

**H.R. 86, H.R. 118, H.R. 1925,  
H.R. 2689, H.R. 2781 & H.R. 2888**

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**LEGISLATIVE HEARING**

BEFORE THE

SUBCOMMITTEE ON NATIONAL PARKS, FORESTS  
AND PUBLIC LANDS

OF THE

COMMITTEE ON NATURAL RESOURCES  
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED ELEVENTH CONGRESS

FIRST SESSION

Thursday, October 1, 2009

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**LEGISLATIVE HEARING ON H.R. 86, TO ELIMINATE AN UNUSED LIGHTHOUSE RESERVATION, PROVIDE MANAGEMENT CONSISTENCY BY BRINGING THE ROCKS AND SMALL ISLANDS ALONG THE COAST OF ORANGE COUNTY, CALIFORNIA, AND MEET THE ORIGINAL CONGRESSIONAL INTENT OF PRESERVING ORANGE COUNTY'S ROCKS AND SMALL ISLANDS; H.R. 118, TO AUTHORIZE THE ADDITION OF 100 ACRES TO MORRISTOWN NATIONAL HISTORICAL PARK; H.R. 1925, TO DESIGNATE AS WILDERNESS CERTAIN FEDERAL PORTIONS OF THE RED ROCK CANYONS OF THE COLORADO PLATEAU AND THE GREAT BASIN DESERTS IN UTAH FOR THE BENEFIT OF PRESENT AND FUTURE GENERATIONS OF AMERICANS (AMERICA'S RED ROCK WILDERNESS ACT OF 2009); H.R. 2689, TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO STUDY THE SUITABILITY AND FEASIBILITY OF DESIGNATING THE NATIONAL D-DAY MEMORIAL IN BEDFORD, VIRGINIA, AS A UNIT OF THE NATIONAL PARK SYSTEM; H.R. 2781, TO AMEND THE WILD AND SCENIC RIVERS ACT TO DESIGNATE SEGMENTS OF THE MOLALLA RIVER IN OREGON, AS COMPONENTS OF THE NATIONAL WILD AND SCENIC RIVERS SYSTEM; AND H.R. 2888, TO PROVIDE FOR THE DESIGNATION OF THE DEVIL'S STAIRCASE WILDERNESS AREA IN THE STATE OF OREGON, TO DESIGNATE SEGMENTS OF WASSON AND FRANKLIN CREEKS IN THE STATE OF OREGON AS WILD OR RECREATION RIVERS (DEVIL'S STAIRCASE WILDERNESS ACT OF 2009).**

**Thursday, October 1, 2009**  
**U.S. House of Representatives**  
**Subcommittee on National Parks, Forests and Public Lands**  
**Committee on Natural Resources**  
**Washington, D.C.**

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The Subcommittee met, pursuant to call, at 10:07 a.m. in Room 1324, Longworth House Office Building, Honorable Raúl M. Grijalva [Chairman of the Subcommittee] presiding.

Present: Representatives Grijalva, Bishop, Hastings, DeFazio, Heinrich, Hinchey, Chaffetz, and Lummis.

**STATEMENT OF THE HONORABLE RAÚL M. GRIJALVA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA**

Mr. GRIJALVA. Thank you very much. Let me call the Subcommittee on National Parks, Forests and Public Lands to order.

Today's agenda is H.R. 86, H.R. 118, H.R. 1925, H.R. 2689, H.R. 2781 and H.R. 2888. I first of all would like to ask for unanimous consent that Congressman Chaffetz and Congressman Frelinghuysen be allowed to join us at the dais. If there is no objection, so ordered.

I also need to announce that we will probably be called to vote shortly, and those votes will be soon.

Let me take the time to welcome some people: the newly confirmed BLM Director, Mr. Abbey, welcome. We look forward to working with you in the coming months on some very pressing issues that confront BLM, and look forward to your leadership and your vision for that agency. I also want to thank Senator Hatch from Utah for taking the time to come over here and discuss H.R. 1925. I also want to thank Senator Bennett for being here to discuss H.R. 1925, as well as the Lieutenant Governor of Utah.

I know that the Red Rocks Wilderness bill has garnered just a bit of attention today, and I know that the debate will be a constructive one, so I am looking forward to that. I also hope that as we go through it, we are able to discuss some of the needs in the legislation and that some of the changes, if any, are talked about.

We have other good pieces of legislation before us, including the Devil's Staircase Wilderness in Oregon and additional pieces of legislation that my colleagues from the House are going to speak to during the first panel and the second panel.

So, with that, let me turn for any opening comments to the Ranking Member of the Subcommittee, Mr. Bishop, and then if the Ranking Member of the full Committee also would like to make some comments, they are welcome, sir.

[The prepared statement of Mr. Grijalva follows:]

**Statement of The Honorable Raúl M. Grijalva, Chairman,  
Subcommittee on National Parks, Forests and Public Lands**

The Subcommittee will now come to order. Thank you. Today we will receive testimony on six bills.

I would like to note that today marks the first congressional appearance of newly confirmed BLM Director Bob Abbey. I was delighted to spend some time with

Director Abbey earlier this week, and I welcome him here today. I look forward to working with you on the many pressing issues facing the BLM.

I would also like to thank the Senators from Utah for taking time today to come over and discuss H.R. 1925—as well as the Lt. Governor of Utah. I know this Red Rocks wilderness bill has garnered just a bit of attention today! And I know the debate on Red Rocks wilderness might be a contentious one. But, I hope that we can still strive to be constructive despite differences.

We are actually hearing testimony on two wilderness bills today. Besides America's Red Rock Wilderness in Utah, we will also hear about Devil's Staircase Wilderness in Oregon. I am proud of what we have accomplished this Congress, so far, on wilderness designation in the passage of Public Land 111-11. And I have made clear that I intend to continue to support efforts to protect wilderness quality lands and to enhance the responsible stewardship of our public lands in general.

H.R. 1925, America's Red Rock Wilderness Act, introduced by our good friend on the Subcommittee, Congressman Hinchey, would designate as wilderness 9 million acres of land managed by the BLM in the state of Utah. Many of these lands are world-renowned for their narrow, sandstone slot-canyons, slick-rock cliffs and stone walls covered with petroglyphs. The rugged mesas and buttes provide outstanding recreational opportunities, critical habitat for a variety of endangered species and contain important remnants of ancient cultures.

I think we can all agree that dramatic landscapes like these are worth protecting. The canyon country of Utah is certainly unique, and definitely irreplaceable. It's an important place to all Americans.

But I am also aware that a proposal of this size and complexity, presents some unique challenges, and has invoked strong emotions—on both sides of the issue.

In today's hearing, I look forward to hearing about both the benefits of this legislation, as well as the concerns. And again, I look forward to an honest and rigorous discussion about the merits of this bill.

H.R. 2888, Devil's Staircase would protect 29,600 acres of National Forest and Bureau of Land Management lands. The area is considered one of Oregon's most remote locations. As our colleague Congressman DeFazio found out first hand, the hike to the Devil's Staircase waterfall within the proposed wilderness area is not for the faint of heart. I am interested in learning more about this unique location.

H.R. 118 would authorize the National Park Service to acquire up to 100 additional acres for Morristown National Historical Park.

H.R. 2689, would authorize a study of the National D-day Memorial in Bedford, Virginia for possible inclusion in the National Park System.

H.R. 2781 would add 21.3 miles of the Molalla River in Oregon to our national wild and scenic rivers system.

We appreciate all of our witnesses and sponsors for joining us today.

With that said, I'd now like to turn to Ranking Member Bishop for any opening statement he may have.

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**STATEMENT OF THE HONORABLE ROB BISHOP, A  
REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH**

Mr. BISHOP. Thank you, Mr. Chairman. I appreciate that opportunity and, in honor of our Senators being here, this is the beginning of a filibuster, so thanks for everything here.

I would also be remiss if I did not thank some of the people who are here as well. I am very happy to have Senator Hatch, Senator Bennett and Congressman Matheson from our delegation as well as Congressman Chaffetz—this is one of the few times all five of us will ever be together, and, as Congressman Matheson says, “We will all be speaking on the same page”—especially Lieutenant Governor Bell coming in here from the State of Utah. I appreciate that as well as the county commissioner from Carbon County. I appreciate him coming this way. I think there are a couple of county commissioners out there, but he will be speaking on their behalf.

I would also like to thank Bryson Garbett for coming in here. I just have to tell you that we go back a long way. When I was first elected to the State Legislature, I was the youngest member there, and, as such, I was given this ugly baby doll that I had to keep.

For the first three terms in the State Legislature, I had to keep that stupid baby doll until my fourth term when finally Bryson Garbett was elected from the West Side of Salt Lake, and I was able to pass that doll on to somebody else who was finally younger than I in the Utah State Legislature. So I appreciate him being here, and I apologize for losing your cell number. Sometime I will have to tell you what happened to the racket, the squash racket that I had to buy because of you. But I appreciate having them all here.

For all of you here, for all the bills, I appreciate the chance of being here and our fellow Members here, but let me talk specifically about the one bill that is of unique impact to those of us here in the State of Utah.

One of the things that will be presented in here is the concept of land and land use. This is not an either/or supposition. It is not that we will either have wilderness or we have degradation of this particular land. All of the land here is already public land. It has a form of protection associated with it that is currently being done by professionals in the field.

If we could start with the first slide up here, just to give you an idea of why this bill becomes of significant interest to the State of Utah, the bill that you can actually see that just covered my congressional district and is now going back to the others is the State of Utah. Everything that is colored in there is owned by the Federal government, which means 67 percent of my state is owned by the Federal government. That produces certain concepts and certain issues with which we will always be dealing. Go to the next one if you would.

The reason why I am Chairman of the Western Caucus, if for no other reason, is because all the colored land in there is land that is owned by the Federal government, and if you even go to the larger one, which is the third one, which is looking at the entire nation, you will see that once again the land that is in red and the land that is colored is land that is owned by the Federal government. It seems to be disproportionate if you look at the map in where it has to be generated.

There are 653 million acres of land owned by the Federal government. One in every three acres is owned by the Federal government, and 90 percent of that land is congregated in the West where one out of every two acres is owned by the Federal government except in states like Utah where that percentage is even higher.

Utah is larger than all of the New England states put together, and in the State of Utah, we have 8 million acres of Forest Service land, 3 million acres of Park Service land, 24 million acres of BLM land, 9 million acres of state land, and 10 million acres owned by the private sector. There are 10 million acres of private land.

We now want to create nine million acres of wilderness. That means 18 percent of Utah has to support the rest of the state. That is almost analogous to if New York City was supposed to provide all the services to those cities only by generating money that can come from taxes from Staten Island, and it is one of the reasons why Utah has a significant interest in this bill and why you will find that the Utah delegation is united in this opposition to this particular form and parse and process in the bill.



I want you to hold up a couple of maps that I have over here too. The first one is the infamous blue map I hope, the infamous blue map. The blue map has blocked with the amount of Federal acreage in every state in the nation, and you see once again there is a unique phenomenon to that.

Now hold up the one that deals with education funding. The states in red in this one are the states that have the most difficult time in funding their public education, the states where the growth of public education is slowest, and you will notice there is almost a one-to-one correlation between public land states and the inability of funding education. Thanks.

One of the problems I have with this particular bill is that every state in the West with all of those public lands was promised elements that would help their public education funding when they were made states with the enabling act. None of those promises have ever been delivered.

So it is one of those simple situations that whenever you do changes to public lands in Utah there will be collateral damage, and there will be collateral damage that hits kids. My kids' education is put in danger. When 77 leases were pulled unilaterally in the State of Utah, not only did it make base unemployment go from one and a half percent to eight percent almost overnight, but it sterilized other lands not part of those leases, and it also inhibited the ability of funding education in the State of Utah.

If my kids are going to have a decent education in Utah, my state has to have a balanced economy, which includes development of manufacturing and a mining base to go along with tourism because tourism by itself is not enough.

Utah State University did a study on the impact of wilderness. It is the only real conclusive study that has been, and as they found, while there are numerous impacts that are not quantifiable, the economic gains from wilderness recreation appear to be inconsequential and may likely be more than offset by losses associated with the decline in activities incompatible with wilderness. They went on further to say that the research concluded that some user communities will be severely impacted by wilderness designation and that wilderness designation could seriously impede economic development in some areas of the state.

The economy of states is not uniformly impacted, but it has impacts, and this is why I would like now to make a motion of unanimous consent that a letter from the Utah State Board of Education be inserted into the record, who is opposed to this proposal; that the School Institutional Trust Land Association testimony be inserted into the record, which is opposed to this legislation; that the National Education Association letter, which is opposed to this legislation, be put in the record as well as a letter from the Governor of the State of Utah opposed to it, a resolution from the State Legislature opposed to it, a letter from the state legislative leaders opposed to it, a letter from the 15 counties impacted by this unanimously opposed to it, a resolution from the National Association of Counties that is opposed to this particular legislation. I would like to make that as a motion, Mr. Chairman.

Mr. GRIJALVA. With no objection, so ordered.

[NOTE: The information submitted for the record has been retained in the Committee's official files.]

Mr. BISHOP. Thank you. Let me go into a couple of other pictures if we could for a minute because there are four concerns that I have with this piece of legislation. One is the impact it has on the State of Utah; the second, the impact it has on public education; the third is simply the process of this particular bill.

This bill, produced without a map so we know exactly where they want to do, has had some research done, and it is now called the Red Rocks bill with the association that there is beautiful scenery out there to be protected. There is, but that is not what these nine million acres will be, and remember that "wilderness" by Federal definition has to be land that is untrammelled by human nature. This would be part of the Red Rock Wilderness bill. These, as you notice, are some of those areas that would be included in the inventory. Even though the bill is not specific to get to nine million acres, you have to have this. That of course on the bottom right is not a man-made institution. That came there by nature.

If you flip back up there again, the road that goes through this area obviously was made by some glacier during the Jurassic Period because man did not do that at all. This is part of the beautiful red rock scenery which probably will not make it on one of the calendars that you want to sell from this area but I am sure would have somebody from back East wanting to backpack through those particular areas. There are beautiful, pristine areas of Utah that need to be protected, but this bill goes far, far beyond that.

Go to the next one too.

This is another one of those that would be included. That of course is not a man-made structure for oil and gas development. Those are molecules of nature that are showing their sense of humor by developing in that particular way, obviously something you would want to protect.

Go to the next one if you would as well because embedded in this acreage are acres of stories that are natural gas, oil areas, mining areas, all of which have an impact on the economy of those particular areas. But the problem with this bill is the map is not there, the homework has not been done.

The second problem with this bill is it undoes the Washington County bill, it undoes the Cedar Mountain bill, and everything we have done to move forward in the State of Utah to make progress will be undone by the sloppy craftsmanship of this particular bill, and the process is appalling.

I am happy that our good friend from New Jersey is with us. He will be proposing one of the other bills—we have a hearing in here—which expands the area, and I do not know whether it is right to do it or not, but the difference is his entire delegation from the State of New Jersey is in favor of it. This bill has the entire delegation from the State of Utah opposed to it.

When we did the Cedar Mountain Wilderness bill, we did an inventory of every private property and holding that is there. That has not been done on this particular bill. We moved the lines to meet the needs of private property holders. We had one private property holder that was running pipes along his land which could have been included in the wilderness to water wild horses. We

moved that because we had the professionals on the ground working with us to come to the order where we needed to be. That is what happens.

There have been over 100 bills in the last few years that have been passed that deal with the wilderness designation. All of them have the same pattern: small bills in which you get local consensus, local people coming together, in which you actually have local government in consensus. None of that happens for this particular bill.

What we need to do is go forward with the process that almost every editorial in the State of Utah says: Try to come to local consensus with people coming together where the government agrees with individuals, not having something coming from Washington crammed down the throat of the people in Utah.

Our goal should be to empower people, not make mandatory solutions. Our goal should be to try and look to the future, which small bills like the Washington County bill and the Cedar Mountain bill to move us forward is the raise of the future. This particular bill is a relic from the past. It has not been successful since the Age of Disco and will not be successful now or in the future, and we should not be spending our time on this. We should be spending our time trying to find proper solutions that will pass.

That is only the first half. Are you ready for the second part, Mr. Chairman?

Mr. GRIJALVA. I would prefer Mr. Hastings for a while if you do not mind.

Mr. BISHOP. If I have to do that, let me just ask one last statement. This is the last thing, the last unanimous consent request to having statements from the following groups in Utah: The Americans for Responsible Recreation Access, the American Motorcycle Association, the Blue Ribbon Coalition, the Motorcycle Industry Council, the Offroad Business Association, the Recreational Off-Highway Vehicles Association, the Specialty Vehicle Institute, the Independent Petroleum Association of the Mountain States, and the Utah Farm Bureau Association, all of which have written letters in opposition to this bill. I ask those be placed in the record as well.

Mr. GRIJALVA. Without objection, so ordered.

[NOTE: The information submitted for the record has been retained in the Committee's official files.]

Mr. BISHOP. And with that, I will yield to whomever you would like to hear now.

Mr. GRIJALVA. Thank you very much.

Let me turn to the Ranking Member of the full Committee, Mr. Hastings, for any comments.

**STATEMENT OF THE HONORABLE DOC HASTINGS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WASHINGTON**

Mr. HASTINGS. Thank you, Mr. Chairman, and I assume your previous comment alluding to whether Mr. Bishop was done was a compliment. I hope it is a compliment after I finish my remarks.

