feet above the surrounding desert, forming one of the scenic and geological wonders of the world. The San Rafael Swell and Reef are interspersed with serrated cliff lines, narrow slot canyons, and hidden valleys dotted by sandstone domes and towers. Canyons carved by ephemeral streams and the San Rafael Swell's two perennial streams provided hide-outs to Butch Cassidy and his gang, and the historic importance of its outlaws, cattlemen, and settlers has not been lost on the people of Utah today.

No wonder this place has received the kind of attention paid to it in the past 50 years with various proposals to designate parks or wilderness. Its wildlife, including bighorn sheep and pronghorn antelope, are treats to view in their natural setting. Its recreational opportunities are

unparalleled outside of Utah, and with its accessibility to major metropolitan areas the demand for primitive and challenging outdoor experiences will only grow. Its archeological sites of Fremont and Anasazi pictographs and petroglyphs are wonders of an ancient civilization that mysteriously disappeared.

H.R. 3605 should be clearly understood for what it is. This legislation is less a measure to conserve this spectacular landscape and its important biological, historical, and archeological values, than a bill to promote economic development through subsidies beyond that which local governmental units and residents of the county already receive. If H.R. 3605 were truly drafted with intention to conserve the San Rafael Swell, wilderness designation would have been made a central component. Only designated wilderness conserves the area from development of unnecessary and expensive roads and other intrusions. Only designated wilderness would assure this place does not become an ORV playground. Only designated wilderness will keep the place as it is and protect custom and culture from changing in ways many in surrounding communities hope to avoid.

Many people now and in the recent past agree that this magnificent place deserves protection. H.R. 3605 does not accomplish this important goal for the future of Utah. Indiscriminate use of off-road machines stands as the main threat to the scenic beauty and unique resources of the San Rafael Swell, yet H.R. 3605 does nothing to address this significant problem. Wilderness designation is the appropriate remedy for abuses that have grown markedly worse in the last decade. If rampant use of ORVs is not curtailed in a meaningful manner by this legislation, and boundaries are not extended to incorporate all of the San Rafael Swell, the Southern Utah Wilderness Alliance cannot support the bill.

[The information follows:]

Price Field Office
125 South 600 West
Price, Utah 84501

8340/6550
(UT-066)

STAFF REPORT

Subject: OHV intrusions in the WSAs

Date: December 9, 1997

From: ~~XXXXXXXXXX~~ ORR 

Today at the monthly meeting of the Emery Public Land Council, Jim Karpowits (UDWR biologist) discussed observations he made while counting Desert Bighorn Sheep, recently. The herd numbers were stable, but distribution was quite different from previous observations. They annually fly the herd units in a helicopter. This year in some of the areas they usually see sheep, instead they saw new OHV tracks. The sheep were found in areas inaccessible to vehicles. The areas of concern that haven't had OHV use in before were: upper Red Canyon in the Mexican Mountain WSA and Cactus Flats, Mesquite Wash, Saddle Horse and McCarty Canyons in the Sids Mountain WSA. I've asked our biologist to follow-up with UDWR and obtain what ever data they have on this issue.

001598

STAFF REPORT - WSA MONITORING REPORT FOR SID'S MOUNTAIN

Dates of observation: March 20-22 & April 24-25, 1998

Observer: ~~XXXXXXXXXX~~

Attachments: maps and photographs

During the weekend of March 20-22, I monitored a Special Recreation Use Permit issued to the Colorado Mountain College from Leadville, Colorado. I also provided numerous interpretive lessons on the ecology/geology of the San Rafael Swell and the management of the wilderness study areas, especially Sid's Mountain.

We (myself, two instructors and about 12 students) drove to the trailhead that the OHVs use to descend into North Salt Wash from Horn Silver Gulch road. We camped at the undesignated trail head which has been severely impacted by ATV use. We hiked down the horse trail and set up a base camp at the trail head to the horse trail that ascends to Sid's Cabin.

On Saturday afternoon, as the class was sitting by the side of the wash at North Salt Wash (at the base of the horse-back riding trail that ascends to the cabin on Sid's Mountain), lessons were being taught on proper back country ethics. These included proper disposal of waste and how not to pollute the scarce water in the desert. The water flowing down the wash was murky and the students were also learning how to filter out sediments and then treat for hazardous microorganisms. A group of four motorcycles passed by the students through the wash FOUR times. In addition, a further 12 ATVs and another motorcycle traveled down and up the wash while the class was in session. The lecturers just about gave up trying to teach the subjects at hand. After all, why try to train students to filter out tiny bits of organic materials to keep the waters pristine, when the ATVs were given free reign to travel up and down the wash, inadvertently stirring up sediments, possibly polluting the waters with oil and gas, and increasing the noise level to interstate decibels. The class was disturbed, as they had a permit to camp and hike in a WSA and were not expecting such intrusions. It was left to me to explain the Price Office ATV policy inside WSAs. An interpretive hike up North Salt Wash and up Saddle Horse Canyon confirmed that ATVs were present in both areas; their tracks were evident. It is of note to add that the next day when no ATV use was observed or heard, the silt load of the water in the wash was reduced and ran relatively clear.

The following day we hiked up the horse trail to the Cabin. I witnessed one old motorcycle track in the WSA.

During the weekend of April 24/25, I assisted in the cactus survey on Sid's Mtn. (See attached photographs). We looked for cactus from Sid's Mtn's cabin north to the cliffs overlooking the San Rafael River, a pristine area in the WSA. No ATV intrusions were observed.

001402

Submitted by MR. MATH

**PRICE FIELD OFFICE
WILDERNESS STUDY AREA
SURVEILLANCE REPORT**

WSA NAME: SID'S MOUNTAIN UT-060-023

DATE: 4/23/98 **VISITED BY:** [REDACTED] and [REDACTED]
4/25/98

GENERAL LOCATION CHECKED IN WSA (map route followed on back):

Horse packing trip on Sid's Mt. on 4/23-25/98.

A three day plant survey was conducted on the Sid's Mt in the Sid's Mountain WSA for the San Rafael Cactus (*Padlocactus despainii*) on April 23, 24 and 25. A total of 10 people, with four saddle horses and three pack horses traveled to the Sid's Cabin on Sid's Mt on April 23. We spent 4/24/98 surveying for the cactus and traveled back to vehicles on April 25. The survey area was in the north eastern portion of the Sid's Mt. The area is very inaccessible and requires significant travel time.

OBSERVATIONS:

NUMBER OF VISITORS ENCOUNTERED:

4/24/98

Observed 8 hikers in the San Rafael Canyon with backpacks
Heard motorized vehicles (assumed by sound to be 4-wheelers) in the North Salt Wash.

4/25/98

Observed 8 young men hiking up Sid's Mt as we were leaving

ACTIVITIES OF VISITORS: everyone observed was hiking, but we did hear 4-wheelers in the North Salt Wash. We did not get a count or observe the wheelers.

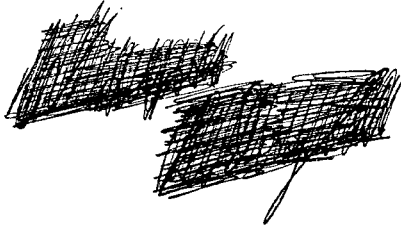
EVIDENCE OF PAST ACTIVITIES/IMPAIRMENTS (attach photos):

4-Wheeler tracks were evident in the bottom of North Salt Wash, there was also tracks leaving the wash and running on the neighboring hills.

The Sid's Cabin on Sid's Mt has receive significant use mostly by recreational horse riders. The cabin is a destination for many hikers and horse riders and they spend time here resting and preparing for the hike/ride out. The area around the cabin is receiving heavy grazing by the riding horses and the vegetation is showing a change in composition

001403

and vigor. (See attached Staff Report)



Price Field Office
125 South 600 West
P.O. Box 7004
Price, Utah 84501

(UT-066)

STAFF REPORT

Subject: Sid's Mountain Plant Survey

Date: 5/11/98

A three day plant survey was conducted on the Sid's Mt in the Sid's Mountain WSA for the San Rafael Cactus (*Pediocactus despainii*) on April 23, 24 and 25. The cactus is Federally listed as endangered. The San Rafael Cactus has been found on the Wedge and the Little Wedge next to Sid's Mt and geology maps indicated the Sid's Mt should have the similar habitat. The survey was completed with the assistance of *Pediocactus* survey team from Richfield and Capital Reef National Park.

A total of 10 people, with four saddle horses and three pack horses traveled to the Sid's Cabin on Sid's Mt on April 23. The team packed up their own drinking water (20 gallons), food and camping gear. The horses started from the trail head on North Salt Wash across from McCarty Canyon, traveled down the North Salt Wash to the trail up on Sid's Mt. The hikers used the foot trail that comes down next to the "Rincon". They had to cross the North Salt Wash and start up the trail on Sid's Mt.

Effort was made to minimize the impacts of this group and their horses on the Sid's Mt WSA. The group camped at Sid's Cabin where other recreational use has already impacted the area and an existing fire ring was available. The horses were fed processed grain and alfalfa pellets to supplement the natural graze. The horses were watered at the only stock water available, a pothole about one mile from the cabin. The trip was planned after the livestock licensed to use the area (7 horses) were removed so as not to compete with them for the limited water available. The Cabin has a wire and wood corral that is in fair condition and can be used to contain the horses.

The survey was conducted on April 24 by two teams one on horseback and one hiking. The area surveyed was the northeastern portion of Sid's Mt, the area closest to the known pop of cactus (map attached). The hiking group traveled to the area closest to the Wedge Overlook, and surveyed for cactus on the return trip. The horse team rode to the edge of Sid's Mt overlooking the confluence of North Salt Wash and the San Rafael River, and surveyed for the cactus on the return trip. Both teams spent 8 hours traveling and surveying and did not find any cactus. The area had not received much precipitation and it is possible that the cactus was not above ground. The extent of suitable habitat was not as great as was expected, however there was suitable habitat. I would recommend that this survey be planned again when the weather is more suitable for the emergence and flowering of the cactus.

Other recreational use was noted in the surrounding area. There were a large number of 4 wheeler tracks in the North Salt Wash, and 4 wheelers were heard in North Salt Wash on Friday, April 24. In addition a group of about 8 hikers were noted in the San Rafael Box (start of survey for cactus), these hikers were hiking down the river with backpacks on. On the return trip 8 boys were passed on the Sid's Mt Trail, they were hiking to Sid's Cabin.

Concerns about the Sid's Mt WSA

* All of the signs to denote those areas closed to OHV travel (Saddle Horse Canyon and Sid's Mountain) have been removed. I have in the past five years replaced these signs a number of times but they do not last long. Several tracks were noted of 4 wheelers that had left the wash bottom and climbed the banks and hills next to the wash.

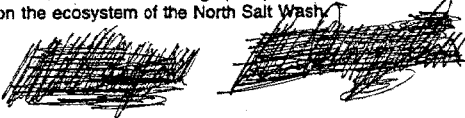
4-Wheelers continue to make heavy use of the North Salt Wash. Their trails at the trail head are braided and do not follow the original trail. In the wash bottom they do not stay to the bottom but explore on the bordering uplands. The entrance of Saddle Horse Canyon had a large number of 4-wheeler tracks entering the canyon (it is closed to OHVs). North Salt Wash is the major access to this canyon.

The Sid's Mt Cabin is receiving increasing use by hikers and horse riders as it is a major destination point for these users. The area is a pleasant resting and camping area with large pinion trees for shade and a good view of the Sid's Mt. The cabin is surrounded on two sides by a wire fence and on one side by rock. The fence on the fourth side is down. This area provides a convenient area to allow riding horse to rest and graze while the riders are resting at the cabin. The grazing use by the riding horses is getting severe with impact to the vegetation composition and vigor surrounding the cabin. The native grasses of blue gama and Indian ricegrass are being overutilized and weeds (Russian thistle) are invading the area. The impact to the vegetation is confined to the fenced area. The areas outside the fence have low to moderate utilization.

One and a half years ago (fall of 1996) a group of CEU students hiked into the Cabin to remove trash. There is trash found around the cabin again, with the amount equalling the amount hauled out by the students. The type of trash has changed from beverage cans (beer) to more food cans (corn beef hash, ect).

The cabin is in need of some repairs. The door to the cabin is falling apart and is in need of repair. The cabin is again collecting a good pile of rat droppings. These were clean out by an unknown person two years ago. However the allottee continues to store grain in feed sacks suspended from the roof in the cabin which is attracting the rats.

I have some concern about the amount of water in North Salt Wash. The normally clear ephemeral stream was running its full length with a high flow of muddy water. The water was so muddy the horses would not drink it and the color of the mud did not match the surrounding area. Indications are that this water flow is coming from irrigation water at the head of Horn Silver Gulch and is draining into North Salt Wash. Last year this stream flowed last year, it was assumed to result from the high precipitation levels. If this continues it will have a major affect on the ecosystem of the North Salt Wash.



Mr. HANSEN. Thank you, Mr. Matz. Appreciate your testimony. Mr. Cannon, you are recognized for questions for the panel.

Mr. CANNON. Thank you, Mr. Chairman.

Again, thank you all for coming. We appreciate your time here. If I could just start, Mr. Matz, with just one question for you. You heard earlier Ms. McUsic noted that this bill provides considerable new protections for this land.

In our discussions, and with others in the room who have had this continuing discussion about wilderness, we are looking at a long time—maybe 10 years is the number that has been bounced around—before we really—I think before many people in your association expect to solve the wilderness problem.

Isn't some protection, as set forth in this bill—and as Ms. McUsic said—better than just letting things go as they are in the status quo?