Mr. Chairman, there are six bills on the Subcommittee's agenda today. Five of the bills affect public land issues relating to the con-

gressional district represented by the bill sponsors. These are representatives looking after matters in their areas of the country in which they were directly elected by their neighbors to serve in Congress. These bills stand in stark contrast with the sixth, H.R. 1925 that Mr. Bishop was alluding to, which would designate one-fifth of the entire State of Utah as a Red Rock Wilderness Area.

As of yesterday, this bill has 146 co-sponsors, and yet not a single one is from the State of Utah. The Subcommittee is going to hear statements from all of the Utah delegation, and it is going to be all in opposition to this bill.

This situation, Mr. Chairman, is very similar to that of H.R. 980, the Northern Rockies Ecosystem Protection Act. A hearing was held on that bill in May. The primary sponsor of that bill, like the Red Rock designation, is a Member from the State of New York, yet he was proposing in that legislation to lock up millions of acres of land in the western states. Like the Red Rocks bill, not a single co-sponsor of the Northern Rockies bill represented a district affected by that legislation.

As the Ranking Republican on this Committee and as a Congressman representing a rural western district, I am deeply troubled by legislation whose sponsors live far from the communities and districts whose legislation they are targeting. Clearly, such legislation is being pushed by interests that are out of touch and do not represent the views of those American citizens that would be directly affected by this legislation.

The communities and districts that will be affected by such legislation would suffer real economic harm and lost jobs if these bills were ever to become law. We have nearly 10 percent unemployment in this country. Constituents face very tough economic times in every single congressional district in this country, and yet some Members of Congress apparently have the luxury of time to divert from helping their hurting constituents to press for extreme policies that would devastate the livelihoods and jobs of thousands of Americans living in small towns and communities far away from that Member's district.

When it comes to some legislation, I would suggest that this Committee and Members of the House certainly have far better time and energies than to pursue these bills. We can and should protect America's great natural spaces, yet it should not be done in a dictatorial manner that freezes out and refuses to even consider the views of local citizens and local leaders that would be directly affected.

Successful and responsible conservation should and will be achieved when Americans who have the most at stake are listened to and respected and not treated as a nuisance and deemed irrelevant. So, Mr. Chairman, thank you again for the courtesy of allowing me to sit on this Subcommittee, and, with that, I yield back my time.

Mr. GRIJALVA. Thank you very much. One of the Members asked to make an opening statement. Let me clarify we are going to go to the panel. We have busy people that need to get to theirs, and I will certainly turn to that Member as soon as the first panel is done for any opening statements that you might have.

Let me now begin with the Member of the full Committee, Mr. Hinchey, who is one of the sponsors of the legislation that is being discussed at this point, and ask him for any opening comments he may have, and five minutes are yours, sir.

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

Mr. HINCHEY. Mr. Chairman, thank you very much. I appreciate your scheduling this hearing and giving us all the opportunity to be here to talk about this as some of us already have, and I thank them very much for their comments. I also want to express my deep appreciation and what a pleasure it is to see our two United States Senators from Utah here today and our Member of the House of Representatives. Thank you very much, and it is a great pleasure to work with you. Even though we are not entirely agreed on everything here, nevertheless, it is a great pleasure to be here with you.

It is also a great pleasure to be here with other witnesses who will be speaking later who have traveled here today from Utah to speak about the Red Rock bill, and we greatly appreciate all of them taking the time from their busy lives to come to Washington to discuss this issue.

The first version of the Red Rock bill was introduced in 1989 by the late Wayne Owens, who was a distinguished Member of the House of Representatives from Utah and who I am very proud to say was a very good friend of mine. When Wayne Owens left Congress in 1993, he asked me to continue introducing his bill, which I considered a deep honor to do so and I have. A lot has changed since, but we are still working to protect wild public lands in Utah, and this year's bill reflects updated inventory information.

The Red Rock bill is one of the great examples of a citizen-led initiative. The bill was developed in response to the Bureau of Land Management's initial wilderness inventory in the 1980s that significantly undervalued the public wilderness resources in the state. In response to that, countless volunteers put in thousands of hours documenting the millions of acres and drawing boundaries around these areas that qualified as wilderness. This still stands as one of the largest nongovernmental inventories of land ever.

We are now in the twentieth year of this effort, but it is just the latest chapter in nearly 140 years' effort to protect and preserve our nation's most pristine natural resources for generations to come.

The first success in this effort was achieved in 1872 with the establishment of Yellowstone National Park, and yet, despite the vast amount of time that has elapsed since that great event, many of the arguments against this bill are the same ones that were made over a century ago when the first parcels of wilderness were designated for protection.

There has also been a desire to push short-term private interests over long-term public interests. A century ago it was loggers trying to chop down the giant redwoods. Today it is others trying to dig up the red rocks. Those of us who believe we should preserve our natural treasures for future generations have an obligation to do

all that we can to continue the efforts of those individuals like Teddy Roosevelt who fought so hard to protect our wildlands.

The Red Rock bill would designate as wilderness over nine million acres of public lands owned by the American people and managed by the Bureau of Land Management. Just as the Grand Canyon, situated in the State of Arizona, belongs to all of us and the Arctic National Wildlife Refuge situated in Alaska belongs to all of us, so too do the splendid public lands in Utah that are subject to this wilderness bill.

The areas protected in this legislation are some of the great landscapes the world has ever seen. They include the vast areas of roadless desert in Tule Valley, red rock formation in Fishers Tower and awe-inspiring Desolation Canyon, which is the single largest area in this bill. These lands are rich with archeological remnants of prehistoric cultures, and they are a haven for outdoor recreation enthusiasts, scientists, hikers, educators, wildlife enthusiasts and many, many more.

While photos do not do these great vistas justice, I have brought some along so that those present can see what we are trying to protect. They include the Tule Valley at Cricket Mountains in Millard County. It is a little small to see it from back there, but believe me it is impressive. The second is the Fishers Tower in Grand County and the third Desolation Canyon in Uintah County.

The Bureau of Land Management has already verified that over 75 percent of the public lands protected by this legislation have wilderness characteristics through its past inventories of the land, the Bureau of Land Management's inventories. This is a remarkable fact given the lack of progress on wilderness protection that we saw over the past eight years under the previous administration. The majority of the remaining lands have not yet received an updated inventory analysis, but we are confident that that 25 percent will also qualify if and when the new analysis ever takes place.

To further put this legislation into perspective, we have to note that the lands that would be designated for wilderness by this bill encompass just 40 percent of the 23 million acres of public land inside Utah's border. The remainder of the public lands in Utah will still be open for any kind of activities that others think are appropriate there.

Given the beauty and the awe these great landscapes inspire, support for protecting these public lands is widespread. The legislation before us has 146 bipartisan cosponsors in the House of Representatives. It has also been endorsed by over 200 national, regional and local organizations. These are not just environmental organizations. They include recreation organizations, business groups and religious communities.

Support for this legislation is not limited to us so-called "outsiders." There is also clear and growing support within Utah to protect these public lands. The bill itself was developed by citizens of Utah. Multiple Utah newspapers, including the Salt Lake Tribune, have editorialized in support of more BLM wilderness in Utah, and a statewide poll of Utah residents conducted in the first week of September by Dan Jones and Associates, a respected research company based in Salt Lake City, found that over 60 percent of

those surveyed supported designating as wilderness between nine million and 23 million acres of the public lands in Utah.

Members of 10 different religious communities in Utah worked together to create an interfaith statement about the spiritual importance of Utah's wildlands and the need for actions to protect these special places.

Finally, protecting these public lands is not limited to a political party or any ideology. The witnesses who are testifying in support of the Red Rock bill are evidence of that, very clearly so. Their views span the spectrum from the left, center and right. They are all respected statesmen from Utah, and we should strongly consider their views on the underlying legislation and the importance of designating these public lands as wilderness.

Opponents of this bill will talk about how this is a proposal pushed by outsiders, but as I have already indicated, that is hardly the case. They will claim it blocks access to critical oil and gas resources, as they already have, yet the red rock lands hold less than a few days' worth of oil and a few weeks' worth of gas according to the Energy Information Agency. This is less than one percent of the nation's oil reserves and less than two percent of the nation's gas reserves. Additionally, the industry already has more than five million acres of oil and gas leases in Utah, yet of those five million acres, only 1.5 million or 30 percent, less than a third of those leased lands, are actually in production.

Some may even try to argue that there are no maps to identify which lands this bill affects. In case there is any confusion, here is a map of the lands that we are discussing, and you can come and take a much closer look at it.

Fortunately, we have seen a lot of progress on wilderness designation in Utah over the last 20 years. Some of the people who are opposed to this bill support alternative methods to protect wilderness like the Washington County bill that passed in the Omnibus Public Lands Act earlier this year.

I and others that I work with am absolutely open to alternative methods for protecting our wild public lands in Utah. However, I am concerned that if we choose a small, piecemeal strategy for protecting the lands in the Red Rock bill by designating a few hundred thousand acres each Congress, it could take at least another 20 years before we designate as wilderness just 50 percent of the precious resources that we seek to protect in this bill.

Many people are asking, why are we even having this hearing today? My response to that is that it could not come at a more important time, and thank you, Mr. Chairman.

The great wildlands of Utah that are owned by the American people are under threat. At the tail end of the previous administration, BLM released six resource management plans that would decimate the lands we seek to protect in this bill by opening two and a half million acres of the lands to oil and gas development and designating over 3,500 miles of new offroad vehicle routes. While these management plans are legally deficient and will likely be overturned, they exemplify the need for Congress to permanently, legally, lawfully, correctly protect these wild public lands.

It is fitting that we are having this hearing while PBS is airing Ken Burns' new documentary, "The National Parks: America's Best

Idea.” While we are not seeking to establish new parks, the sentiment is the same, that the most special places in the Nation should be preserved not for royalty, not for the rich but for every single American citizen across this country.

Finally, Mr. Chairman, if I may, I have some unanimous consent requests that I would like to mention if I may.

Mr. GRIJALVA. Please.

Mr. HINCHEY. I ask unanimous consent to insert into the record an op-ed written by Robert Redford in support of America’s Red Rock Wilderness Act that appeared in yesterday’s Huffington Post; to insert into the record an interfaith letter on behalf of America’s Red Rock Wilderness Act signed by 61 individuals representing a range of religions in Utah. I ask unanimous consent to insert into the record a letter signed by six different religious communities in support of America’s Red Rock Wilderness Act.

I ask unanimous consent to insert into the record a letter from the Salt Lake City mayor, Ralph Becker, to the Committee on Natural Resources in support of today’s hearing. I ask unanimous consent to insert into the record a letter from 21 families from Vernal, Utah, to the Committee on Natural Resources in support of America’s Red Rock Wilderness Act, and I ask unanimous consent to insert into the record a resolution from the Unitarian Universalist Association in support of America’s Red Rock Wilderness Act.

I ask unanimous consent to insert into the record a statement in support of America’s Red Rock Wilderness Act and accompanying testimonials from Women Protecting Wilderness, a Utah-based advocacy group. I ask unanimous consent to insert into the record a statement in support of America’s Red Rock Wilderness Act from the Utah Wilderness Coalition, a network of over 200 local regional organizations organized in 1985.

Mr. Chairman, I thank you very much for the opportunity to make this statement, and I thank you deeply for holding this very important hearing.

Mr. GRIJALVA. Thank you, and without objection, so ordered entered into the record.

[NOTE: The information submitted for the record has been retained in the Committee’s official files.]

Mr. GRIJALVA. Let me now begin with our distinguished panel today and thank you for being here and for taking time, beginning with Senator Hatch. Thank you very much, sir, for your time, and I look forward to your comments.

**STATEMENT OF THE HONORABLE ORRIN HATCH, A UNITED STATES SENATOR FROM THE STATE OF UTAH**

Mr. HATCH. Well, thank you, Mr. Chairman Grijalva. We appreciate this and also our Ranking Member from our own state and Ranking Member Hastings. We appreciate your comments.

I want to be identified with the comments of our distinguished Ranking Member on the Subcommittee. I think he expressed it pretty effectively, and I am very grateful that we have two excellent Members of our House on this Committee in Congressman Bishop and Congressman Chaffetz, people who understand our state very well.



Now, Mr. Chairman, I am grateful for the opportunity to address this Committee with regard to H.R. 1925, America's Red Rock Wilderness Act of 2009. I also want to thank the witnesses from Utah who have come to provide testimony today on both sides of this legislation. In particular, I want to thank Lieutenant Governor Greg Bell of Utah. His views were of significant value to us during the consideration of this proposal. We will also hear from Carbon County Commissioner John Jones; Peter Metcalf, the president of Black Diamond Equipment; Bryson Garbett, a former Utah state legislator; and Rocky Anderson, the former mayor of Salt Lake City.

First off, I note the title of the bill under consideration. The authors of the legislation were careful to name it America's Red Rock Wilderness Act, not Utah's Red Rock Wilderness Act, even though the bill's only purpose is to designate more than one-sixth of my state, of our state, as former wilderness. According to the authors of this legislation, Utahans have no special claim to those nine million acres within our state's boundaries. After all, Mr. Chairman, these are Federal lands, and they belong to all Americans they argue.

Well, there may be some truth to that point of view, but it is an intentionally simplistic view, and any Member of Congress with Federal lands within his or her district will quickly recognize that. I would be surprised if there were many Members of Congress who would not take at least some offense at a proposal to set aside a sixth of their state or district without their consultation or input.

It is true that all Americans are stakeholders in the management of our Federal lands, but in law and in policymaking, stakeholders are not always equal. It is a basic principle of policymaking that stakeholders should be involved in the formulation of policies that would affect them, and it follows, Mr. Chairman, that the voices of those stakeholders most impacted by legislation should be given the greatest weight.

This proposal turns that principle on its head. Certainly those Americans who live on and around public lands and sometimes make their living on them have the greatest stake in the management decisions affecting those lands. It is wrong that this legislation turns a completely deaf ear to these most significant stakeholders.

Year after year, we have seen this legislation introduced in Congress. The bill is monumental in its scope: nine million acres of land within only one state. It would cover an area that is actually larger than a number of states put together, but it is also a monument to an old way of approaching wilderness designation. To be more precise, it is a monument to a failed approach to wilderness designation.

The special interest groups who are behind this bill have raised tens of millions of dollars over the years with the promise to their donors that the money would be spent to protect important tracts of beautiful red rock in Utah. I have seen some of their past brochures, and to be honest, a lot of the pictures they show are of areas already protected from any development. Their strategy has been to play to America's emotions rather than to constructively work to win actual wilderness protection.

In fact, all of that money and all of that effort has produced exactly zero acres of new wilderness in Utah. Meanwhile, members of the Utah congressional delegation have done the hard work of doing wilderness the right way. We have listened to all interested parties and especially to those stakeholders with the most at stake, as we should, and by collaboration and inclusion, we have had success, and, Mr. Chairman, we continue to seek areas of agreement among broad sets of stakeholders for the designation of more wilderness within our beautiful state.

I know that the authors and co-sponsors of this legislation, none of whom are from Utah, are sincere in their effort to provide protections for the important areas in Utah even if they have never even seen those areas. To those colleagues who have put their names on this proposal, I say thanks, but no thanks. I think as a congressional delegation we have proven we can handle the question of wilderness in Utah, and we intend to handle it well, and we have in the past, and we have two excellent Members on this Committee alone who I think have worked very hard in this area and will continue to work hard in this area. Certainly Congressman Matheson, I have a lot of faith in him in this area, and Senator Bennett and I, we are all unified. We want good wilderness, but we want to do it the right way, and this is certainly not the right way.

Now, Mr. Chairman, I have to get back to the Finance Committee where we are marking up healthcare reform, so I hope that you will excuse me so that I can get back.

[The prepared statement of Senator Hatch follows:]

**Statement of The Honorable Orrin G. Hatch, a U.S. Senator  
from the State of Utah, on H.R. 1925**

Mr. Chairman I am grateful for the opportunity to address this committee with regard to H.R. 1925, America's Red Rock Wilderness Act of 2009. I also want to thank the witnesses from Utah who have come to provide testimony today on both sides of this legislation. In particular, I thank Lieutenant Governor Greg Bell of Utah. His views are of significant value to us during the consideration of this proposal. We will also hear from Carbon County Commissioner John Jones; Peter Metcalf, the president of Black Diamond Equipment; Bryson Garbett, a former Utah State Legislator; and Rocky Anderson, the former mayor of Salt Lake City.

First off, I note the title of the bill under consideration. The authors of the legislation were careful to name it America's Red Rock Wilderness Act, not Utah's Red Rock Wilderness Act, even though the bill's only purpose is to designate more than one-sixth of my state as formal wilderness. According to the authors of this legislation, Utahns have no special claim to those nine million acres within our state's boundaries. After all, Mr. Chairman, those are federal lands, and they belong to ALL Americans, they argue. Well, there may be some truth to that point of view, but it's an intentionally simplistic view, and any Member of Congress with federal lands within his or her district will quickly recognize that. And I would be surprised if there were many Members of Congress who would not take at least some offense at a proposal to set aside a sixth of their state or district without their consultation or input.

It is true that all Americans are stakeholders in the management of our federal lands. But in law and in policymaking, stakeholders are not always equal. It is a basic principle of policymaking that stakeholders should be involved in the formulation of policies that would affect them. And it follows, Mr. Chairman, that the voices of those stakeholders most impacted by legislation should be given the greatest weight. This proposal turns that principle on its head.

Certainly, those Americans who live on and around public lands, and sometimes make their living on them, have the greatest stake in management decisions affecting those lands. It is wrong that this legislation turns a completely deaf ear to these most significant stakeholders.

Year after year, we have seen this legislation introduced in Congress. The bill is monumental in its scope: nine million acres of land within only one state. It would cover an area that is actually larger than a number of states put together. But it's also a monument to an old way of approaching wilderness designation. To be more precise, it's a monument to a failed approach to wilderness designation.

The special interest groups who are behind this bill have raised tens of millions of dollars over the years, with the promise to their donors that the money would be spent to protect important tracts of beautiful red rock in Utah. I've seen some of their past brochures, and to be honest, a lot of the pictures they show are of areas already protected from development. Their strategy has been to play to American's emotions, rather than to constructively work to win actual wilderness protection. In fact, all that money and all that effort has produced exactly zero acres of new wilderness in Utah.

Meanwhile, members of the Utah Congressional delegation have done the hard work of doing wilderness the right way. We've listened to all interested parties, and especially to those stakeholders with the most at stake. And by collaboration and inclusion we have had success. And, Mr. Chairman, we continue to seek areas of agreement among broad sets of stakeholders for the designation of more wilderness in our state.

I know that the authors and cosponsors of this legislation—none of which is from Utah—are sincere in their effort to provide protections for important areas in Utah. To those colleagues who have put their names on this proposal I say: Thanks, but no thanks. I think as a congressional delegation we have proven we can handle the question of wilderness in Utah.

Thank you Mr. Chairman.

Mr. GRIJALVA. Thank you very much, sir.

Mr. HATCH. Thank you so much. It has been an honor to be here, as always. We respect the House of Representatives and appreciate working with you very much.

Mr. GRIJALVA. Thank you for your courtesy.

Mr. HATCH. Thank you, sir.

Mr. GRIJALVA. Let me now invite the distinguished senator from Utah, Senator Bennett, for your comments relative to the legislation at hand. Sir?

**STATEMENT OF THE HONORABLE ROBERT F. BENNETT, A  
UNITED STATES SENATOR FROM THE STATE OF UTAH**

Mr. BENNETT. Thank you very much, Mr. Chairman. I appreciate the opportunity to be here. As I hear Congressman Hinchey talk about Wayne Owens, that takes me down memory lane, and I would like to go there for just a minute with you before I get into some of the more prepared remarks I have made.

I knew little or nothing about wilderness until I ran for the Senate in 1992 and discovered that it was one of the major and most contentious issues in the State of Utah, and my opponent in that election was Wayne Owens. As we fought that election across the state, I learned a great deal about wilderness, and I learned that there was a tremendous amount of opposition to Wayne's position.

Interestingly, Wayne learned that there was a tremendous amount of opposition to his position as well, and in the process of that election debate, he kept backtracking from the position he had taken before the Congress. He kept lowering the amount of acreage that he wanted, and at one point in one of our debates, he said, "I never said we should have 3.5 million acres of wilderness," and I had to say to him, "Wayne, you introduced a bill in the House of Representatives with 3.5 million acres of wilderness." He said, "Well, that was just a beginning of a starting point. I never thought we needed that many acres. I just kind of wanted to put

that out, but I have never really been strongly for the 3.5," and we have seen the 3.5 now grow to 9.8.

Well, I learned about the issue. Frankly, as I look back on that campaign, my position in opposition to Wayne's bill was one of the reasons I won that election.

After the election was over, Wayne and I sat down. I gave him a call and I said, "Wayne, we have been friends for 20 years. We can be friends again. Why don't you come up to the Senate? I will buy you a hot meal, and let us reestablish our relationship." He did. We sat down in the Senate Dining Room. The bells rang for a vote, and I said, "I am sorry, I have to go vote." He said, "I will be happy to do that for you if you would like."

In the course of our conversations, Wayne said to me, "Bob, I think you have the temperament to be the one who can finally broker a solution to the wilderness problem in the State of Utah. I know it will be hard, but I think you can do it. I am not sure the other members of the delegation can, but I think you can." I took that as a challenge and an opportunity and I have been trying, working on wilderness issues ever since that time.

It is very interesting that in that process I have discovered that a statewide wilderness bill similar to the Red Rock bill simply will not fly in the U.S. Senate whether it is the State of Utah or anything else. I was involved in the wilderness bill that Senator Feinstein introduced that was done in California, and there was so much blood on the floor when that was over that I watched members of the Senate say we are never going to go through this again. We are not going to deal with this kind of wilderness bill when there is so much local opposition as there was from the local congressmen in the area that was being designated.

And Senator Feinstein and I talked about what might be done in the State of Utah, and again, she said "I hope you can work out something that will finally get a break in the logjam on Utah wilderness."

A few years ago I took up that challenge once again in Washington County. I was encouraged to do it by the example of the man who is now the majority leader of the U.S. Senate, not known as being an enemy to the environmental viewpoint. Indeed, the year he began his efforts to try to get things done in Nevada he was given the environmental group's Man of the Year award, Senator Harry Reid. And he recognized that a single statewide wilderness bill for Nevada didn't make any sense, and he went to work trying to solve the problem on a county-by-county basis.

And I talked to Senator Reid and said "How can we do this in the State of Utah?" And he said, "Bob, I will do everything I can to help you get this done in the State of Utah." And he has been true to his word.

We used the Nevada template to guide us in how we put together a solution to the wilderness problem, and I reached out to Congressman Matheson, who had become the congressman representing Washington County. We picked Washington County because it was the most controversial. Washington County has some of the most magnificent wilderness in the entire world in it, and the fight over how to protect that wilderness has been hotter in Washington County than any other.

So we took the most difficult one to start with, and we used the Nevada pattern as the way to go. Indeed, we used the language from the Nevada bills, bills which passed this House, bills which passed the Senate, in some cases unanimously. And then people said "Oh, you are not doing it right." And some people said to me "You are setting a precedent." I said "How can I possibly be setting a precedent when I am using language that has already passed both Houses of the Congress of the United States?"

So we started. With Congressman Matheson's support, Senator Patch's co-sponsorship we started. We established a regional process in Washington County that was successful for the first time in the history of Utah of getting wilderness designated with the exception of the bill that Congressman Bishop referred to up in northern Utah that had another aspect to it that was not driven by the kind of controversy that we had here.

But for the first time addressing truly controversial lands we created a regional process, and Congressman Matheson and I went to work on it and we were successful. We were successful because we started from the ground up with a working group composed of stakeholders, and by stakeholders, we incorporated the local leaders, we incorporated the local land management agencies and we incorporated those from national and international environmental groups.

We talked to the National Wilderness Society, and we got representatives of the National Wilderness Society to join with us. We examined every acre in the county either by air or on foot or in many cases both. We chose the places that could be designated as wilderness without creating a management nightmare for BLM, and I will refer to that in just a moment. We worked with the Congressional committees to come up with the management language that made sense. And most importantly, we looked at the county as a whole and developed a comprehensive solution to the county's problems.

Our bill was supported by the entire Utah Congressional delegation and nearly every user and conservation group from the local level to the state level to the national level, including some international people who came in and expressed their interest in Utah wilderness. The result was a permanent protection of special lands in the county without affecting day-to-day operations. It was a successful balancing of all interests, and I am proud to have been involved in this effort along with Congressman Matheson.

Now the new model that we created building on the Nevada model recognizes that true conservation can never be achieved with a one size fits all approach as the Red Rock bill proposes. Congressman Hinchey refers to the PBS series and the Yellowstone National Park. We should recognize that Yellowstone National Park is not a wilderness. People can go into Yellowstone National Park. There are roads in Yellowstone National Park. You can drive a car in Yellowstone National Park. All of that is denied wilderness. Let us not say that Yellowstone National Park is a model for wilderness because it clearly is not.

We have more national parks than any other state, and one of the things we did in our bill, Congressman Matheson and I, was to designate wilderness in Zion National Park. There were parts of

Zion National Park that needed the wilderness designation for protection, and we did it. Before we passed that bill those parts of the national park were open for intrusion from human activity that would have damaged those parts. So we looked very carefully everywhere.

But let us not make the mistake of assuming that something that is gorgeous that needs to be protected can only be protected with a wilderness designation. As the PBS series shows, Yellowstone National Park, one of America's most magnificent treasures, has been protected without being designated wilderness. Let us keep that in mind.

So our process enabled us to develop alternatives such as National Conservation areas in places that deserved protection but where wilderness is simply not an option. And let me give you an example that we had with a conversation with the BLM field manager in St. George that demonstrated this.

We were discussing an area that under the Red Rock approach would have been wilderness. Under our bill it is not. We were talking to the people who managed the area, and the BLM field manager told me his biologists were pleading with him do not let this area be designated as wilderness. Why? Because it contained an endangered specie, the desert tortoise, and their biologists had to go on the land to manage the endangered specie activity with respect to the desert tortoise and it would mean they would have to take mechanical vehicles on the land with them as they went in to do that, and if it were designated wilderness, they could not do that.

That sensitive area is protected in the Washington County Land Use bill that Congressman Matheson and I put together and that is now passed. It is protected as a conservation area, not as wilderness. The people on the ground understood that wilderness was the wrong way to protect the land, but let us understand the land is protected and it is protected by a careful examination of the way to do it and it is protected by the act of Congress that went into it.

Now that kind of flexibility in dealing with the protection of the land, the attention to the management details on the ground, is simply not present in the Red Rock bill. It is the logical thing to do, and the Red Rock bill does not do it that way. The Washington County Land Use bill represents a significant paradigm shift from the past, and we believe it provides the model to follow in the future.

And our success is a departure from the area that was characterized for over 20 years by saber rattling and political gamesmanship of which both sides frankly have been guilty. We proved with our bill that if we bring responsible people to the table who are actually interested in results, not fundraising or political posturing, we can develop a meaningful proposal with broad support.

Now the bill before the Committee in my view is a centerpiece of the old paradigm. It carries forward the all or nothing approach to wilderness that harms the land rather than enhances its values. It does not incorporate a single element of the successful process that has worked in Nevada and that we have undertaken and

made work in Washington County. It perpetuates the very mindset that we have spent so long trying to overcome.

In fact, it doesn't even acknowledge the areas that we have already designated as wilderness in Washington County even though it was introduced after the President signed our bill, and interestingly many of the proponents of the Red Rock bill turned around and tried to take credit for the work that Congressman Matheson and I had done. The Red Rock bill belongs on the shelf with the rest of Utah wilderness bills that were never serious proposals. If the proponents of the bill are truly concerned about protecting land in Utah, their efforts could be better spent participating in the new process as we move to other counties.

Now the statement has been made "That will take too long. We won't get it done fast enough." Well, they have been trying the statewide approach for over 20 years and haven't produced as a result of it. In the words of one of their former supporters who came to see me in my office as we were working on the Red Rock bill or working on the Washington County bill, he said "I am moving from that side to your side because I have been supporting them with my time and my money for over 20 years and they haven't produced a single acre."

If time is the issue, Mr. Chairman, our approach has history on its side. We have produced wilderness in Utah. We have done it in a short timeframe, and we are poised to do it again and again. After we had the success of the Washington County Land Use bill, over a half a dozen, maybe more, county commissioners have come into my office and Congressman Matheson's office and said "We are ready. We are ready. We are tired of this fighting. We are ready to move on wilderness in our counties. The olive is out of the bottle. We are ready to go. And if we stop the progress that we have made in Washington County to haggle over the Red Rock bill, we will slow down the designation of wilderness in Utah."

My door is always open. I will be happy to talk to anybody because I am as committed as anybody in getting this problem solved. Wayne Owens asked me to be the broker to finally get it done. I believe we have done it in Washington County and we are prepared to do it, and I say again to the Committee if you are anxious in getting wilderness designated in Utah and getting lands protected in Utah, we have a way to do it, we have a track record, we have accomplishment in doing it and we are prepared to do it again.  
H.R. 1925

Mr. GRIJALVA. Thank you, Senator, for your time and your courtesy.

Let me now ask our colleague, Mr. Matheson from Utah, his comments on 1925. Sir?

**STATEMENT OF THE HONORABLE JIM MATHESON, A  
REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH**

Mr. MATHESON. Well, thank you, Chairman Grijalva. I appreciate the opportunity to testify on the Red Rock Wilderness Act of 2009.

I think in the State of Utah there is probably no more contentious public lands issue than the establishment of wilderness areas, and in some ways, this is ironic because Utah is a land that has wild character, rugged, remote and isolated by river canyons and

deserts. But discussions about wilderness in Utah have usually taken on a polarized dynamic that has led to a great amount of emotional rhetoric and very little progress.

The 1964 National Wilderness Preservation System Act created the policy of Congress to secure for the American people of present and future generations the benefits and enduring resource of wilderness. It required the public land agencies to inventory their lands and make recommendations to Congress regarding wilderness. Now, on paper, that sounds very straightforward. In practice in Utah, it has long been a torturous case of taking two steps back for every step forward.

Mr. Chairman, today you are going to hear a tremendous amount of passion. You already have and you will continue with the other panels. You will hear a tremendous amount of passion from the various witnesses who testify before you today both for and against the proposed legislation. This passion illustrates the challenges of what has been a polarized debate in Utah. It also oversimplifies the complexity of the issue. There are many, many stakeholders with different perspectives of Utah public land issues. And if we want to make progress, a collaborative process that engages all of those stakeholders needs to occur.

Since the late 1970s, Utah wilderness proposals have run the gamut ranging from zero acres to the bill before you today. That gives you an inkling of how disparate the views are among local elected officials, the state, private landowners, the state Institutional School of Trust Lands Administration, ranchers, oil and gas, timber, mining, sportsmen, mountainbikers, water managers, backcountry horsemen, climbers, Native American tribes, environmentalists and the general public. I thought I would let you know how many stakeholders are out there.

A wilderness process overseen by my father, Governor Scott Matheson, took seven years. It resulted in the 1984 passage of the Utah Wilderness Act, which designated about 700,000 acres, mainly on Federal Forest Service land. No one got everything they wanted, but in the end, everyone had a seat at the table for the negotiations and they had ownership in the outcome. That is the model of how public lands issues can be resolved. However, that model has rarely been followed in Utah.

There are many examples from other states where a collaborative bipartisan effort has resulted in consensus wilderness designations. These include the Oregon Badlands Wilderness Act, the Owyhee Bruno Wilderness Act in Idaho and the Rocky Mountain National Park and Dominguez Canyon wilderness designations in Colorado. All of these bills were the result of following a collaborative inclusive model.

That is the model that was followed when I joined Senator Bennett in a bipartisan effort a few years ago to write the Washington County Growth and Conservation Act. It was an honest attempt to balance diverse points of view. It was not just a wilderness bill, but it did designate more than 256,000 acres of wilderness. It also designated the first ever wild and scenic river in Utah. It provided for the removal of a dam site within an environmentally sensitive habitat. It established a national conservation area for the Feder-



ally threatened desert tortoise, and it provided funding for development enforcement of a dedicated OHV trail.

I think the Senator will confirm it was contentious and hard-fought, the whole process. Some local elected officials and some environmental groups actively opposed it initially, but in the end, they proclaimed their support. That approach allowed us to address local concerns and specific features of the land. It wasn't easy, but in the end, significant progress on this most contentious public lands issue was achieved.

And so as we sit here today, I can tell you as the Senator mentioned in his testimony other Utah counties are sponsoring local working groups. They are holding discussions about possibly duplicating the Washington County model. Together Senator Bennett and I have established what I think is a bipartisan roadmap for future legislative success on Utah lands issues.

You know, as the largest daily newspaper in Utah editorialized this past Sunday, wilderness needs to be homegrown. It cannot be the work of only one group of stakeholders no matter how extensive or sincere. That is a major reason why I do not support H.R. 1925. It does not reflect the collective views of the many stakeholders in Utah. As legislators, it is our job to achieve progress, and I am committed to being a partner with all stakeholders in a collaborative effort that dissolves gridlock and provides a true legacy for future generations in Utah. Thank you, Mr. Chairman.

[The prepared statement of Mr. Matheson follows:]

**Statement of The Honorable Jim Matheson, a Representative in Congress from the State of Utah, on H.R. 1925**

Thank you, Chairman Grijalva, for the opportunity to testify before the Committee regarding the Red Rock Wilderness Act of 2009.

In Utah, there is probably no more contentious public lands issue than the establishment of wilderness areas. In some ways, this is ironic because much of Utah is land that has wild character—rugged, remote, and isolated by river canyons and deserts. But discussions about wilderness in Utah have usually taken on a polarized dynamic that has led to a great amount of emotional rhetoric, and very little progress.

The 1964 National Wilderness Preservation System Act created the policy of Congress “to secure for the American people of present and future generations the benefits of an enduring resource of wilderness.” It required the public land agencies to inventory their lands and make recommendations to Congress regarding wilderness. On paper, it sounds straightforward. In practice in Utah, it has long been a torturous case of taking two steps back for every step forward. Mr. Chairman, you will hear a tremendous amount of passion from the various witnesses who testify before you today, both for and against the proposed legislation. This passion illustrates the challenges of the polarized debate in Utah. It also oversimplifies the complexity of the issue. There are many, many stakeholders with different perspectives of Utah public land issues. If we want to make progress, a collaborative process that engages all stakeholders must occur.