Mr. MATZ. What I heard the earlier panel say was that what seemed to me was a great deal of support and acknowledgement on the part of Emery County and the Interior Department, that there are areas here that qualify as wilderness, that those areas should have protection. So it is kind of perplexing to us to see that wilderness designation isn't included in this legislation.

Now, that is not to say that withdrawing the area from oil and gas development, or mineral development, aren't steps forward. It is just that it doesn't move in the direction of providing resolution for this area, for this particular area.

Mr. CANNON. Thank you. I appreciate your input on that. You did raise—if I might, just one other question. You raised Secretary Babbitt's national landscape monuments, and said that you—and I expect you are speaking for your organization—support those.

If you would just—have you considered the legal implications of national landscape monuments in the context of the law itself, the Antiquities Act, which requires that the minimum amount of land reasonable be used, and that the law exists only to protect cultural and historical objects, which, of course, are defined? Have you considered the implications of the Secretary's proposal in the context of what the law actually says?

Mr. MATZ. It is my understanding that Secretary Babbitt is on solid legal footing. I mean, for instance, President Carter's Interior Secretary made a proclamation to establish 130 million acres of national monuments in Alaska, and all of those—that one included, and all of those previous, have withstood legal challenges. So I believe that the Secretary is on very solid footing, using the 1906 Antiquities Act to set aside landscape national monuments.

Mr. CANNON. Thank you.

Mr. CURTIS, appreciate your being here today. Would you talk a bit about who you view in Utah today as being supporters of this bill?

Mr. CURTIS. Who has been supporters?

Mr. CANNON. Who are the groups of supporters out there of the bill?

Mr. CURTIS. Over the years—this is a process that wasn't completed overnight. It has been a long process. It has taken many years. And over that period of time, there have been a lot of interested parties and stakeholders involved in the discussions regard-

ing this bill. And, for the most part, many of those are supportive of these things.

Certainly, the State of Utah is supportive. We have a great deal of support locally from the public, from local leaders. And we, of course, extend an invitation to any who have concerns to work with Emery County in the planning process as they proceed to develop the actual management plan for this National Conservation Area.

Mr. CANNON. Are you aware of any other proposals out there right now that have the potential to address land management in this area?

Mr. CURTIS. I am not aware of any real legitimate proposal that has any momentum or traction going for it at this point in time. I think the point that really needs to be made clear on this legislation is that the intent of this legislation is to conserve the resources of the San Rafael Swell, and to better manage the visitors and to control abuses that may be taking place right now.

It is a good, solid, environmentally sound bill. I think the real threat would be to let the status quo continue as it is, to not create this NCA and provide the protections that this bill offers, but be a step backwards. This is a significant step forward.

Mr. CANNON. Thank you. You know, I am deeply appreciative of all of the effort you have put into this bill, and thank you again for that.

Mr. Nelson, aside from the fact that you have the neatest job on earth, would you tell us a little bit about how you anticipate working with BLM under this bill?

Mr. NELSON. Mr. Chairman, Representative, we hold a series of responsibilities in the State of Utah—law enforcement activities as they relate to off-highway vehicles, education responsibilities, working with the local law enforcement agencies as well as the Federal agencies.

In a number of cases around Utah, we have been successful, we feel, in educating the recreators, which is the first step that you need to take any time you are trying to effect a change or to keep certain activities from happening.

The second is a presence. You have to have a presence to underscore the education, and to give support to those who are trying to do the right thing. The comments that were made earlier about the off-highway vehicle club members and the other associations is very accurate. Those aren't the people who are, in general, causing problems.

It is others who either through their position of not being informed or of what we call the five percenters, those to whom rules don't mean a whole lot, and will take opportunities as they come in any recreational activity. You have to have this presence in order to make sure that the impacts of those individuals are lessened.

And then the third is to make sure that individuals understand what it is you are trying to protect, the bigger picture, the values of the area that they are playing in, and there are many successful examples that we would think would be appropriate for the San Rafael.

There needs to be an effort in this planning design, should this come to pass, to really talk to these potential users, no matter what

their background or their interest about the history, the background of the Swell, why it is important that we have those individuals' support for the protection of the area, and, at the same time, explaining to them what the fun opportunities are, what there is to learn, where they can go to enjoy those natural resources.

Mr. CANNON. Thanks. Do you expect changes in how you manage Goblin Valley State Park? And what do you expect those changes would be?

Mr. NELSON. Mr. Chairman, Representative, we certainly would expect the continued growth in the visitation at Goblin, as well as at Huntington and Millsite. For those individuals who are not familiar, in the southeast corner of the Swell is a State park that has gone from 10,000 visitors to over 80,000 in the last year.

We are the only permanent presence in that area. And everybody who has any kind of a problem, any kind of a need, whether it is information or a medical emergency or a law enforcement situation, they come to us first. And I would think that that is a toehold. That would be a great opportunity for us to work with the BLM and the county in these issues of control and management and education.

There would certainly be an opportunity, should our partners want to take advantage of that presence, for us to expand our involvement.

Mr. CANNON. Thank you. And I appreciate the time you have taken to come out here from what I know is a busy schedule with all the work you are doing in preparation for the Olympics and all of the other normal pressures of the incredible park system that we have in Utah. I appreciate your management.

Mr. NELSON. Mr. Chairman, Representative, thank you.

Mr. CANNON. And, Mr. Martin, I really appreciate your comments and insights. I love this area, and I love the stories of the area. What role do you think the Legacy District will play in determining what sites visitors come to see?

Mr. MARTIN. Well, Representative, we often find that the visitors direct themselves. And if we don't have a plan to direct them to the sites that we have designated, they will continue to visit whatever site they choose. By having a planning effort, we will be able to direct the public to the sites that are most capable of taking the visitor and we will be able to interpret those sites.

The dilemma without the plan is visitors go undirected, and that is one of the efforts that the Legacy District does is help us build that plan to direct them to the best sites that are best prepared to accept the visitor.

Mr. CANNON. This is early in the process, and we haven't done much planning. But do you actually anticipate changes in what people will want to see and where they will go as information becomes—as you make information available, or identify information that you want to make available through the planning process, and then making it available?

Mr. MARTIN. We have done that on the Four Corners area by what we call marketing and demarketing. We market the attractions that we feel we can accept the visitors to, that have the best opportunity for interpretation, that have the best ability to sustain

the site as well as entice the visitor, and have a diverse experience. We demarket sites that are fragile, that are not capable of sustaining that kind of activity.

We think we can be successful through a good planning effort of marketing and demarketing, to direct them to the sites that give them a wide breadth of experience, but also provide the opportunity for them to come in contact with the past, which is what they want to do. They want to touch the past, and that is what they want to do.

Mr. CANNON. And this gives them the human past and a much longer past beyond that.

Mr. MARTIN. Both.

Mr. CANNON. Sort of puts our lives in perspective. Thank you very much for your testimony.

Mr. Chairman, I yield back.

Mr. HANSEN. Thank you, Mr. Cannon.

Let me point out to you that this hearing is basically H.R. 3605, and I have been pretty liberal, let everything else come up, like national monuments. And let me point out in respect to everybody here, the case with President Carter settled. It wasn't resolved; it was settled, due to other legislation being passed.

And the majority of people who have looked at this feel that the 1906 antiquity law is an unconstitutional law. There is a lot of legal thought on this. If there is any bill that I have ever—or any law I have ever seen passed, that I would like to see the Supreme Court rule on, it would be that one.

We have since looked at it in detail, as you know, in this Committee. And I can't see, and none of the people we have had look at it can find one tool that it gives to BLM, Park Service, whoever, that they don't already have under the management plan. In the opinion of some folks on this Committee, it is more of a facade. I don't mean to get into that, but it has been raised here, so—

Mr. CANNON. I would like to thank the Chairman for making those comments. Recognizing that the focus of this Committee, I didn't want to respond myself, but I want to associate myself with the comments you have made.

Mr. HANSEN. Well, I would hope that folks would realize also that this bill has 270,000 acres of de facto wilderness in it now. And also to realize that de facto wilderness is treated in a more pristine manner than wilderness per se. It is not as if it doesn't have something in it.

Our friend from New Mexico, Mr. Udall?

Mr. UDALL. Thank you, Mr. Chairman.

To maybe jump off on the point of the Chairman's comment about de facto wilderness, Mr. Matz, could you tell me, how would wilderness designation address the ORV use in the San Rafael Swell?

Mr. MATZ. Because of the definition of wilderness included in the 1964 Wilderness Act, motorized recreation is not allowed or permitted legally in designated wilderness. And so it would provide a very effective handle to be able to remedy a serious problem on the San Rafael Swell now the agency itself has been unable to deal with.

They had a resource management plan in 1991 that proposed to close 9 percent of the entire resource area to ORVs in order to protect some sensitive habitats. And in order to do that, they needed to pull together a travel plan, which they began to do in 1992. By 1997, five years later, they had released a draft travel plan, but that plan was never made in final.

So we are still now, 10 years later, dealing with not just the problem that resulted in a recognition in 1991 that it needed to be dealt with, but 10 years of very increasing use there that has caused even more significant problems, to the point where BLM now has, unfortunately, been required to develop a habitat management plan to try to protect some endangered species in the San Rafael Swell.

Wilderness designation would give us a much better legal handle to stem the tide of ORV abuse in the San Rafael Swell.

Mr. UDALL. You say BLM was forced. Was that as a result of a lawsuit?

Mr. MATZ. I am not sure if it was a lawsuit, Congressman, or if it was just the requirements under the Endangered Species Act.

Mr. UDALL. Could you, Mr. Matz, give me your opinion on this boundaries issue? It seems to me that the boundaries here, if we are talking about protecting the San Rafael Swell, the San Rafael Swell—my understanding—doesn't end at the boundaries of the—is it—it is Emery County. They don't end right there, do they? What are your thoughts on that?

Mr. MATZ. It is disappointing to us to see that something called the San Rafael National Conservation Area does not, in fact, constitute all of the San Rafael Swell. There are important areas to the west, including Eagle Canyon, Molen Reef, and Mussentuchit Badlands, that are left out. To the south, on the southern end of the reef, there is Factory Butte, which is a very notable feature, and Upper Muddy Creek, that are omitted from this legislation.

So from our perspective, it turns it into more of a county recreation park than it does a conservation area intended to maintain the integrity of the San Rafael Swell as a whole.

Mr. UDALL. Under this piece of legislation, under H.R. 3605, there are created some advisory groups. I mean, what has your experience been working with advisory groups like this?

Mr. MATZ. Again, there is ample opportunity under the existing planning processes that BLM undertakes for local citizen involvement. And we have no disagreement that local involvement should be made a priority, but it should not be made—be prominent priority. And in establishing another Advisory Council of this type and makeup, it makes it—it defers too much to the local authorities and does not take into consideration—or actually abrogates the duty of BLM to take into consideration the national interest in what are America's public land.

Mr. UDALL. In trying to find some common ground here between proposals for wilderness and this proposal that is before the Committee, what would you need included in H.R. 3605 in order to support it?

Mr. MATZ. It is simple, really. The two significant things that need to be remedied are, one, the boundaries for the NCA should be extended to include all of the areas of the San Rafael Swell. So

that would include the areas to the west that spill over into Sevier County, and the areas to the south that spill over into Wayne County.

And then, secondly, I think since there is such wide recognition, apparently, of the wilderness attributes in portions of the Swell, it is a mystery to us why there wouldn't be wilderness designation included in this legislation, and hopefully to take that issue off the table.

Mr. UDALL. To the other members of the panel, do you have any objection to expanding beyond Emery County, to include the other areas of the Swell?

Mr. CURTIS. If I may answer that, Mr. Chairman. We really have a misrepresentation here of what constitutes the San Rafael Swell. The boundaries of this National Conservation Area, in fact, are just about double in acreage the actual acres of the San Rafael Swell. The San Rafael Swell, that geologic feature is a small—it is a central piece of this National Conservation Area. But these boundaries go well beyond the San Rafael Swell as they stand right now.

These other areas that are being referred to aren't even contiguous to the NCA boundaries as they exist right now. They are several miles to the west of these boundaries, and it just really doesn't make sense geographically or in any other way to include those lands. And, of course, this bill, this proposal, is not going to adversely affect the future of those lands in any case.

Mr. UDALL. Any comments from other panel members there? No? Thank you very much, Mr. Chairman.

Mr. HANSEN. I thank you, Mr. Udall. Appreciate your comments.

You know, I really think this is a well-drafted piece of legislation. We look at a lot of legislation in this Committee, probably more than any other committee. And some of them are very poorly drafted. This is well put together. This has got—takes care of a lot of things. I think, as I mentioned earlier, there is ample protection in this area—270,000 acres of WSA, which subsequently someone could act upon if they are so inclined to do.

And I think that area—the 270,000 acres—does fit the criteria of the '64 Wilderness Act Mr. Matz talked about. That is a big issue. We talk about it all of the time. And I surely understand that.

And it is kind of like beauty in a way; it is kind of in the eye of the beholder. Really, the '64 Wilderness Act probably should be refined a little bit because it is really tough to figure out a lot of things—roads, things such as that.

Now, in my many years on this Committee, it has kind of switched. It used to be that the right of access was with the cattlemen, the timbermen, and the miners. It has kind of fallen to the wayside. The access question now is with the guy who rides a motorbike, an ATV, a back country pilot, a river runner, hunter. It has kind of switched that way.

And people want access to public ground. I actually think the majority of Americans are pretty good conservationists. They really want to take care of it. A lot of you have alluded that there are always a few bad apples, and they should be treated that way. They should be brought up short for doing those areas.