Since the late 1970s, Utah wilderness proposals have run the gamut—ranging from zero acres—to the bill before you today. That gives you an inkling of how disparate the views are among local elected officials, the state, private land owners, the State Institutional School Trust Lands Administration, ranchers, oil and gas, timber, mining, sportsmen, mountain-bikers, water managers, backcountry horsemen, climbers, Native American tribes, environmentalists and the general public. A wilderness process overseen by my father—Governor Scott Matheson—took seven years. It resulted in the 1984 passage of the Utah Wilderness Act which designated 700,000 acres—mainly on federal forest land. No one got everything they wanted. But in the end, everyone had a seat at the table for the negotiations and had ownership in the outcome. That is the model of how public lands issues can be resolved. However, that model has rarely been followed in Utah.

There are many examples from other states where a collaborative, bipartisan effort has resulted in consensus wilderness designations. These include the Oregon Badlands Wilderness Act, the Owyhee-Bruneau Wilderness in Idaho, and the Rocky Mountain National Park and Dominguez Canyon Wilderness designations in Colorado.

All of these bills were the result of following a collaborative, inclusive model.

That is the model that was followed when I joined Senator Bob Bennett in a bipartisan effort a few years ago to write the Washington County Growth and Conservation Act. It was an honest attempt to balance diverse points of view. It was not just a wilderness bill. But it did designate more than 256,000 acres of wilderness; the first ever Wild and Scenic River in Utah; removal of a dam site within environmentally-sensitive habitat, establishment of a National Conservation Area for the federally-threatened desert tortoise; and funding for development and enforcement of a dedicated OHV trail. It was contentious and hard-fought. Some local elected officials and some environmental groups actively opposed it initially, but in the end, proclaimed their support. That approach allowed us to address local concerns and specific features of the land. It wasn't easy. But in the end, significant progress on this most contentious public lands issue was achieved.

As we sit here today, other Utah counties are sponsoring local working groups. They are holding discussions about possibly duplicating the Washington County model. Together Senator Bennett and I have established a bipartisan roadmap for future legislative proposals.

As the largest daily newspaper in Utah editorialized this past Sunday, "Wilderness needs to be home-grown." It cannot be the work of only one group of stakeholders, no matter how extensive or sincere. That is a major reason why I do not support H.R. 1925—it does not reflect the collective views of the many interested stakeholders in Utah. As legislators, our job is to achieve progress. I am committed to being a partner with all stakeholders in a collaborative effort that dissolves gridlock and provides a legacy for future generations.

Mr. GRIJALVA. Thank you very much.

Let me know ask Representative Perriello, and the legislation is H.R. 2689. Sir, welcome. Thank you for your patience.

**STATEMENT OF THE HONORABLE THOMAS PERRIELLO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF VIRGINIA, 5th DISTRICT**

Mr. PERRIELLO. Thank you very much, Chairman, Ranking Member Bishop, respected members of the Committee. Thank you for today's hearing to discuss H.R. 2689. I am glad so many people are here to hear about that one.

[Laughter.]

Mr. PERRIELLO. This bill will authorize the Secretary of the Interior to study the suitability and feasibility of designating the National D-Day Memorial in Bedford, Virginia, as a unit of the National Park System. I am also honored today to be joined by Dr. William McIntosh, President of the National D-Day Memorial Foundation. I first spoke to him many months ago about the dire financial situation of the memorial, and I have since worked with him as well as with Senators Warner and Webb and others to help find a solution to resolve the difficulties facing the memorial.

Simply put, the community has reached the limits of how much support it can give to what is a national treasure for all of our veterans and for all Americans, including those from Utah. The National D-Day Memorial remembers and preserves the lessons and legacies of D-Day, forever memorializing the lives lost on June 6, 1944. Of the 34 soldiers from Bedford, 19 died in combat. As the city's population at the time was only 3,200, Bedford suffered the highest proportional loss of life of any American city on D-Day. The

men we lost were local heroes, but the freedom and security bought with their sacrifice is a national treasure.

This story of sacrifice at D-Day is not just a story that took place on the beaches of Normandy but a tale of local communities across America. The battlefield may have been in Europe, but the losses were felt here at home. This memorial was authorized by President Bill Clinton in 1996 and dedicated by President George W. Bush in 2001. This past June was the 65th anniversary of D-Day, and just shortly before that anniversary, Elisha Nance, the last surviving Bedford boy, passed away at the age of 94.

In August, the National Park Service made a site visit to the memorial to follow up on a request from the Secretary of the Interior, Ken Salazar, to study the suitability of using the Antiquities Act to preserve the memorial. In the words of the Secretary, "The memorial stands as a symbol of the courage and sacrifices of all members of the United States and allied forces who began the liberation of northwest Europe as part of Operation Overlord. The question of the suitability of using the Antiquities Act, while an important road to consider, is separate and distinct from the more traditional method to authorize a full study of the feasibility of designating the National D-Day Memorial as part of the National Park Service."

I am not here to speak about the ongoing activities within the NPS and studying the Antiquities Act but rather to advocate for the legislation before the Subcommittee that would provide for the protection and preservation of the memorial through the traditional processes should the Antiquities Act be found unsuitable.

I am also happy that this has the bipartisan support of Mr. Goodlatte, whose district neighbors mine and has taken a very conservative approach to the question of public lands but understands the incalculable treasure of this particular memorial.

Anyone who visits the memorial will see that it is far more than just a structure dedicated to preserve the lessons and legacies of D-Day. The memorial works to educate all generations about the valor, fidelity and sacrifice of the allied forces. The memorial works to teach current generations about the greatest generation and what life was like not just for those fighting but their friends, families and communities back home.

The National D-Day Memorial Foundation has a Victory Garden in which at-risk youth are taught about the war effort at home by growing their own fruits and vegetables in the area. The memorial also works with veterans of World War II to preserve oral histories and their memories of D-Day and the war. This is a national treasure that serves as a permanent reminder of the bravery and heroism of our American armed forces.

I was recently there for a Memorial Day celebration, handing a Gold Star flag to a Gold Star mom of a son who died in Iraq. He had been inspired to join the Marines by visiting the D-Day memorial. He went back there with his father to tell him that he had decided to enlist after September 11. And when he was killed, his family came back there to celebrate and memorialize his heroism.

This is a living memorial that keeps alive this memory and makes that courage and sacrifice animated again through future generations. It stands in the shadows of the Peaks of Otter near Smith Mountain Lake in one of the beautiful slices of the Common-

wealth of Virginia. It is an area of national treasure and national beauty, both for God's creation and the sacrifices that man has made for our great country and its freedom. And I thank the Committee for its consideration and appreciate your time and hearing today.

[The prepared statement of Mr. Perriello follows:]

**Statement of The Honorable Thomas Perriello, a Representative in  
Congress from the State of Virginia**

Chair Grijalva, Ranking member Bishop, and respected members of the committee, thank you for today's hearing to discuss H.R. 2689. This bill will authorize the Secretary of the Interior to study the suitability and feasibility of designating the National D-Day Memorial in Bedford, Virginia, as a unit of the National Park System. I am also honored to be joined by Dr. William McIntosh, President of the National D-Day Memorial Foundation. I first spoke to Dr. McIntosh many months ago about the dire financial situation of the Memorial and I have since worked with him to help find a solution to resolve the difficulties facing the Memorial.

The National D-Day Memorial remembers and preserves the lessons and legacy of D-Day, forever memorializing the lives lost on June 6, 1944. Of the thirty-four soldiers from Bedford nineteen died in combat. As the city's population at the time was only 3,200, Bedford suffered the highest proportional loss of life of any American city on D-Day. The men we lost were local heroes, but the freedom and security bought with their sacrifice is a national treasure. This story of sacrifice at D-Day is not just a story that took place on the beaches of Normandy but a tale of local communities across America. The battlefield may have been in Europe but the losses were felt here at home. The National D-Day Memorial was authorized by President Bill Clinton in 1996, and dedicated by President George W. Bush in 2001. This past June was the 65th Anniversary of D-Day. Just shortly before the Anniversary Elisha Ray Nance, the last surviving "Bedford Boy," passed away yesterday at the age of 94.

In August, the National Park Service made a site visit to the D-Day Memorial to follow up on a request from Secretary of the Interior Ken Salazar to study the suitability of using the Antiquities Act to preserve the Memorial. In the words of Secretary Salazar, "The memorial stands as a symbol of the courage and sacrifices of all members of the United States and Allied Forces who began the liberation of northwest Europe as part of Operation Overlord." The question of the suitability of using the Antiquities Act, while an important road to consider, is separate and distinct from the more traditional method to authorize a full study of the feasibility of designating the National D-Day Memorial as part of the National Park System. I am not here to speak about the ongoing activities within the National Parks Service in studying the Memorial and the Antiquities Act, but rather advocate for the legislation before this subcommittee that would provide for the protection and preservation of the Memorial through the traditional process should the Antiquities Act be found unsuitable.

Anyone who visits the Memorial will see that it is far more than just a structure. Dedicated to preserving the lessons and legacy of D-Day, the Memorial works to educate all generations about the valor, fidelity, and sacrifice of the Allied Forces. The Memorial works to teach current generations about the Greatest Generation and what life was like not just for those fighting on D-Day but their friends, families, and communities back home during the war. The National D-Day Memorial Foundation has a Victory Garden in which at-risk youth are taught about the war effort at home by growing their own fruits and vegetables. The Memorial also works with veterans of World War II to preserve oral histories and their memories of D-Day and the war. This is a national treasure that serves as a permanent reminder of the bravery and heroism of our American armed forces.

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Mr. GRIJALVA. Thank you, sir.

Let me ask Congressman Schrader for his comments on H.R. 2781. Sir, welcome and again thank you for your patience.

**STATEMENT OF THE HONORABLE KURT SCHRADER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OREGON, 5th DISTRICT**

Mr. SCHRADER. Thank you very much, Mr. Chairman and Ranking Member Bishop, members of the Natural Resources Subcommittee for the opportunity to speak on House Resolution 2781. This bill would designate more than 21 miles of the Molalla River as a protected natural resource under the National Wild and Scenic Rivers System.

I also want to thank the President of the Molalla River Alliance, Michael Moody, for making the trip from Oregon and representing the alliance and the 45 civic and local Oregon-based groups who recognize the social, cultural and economic benefits of this bill. I appreciate and commend their dedication to the Molalla River and the hard work over the last few years protecting the river and educating their communities on proper river stewardship.

The Molalla River is nothing short of an historic and national treasure in my state. Historically it serves as both the trail for indigenous Molalla River Indians and as a vital trade route between pioneers in the Willamette Valley and inhabitants of eastern Oregon. Its Table Rock Trail, which is also known as the Huckleberry Trail, was used by members of the Warm Springs Tribe in search of huckleberry and salmonberry picking areas. Early settlers used its fertile lands and drinking water for homesteading and its Ogle Mountain Mine attracted migrants during the goldrush.

Today the Molalla River is known by residents in Clackamas, in Marion County and across Oregon for its many recreational purposes, which include hiking, diving, fishing, kayaking, whitewater rafting, picnicking, mountainbiking and horseback riding. It still serves as a water source for many citizens of Molalla and my hometown of Canby. It provides spawning beds for threatened steelhead trout and chinook salmon, and it is also an essential wildlife area for the pileated woodpecker, red tree vole, red-legged frog, northern spotted owl, pacific giant salamander and both golden and bald eagles.

Designating the Molalla River as recreational under the National Wild and Scenic River System would have tremendous economic, cultural and environmental benefits for this region. Economically it would attract more tourism and create many more new jobs, something the State of Oregon desperately needs. Environmentally it would protect the character of the river, thereby preserving it so future generations could recognize its rich cultural, historical and social benefits.

Protecting our environment and protecting local economies are not mutually exclusive. We can preserve the scenic beauty of the Molalla River while also maintaining the Federal land base available for timber management in Oregon. Under my bill, there are approximately 420 acres of timber management areas or matrix lands that would be impacted. While this represents a relatively small amount of the impacted timber lands, I am sensitive to that reduction. Therefore, as the Committee moves forward, I would ask the Chairman and Ranking Member to work with me and my staff to ensure there will be no net loss of acres available for timber

management in my state and the BLM area as a result of this legislation.

Once again, I thank my colleagues for providing me the opportunity to speak on this important legislation and urge the Committee to pass H.R. 2781 and designate this section of the Molalla River as part of the National Wild and Scenic River System. Thank you, Mr. Chairman.

[The prepared statement of Mr. Schrader follows:]

**Statement of The Honorable Kurt Schrader, a Representative in Congress from the State of Oregon, on H.R. 2781**

Thank you Chairman Grijalva, Ranking Member Bishop, and members of the Natural Resources Subcommittee on National Parks, Forests, and Public Lands for the opportunity to speak about H.R. 2781. This bill would designate more than 21 miles of the Molalla River as protected under the National Wild and Scenic Rivers System. I also want to thank the President of the Molalla River Alliance, Michael Moody making the trip from Oregon and representing the Alliance and the 45 civic and local Oregon-based groups who recognize the social, cultural, and economic benefits of this bill. I appreciate and commend their dedication to the Molalla River and hard work over the past few years protecting the river and educating their communities on proper river stewardship.

The Molalla River is nothing short of a historic and natural treasure in my state. Historically, it served as both a trail for indigenous Molalla Indians and as a vital trade route between pioneers in the Willamette Valley and residents of Eastern Oregon. Its Table Rock Trail, which is also known as "Huckleberry Trail," was used by members of the Warm Springs tribe in search of huckleberry and salmonberry picking areas. Early settlers used its fertile lands and drinking water for homesteading and its Ogle Mountain mine attracted migrants during the gold rush.

Today, the Molalla River is known by residents in Clackamas and Marion Counties and across Oregon for its many recreational purposes which include hiking, diving, fishing, kayaking, whitewater rafting, picnicking, mountain biking, and horseback riding. It still serves as a water source for many citizens of Molalla and my home town of Canby. It provides spawning beds for threatened Steelhead Trout and Chinook Salmon and is also an essential wildlife area for the pileated woodpecker, red tree vole, red-legged frog, northern spotted owl, pacific giant salamander, and both golden and bald eagles.

Designating the Molalla River as recreational under the National Wild and Scenic Rivers System would have tremendous economic, cultural, and environmental benefits for the region. Economically, it would attract more tourism while creating many new jobs—something the state of Oregon desperately needs. Environmentally, it would protect the character of the river thereby preserving it so future generations can recognize its rich cultural, historical, and social benefits.

Protecting our environment and protecting local economies are not mutually exclusive. We can preserve the scenic beauty of the Molalla River while also maintaining the federal land base available for timber management in Oregon. Under my bill there is approximately 420 acres of timber management acres or "matrix" lands that would be impacted. While this represents a relatively small amount of impacted timber lands, I am sensitive to the reduction. Therefore, as the committee moves forward, I would ask the Chairman and Ranking Member to work with me and my staff to ensure there will be no net-loss of the acres available for timber management as a result of this legislation.

Once again, I thank my colleagues for providing me the opportunity to speak on this important legislation and I urge the committee to pass H.R. 2781 and designate this section of the Molalla River as part of the National Wild and Scenic Rivers System.

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Mr. GRIJALVA. Thank you very much.

Let me ask Congressman Frelinghuysen for his comments on H.R. 118. Sir, thank you.

Mr. FRELINGHUYSEN. Thank you for shoehorning me in here. I appreciate the elevated status up here on the dais. And, Mr. Bishop, thank you for your support and advice.

H.R. 118 seeks to authorize the addition of 100 acres for the Morristown National Historical Park in my congressional district of New Jersey, the oldest historical park in the nation, so we would raise the limit such that the people wanted to make private donations or that we had willing sellers that we could add to the park. This bill has no controversy identified with it. As Mr. Bishop said, it is supported by all Members of Congress in the New Jersey Congressional delegation. I ask for its favorable consideration. Thank you.

Mr. GRIJALVA. Thank you very much, sir.

Three votes have been called, and so let me thank the colleagues that are here for their comments today, and we will recess for about 30 minutes and come back and continue with the second panel. Thank you.

[Recess.]

Mr. HEINRICH [presiding]. We are back, and we are going to start with Mr. Campbell. Mr. Campbell, if you want to get started on H.R. 86. Thank you for making it over.

**STATEMENT OF THE HONORABLE JOHN CAMPBELL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA**

Mr. CAMPBELL. Great. Thank you, Mr. Chairman, and Ranking Member Bishop and Members. This should be considerably less controversial than the last bill you dealt with. This bill deals with approximately 40, and I will call them rocks, off the coast of California within my district. We will show you pictures to show what they are now.

They are large. They are kind of house sized rocks. In 1935, by an act of Congress, those rocks were put under the purvey of the Coast Guard in order to potentially put lighthouses on them and otherwise use them for civil defense during what became World War II.

Those uses are no longer anticipated or practical for any purposes going forward, and frankly, the rocks are kind of too small to really locate much of a lighthouse on and they are not very far off the coast, as you can see from this picture here, because that is some coastal aloe on the coast, so they are not that far away.

What this bill would do is very simple. It would just move these 40 rocks under the purvey of the California Coastal National Monument and to be administered as for public use and parks, and frankly, for marine life preservation and enhancement in the area. That is all this bill would do is move.

To show you where the rocks are roughly, here is the map. Each one of those little black and green dots along there in Newport Beach, Laguna Beach and Dana Point are one, or two, or three of these 40 rocks. All this bill would do is change something that was done in 1935 because prior to that these rocks were actually part of the park system, and so it would return them to being national coastal monument. I yield back, Mr. Chairman. happy to take any questions.

Mr. HEINRICH. Are there any questions for members on the panel?

[No response.]

Mr. HEINRICH. Thank you very much for joining us. We are going to go to Mr. Chaffetz and then start Panel No. 2. Thank you.