Now, I honestly feel of all the pieces of legislation that I have seen come before this Committee regarding Utah, this is one that

really ought to make it. And we will do our best to see that it does. Does it need some refinement? Probably so. I think Molly brought up something. Sally brought up an area. And we will work on those things.

I would like to ask this panel, if I could, what is a big concern—and, really, hung it up last time—was Sid's Mountain. And there you folks from Utah have put in, what, the desert bighorn sheep? It means an awful lot to some people.

I have had more letters—this is the first time in my 20 years on this Committee that I have had more letters from people on the other side, because the others are orchestrated. I mean, you know, one guy writes it and 10,000 of them come in. But these are really from the heart with people who are in this sheep bunch.

And I don't know too much about it except they go out and they do what is called a Grand Slam. Courtland, you probably know more about this than I would. Or Wes would probably know. Where they shoot five sheep—one is in Mongolia, one is in Siberia, and one is in Sid's Mountain, and a few other areas—these people are very, very concerned about this legislation and they feel very strongly about Sid's Mountain, where they have the desert bighorn sheep.

And they have guzzlers in there, you know, where they evaporate, things to get water from, because there is not a natural flow of water in that area.

Maybe Mr. Nelson, Mr. Curtis, you would want to comment on that. What are you doing on this desert bighorn sheep? Which is a big issue to a lot of folks all around America, not just Utah.

Mr. NELSON. Mr. Chairman, I think there are several points to be made, as I understand them. First of all, the advocates for the bighorn sheep are not only the hunters, not only the consumptive people, but those individuals who would like to see the continued expansion of the range of bighorn sheep for other non-consumptive values.

The Sid's Mountain area I think is unique in a couple of ways. Number one, there is an observation opportunity for people who are willing to make some effort where they can see bighorn sheep. And I think in some of the tourism plans that are in place or would be desired to be in place by Emery County folks that that is an important item.

Secondly, the sheep activity in Utah has been expanded greatly over the last number of years. There are now many places where an individual can go and have a hunt, either have an opportunity to hunt or an opportunity to photograph various subspecies of the bighorn population.

As you well know, we have recently introduced California bighorn sheep on Antelope Island. And that, Mr. Chairman, is a nursery herd. And when that herd reaches a certain size, then we will trap and relocate, possibly down to the San Rafael area, where yet more people can have an opportunity to see those species down there.

There is a definite attraction for individuals who want to see what is colloquially called the Charismatic Mega Fauna by some groups. Those large species, the ungulates, that are attractive to watch, that give a sense of natural history, that go back even to

Native American times. And I think the major effort here is to secure the strong biological presence of that sheep herd, as well as to provide various opportunities for people to harvest, to photograph, or otherwise just be aware that those sheep are out there in their native habitat.

Mr. HANSEN. But this bill and this whole thing we are working on does allow for citizens to see this bighorn sheep. Is that a correct statement?

Mr. NELSON. Mr. Chairman, I think I will defer to Wes on that particular item, as it relates to the location of Sid's Mountain in viewing opportunity.

Mr. CURTIS. Mr. Chairman, yes. In answer to your question, it does allow—does not guarantee that they will see those bighorn sheep, obviously, but—

Mr. HANSEN. How did you possibly arrange it for these people from the BLM? How did you train the sheep to come in?

Mr. CURTIS. That is a local secret. We are not going to share that.

[Laughter.]

But, no, we take a great deal of pride locally in the bighorn sheep there. And, in fact, in the previous proposal two years ago, it was proposed to create a desert bighorn sheep natural area to really emphasize and promote this aspect of the Swell. That idea certainly hasn't gone away, and I think you will see over time that we will attempt to develop those types of activities that make it possible for the public to enjoy that great natural resource.

Mr. HANSEN. Well, that was the one issue that probably brought this thing down last time, if we worked a little harder on it, but we didn't work that hard on it. But we will work hard on this one.

Mr. MATZ. Mr. Chairman, may I address this?

Mr. HANSEN. Surely. Surely.

Mr. MATZ. I just wanted to quote here from one of these field reports. One of the biggest problems in the San Rafael Swell related to the bighorn sheep is the problem of ORVs.

I just wanted to cite here that a Division of Wildlife Resources biologist told the BLM the herd numbers were stable but distribution was quite different from previous observations. They annually fly the herd units in a helicopter. This year, in some of the areas—they usually see sheep—instead, they saw new OHV tracks. The sheep were found now in areas inaccessible to vehicles. This was in 1997.

The areas of concern that haven't had OHV use in were Upper Red Canyon in Mexican Mountain WSA, Cactus Flatts, Mesquite Wash, Saddle Horse, and McCarty Canyons, in the Sid's Mountain WSA. So even with the WSAs there that you mention, we still have the problem of ORV use getting into these areas and disturbing the bighorn sheep population.

Mr. HANSEN. Comment? Mr. Cannon?

Mr. CANNON. I just want to clarify, that would be illegal use of ORVs in areas where they are already prescribed, would it not?

Mr. MATZ. That is correct. They should not be in WSAs.

Mr. CANNON. Okay. Thank you, Mr. Chairman.

Mr. HANSEN. Mr. Curtis, you had another comment?

Mr. CURTIS. Yes. If I could speak to that for just a minute. OHV misuse is certainly a concern that we all share, and we share that with the State of Utah, with the local citizenry, and with the BLM and Department of Interior. As everybody here knows, OHV use has accelerated dramatically over the past few years. It has accelerated faster than we have been able to get a handle on it, management-wise.

And whether we designate an area wilderness or any other designation, it still doesn't guarantee that we have the manpower and the ability to enforce those designations. That is a concern that we have.

Let me just, if I could, point out some of the things that are taking place locally with regard to this OHV issue. I think a rather significant, a real change in attitude that I have observed over the years—in Emery County, they are taking several different approaches trying to help the BLM and address this issue.

In the first place, they are currently making an in-depth inventory of the routes and trails on the San Rafael Swell to determine which ones are important and which may be considered for elimination. Emery County is putting together an access management team, which will include representatives from resource management agencies, both State and Federal, as well as many different user groups and stakeholders.

And the intent is to develop a consistent and understandable access plan. Along with this, to provide education, to provide signing, to in some cases build barricades if necessary to help protect these lands.

The Emery County Sheriff's Office is applying for a grant and exploring the possibility of providing some trail rangers. This is on the part of the local county government to help police and monitor what is going on out there. The Recreation Subcommittee, the Public Lands Council in Emery County, has initiated an education program to help teach the youth the importance of not abusing their privileges in using their vehicles out there.

And on National Public Lands Day this past summer—and, Representative Cannon, you attended this gathering—170 people representing many different organizations gathered out on the Copper Globe area of the San Rafael Swell. They marked legitimate trails. They erected barricades blocking illegitimate trails. They put up signs. They did many different things. They seeded, they raked, they did a lot of things to restore lands that had been abused.