**STATEMENT OF THE HONORABLE JASON CHAFFETZ, A  
REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH**

Mr. CHAFFETZ. Thank you, Mr. Chairman. I appreciate it. Thank you. Ranking Member Bishop, I appreciate the opportunity to participate in this very important hearing. I appreciate our Senators, Hatch and Bennett, Lieutenant Governor Bell who is here with us, former Mayor Anderson, various county commissioners and other residents and interested parties from the State of Utah, SUWA, for instance. I appreciate you all being here.

As the newest member of Utah's congressional delegation, I had the benefit of building on the successes of former and current Members of Congress. For example, in Utah, the Cedar Mountain and Washington County bills were the culminations of years of hard work, negotiations and give and take by all parties involved, as was described by Mr. Matheson and Senator Bennett.

I am now emulating the successful models I foresee with wilderness proposals in my own district, the 3rd Congressional District of Utah. I would encourage the Southern Utah Wilderness Alliance and Representative Hinchey to do the same, to work cooperatively with all stakeholders and don't offer up a bill that has been flatly rejected by the overwhelming majority of elected local officials in the State of Utah.

Former Salt Lake City Mayor Anderson will mention in his testimony that in 2006 over 1.2 million visitors came to the arches in Canyonlands National Park spending some \$99 million—by the way, I question that number—during their visits. There is no doubt that the national parks in Utah benefit the local economy, and we love having them; however, the economies in my district and other parts of the state also rely upon multiple use aspect of public lands.

The small Utah towns that depend on ranching, outdoor motorized recreation and energy production would see their economies decimated because of the restrictive burdens created by this bill, the purported America's Red Rock Wilderness Act. While some may argue that more wilderness acres would attract more tourism to those towns, I would like to reference a recent economic report from the Governor.

In 2007, the Utah natural resources and mining-based jobs made up four percent of our state's economy and pay a high monthly salary of \$5,664. On the other hand, the leisure and hospitality industry makes up less than four percent, roughly 3.4 percent, of the economy and their salaries averaged the lowest of any other industry at just \$1,258 per month.

Utah enjoys one of the lowest unemployment rates in the country, and if the Red Rock Wilderness bill were to pass, thousands of well-paying jobs would be replaced by low paying, seasonal tourism jobs. Energy production and tourism are not mutually exclusive. They coexist now, and they will coexist in the future. There is no need to decimate one at the expense of others.

Now, lest I be labeled as someone who wants to tear up our Federal lands, I would ask a legitimate question. Should certain lands receive extra protections and designations? Absolutely yes, and I



am committed to protecting those areas, but I would like to know where is the end game for wilderness alliances?

For example, the original BLM proposal was roughly three million acres, then SUWA countered with 5.1 million acres, then it became 5.7 million acres, and now we have a hearing today that would designate 9.4 million Utah acres as wilderness. If the goal is to designate wilderness in areas truly worthy of that highest and most restrictive designation, then you have a partner.

If the end goal is to further inflate the acreage in this bill thus allowing the organizations to exist in perpetuity, then it is going to be a long, rocky road. When will enough be enough? We have a chart here and we had a graphic of it. I don't know if we can put the graphic up on this thing. I think Fred here will just show it. Congressman Bishop has shared this before.

While roughly 70 percent of Utah is owned by Federal and state government, many states to the east, such as New York, enjoy less than one percent of their land owned by the government. Perhaps it is time for the representatives from those states to push for wilderness in the east where it is obviously needed.

When all is said and done, the reality is this: the Red Rock Wilderness Act is an archaic, antiquated model for designating wilderness. An overwhelming majority of Utahans, and Americans for that matter, have rejected the Federal one size fits all approach to wilderness in Utah. I would challenge Mr. Hinchey and SUWA to put aside their environmental fundraising campaigns which are sponsored by this bill and work for an inclusive solution.

Most Utahans would like to see truly pristine lands designated, but we must also respect the input of people whose livelihoods depend on the shared use of Federal lands. Other members in this delegation have shown that all sides are able to come together and achieve both wilderness designations and continued multiple use access for all. I hope that after today all parties involved can come together and truly do the same. With that, Mr. Chairman, I yield back the balance of my time.

Mr. HEINRICH. Congresswoman Lummis?

**STATEMENT OF THE HONORABLE CYNTHIA LUMMIS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WYOMING**

Mrs. LUMMIS. Thank you, Mr. Chairman. I would like to align myself with the remarks that have been made previously by all of the gentlemen from Utah who have spoken thus far. It is my experience in the west that the greatest threat to western open lands, it is not oil and gas because oil and gas wells are reclaimed once the resource is recovered, it is not mining because mines are reclaimed pursuant to America's state-of-the-art reclamation laws once mines are reclaimed, it is houses.

Houses are the biggest threat to open lands in the western states. Instead of taking lands that are already opened and making them less open we should be more concerned about conserving land that is open and put into productive use now in order to keep view sheds, landscapes, water cleanliness, air cleanliness, and all of those things come from, and are filtered by, open land.

Furthermore, it is houses and buildings and roads that emit a lot of carbon into the atmosphere, where it is open lands that absorb

carbon, sequester it, because of the plant life on those open lands. So we should be concentrating our conservation efforts in the west on conserving open land, not on changing the status of currently open land to even more restrictive uses. Thank you, Mr. Chairman. I yield back.

Mr. HEINRICH. Thank you. Mr. Hinchey?

Mr. HINCHEY. Thanks very much. I just wanted to inform my good friend on the other side of the aisle here about some of the things that we are doing and some of the things that have been done. For example, we are in the process now of trying to get Federal recognition of certain areas in New York, including in the Hudson Valley, which would be very marvelous and it is something that would be very important to do.

We are in the process of doing it, and we would appreciate your support. I would also like to inform you that we have two very large state parks in New York, the Catskill Park and the Adirondack State Park. The Adirondack State Park is larger than any national park anywhere in the country and it was set up long before most of the national parks were set up in other places around the country.

So the example that New York sets is something important and significant, and I just wanted to let you know what is going on.

Mr. CHAFFETZ. Will the gentleman yield?

Mr. HINCHEY. Sure.

Mr. CHAFFETZ. An honest question. How much land are you currently pursuing in your state to get these Federal designations? Like, give me a sense of—

Mr. HINCHEY. We are pursuing a very significant area in the Hudson Valley. The exact acreage is still unclear because we are trying to make it as large as possible.

Mr. CHAFFETZ. Well, whatever it is, let us make it bigger, and I would be happy to support that.

Mr. HINCHEY. Yes, we will make it bigger, but we are also making it in the context of the largest state park anywhere in the country, and again, for your information, larger than any of the national parks anyplace in the country, so it is not all New York City. Stop around and visit us once in a while.

Mr. CHAFFETZ. I would love to. I will come out and take a tour. I am sure it is absolutely beautiful. If the gentleman will yield to just one more question.

Mr. HINCHEY. Sure.

Mr. CHAFFETZ. I really do believe that there is a proper role and responsibility that we have. I thought Senator Bennett, in particular, really articulated the fact that we can, and have, particularly in the west, set aside such huge portions of our land.

What I would hope that what you would be supportive of is when we go to try to get more money for PILT payments out west as compensation for the fact that we have such a huge percentage, more than half of our state set aside, that when we go to fund and get authorization and then truly fund those PILT payments, that you would come to our support because it is the education component that really, as Congressman Bishop points out, gets underfunded along the way.

Mr. HINCHEY. I have been supporting that for I think roughly about 16, 17 years here.

Mr. CHAFFETZ. Well, thank you.

Mr. HINCHEY. So I will continue to support it very, very effectively, as strong as I can, and perhaps, even in the context of the new organization that we have here in the Congress, it might be possible to do it. So I appreciate what you are saying and also want to note that the public lands at prices across the country where most of them are in the west, those are national public lands and they were set up as national public lands because they were abandoned by the states in which they are now located.

Mr. CHAFFETZ. I don't know that they were necessarily abandoned, but I think that is—

Mr. HINCHEY. Well, they were—yes. They were not paid any attention to, they were not settled, they were not interested in. They were places that were essentially—

Mr. HEINRICH. Mr. Hinchey?

Mr. HINCHEY.—not having any attention paid to them.

Mr. CHAFFETZ. I think the record would reflect it a little differently.

Mr. HEINRICH. We are going to have another round of votes called here before long, and so if we can move to a quick statement from Mr. Holt, and then I want to hear from our second panel.

**STATEMENT OF THE HONORABLE RUSH HOLT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY**

Mr. HOLT. I thank the Chairman. I did want to just state briefly my support for Mr. Frelinghuysen's legislation, which is, by the way, relevant to the discussion that was just under way. We want to set aside and protect additional land with regard to the Morristown National Historical Park. In New Jersey we are doing everything we can. In fact, there is a specific goal of setting aside protecting a third of the existing open space in the state.

Now, much of that is not as suitable for wilderness designation as are the red rocks as designated in Mr. Hinchey's designation, but to the extent that we can preserve these eastern lands, we want to do that. With regard to the Utah lands, these are by any measure that I could come up with are eminently worthy of the highest level of protection.

The history of conservation in this country has been a history of overcoming opposition, some of it parochial, some of it narrow-minded, some of it legitimate at the time, but history has judged that these protected areas have been to the great benefit of this country. In fact, it is being chronicled with respect to the national parks every night this week, some of the opposition that had to be overcome in order to get this level of protection, and the resulting benefit that has come to this entire nation.

So I just wanted to add my strongest support to Mr. Hinchey's legislation, and I thank the Chairman for the time.

Mr. HEINRICH. Thank you. We are going to get started with Panel No. 2, and I want to welcome Mr. Abbey and Mr. Holtrop from our National Forest System and from our Bureau of Land Management. I am going to let you guys dive right in so that we

can hopefully hear as much of your testimony as we can before we go to the next round of votes.

**STATEMENT OF ROBERT V. ABBEY, DIRECTOR, BUREAU OF LAND MANAGEMENT, ACCOMPANIED BY TERENCE D. MOORE, CHIEF OF PLANNING AND COMPLIANCE, NORTH-EAST REGION, NATIONAL PARK SERVICE**

Mr. ABBEY. Well, thank you, Mr. Chairman and Members of the Committee. I am Bob Abbey and I am the Director of the Bureau of Land Management, and I thank you for inviting the Department of the Interior to testify on bills of interest to the Bureau of Land Management and the National Park Service. I am accompanied by Terrence Moore, Chief of Planning and Compliance for the National Parks Service's northeast region who will be happy to answer any questions on H.R. 118 and H.R. 2689.

I want to keep my remarks brief because we have provided the Committee members with our written testimony which provides the rationale for the positions that we are taking on each of these positions. I did want to highlight some of the comments that we do have on each piece of legislation. H.R. 1925 proposes to designate 218 units of BLM managed lands in Utah comprising 9.4 million acres as components of the National Wilderness Preservation System.

These designations span the State of Utah and include extraordinary landscapes with unmatched wild land resources. The Department strongly supports the constructive resolution of public lands and wilderness designation issues in Utah and across the United States. Through our wilderness decisions we demonstrate a sense of stewardship and conservation that is uniquely American and is sensibly balanced with the other decisions that we make that affect public lands.

The passage by Congress and signing by the President of the omnibus Public Lands Management Act, Public Law 111-11, earlier this year constituted a very positive sign that we are moving these issues forward. The history of wilderness proposals in Utah is a contentious one. Resolution and certainty will serve all parties, including the conservation community, extractive industries, OHV enthusiasts, local communities, state government and Federal land managers.

An important milestone in this effort was reached with the inclusion of the Washington County Act as part of the omnibus Public Lands Management Act. We hope that this collaborative model can be extended to the rest of Utah, and we suggest an approach that is more geographically focused. We would welcome the opportunity to work cooperatively with sponsors of this legislation, the Committee and the members of the Utah delegation to address, and hopefully resolve, wilderness issues in Utah.

Now, if I may, I would like to comment on H.R. 86. The BLM supports H.R. 86 which would eliminate old withdrawals on public lands off the coast of Orange County, California, and allow the inclusions of these rocks, islands and exposed reefs within the California Coastal National Monument. We look forward to passage of this legislation which would ensure the long-term protection and

preservation of these important coastal features and pave the way for important local community stewardship initiative.

The National Park Service supports H.R. 118, a bill to amend existing law that would increase authorization for additional lands at Morristown National Historical Park from 615 to 715 acres. Authorizing this additional 100 acres will enable the park to better protect important revolutionary war resources as they become available from willing sellers in the future.

Relating to H.R. 2689, the National Park Service recommends deferring action on H.R. 2689 to allow the National Park Service to complete a report on a preliminary assessment as to whether the D-Day memorial would be eligible for inclusion into the National Parks System. This would give Secretary Salazar an opportunity to review the report and to share his contents with the members of the Virginia delegation.

Relating to the Molalla Wild and Scenic River, the BLM supports H.R. 2781 which proposes to designate 15.1 miles of the Molalla River and 6.2 miles of the Table Rock Forest of the Molalla in northern Oregon as components of the National Wild and Scenic River System. We recommend that these river segments be designated as recreational under the Wild and Scenic River Law.

Relating to Devil's Staircase Wilderness, H.R. 2888 proposes to designate nearly 30,000 acres of Federal land near the coast in southwestern Oregon as wilderness, as well as portions of both Franklin Creek and Wasson Creek as components of the Wild and Scenic River System. The majority of the lands proposed for designations are on lands managed by the Forest Service and we defer to the Forest Service on those designations.

The Department of the Interior supports the designations on BLM lands and recommends that we work together for minor modifications to this legislation. In conclusion, Mr. Chairman, Members of the Committee, I thank you for inviting me to testify on behalf of the Department of the Interior, and I would be happy to answer any questions.

Mr. HEINRICH. Thank you, Mr. Abbey, and we will go to Mr. Holtrop.

[The prepared statements of Mr. Abbey follows:]

**Statement of Robert V. Abbey, Director, Bureau of Land Management,  
U.S. Department of the Interior, on H.R. 86**

Thank you for inviting the Department of the Interior to testify on H.R. 86, which would add certain rocks and small islands along the coast of Orange County, California, to the California Coastal National Monument managed by the Bureau of Land Management (BLM). The BLM supports H.R. 86.

**Background**

The California Coastal National Monument, part of the BLM's National Landscape Conservation System, was established by a Presidential Proclamation by President Clinton on January 11, 2000, to protect:

"all unappropriated or unreserved lands and interest in lands owned or controlled by the United States in the form of islands, rocks, exposed reefs, and pinnacles...within 12 nautical miles of the shoreline of the State of California."

Covering more than 20,000 rocks and small islands spread along 1,100 miles of the California coastline, the Presidential Proclamation protects the Monument's overwhelming scenic quality and natural beauty. The Proclamation specifically calls for the protection of the geologic formations and the habitat that these rocks and

small islands provide for seabirds, marine mammals, and other plant and animal life, both terrestrial and marine.

Some particularly significant public rocks and islands off the coast of Orange County in the Laguna Beach area provide important habitat for a wide variety of upper rocky intertidal species, as well as various shorebird species. Additionally, four rock locations—Bird Rock and Two Rocks off the City of Laguna Beach, San Juan Rocks off the City of Dana Point, and San Marcos Rocks off the southern portion of the City of San Clemente—provide important roosting habitat for seabirds (including cormorants and the Federally-listed brown pelican) and haul-out areas for seals and sea lions.

In the process of working with local communities on planning for the California Coastal National Monument, the BLM discovered that the rock features off the coastline of Orange County were under Congressional withdrawals dating from the 1930s and, therefore, were not included within the Monument. These withdrawals include more than 40 offshore rocks, small islands, exposed reefs, and pinnacles located within one mile of the coast of Orange County, California, totaling approximately two acres above mean high tide. More than 70 years old, the withdrawals were originally intended to temporarily reserve the Orange County offshore rocks and small islands for “park, scenic, or other public purposes” (1931 Act), and reserve three specific offshore rock clusters for the possibility of future lighthouses (1935 Act), which were never built. These withdrawals were ultimately never utilized and are no longer needed.

The Laguna Ocean Foundation has led a community-wide effort to include these significant areas within the California Coastal National Monument. The Foundation has worked with the City of Laguna Beach and other local groups, including the Audubon Society and the Surfrider Foundation, on a variety of city and area-wide coastal protection and monitoring projects, which resulted in H.R. 86.

#### **H.R. 86**

H.R. 86 would eliminate the existing withdrawals on these public lands off the coast of Orange County and place these features within the existing California Coastal National Monument.

The BLM supports the revocation of the old withdrawals and the inclusion of these rocks, islands, and exposed reefs within the Monument.

The BLM has been working with partners along the 1,100 mile California coast to create a series of California Coastal National Monument Gateway community initiatives. These Gateway initiatives are a means to support organized local stewardship of various California coastal areas through the development of a consortium of the area’s resource managers and advocates. The Laguna Beach community has expressed strong interest in developing a California Coastal National Monument Gateway initiative for the Orange County coastal area. Inclusion of these rocks and islands within the Monument will allow the BLM to work with the community to provide responsible, long-term stewardship of these valuable areas.

#### **Conclusion**

Thank you for the opportunity to testify in support of H.R. 86. We look forward to passage of this legislation which would place these significant features off the coast of Orange County within the California Coastal National Monument, thus ensuring their long-term protection and preservation, and paving the way for an important local community stewardship initiative.

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#### **Statement of the National Park Service, U.S. Department of the Interior, on H.R. 118**

Mr. Chairman, members of the subcommittee, thank you for the opportunity to present the views of the Department of the Interior on H.R. 118, a bill to authorize the addition of 100 acres to Morristown National Historical Park in the state of New Jersey. The Department supports enactment of this legislation.

H.R. 118 would amend existing law (16 U.S.C. 409g) by increasing the authorization for additional lands at Morristown National Historical Park from 615 to 715 acres. Authorizing this additional 100 acres will enable the park to begin to better protect important Revolutionary War resources as they may become available from willing sellers in the future. This legislation, if enacted, would also enable the park to quickly respond to past offers by Harding Township to donate nine acres for inclusion in the Jockey Hollow unit.

The 2003 General Management Plan for Morristown National Historical Park proposed an increase of up to 500 acres to the park’s boundary, predominately through

easements, to protect critical properties including those adjacent to Washington's Headquarters, Jockey Hollow, Fort Nonsense, and the New Jersey Brigade unit.

Morristown National Historical Park was the first national historical park established by Congress on March 2, 1933, Public Law 72-409. The park currently contains 1,711 acres consisting of four non-contiguous units: Washington's Headquarters with the Ford Mansion and Headquarters Museum, the Fort Nonsense Unit, the Jockey Hollow Unit, and the New Jersey Brigade Area. The Jockey Hollow Unit includes the Wick house (headquarters of General Arthur St. Clair), five reconstructed soldier huts, and approximately 27 miles of walking trails.

During two critical winters of the Revolutionary War, 1777 and 1779-80, the countryside in and around Morristown, New Jersey, sheltered the main encampments of the American Continental Army and served as the headquarters of its commander-in-chief, General George Washington.

General Washington twice chose Morristown for encampment due to its strategic location, including proximity to New York City, defensible terrain, important communication routes, access to critical resources, and a supportive community. The park encompasses ground occupied by the army during the vast 1779-80 encampment, and the site of the fortification from the 1777 encampment. The Ford Mansion, where Washington made his headquarters, is an important feature of the park and recalls both military and civilian contributions to the winning of our nation's independence.

The park's museum collection includes close to 350,000 items including archeological objects from the encampments; paintings by the Peales, Stuart, Savage, Sully, and other early American artists; 18th century furniture; archival material; Revolutionary War arms and equipment; and, a collection of items, letters and books belonging to George Washington.

Morristown National Historical Park is situated in the heavily populated region of northern New Jersey, a center for that state's continuing growth and development. It is important for the park's future viability, protection of its important Revolutionary War resources, and the enjoyment of its close to 300,000 annual visitors, that lands adjacent to its boundaries be protected from adverse development impacts. H.R. 118 will assist in ensuring the future integrity of this special place that commemorates and interprets seminal events of Revolutionary War history and the sacrifices of those who served during that time to enable the birth of our nation.

As noted at the beginning of this statement, this authorization would enable the park to acquire an additional 100 acres as they may become available in the future by sale or donation from willing landowners. It would enable the park to continue discussions on the possible donation of 9 acres to the National Park Service for inclusion in the Jockey Hollow unit. Because acquisition of these 9 acres would be by donation, the costs of acquisition would be minimal and would likely include survey and title work. The Park Service estimates that full fee acquisition of the remaining acreage authorized would be slightly less than \$6 million. However, the preferred method of acquisition would be by donation or the purchase of easements. The estimated cost for acquisition of easements would be approximately \$4.8 million or approximately 80 percent of the full fee acquisition cost. The 9 acres, referenced above, is open space adjacent to the park boundary with no structures. There would be no costs for capital improvements or annual operations and maintenance as the open space would remain in its natural state. Posting new boundary markers for the full 100 acres, if acquired in fee simple, would cost approximately \$50,000. Regardless, any funding necessary for these acquisition and related costs would be subject to National Park Service priorities and the availability of appropriations.

Mr. Chairman, that concludes my testimony. I would be pleased to answer any questions you or members of the committee may have regarding the Department's position on H.R. 118.

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**Statement of Robert V. Abbey, Director, Bureau of Land Management,  
U.S. Department of the Interior, on H.R. 1925**

Thank you for inviting the Department of the Interior to testify on H.R. 1925, America's Red Rock Wilderness Act. The Department strongly supports the constructive resolution of public lands and wilderness designation issues in Utah and across the western United States. The passage by Congress and signing by the President of the Omnibus Public Land Management Act (Public Law 111-11) earlier this year constituted a very positive sign that we are moving these issues forward. While BLM has not had an opportunity to review many of the proposed designations, we would welcome the opportunity to work cooperatively with the sponsors of the legislation, the Committee and the members of the Utah delegation to resolve

wilderness issues in Utah. We suggest an approach that is more geographically focused. The Washington County Act's wilderness provisions in Public Law 111-11 may provide a good example.

America's wilderness system includes many of the Nation's most treasured landscapes, and ensures that these untrammelled lands and resources will be passed down from one generation of Americans to the next. Through our wilderness decisions, we demonstrate a sense of stewardship and conservation that is uniquely American and is sensibly balanced with the other decisions we make that affect public lands.

### **Background**

Substantial work on this proposal has been undertaken in Utah by citizen volunteers who care deeply about the land and its protection. The history of wilderness proposals in Utah is a contentious one. Resolution and certainty will serve all parties—including the conservation community, extractive industries, OHV enthusiasts, local communities, State government, and Federal land managers. An important milestone in this effort was reached with the inclusion of the wilderness designations within the Washington County Act as part of the Omnibus Public Land Management Act of 2009, which was enacted earlier this year. We hope that this collaborative model can be extended to the rest of Utah.

### **H.R. 1925**

H.R. 1925 proposes to designate 218 units of BLM-managed lands, comprising 9.4 million acres, into the National Wilderness Preservation System. These designations span the State of Utah, from the Great Basin region of western Utah, to the Canyonlands in the southeast; from the Uinta Basin and Book Cliffs in the north-eastern corner of the State, to the Mojave Desert in southwestern Utah. Many of these lands are extraordinary, with unmatched wild land resources. The legislation breaks these designations into ten distinct areas:

- Great Basin wilderness areas (44 areas)
- Zion and Mojave Desert wilderness areas (14 areas)
- Grand Staircase-Escalante wilderness areas (52 areas)
- Moab-La Sal Canyons wilderness areas (15 areas)
- Henry Mountains wilderness areas (11 areas)
- Glen Canyon wilderness areas (9 areas)
- San Juan-Anasazi wilderness areas (12 areas)
- Canyonlands Basin wilderness areas (14 areas)
- San Rafael Swell wilderness areas (21 areas)
- Book Cliffs and Uinta Basin wilderness areas (26 areas)

The BLM reviewed some of the areas proposed for designation under H.R. 1925 through its recently-completed resource management plans. However, given the scope of the bill, the BLM has not undertaken a detailed analysis of each proposed designation in the context of designated wilderness. Should the Committee wish to move forward with the legislation, the BLM would carefully review each of the 218 areas to assess wilderness quality, boundary manageability, and conflicts with current uses, including motorized recreation and energy resource development. In addition, detailed mapping is necessary. Undertaking such a review and creating maps of these areas is both critically important to moving forward and a monumental task.

Below are a few examples of areas that an initial review, based on available information, indicates may deserve protection.

Desolation Canyon in eastern Utah, proposed for designation under section 110(b)(6) of H.R. 1925, is an extraordinary treasure, and is deeper in places than Arizona's Grand Canyon. This adventure destination draws visitors to study, explore, float, and hike through spectacular landscapes. Red rock canyons, white sand beaches, and cottonwood groves define this exceptionally picturesque area that supports a vibrant river outfitting community. The remoteness and simplicity of the area enhance its appeal.

Section 109 designates a number of wilderness areas throughout the San Rafael Swell. The unique character of the San Rafael Swell area began to form 50 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, and spectacular arches and spires. The terrain varies from sheer cliffs and dazzling canyons to more gently eroded badlands broken by shallow washes. San Rafael Reef extends through the southeast side of the area with dramatic sheer-walled cliffs, pinnacles, knobs, twisted canyons and valleys of stunning colors. It is a geological classroom of amazing proportions.



On the western edge of Utah, the Deep Creek Mountains, addressed in section 101(b)(10) of the proposed legislation, are a mountain oasis isolated within the Great Salt Lake Desert. Rising dramatically from the desert, granite canyons lead upward to snow-capped peaks. The vertical extremes have created rare ecological niches with exceptional biological diversity. In addition, numerous archaeological sites from a wide span of history are prevalent in the area.

Southeastern Utah's Grand Gulch, addressed in section 107(b)(6) of the proposed legislation, is another remarkable area. One of Utah's most popular wild land hiking areas, the Grand Gulch is home to rock art, ancient cliff dwellings, and other ceremonial structures that are located throughout the cliff-face area. More than 1,000 years ago the ancestors of modern Puebloan people inhabited much of the Grand Gulch, and today the preserved cultural resources are protected in this remote, primitive setting.

We also know that some of the areas proposed for designation present serious challenges because of existing and conflicting uses. For example, recreational use has exploded on public lands throughout the West, including in southern and eastern Utah. While many recreational activities, such as hunting and hiking, are compatible with BLM wilderness designation, others, such as mountain biking and OHV use, are not.

One use that conflicts with wilderness is mountain biking; an increasingly popular outdoor activity on BLM lands. In the Moab area, for example, both BLM's Bar M Mountain Bike Focus Area and parts of the Klondike Bluffs Mountain Bike Focus Area are within the Arches Adjacent area proposed in section 104(b)(1) of the legislation. Both of these areas, specifically designated by the BLM for mountain biking, receive substantial use—as many as 20,000 bikers annually on a single bike trail—which would be inconsistent with wilderness designation.

OHV use, either in designated motorized use areas or on designated road networks, also presents serious conflicts in a number of wilderness areas proposed in H.R. 1925, including Goldbar Canyon (section 104 (b)(8)) and Duma Point (section 108 (b)(5)). About 70 percent of the proposed Goldbar area is within BLM's Gemini Bridges/Poison Spider Mesa Backcountry Motorized Touring Focus Area; as many as 800 vehicles per day access this area. Similarly, we estimate that over 21,000 OHVs use the Duma area annually.

Some existing or proposed energy development activities may pose inherent conflicts with some of the designations in the bill. In the Uinta Basin in eastern Utah, oil and gas development has increased dramatically over recent years. Some of the proposed wilderness areas include existing leases, some of which are currently producing, and others that we expect will produce in the future. Areas with these conflicts include Winter Ridge (section 110(b)(25)), Lower Bitter Creek (section 110(b)(13)), and Cane Spring Desert (section 106(b)(1)). In some cases the production areas could be carved out of the boundary of the proposed wilderness, but in others it may make designation impractical.

In addition, the recently-designated Westwide Energy Corridors may overlap portions of a number of the areas proposed for designation. In the case of the Upper Kanab Creek (section 103(a)(2)(N)), a 3 1/2 mile segment of the corridor bisects the wilderness area proposed in the bill.

Utah's west desert has potential for solar, wind, and geothermal development that the BLM would like to further review as well, and we hope that the Committee will consider this potential. For example, locations within the Antelope Range (section 101(b)(1)) and San Francisco Mountains (section 101(b)(34)) are currently under consideration for wind energy development. High-potential geothermal sites intersect the Crater Bench (section 101(b)(7)), Cricket Mountain (section 101(b)(9)), Drum Mountains (section 101(b)(11)), Sand Ridge (section 101(b)(35)) and Granite Peak (section 101(b)(15)) areas.

Finally, section 102(b) of the bill provides for wilderness designations in the Zion and Mojave Deserts of southwestern Utah. We note that Title II, subtitle O of the Omnibus Public Land Management Act, Public Law 111-11, designated nearly 130,000 acres of BLM wilderness in this same area and many of the proposed designations in this subsection appear to overlap with the provisions of that law.

### **Conclusion**

The beauty and power of Utah's red rock canyons, mountains, deserts and plateaus defy easy description. These extraordinary natural features include an expansive range of ecosystems. We support moving the discussion on designating wilderness in Utah forward. Our hope is that this hearing will be the impetus for the hard work that needs to be undertaken in order to make thoughtful decisions about these important lands. The Department of the Interior looks forward to working coopera-

tively with local and national constituencies, this subcommittee, the sponsor of the bill, and the Utah Congressional delegation toward that end.

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**Statement of the National Park Service,  
U.S. Department of the Interior, on H.R. 2689**

Mr. Chairman, members of the subcommittee, thank you for the opportunity to present the views of the Department of the Interior on H.R. 2689, a bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the National D-Day Memorial in Bedford, Virginia, as a unit of the National Park System.

The Department recommends deferring action on H.R. 2689 to allow the National Park Service to complete a report on a preliminary assessment, requested by Secretary Salazar, as to whether the D-Day Memorial would be eligible for inclusion into the National Park System. This would also give the Secretary an opportunity to review the report and to share its contents with the members of the Virginia delegation.

H.R. 2689 would authorize the Secretary of the Interior to conduct a study to determine the feasibility and suitability of designating the National D-Day Memorial in Bedford, Virginia as a unit of the National Park System. The study also would include cost estimates for any acquisition, development, operation, and maintenance of the area and identify alternatives for management, administration, and protection of the area. We estimate that this study would cost approximately \$250,000.

The landing of Allied forces on the beaches of Normandy, France on June 6, 1944 was a seminal event in World War II and in the American military chronicle. It marked the greatest amphibious landing in history, the beginning of the liberation of France, and led to the eventual defeat of Adolph Hitler's Germany. On that day, too, some 4,500 Allied servicemen were killed displaying their valor and fidelity while making the ultimate sacrifice. In the rural community of Bedford, Virginia, families learned that 19 of their 34 sons landing on the beaches did not survive the day.

The National D-Day Memorial is located on an 88-acre site in Bedford, Virginia. It rises from a hill overlooking the community and commemorates the sacrifices of all who lost their lives on June 6, 1944. It consists of a series of plazas and architectural and sculptural features commemorating the planning of Operation Overlord, the English Channel crossing, the landings, and the march into France and ultimate victory. The major feature at the center of the memorial is the 44.5 foot granite veneered Overlord Arch. A water feature depicting the landing approach is designed to emit spurts of water simulating the gun fire encountered by those approaching the beaches. Numerous bronze plaques devoted to involved military units and individuals, as well as memorial donors, are placed against walls. The names of those who died on June 6, 1944 are contained on a separate necrology wall. A small visitor contact station and book store is adjacent to the memorial.

The memorial was designated a National Memorial by Congress in Title X, Section 1080 of the National Defense Authorizations Act of 1997 (Public Law 104-201). It was largely constructed through private fund raising efforts of the National D-Day Memorial Foundation (Foundation) and was dedicated on June 6, 2001 by President George W. Bush. The Foundation continues to complete construction and manage the memorial, but has encountered severe financial difficulties in meeting its close to \$2.4 million annual operational costs. The memorial is open for visitation 362 days a year and received approximately 80,000 visitors between July 2008 and June 2009. Approximately 19,000 of these visitors came during the month of June due to the observance of the 65th anniversary of D-Day. The Foundation records revenues of \$509,653 and slightly over \$1 million in contributions for this 12-month period.

On June 25, 2009, ten members of the Virginia congressional delegation, including this bill's sponsor and co-sponsors, wrote to Secretary of the Interior Ken Salazar requesting that he work with President Barak Obama to establish the D-Day Memorial as a National Monument pursuant to the authorities granted to the President by the Antiquities Act of 1906, and that management of the monument be undertaken by the National Park Service. Secretary Salazar responded to the request on August 6, 2009 indicating that he had asked a team of National Park Service representatives to conduct a site visit to the memorial to undertake a preliminary assessment as to whether it may be eligible for inclusion into the National Park System. The Secretary further indicated that he would share the team's report with the delegation once it was completed.

On August 25 and 26, a National Park Service team toured the site and met with Foundation staff, including its executive director. The team received a great deal of information regarding the design and construction of the memorial, current visitor services and interpretation, and maintenance and operational protocols and costs. The team is currently in the process of analyzing the documents provided and expects to complete its report to Secretary Salazar this fall.

In light of this current analysis, the Department believes it is premature to consider the authorization of a Special Resource Study. We respectfully request that the committee defer action on this bill until the Secretary has had an opportunity to review the National Park Service team report and to share its contents with the members of the Virginia delegation.

Mr. Chairman, that concludes my testimony. I would be pleased to answer any questions you or members of the committee may have regarding the Department's position on this legislation.

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**Statement of Robert V. Abbey, Director, Bureau of Land Management,  
U.S. Department of the Interior, on H.R. 2781 and H.R. 2888**

Thank you for inviting the Department of the Interior to testify on H.R. 2781, designating portions of the Molalla River in Oregon as components of the Wild and Scenic Rivers System and H.R. 2888, the Devil's Staircase Wilderness Act of 2009. The Bureau of Land Management (BLM) supports both of these bills as they apply to lands we manage, and we would like to work with the sponsors and the Committee on minor refinements to both bills.

**H.R. 2781—Molalla Wild and Scenic River**

The Molalla River begins its journey to the sea on the western slopes of the Cascade Mountains of Oregon. At an elevation of 4,800 feet, the Molalla flows undammed for 49 miles west and north until it joins the Willamette River. For years, the Molalla suffered from too much negative attention from its visitors, including vandalism. To address these problems, local residents joined together several years ago and formed the Molalla River Alliance (MRA). The MRA, a nonprofit all volunteer organization, has over 45 public and private partners, including Federal, State, and local government agencies, user groups, and conservationists. Working cooperatively with BLM's local field office, the MRA has provided the Molalla the care it needed. Today, we are pleased that this subcommittee is considering designating approximately 21 miles of the river as a component of the National Wild and Scenic Rivers System.