There really is a strong local movement to deal with this issue. And I think we ought to, rather than point fingers and say, "Look, here is a problem," let us all work together and continue this effort to resolve the problem.

Mr. HANSEN. I thank you four members of the panel, thank Mr. Cannon, Mr. Udall, for being with us. I realize that most members are headed to the four corners of the earth right now somewhere and should be back next Wednesday.

So with that said, thanks so very much to the panel, and all of you who are here today. And we appreciate the excellent testimony.

This hearing is adjourned.

[The information follows:]



THE WILDERNESS SOCIETY
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FOR IMMEDIATE RELEASE

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Wilderness Society President Urges the House Resources Subcommittee On National Parks and Public Lands To Reevaluate Utah Public Land Legislation

--Testimony Addresses Need for Wilderness Designation in Key Areas--

March 2, 2000, Washington DC --Today William H. Meadows, president of The Wilderness Society, submitted testimony to the House Resources Subcommittee on National Parks and Public Lands regarding, "The San Rafael Western Legacy District and National Conservation Act" (H.R. 3605), legislation that fails to adequately protect 1.03 million acres of proposed wilderness in Utah. His testimony underscored the importance of protecting the fragile and irreplaceable public wild lands in Utah.

U.S. Representative Chris Cannon (R-UT) recently introduced this new San Rafael Swell bill. Wild areas within this spectacular region of central Utah face constant and significant threats from off-road vehicle (ORV) use, mining, and road construction. Nevertheless, H.R. 3605 falls short of adequately protecting the wilderness resources of the San Rafael area because it:

- Fails to take immediate action to prevent additional ORV damage;
- Fails to designate any wilderness; and
- Omits important wilderness units in the Swell.

"The Wilderness Society has a longstanding commitment to the protection of Utah wilderness and the wild and beautiful San Rafael Swell and its many natural values," said William H. Meadows, president of The Wilderness Society in his testimony before the subcommittee. "The San Rafael Swell area, which faces growing threats, deserves the highest level of protection Congress can afford -- designation as part of the National Wilderness Preservation System."

Citizen wilderness inventories conducted during the 1980's and recently updated (1998) have thoroughly cataloged, mapped, and identified the wilderness and related values of the San Rafael Swell. Seventeen wilderness quality areas were identified in the San Rafael area, including Devils Canyon, Red Desert, Wild Horse Mesa, Lost Spring Wash, and Mexican Mountain. U.S. Representative Cannon introduced two years ago a similar San Rafael bill that nominally included designation of nearly 150,000 acres of wilderness, but the current version contains no wilderness at all.

"Over the past decade millions of acres of potential wilderness areas have been plagued with threats of pollution, development, encroaching sprawl, off-road vehicles, loss of natural quiet, logging, overgrazing, and mining," said Pam Eaton, Four Corners regional director of The Wilderness Society. "U.S. Representative Cannon's bill does too little to solve these threats. National Conservation Area designation is not a substitute for full wilderness protection"

CONTINUED

NEWS RELEASE

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The San Rafael Swell is a microcosm of the entire Colorado Plateau, studded with mesas and buttes, traversed by powerful perennial desert streams, and crisscrossed by canyon systems. Erosion has exposed layers of sandstone over 250 million years old, and the region is littered with bones from Jurassic-era dinosaurs. Rock art, some estimated at over 2,000 years old, dot the entire Swell. Before 1970, the area was one of the most remote regions in the West, and was considered a prime location for a national park.

As ORV usage has grown in this fragile area, conservation groups have documented widespread soil erosion, airborne dust, impacts to wildlife habitat, loss of native vegetation as well as growing visitor conflicts. ORV damage can be seen throughout the San Rafael, including wilderness study areas (WSAs).

A copy of Meadow's testimony is attached.

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Founded in 1935, The Wilderness Society works to preserve America's wilderness and to develop a network of wild lands through public education, scientific analysis and advocacy. Our goal is to ensure that future generations will enjoy the clean air and water, wildlife, natural beauty, opportunities for recreation and spiritual renewal that protected forests, rivers, deserts and mountains provide. For additional information on The Wilderness Society, please visit our web site at: www.wilderness.org.

Fact Sheet

THE WILDERNESS SOCIETY

Utah Wilderness

H.R. 3605

Background: On February 9, Utah Representative Chris Cannon and Utah Senator Orrin Hatch introduced the **San Rafael Western Legacy District and National Conservation Act, H.R. 3605**. H.R. 3605 is limited in scope to a portion of Emery County, dividing an important ecological and geological area along political boundaries. Although the San Rafael Swell region contains 17 unique wilderness-quality areas (roughly 1.03 million acres of wild lands), H.R. 3605 does not designate any wilderness, but rather creates a congressionally designated National Conservation Area to be managed by the BLM.

And while H.R. 3605 does provide some modest additional protection for the San Rafael, it fails to adequately address the issue of off-road vehicle use on public lands. By contrast, H.R. 1732, America's Redrock Wilderness Protection Act, which The Wilderness Society supports, would protect all wilderness quality BLM lands in Utah.

1. **Fails to address the full geographic and ecological range of the San Rafael Swell area.** Because H.R. 3605 divides the San Rafael along political boundaries (within a portion of Emery County, Utah) this unique area is not fully protected as a cohesive unit. As a result, important and vulnerable wilderness and related resources in western Emery County and eastern Sevier County are not even included in the bill's National Conservation Area (NCA) designations. H.R. 3605 also fails to address the southern part of the San Rafael area that is located in Wayne County, leaving important wilderness quality areas like Factory Butte and Wild Horse Mesa without any additional protections whatsoever.
2. **Fails to afford the protection of wilderness status to areas subjected to numerous threats.** While H.R. 3605 does not explicitly take any lands out of potential wilderness designation, it also fails to give lands of wilderness quality that important and protective status. While H.R. 3605 does contain mineral and other withdrawals, these do not extend to some of the potential wilderness units most at risk for mining and drilling, including many of the areas in eastern Emery County, such as the Molen Reef, Rock Canyon, and Limestone Cliffs. Wilderness designation for these areas would eliminate motorized use of these lands and would stop all future mineral and oil and gas development in the area (subject to valid existing rights.)
3. **Fails to adequately address the problem of off-road vehicles (ORVs).** The use of off-road vehicles (ORVs) on our nation's public lands, both in Utah and nationally, has increased dramatically in the past decade. This rapid increase in ORV use has lead



The Wilderness Society

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to severe damage of some of the nation's most sensitive wilderness and wildlife habitat areas and cultural sites. The Bureau of Land Management (BLM) manages many of these sensitive areas. On the public lands managed by the BLM in Utah, ORV use may be the number one threat to the protection and future public enjoyment of wilderness resources. Poorly managed ORV use on our public lands:

- **Reduces the public's enjoyment of public lands.** ORV use and its resulting noise, pollution, erosion, and other impacts undercut opportunities for many other uses of these lands, including hiking, hunting, fishing, and wildlife observation. By not addressing ORV use on public lands, other public land users are displaced.
- **Degrades an area's naturalness.** By allowing ORV use on lands with potential wilderness quality, the status of these lands is degraded and Congress can often not afford protection.

The BLM has repeatedly failed to use its management and planning authority to adequately manage ORV use. The BLM and other federal agencies have the authority to manage and control ORV use. However, in too many cases, the BLM has failed to produce and implement effective ORV policies. In light of the severity of the resource damage caused by ORVs and the fragility of wilderness quality lands remaining in Utah and across the West, The Wilderness Society supports the elimination of all ORV use on all Wilderness Study Areas and other wilderness quality lands managed by the BLM.

Conclusion: H.R. 3605 fails to address many of the issues facing public lands today. By not designating any wilderness areas, and failing to address the problems brought upon by ORV use, H.R. 3605 does not present an adequate solution to the protection of the San Rafael. The threats facing the San Rafael Swell area - mining, road construction, and off-road vehicle use, to name a few - lead to the conclusion that this area deserves the highest level of protection Congress can afford: designation as part of the Wilderness Preservation System.

Congress passed The Wilderness Act to assure strong and consistent protection of the few remaining wild places in America. Utah's wilderness resources on the BLM-managed public lands are national treasures that deserve strong wilderness protection. Congress should amend H.R. 3605 to address the issues outlined above to provide full protection for the seventeen wilderness quality areas found within the Swell.

For More Information Contact:

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Or visit the TWS website at www.wilderness.org

**STATEMENT BEFORE THE INTERIOR HOUSE COMMITTEE
ON NATIONAL PARKS AND PUBLIC LANDS
THURSDAY, MARCH 2, 2000
WILSON G. MARTIN
DEPUTY, STATE HISTORIC PRESERVATION OFFICER
STATE OF UTAH**

Mr. Chairman, it is my pleasure to be here and address this subcommittee. Because of the willingness of the chairman and this committee to listen and support this proposal the support of the Department of Interior, and the good work of the citizens of that significant part of Utah, much progress has been made towards developing a San Rafael Western Legacy District. Now we need formal support to create this Legacy.

The Emery County Commission has held numerous meetings and the Bureau of Land Management has provided some funding and helped kick off the Legacy District. A database has been developed in partnership with Utah State University that, when fully populated, will be used in planning and in bringing key partners together. The County is also committed to collecting and documenting (with video and audio tape) the oral histories, stories and folklore of the region. This will create a rich record and interpret the historic resources of the area.

The San Rafael Legacy District is one of the country's last frontiers and possesses important historical, cultural, and natural resources representative of the American West. According to Edward Geary,

"The earliest Euro-American traveler clearly on record as visiting the county was Jedediah S. Smith during his southwestern expedition of 1826. Smith found the region "unpromising," describing it as "very barren and rocky" with "little appearance of Indians and game quite scarce a few Mt. Sheep and Antelope." The Old Spanish Trail reached its northernmost point in Emery County in order to skirt the Canyonlands and take advantage of the Green River crossing and the relatively low elevation of Wasatch Pass. In some places, visible traces of the thousands of horses and mules that traveled the trail remained imprinted on the land until the mid-twentieth century. Now only the San Rafael name remains to memorialize this era, though at one time many landmarks bore Spanish names. Huntington Creek was known as the San Marcus, Cottonwood Creek as the San Mateo, Muddy Creek as Rio del Morro, or "Castle River," and Ivie Creek as Rio del Puerto, or "River of the Pass."

"Most of the recorded impressions of the Emery County region by early travelers carried on the uncomplimentary tradition established by Jedediah Smith. George C. Yount, a member of the 1830 William Wolfskill party, remembered Castle Valley as "the most desolate & forlorn dell in the world - Every thing about it was repulsive & supremely awful."

"Hanna Seely, compelled to trade a spacious brick home in Mount Pleasant for a one-room log cabin on the banks of Cottonwood Creek, was initially less optimistic than her husband about the region's prospects. She later recalled, "The first time I ever swore was when we arrived in Emery County and I said 'Damn a man who would bring a woman to such a God Forsaken country!'"

The district contains examples of pre-Columbian and Native American culture, Paleontological resources, geologically unique land features, and the history of exploration, pioneering, settlement, ranching, outlaws, prospecting and mining. The San Rafael's resources support the development of a Legacy District.

Emery County has a widely varied landscape. It is situated between high mountains, some over 11,500 ft. above sea level, of the Manti-La Sal National Forest, on the West and the serpentine course of the Green River at 4,000 feet, running through Gray and Labyrinth canyons on the East. It is a land of ancient upheaval, forming the San Rafael Reef. This massive uplift is approximately 75 miles long and 30 miles wide. Rivers cut fantastic canyons and the upheaval-created interesting formations, including the Coal Cliffs, Molen Reef, Hondu Arch, Temple Mountain, Molleys Castle, the Black Box, the Head of Sinbad and Goblin Valley.

The rock, now exposed, contains a wealth of geologic record, including fossils of dinosaurs and other plants and animals and the internationally famous, Cleveland Lloyd Dinosaur Quarry. Ranger-led tours allow visitors to view fossils in their original sites as well as see the work of quarrying.

Those same streams and rivers allowed human use of the area for thousands of years, even though some of the area is barren desert. Evidence of prehistoric human occupation of the land is present throughout the county. A good example of this is the Buckhorn Wash panel.

The Buckhorn Wash petroglyph panel is near the San Rafael River. This panel was restored in 1996 and interpretive signage erected to allow visitors to understand the significance of the site. The feeling of standing in the same place as the painters of nearly 2,000 years ago, is something anyone, including the handicapped, can wonder at. This panel, along with the San Rafael River Bridge, one of many structures built by the Civilian Conservation Corps during the Great Depression, and the Denver and Rio Grande Lime Kiln, located nearby, are listed on the National Register of Historic Places.

Over 300 Pictograph and Petroglyph panels are scattered through complex maze of canyons and cliffs in the region, along with Paleo-Indian sites. The Black Dragon Canyon Pictographs, Ferron Box Pictographs and Petroglyphs, Rochester-Muddy Creek Petroglyph site and the Temple Mountain Wash Pictographs, are all listed on the National Register of Historic Places. These sites have national significance for their beauty and age.

In historic times, this area has had a long and colorful past. Evidence exists of explorers and settlers and later agricultural and mining interests scattered in existing and abandoned small towns, in locations as diverse as the land, these small towns boomed, and some disappeared. Walking down the street in the ones left can give a feeling of being in another time.

National Register sites in these small towns includes the Peter Lars Larson house, in Cleveland, the Emery LDS Church, the Samuel Singleton house and Ferron Presbyterian Church with cottage, and in Huntington, the Tithing Granary and Roller Mill & Miller's House.