The Molalla River is home to important natural and cultural resources. Protection of this watershed is crucial as the source of drinking water for local communities and the important spawning habitat it provides for several fish species, including salmon and steelhead. Within an hour's drive of the metropolitan areas of Portland and Salem, Oregon, the Molalla watershed provides significant recreational opportunities for fishing, canoeing, mountain biking, horseback riding, hiking, hunting, camping, and swimming. A 20-mile hiking, mountain biking, and equestrian trail system draws over 65,000 visitors annually.

H.R. 2781 proposes to designate 15.1 miles of the Molalla River and 6.2 miles of the Table Rock Fork of the Molalla as components of the National Wild and Scenic Rivers System. In earlier planning analyses, the BLM evaluated the Molalla River and the Table Rock Fork of the Molalla River and determined that most of these two rivers should be considered for designation as wild and scenic rivers. As a result, the designation called for in H.R. 2781 would be largely consistent with management currently in place, and would cause few changes to BLM's current administration of most of this area. The 5,500-acre Table Rock Wilderness, designated by Congress in 1984, is embraced by the Molalla and Table Rock Fork, and designation of these river segments would reinforce the protections in place for the wilderness area.

Wild and scenic rivers are designated by Congress in one of three categories: wild, scenic, or recreational. Differing management proscriptions apply for each of these designations. H.R. 2781 does not specify which classification the river should be given. The BLM recommends a recreational classification of the river segments identified in the legislation. This classification is consistent with the strong recreational values of this area, as well as the presence of roads along the course of the river segments and numerous dispersed campsites along its shorelines.

**H.R. 2888, Devil's Staircase Wilderness Act**

The proposed Devil's Staircase Wilderness, near the coast of southwestern Oregon, is not for the faint of heart. Mostly wild land and difficult to access, the Devil's

Staircase reminds us of what much of this land looked like hundreds of years ago. A multi-storied forest of Douglas fir and western hemlock towers over underbrush of giant ferns, providing critical habitat for the threatened Northern Spotted Owl and Marbled Murrelet. The remote and rugged nature of this area provides a truly wild experience for any hiker.

H.R. 2888 proposes to designate nearly 30,000 acres as wilderness, as well as portions of both Franklin Creek and Wasson Creek as components of the Wild and Scenic Rivers System. The majority of these designations are on lands managed by the U.S. Forest Service. The Department of the Interior defers to the U.S. Department of Agriculture on those designations.

Approximately 6,100 acres of the proposed Devil's Staircase Wilderness and 4.2 miles of the Wasson Creek proposed designation are within lands managed by the BLM. The Department of the Interior supports these designations and would like to work with the sponsor and the Committee on minor boundary modifications to improve manageability.

We note that while the vast majority of the acres proposed for designation are Oregon & California (O&C) lands, identified under the 1937 O&C Lands Act for timber production, however, the BLM currently restricts timber production on these lands. These lands are administratively withdrawn from timber production by the BLM, either through designation as an Area of Critical Environmental Concern or through other classifications. Additionally, the BLM estimates that nearly 90 percent of the area proposed for designation is comprised of forest stands that are over 100 years old, and provides critical habitat for the threatened Marbled Murrelet and Northern Spotted Owl.

The 4.2 miles of Wasson Creek would be designated as a wild river to be managed by the BLM under H.R. 2888. The majority of the acres protected through this designation would be within the proposed Devil's Staircase wilderness designation, though 752 acres would be outside the proposed wilderness on adjacent BLM lands.

The designations identified on BLM-managed lands under H.R. 2888 would result in only minor modification of current management of the area and would preserve these wild lands for future generations.

#### **Conclusion**

Thank you for the opportunity to testify in support of these two important Oregon designations. The Department of the Interior looks forward to working with the sponsors and the Committee on minor modifications to the legislation and to welcoming these units into the BLM's National Landscape Conservation System.

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#### **STATEMENT OF JOEL HOLTROP, DEPUTY CHIEF, NATIONAL FOREST SYSTEM, FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE**

Mr. HOLTROP. Mr. Chairman and Members of the Subcommittee, I will be brief and I thank you for the opportunity to provide the views of the Department of Agriculture on H.R. 2888, the Devil's Staircase Wilderness Act. The Department supports the designation of the Devil's Staircase Wilderness, as well as the Wild and Scenic River designations, on National Forest System lands.

The proposed Devil's Staircase Wilderness provides an outstanding representation of the Oregon coast range and would enhance the National Wilderness Preservation System. The Department recommends the Committee consider conversion of the existing 4100 road to a foot and horse trail compatible with wilderness uses. Removing the road would result in the Department being able to manage the wilderness as a whole rather than two halves.

The road is currently brushy and difficult to travel and making restoration of a wilderness setting a viable option. H.R. 2888 would also designate approximately 10.4 miles of streams on National Forest System lands as part of the national Wild and Scenic River System, 5.9 miles of Wasson Creek and 4.5 miles of Franklin Creek, both on the Siuslaw National Forest.

Both Wasson and Franklin Creeks contain Coho Salmon critical habitat, a threatened species under the Endangered Species Act. The Department supports designation of the 5.9 miles of the Wasson Creek on National Forest System lands based on the segment's eligibility under the Siuslaw National Forest Plan.

Regarding Franklin Creek, the Department does not oppose its designation under this proposed legislation. Subsequent to the 1990 eligibility study, the Forest Service has found that Franklin Creek provides critical habitat for Coho Salmon and serves as a reference stream for research because of its relatively pristine character which is extremely rare in the Oregon coast range.

We would like to work with the bill sponsors and the Committee on several minor map revisions and modifications that would enhance wilderness values and improve our ability to manage resources in the area. I will be happy to answer any questions the Committee may have.

[The prepared statement of Mr. Holtrop follows:]

**Statement of Joel Holtrop, Deputy Chief of National Forest System,  
Forest Service, U.S. Department of Agriculture, on H.R. 2888**

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to provide the views of the Department of Agriculture on H.R. 2888, the "Devil's Staircase Wilderness Act of 2009."

H.R. 2888 would designate an area known as the "Devil's Staircase" as wilderness under the National Wilderness Preservation System. In addition, H.R. 2888 would designate segments of Wasson and Franklin Creeks in the State of Oregon as wild rivers under the Wild and Scenic Rivers Act. The Department supports the designation of the Devil's Staircase wilderness as well as the Wild and Scenic River designations on National Forest System lands. We would like to offer minor modifications to H.R. 2888 that would enhance wilderness values and improve our ability to manage resources in the area.

**Devil's Staircase Wilderness Designation**

The Devil's Staircase area lies in the central Oregon Coast Range north of the Umpqua River and south of the Smith River. Elevations in the area range from near sea level to about 1,600 feet. The area is characterized by steep, highly dissected terrain. It is quite remote and difficult to access. A stair step waterfall on Wasson Creek is the source of the name "Devil's Staircase".

The proposed wilderness encompasses approximately 29,600 acres of National Forest System (NFS) and Bureau of Land Management (BLM) lands. NFS lands are approximately 23,500 acres, and BLM lands are approximately 6,100 acres. Approximately 7,800 acres of the NFS lands are within the Wasson Creek Undeveloped Area under the Forest Plan for the Siuslaw National Forest and were evaluated for wilderness characteristics in the 1990 Siuslaw National Forest Land and Resource Management Plan. While the Forest Service remains committed to the forest planning process, the agency did not have the opportunity to recommend wilderness during the development of the 1990 Siuslaw National Forest Land and Resource Management Plan. Congress passed Public Law 98-328, the Oregon Wilderness Act of 1984. That Act provided specific language regarding the wilderness recommendation process that exempted the Forest Service from having to further review a wilderness option for unroaded lands in the forest planning process since Congress had just acted on the matter. The Act does specify that during a forest plan revision the agency is required to revisit the wilderness options. For this reason, the Siuslaw National Forest Land and Resource Management Plan did not include a wilderness recommendation. The 1990 Record of Decision determined that the Wasson Creek inventoried Roadless Area would be managed for undeveloped recreation opportunities.

All NFS lands that would be designated as wilderness are classified as Late Successional Reserve under the Northwest Forest Plan, which amended the Siuslaw National Forest Land and Resource Management Plan in 1994. This land allocation provides for the preservation of old growth (late successional) habitat. There are no planned resource management or developed recreation projects within the NFS portion of the lands to be designated as wilderness.

Most of the area is forested with older stands of Douglas fir and western hemlock, and with red alder in riparian areas. All three tree species are under-represented in the National Wilderness Preservation System, relative to its abundance on NFS lands in Washington and Oregon. These older stands provide critical habitat and support nesting pairs of the northern spotted owl and marbled murrelet, which are listed as threatened species under the Endangered Species Act.

The proposed Devil's Staircase Wilderness provides an outstanding representation of the Oregon Coast Range and would enhance the National Wilderness Preservation System. The Oregon Coast Range has been largely modified with development, roading, and logging. Three small wilderness areas currently exist along the Oregon portion of the Pacific Coast Range, and the proposed Devil's Staircase Wilderness would more than double the acres of old growth coastal rainforest in a preservation status. Wilderness designation would also preserve the Devil's Staircase which is a unique landscape feature.

#### **Road and Road Decommissioning**

There are approximately 24 miles of National Forest System roads within the proposal boundary. 10.5 miles of these roads are not needed for administrative use and would be decommissioned or obliterated.

The remaining 13.5 miles of road comprise Forest Service Road 4100 that bisects the proposed wilderness. The Department recommends the committee consider conversion of the existing road to a foot and horse trail compatible with wilderness uses. Removing the road would result in the Department being able to manage the wilderness as a whole rather than two halves. The road is currently brushy and difficult to travel, making restoration of a wilderness setting a viable option. The Forest Service would use a minimum tool analysis to determine the appropriate tools necessary to complete activities associated with the road.

#### **Wild and Scenic River Designations**

H.R. 2888 would also designate approximately 10.4 miles of streams on National Forest System lands as part of the National Wild and Scenic Rivers System: 5.9 miles of Wasson Creek and 4.5 miles of Franklin Creek, both on the Siuslaw National Forest.

Both Wasson and Franklin Creeks have been identified by the National Marine Fisheries Service (NMFS) as critical habitat for coho salmon (Oregon Coast ESU [Evolutionarily Significant Unit] of coho salmon), a threatened species under the Endangered Species Act.

The Department defers to the Department of the Interior in regard to the proposal to designate the 4.2-mile segment of Wasson Creek flowing on lands administered by BLM.

The Forest Service conducted an evaluation of the Wasson and Franklin Creeks to determine their eligibility for wild and scenic rivers designation as part of the forest planning process for the Siuslaw National Forest. However, the Agency has not conducted a wild and scenic river suitability study, which provides the basis for determining whether to recommend a river as an addition to the National System. Wasson Creek was found eligible as it is both free-flowing and possesses outstandingly remarkable scenic, recreational and ecological values. The Department supports designation of the 5.9 miles of the Wasson Creek on NFS lands based on the segment's eligibility.

At the time of the evaluation in 1990, Franklin Creek, although free flowing, was found not to possess river-related values significant at a regional or national scale and was therefore determined ineligible for designation. Subsequent to the 1990 eligibility study the Forest Service has found that, Franklin Creek provides critical habitat for Coho salmon, currently listed as threatened under the Endangered Species Act, and also serves as a reference stream for research because of its relatively pristine character which is extremely rare in the Oregon Coast Range. The Department does not oppose its designation. Designation of the proposed segments of both Wasson and Franklin Creeks is consistent with the proposed designation of the area as wilderness. The actual Devil's Staircase landmark is located on Wasson Creek.

We would like to work with the bill sponsors and the committee on several amendments and map revisions that we believe would enhance wilderness values and improve the bill.

I would be happy to answer any questions the committee has on these designations.

Thank you.

Mr. HEINRICH. Thank you. We are going to go to Mr. Chaffetz first and try to get as many questions as we can before—we have a series of votes that have been called, so, Mr. Chaffetz, why don't you get started.

Mr. CHAFFETZ. Thank you, and thank you both for being here. Mr. Abbey, is it the policy of the administration to reduce energy development in Utah?

Mr. ABBEY. No, it is not.

Mr. CHAFFETZ. How would you define the administration's position on development of energy in Utah?

Mr. ABBEY. The administration is very aggressive as far as moving forward with proposals that come before the Bureau of Land Management and other—

Mr. CHAFFETZ. What evidence is there of that? Can you name anything that would demonstrate evidence of what you just said?

Mr. ABBEY. Well, we continue to hold lease sales in the State of Utah for oil and gas.

Mr. CHAFFETZ. But you have also canceled quite a few along the way too, so what has been the net effect?

Mr. ABBEY. Well, we have canceled a couple of lease sales.

Mr. CHAFFETZ. More than a couple, I believe.

Mr. ABBEY. Well, we have withdrawn some areas that have been nominated for oil and gas and for very good reasons. We do want to move forward and review each of the areas that have been nominated for oil and gas leasing in a careful manner.

Mr. CHAFFETZ. So how many lease sales have we had so far in 2009?

Mr. ABBEY. In the State of Utah?

Mr. CHAFFETZ. Yes.

Mr. ABBEY. I would have to get back with you on that specific answer, but I do know—

Mr. CHAFFETZ. But you believe that it has been a lot.

Mr. ABBEY. Well, no, I didn't say—we hold lease sales on a quarterly basis and Utah is no exception to that.

Mr. CHAFFETZ. And how many have actually gone through then entire process? You don't have any numbers as regards to that?

Mr. ABBEY. I don't have that with me.

Mr. CHAFFETZ. So, again, just to clarify the overriding policy and directive that you have been given at BLM, help me define and characterize again energy development in Utah.

Mr. ABBEY. Is to move forward, review all the nominations that come before the Bureau of Land Management to determine whether or not they merit leasing based upon decisions that we would then make. Based upon that review, we would go forward and offer those parcels that we think are deserving.

Mr. CHAFFETZ. The bill that we were talking about, the Red Rock Wilderness designation, there are many of us that believe that it is vague in the description of each area. How would the Department of the Interior put the legislation into boundaries on the map, and who would actually make the determination of those boundaries?

Mr. ABBEY. Well, we would certainly recommend boundary adjustments based upon an on the ground type of review. That is one of the reasons why I mention in my testimony that we would be

willing to, and hopefully able, to work with members of this Committee on those areas that we believe are also worthy of designation as wilderness, but it will require further review and analysis of what makes sense on the ground.

Mr. CHAFFETZ. So there is no map?

Mr. ABBEY. We have seen, you know, different maps at different times, but there are maps that have been produced. The Bureau of Land Management has not produced any maps with our recommended boundaries.

Mr. CHAFFETZ. And so you want to move forward on this even though we haven't seen a map and there needs to be more on the ground work. Is that fair?

Mr. ABBEY. I think what we are, well, what we are testifying to is that we believe that there are areas in Utah that are deserving of wilderness designations, just like you have testified to in your comments.

We do want to work with the various stakeholders in the State of Utah fashioned on the Washington County legislation so that we could try to reach a consensus at the local level, as well as take into account the interests of citizens from outside Utah who also have a stake in what is designated in the future, and then hopefully we would be able to come up with something that makes sense as far as which areas are deserving and would then be designated through legislation.

Mr. CHAFFETZ. Thank you. In the interest of time, we have votes on the Floor, I yield back the balance of our time.

Mr. HEINRICH. Thank you. Mr. Hinchey, do you have some questions for the panel?

Mr. HINCHEY. Well, thank you. Thank you very much. Gentlemen, thank you very much. I very much appreciate your being here and the things that you said. I just wanted to restate a fact about the oil and gas reserves in the area that we are attempting to designate under the Red Rock Lands bill.

To be precise about it, the land that we are trying to designate holds less than a few days worth of oil and a few weeks worth of gas, and that is according to the Energy Information Agency, which have looked at this very carefully and closely, and so they know exactly what the potential is there.

So while there is less than one percent of the nation's oil reserves and less than two percent of the nation's gas reserves, but there are some other oil and gas elements in Utah, and the industry that is interested in securing those oil and gas reserves has already secured more than five million acres of oil and gas leases in Utah but they are not really paying very much attention to it because they are only dealing with one and a half million, or less than 30 percent, of what they have.

So it is important, I think, to just understand that and make it clear what exactly the situation is with regard to that set of circumstances. Is that knowledgeable to you?

Mr. ABBEY. I think you are absolutely correct in your statement. You know, whether or not an area has oil and gas resources is just one of many factors that should be taken into account when reviewing and making recommendations as to which of these areas could



possibly be designated as wilderness. There are other factors that would also come into play.

I certainly don't take exception to anything you said as far as, you know, the significance, or the lack of significance, of oil and gas resources that may exist under some of these proposed areas.

Mr. HINCHEY. Sure. Absolutely. Well, thank you very much. I also want to tell you I was impressed with your testimony, your statements. One of the things, one of the many impressive things that you said was, "the beauty and power of Utah's red rock canyons, mountains, deserts and plateaus defy easy description". I must say that I absolutely agree with you. I have been there many times.

I had an opportunity to see them at a distance and up closely, and it is very true, it is absolutely magnificent. It is something that for those reasons, for the beauty, the uniqueness, the striking colors, the dramatic aspects of it, for all of those, and many other reasons, this is some part of the country that should be protected and given the kind of recognition that it deserves on behalf of the population of America that owns this land, and also, to draw more attention to it because one of the main elements of the advanced commerce activities in Utah comes about as a result of the way in which the beauty of that state attracts people from other places around the country and from other places outside of the country. Could you tell us a little bit about that?