Castle Dale, the county seat, is rich in local history. Historic buildings include Castle Dale School, housing the Pioneer Museum, the Paul C. Christensen house, the Peter Johansen house and the Justis Wellington Seeley II house, all on the National Register. Castle Dale is the location of the important Museum of the San Rafael, where visitors learn about the history and heritage of the area.

Green River lends it's name to the city of Green River, location of the John Wesley Powell Museum and home to businesses which specialize in running the Green and other area rivers. The Green River Presbyterian Church, a symbol of the area's cultural diversity, is on the National Register. Green River is also famous for the excellent watermelons and other longer season crops.

Many historic sites and attractions are open for tours, visits or available as event locations. Other destinations include the Cedar Mountain Driving Tour, which gives the public access to archaeological sites of the area. There are not just National Register sites that can attract visitors, but sites from the 1950's, including Temple Mountain Uranium Mines. Where unique stories can be told.

There are not only places to visit, but there is also organizational support. In this area, there are three Certified Local Governments, certified under the National Park Service Historic Preservation Act and one Main Street Organization. These local governments already receive grants and technical assistance for developing a heritage industry in Utah. The Castle Country Travel Council has been a long supporter of the heritage of this region. Private organizations, like the Adventure River Expeditions, of Green River, and the College of Eastern Utah, have supported this region's heritage destination experiences and economic development through heritage. With this legislation, the county organization can put plans in place and implement efforts to develop the Legacy District.

"Emery County residents not only cherish their rural heritage but also place a high value on easy access to both the Wasatch Plateau and the San Rafael Swell. Local people tend to read their own and their families' history in these public lands. They return year after year to the same mountain campsites or take their Easter excursions to the same favorite destinations in the San Rafael. They show their children and grandchildren where a pioneer ancestor scratched his

name on a rock or where a shepherding great-uncle carved an inscription in the smooth white bark of a quaking aspen. The trails where the family's cattle were once driven to the summer range on the mountain or the winter range in the desert, the forest clearing where a relative once operated a sawmill, the ledge where grandpa almost struck it rich during the uranium boom: all have deep personal meaning." (Ed Geary)

Wallace Stegner remarked on "the aloofness with which this country greeted human intrusion" and "the effect it has had on its settlers. The plateaus remain aloof and almost uninhabited, but the valleys are a collaboration between land and people, and each has changed the other."

The San Rafael has the resources, the people, and the organizations to develop a Legacy District. Together, they assist in conserving this important heritage area, establish and maintain interpretive destinations, develop recreational opportunities and increased public awareness and appreciation of the natural, historical, and cultural resources of this region. Not only this, but economic development can be realized. Much of the land is federal and managed by the Bureau of Land Management, which makes the Legacy District designation a good fit.

The Legacy District, developed in conjunction with business, local, state, and federal partners, has an excellent opportunity for success. Most importantly, it is a partnership for economic development and has, as its outcome, heritage tourism and building, what we call in Utah, a heritage industry – a partnership between private and public sector to achieve economic success through the use and protection of our past. These landscapes and the culture and heritage of these people and these communities will be better protected and served through the designation of the county as the San Rafael Western Legacy District where they will serve as a living part of our national historic heritage for current and future generations. We strongly support the passage of H. R. 3605 to create the San Rafael Western Legacy District in Utah.

[Whereupon at 11:50 a.m., the Subcommittee was adjourned.]

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

Mr. Chairman and Members of the Subcommittee, as President of The Wilderness Society, and I am pleased to offer testimony regarding 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. We have convened to discuss these important lands on many prior occasions, in April 1 of 1998, for example, I testified regarding H.R. 3625, "The San Rafael Swell National Heritage Conservation Act," introduced by Representative Chris Cannon in that same month.

The Wilderness Society has a longstanding commitment to the protection of Utah wilderness and the wild and beautiful San Rafael Swell and its many natural values. This magnificent area—a great uplifted dome of sedimentary rock—rises 1,500 feet above the surrounding desert. Jagged cliff faces, deep gorges, narrow slot canyons, and hidden valleys make the Swell one of the most popular primitive recreation areas in Utah. Citizen wilderness inventories conducted during the 1980's and recently updated (1998) have thoroughly cataloged, mapped, and identified the wilderness and related values of the San Rafael Swell.

As a result of these extensive efforts, the Utah Wilderness Coalition, of which The Wilderness Society is a member, has Identified 17 wilderness quality areas in the San Rafael area—magnificent and remote places with evocative names including Devils Canyon, Red Desert, Wild Horse Mesa, Lost Spring Wash, and Mexican Mountain. Taken together, these areas include 1.03 million acres of wilderness quality lands located not only in Emery, but also in Sevier and Wayne counties.

But before I proceed further, I would like to thank both Representative Cannon and the leaders of Emery County for their continuing efforts to address the protection of the San Rafael Swell. Although The Wilderness Society can not support H.R. 3605 in its enjoyment of wilderness resources. Too often, ORV use and its resulting noise, pollution, erosion, and other impacts undercut opportunities for many long-standing public uses of these lands, including hiking, horsepacking, hunting, fishing and wildlife observation and therefore displace other public land users. ORV travel can degrade an area's naturalness and other wilderness values and create routes that antiwilderness interests seek to characterize as "roads" in order to disqualify the area for wilderness protection.

The BLM and other Federal agencies have the authority to manage and control ORV use to protect Federal resources. Nevertheless, in too many cases—and particularly in Utah—the BLM has failed to use its management and planning authority to adequately manage ORV use and prevent resource degradation. The BLM has repeatedly failed to produce and implement adequate ORV management policies and resource damage to fragile natural resources has resulted. As a result of the BLM's ongoing failure to properly control ORV use and prevent resource damage on public lands in Utah, The Wilderness Society recently joined with the Southern Utah Wilderness Alliance (SUWA) in a lawsuit challenging the agency's ORV planning and management failures.

In light of the BLM's poor record of performance in creating and implementing land and resource management plans that adequately manage ORV use, we believe that the ORV planning requirements contained in H.R. 3605 will not adequately address the threat of ORV resource damage to wilderness quality lands. In light of the severity of the resource damage caused by ORVs and the fragility and relative scarcity of wilderness quality lands remaining in Utah and across the West, The Wilderness Society supports the elimination of all ORV use on all Wilderness Study Areas and other wilderness quality lands managed by the BLM.

Conclusion

The Wilderness Society and its members have been active participants in the effort to identify and protect Utah wilderness and the San Rafael Swell for at least 2 decades. TWS has actively fought numerous threats to these magnificent public land wilderness resources. Our understanding of these threats—mining, road construction, and off-road vehicular use, to name but a few—has led us to the strong conclusion that Utah's remaining public land wilderness resources deserve the highest level of protection Congress can afford—designation as part of the National Wilderness Preservation System. We urge this Committee and the Congress to amend H.R. 3605 to address the Issues outlined in this testimony to provide full protection for the 17 wilderness quality areas found within the Swell.