Mr. ABBEY. I would be happy to. You know, I, too, have seen many of these areas up close and personal. In the mid-1990s I helped lead an effort on behalf of the Bureau of Land Management at the direction of then Secretary Bruce Babbitt to go into Utah and revisit some of the areas that had not been identified through the wilderness inventory as having wilderness characteristics.

So as part of that team we did go into Utah, looked at some of these extraordinary areas and came up with the conclusion that approximately 3.6 million acres, in addition to the three million acres that had been previously identified as wilderness study areas, had wilderness characteristics. Now, let me be careful in these comments so that you fully understand what that means.

The fact that areas have wilderness characteristics does not necessarily mean they should be designated as wilderness. As I mentioned earlier, there are other factors that should be taken into account prior to legislation that would designate any area as part of the National Wilderness Preservation System.

The fact that these areas, or at least 3.6 million acres in our review, have wilderness characteristics, I think it lends itself to further review and further studies and analysis whether or not which of those other areas should be considered as part of any legislation. Our proposal, and certainly our position, would be that we think it is best done through more of a geographically styled study and legislation instead of a statewide.

Mr. HINCHEY. My understanding is that the Bureau of Land Management has looked at a lot of this area, not all of it, and of the area that is designated within the Red Rock bill they have concluded that 75 percent of that acreage deserves to be declared wilderness, is that correct?

Mr. ABBEY. Well, I think what we have declared, and I don't know the specific percentage, but what we have declared is 6.6 million acres of public lands management at the Bureau of Land Management and Utah have wilderness characteristics already.

Mr. HINCHEY. And the other remaining acres have not been looked at carefully enough to make a conclusion about that?

Mr. ABBEY. Well, again, we would hope for an opportunity in the future to work with citizens groups and other stakeholders to maybe review some of those other areas that were not included as part of our earlier reviews.

Mr. HINCHEY. Yes. I am not negating what—

Mr. ABBEY. No. I understand.

Mr. HINCHEY. I am just saying that a lot of attention has been paid—

Mr. HEINRICH. Mr. Hinchey?

Mr. HINCHEY.—to a lot of it.

Mr. HEINRICH. We are going to need to get across to a vote just now. Would you be willing to hold the rest of your questions until we come back from the recess.

Mr. HINCHEY. Yes. Just one left. A lot of attention has been paid to part of it, but there are other elements that have to be paid more attention to, isn't that correct?

Mr. ABBEY. Well, there are a lot of factors that should come into play before any area is designated as wilderness. That is correct.

Mr. HINCHEY. Thank you very much.

Mr. HEINRICH. We are going to submit a number of questions for the record but I think there are some more questions, so if you wouldn't mind hanging around for a little bit we will recess for 30 minutes and get back as quickly as we can.

[Recess.]

Mr. HEINRICH. Welcome back. We are going to continue with questions, and I think we are going to start with Mr. DeFazio.

Mr. DEFAZIO. Thank you, Mr. Chairman. I have questions first for Mr. Abbey. First off, congratulations on your position.

Mr. ABBEY. Thank you, Congressman.

Mr. DEFAZIO. Look forward to working with you. You have a unique set of lands in my state which are called the O&C lands, the most productive timberlands, virtually the only productive timberlands BLM has under its jurisdiction. I have proposed the wilderness called the Devil's Staircase and I appreciate the support of the administration and both departments on this issue.

Just a couple of things that need to be clarified. There has been concern expressed because some of the acreage are O&C lands and when timber activities take place on O&C lands, the counties share in the revenues. Within this proposed wilderness, there is some acreage that is O&C. However, it has been designated an area of critical environmental concern, and also, under the Clinton Forest Plan, there are 6,100 acres that are late successional reserves and critical habitat.

What I want to get to here is that I can't envision any scenario under which any timber activities might take place on these lands. I know that none are currently planned and wouldn't be allowed. Can you substantiate that?

Mr. ABBEY. Well, I think you are absolutely correct, Congressman. You know, from what I have been told, it is 99 percent of the lands that would be designated by this legislation are administratively withdrawn from timber production anyway, so I think any impact to the timber industry would be very, very minimal. I am talking about the lands management of the Bureau of Land Management.

Mr. DEFAZIO. OK. Then there is a second question which is a little broader, and hopefully if you are not prepared to answer now, we are certainly going to have an opportunity to discuss this. It is about the management of the O&C lands in Oregon. As you know, Secretary Salazar withdrew something called the whopper, which, you know, as kids we all knew it was a big lie, and it was a big lie put forward by the Bush administration.

It was political science. Unfortunately, what he did is we lost a number of years of potentially resolving, you know, conflicts and planning for a sustainable harvest on those lands and for forest health. We had been told, at the time when they were withdrawn the Secretary said you would be putting forward the projects to provide interim supply and working on a longer term plan. I would just like a brief update on where we are at on that.

Mr. ABBEY. Well, Congressman DeFazio, we are doing that just as we speak. We are putting together a list of sales that we believe we can go forward with to allow, you know, the industry to have an opportunity to compete for those sales. They are not going to be major, you know, timber sales by any means, but we do believe that we have parcels of timber that could be made available and we intend to do just that.

Mr. DEFAZIO. OK. Look forward to discussing this in more detail. I have also forwarded to the Secretary, and it may come to your office, a draft of legislation I propose to change the management on these lands and on the Forest Service lands and would like both agencies to be evaluating that legislation in looking at both what you think its timber yield could be, and also, whether or not you agree with the principles that are embodied in that.

Mr. ABBEY. Great. We look forward to reviewing that and commenting on it. Thank you.

Mr. DEFAZIO. Thank you. And so, Mr. Holtrop, there is one issue. An adjacent landowner, Roseberg Forest Products, has raised they are concerned about the management of these lands. There is sort of a common myth out there that if something is a wilderness we won't fight fire. Could you address that?

Mr. HOLTROP. We do fight fire in wilderness. We don't lose sight of the fact that as we fight it that it is wilderness, but at the same time, we do fight fire aggressively and especially if the fire has potential for affecting private lands.

Mr. DEFAZIO. OK. My understanding, the current management on this entire forest within which these lands are contained is for full suppression, that there is no policy to, or you deem that there is not a resource benefit in wildfires, these are areas that are considered to be infrequent but high intensity in terms of their burning. Is that your understanding?

Mr. HOLTROP. The ecological aspects that you just described are consistent with my understanding. I am not prepared to tell you

what exactly the policy is, although that seems consistent with the fact that they are low intensity, infrequent fires.

Mr. DEFAZIO. Well, high intensity.

Mr. HOLTROP. High intensity, low frequency. Yes.

Mr. DEFAZIO. Right. Yes. OK. The Forest Service has proposed, there is a road that bisects the wilderness, to close it, Road 4100. Has that road been inventoried? Do you have details on the current condition, usage of the road, et cetera?

Mr. HOLTROP. I have some general information on it. It is a ridge top road, it is a Class 2 road, it is fairly heavily brushed in, high clearance vehicles. We think the current state of the road does lend itself to being restored into either a trail or totally obliterated, and what that would accomplish is then the entire area could be designated wilderness without the bisecting road in the middle. We think that is consistent with the wilderness characteristic.

Mr. DEFAZIO. Obviously there is tremendous concern, particularly when we are trying to do wilderness on the Senate side, about any costs that are incurred. Do you have any estimates or plans on either if it was converted to a trail or, I mean, could it be just, I mean how would we deal with it in a low cost way?

Mr. HOLTROP. Yes. Generally what we would do, it is about 14 miles of road so there are probably large segments of the road that doing nothing would probably be sufficient for allowing it to continue to brush in and become more trail-like than road-like. Being ridge top, there are probably not very many culverts to be removed. Where there is work to be done, generally our cost per mile is around \$15,000 per mile to do this type of work.

Mr. DEFAZIO. OK. Great. OK. Thank you, Mr. Chairman. Those are all the questions I have for this panel.

Mr. HEINRICH. Thank you. Mrs. Lummis?

Mrs. LUMMIS. Thank you, Mr. Chairman. Mr. Abbey, I would like to ask you about the Red Rock Wilderness Act. I understand that your agency has not finished inventorying all the proposed parcels. Is that the case?

Mr. ABBEY. Well, we have not formally taken a position on all the proposed parcels, and certainly, before anything would be designated we would like another opportunity to go back, revisit each of these areas that are being proposed for designation and to work with the various members of this Committee and others on what we might believe to be more manageable boundaries and to address some potential conflicts that currently exist in some of these areas.

Mrs. LUMMIS. Thank you. To each of you, regarding Devil's Staircase, I would like to ask about the buffer zone language. Do you support the language or have any specific recommendations come to your attention from your agencies on the legality of wilderness area buffer zones? Any comment on that particular language?

Mr. ABBEY. The language that says there is to be no buffer zone adjacent to the wilderness is what you are saying?

Mrs. LUMMIS. Correct.

Mr. ABBEY. We are comfortable with the bill as written.

Mrs. LUMMIS. Very good. Mr. Holtrop, the Devil's Staircase Wilderness Act authorizes the Forest Service to acquire lands within the proposed wilderness boundary. How many inholdings are there in this parcel? Do you know?

Mr. HOLTROP. In the north end, there is a 160-acre inholding. I believe the bill as drafted has mistakenly included three islands in the river that are actually private lands, but I think that is one of the technical corrections that we wanted to work with the Subcommittee on.

Mrs. LUMMIS. OK. Are the owners of, well, I should say is this one inholding, the 160-acre inholding, is the owner of that aware and supportive of this legislation? How would their rights be affected by the designation?

Mr. HOLTROP. My understanding, and let me hasten that, if there are other inholdings, I am not familiar with them. There might be some other small inholdings, but I don't think they are significant. The 160-acre inholding, I believe, is held by Roseberg Resource, Incorporated, and they have utilized that for helicopter logging in the past. The terrain is rugged, and steep and difficult, and their access to that parcel would not be affected by the bill. The current access that they have had on it is by helicopter.

Mrs. LUMMIS. OK. Very good. Mr. Chairman, I yield back. Thank you.

Mr. HEINRICH. Thank you. Mr. Bishop?

Mr. BISHOP. Thank you. Mr. Holtrop, it is good to see you again. Too bad I don't have anything for you, but it is nice to talk to you again. Mr. Abbey, I appreciate your testimony so far. You stated that this administration supports an approach to wilderness that is more geographically focused.

Mr. ABBEY. Yes.

Mr. BISHOP. Can you just elaborate what you mean by that?

Mr. ABBEY. Well, basically it is what would make sense on a landscape scale basis. It could be county by county. If that is more amenable to the members of the public and to the stakeholders who might be affected by wilderness legislation, then we would certainly support that. We also think that you can look at certain areas geographically, like the Western Desert, and, you know, where it may encompass more than one county you could possibly look at a legislation that would encompass more than one county.

Mr. BISHOP. I appreciate that, and I also want to tell you, and I think I mentioned this briefly as we talked down there, just to reemphasize how much I appreciate the BLM personnel, the professional staff on the ground in Utah. They do understand what the land is like, they understand where they are.

When we were trying to craft the wilderness legislation before, both in Washington and as well in Cedar Mountain, they were incredibly helpful in going out with us to make sure that what was logical was included and what was illogical was not included. Even when we overrode them, they still understood what was logical. So I want you to take that back, that Selma and her staff do a marvelous job in the State of Utah. I am extremely proud of them.

I would like to know, though, if this particular bill, and I am referring to the Utah specific bill, what sort of mapping would have to be required before this bill could become law from your office?

Mr. ABBEY. It would be extensive mapping. It would be quite a bit of workload, which is currently not planned or funded. Again, what we would do is, well, we would take directions from this Com-

mittee and other Members of Congress as far as responding to any specific requests you might have from the Agency to do mapping.

As far as our own review, we would, you know, have to travel to each of the individual sites, conduct an on the ground type of analysis and review of what we think the boundaries should be so that we could enforce their manageability.

Mr. BISHOP. OK. And there would be a cost associated with that?

Mr. ABBEY. There would be—

Mr. BISHOP. But it is currently not planned?

Mr. ABBEY. There is.

Mr. BISHOP. OK. Let me just ask one last question because I am not quite sure exactly how this does. This bill makes reference to Cedar Mountain wilderness that was passed a while ago. Within there there were certain WSAs and certain agreements within the WSAs that surround that particular area. Do you know what impact this would have on the prior legislation passed? Would it replace it, expand it, or would that depend on the map that you eventually draw?

Mr. ABBEY. Well, if you introduce and pass new legislation addressing those wilderness study areas that have previously been dropped—is that your question?

Mr. BISHOP. No, they were not dropped, but there were certain requirements or conditions that were placed on how they would be managed in the future.

Mr. ABBEY. Well, this new legislation would direct us on how they would be managed in the future.

Mr. BISHOP. Thank you, sir.

Mr. ABBEY. You are welcome.

Mr. HEINRICH. Any other questions?

Mr. DEFAZIO. Mr. Chairman, if I could just for a moment?

Mr. HEINRICH. You bet.

Mr. DEFAZIO. Just for the record, my staff informed me that the one inholding which was previously mentioned is Roseberg Forest Products. It has no road access so it is not going to lose road access. It was previously helicopter logged and they will be able to helicopter log it in the future, so their property rights are not affected in any way.

Mr. HEINRICH. Well, I want to thank Mr. Abbey and Mr. Holtrop, and I want to especially thank you for your patience as we moved back and forth in vote. We are going to let you go and move on to our third panel now.

Mr. ABBEY. Thank you.

Mr. HOLTROP. Thank you.

Mr. HEINRICH. So welcome, Mr. McIntosh, Mr. Moody and Mr. Stahl. As soon as you are all settled in, we are going to hear from Mr. McIntosh first. Mr. McIntosh, you could get started whenever you are ready. Can you pull the microphone just a little bit closer, please.

**STATEMENT OF WILLIAM A. McINTOSH, PRESIDENT AND CEO,  
NATIONAL D-DAY MEMORIAL FOUNDATION, BEDFORD VA**

Mr. McINTOSH. Better still if I turned it on, I suspect. In September of 1996, Congress gave this memorial project its warrant and the National D-Day Memorial its designation. The memorial to

be constructed by the National D-Day Memorial Foundation in Bedford, Virginia is hereby designated a national memorial to be known as the National D-Day Memorial.

Sited on an 88 acre parcel in the shadow of the Blue Ridge Mountains the memorial rises on nine consecrated acres leaving the balance of the land open. The President of the United States addressed an audience of 24,000 when he participated in its dedication on the 57th anniversary of D-Day. This year, the memorial marked the 65th anniversary of the Normandy landing with a public commemoration and follow-on programs that over the course of the day drew a total audience of 9,000.

The National D-Day Memorial is every bit the physical plant the World War II Memorial is and many times more the memorial. Chief among the reasons for that are the gravitas and dignitas that hallmark it. Not merely a destination, the National D-Day Memorial is a sacred place. Memorial staff and volunteers make sure visitors understand that before they enter it.

They also make sure visitors understand its location, Bedford, Virginia. It is less about that particular town than it is about that town's function as an emblem of this nation's communities large and small that have provided, and provide still, citizens who answer the call to serve in our military, naval and air forces. On the 65th anniversary of D-Day, more than 100 active duty veterans of the wars in Iraq and Afghanistan turned up at the memorial in uniform.

The divisional shoulder patches and regimental crests worn by many of them were the same ones worn by those who came in at Normandy, as well as those who in later years served in Korea, Vietnam, Desert Storm and Bosnia.

Presenting the D-Day Memorial and D-Day as a climax of World War II this facility celebrates its subject in such a way as to number it among the most veteran welcoming sites in the country, branch, place and period of service notwithstanding, and one of the most instructive for the large population of visitors who know nothing of national service.

Since its dedication, the memorial has received more than one million visitors and delivered a broad range of educational programming to some 100,000 school children who have come from 10 different states. Whether the memorial should have been built is beside the point. The fact is it has been. Today it is a significant destination not only for Virginians but for the rest of the Nation as well.

Indeed, fewer than half the memorial's annual visitors altogether, some 80,000, come from Virginia. Despite its well-tended grounds and gardens, robust physical appearance, worthy purpose and rich educational programming, the memorial exists on sustentant rations. Is the foundation going to go into debt to keep the memorial open? No. Is the memorial worth keeping open? Yes.

Can it be kept open? Yes, if the Congress that gave it its warrant in 1996 to become the National D-Day Memorial will do what it should have done then: enact legislation to help place it under the umbrella of the National Park Service. Thank you.

Mr. HEINRICH. Thank you very much, Mr. McIntosh. Thank you for being here today. We are going to go to Mr. Moody next.

[The prepared statement of Mr. McIntosh follows:]

**Statement of William A. McIntosh, President and CEO,  
National D-Day Memorial Foundation, Ltd., on H.R. 2689**

The D-Day landing of the Allied Forces in Normandy, France, on 6 June 1944—the largest air, land, and sea operation ever undertaken—included 5,333 ships and boats, some 11,000 aircraft, 50,000 military vehicles, and over 175,000 soldiers, to say nothing of participating sailors and merchant seamen. The Allies suffered 9,758 casualties, among them 6,603 from the United States. On D-Day they took the war back to its maker. Performing heroically, they assaulted Fortress Europe a hedge-row at a time and gave the lie to Hitler's dream of world domination. D-Day was the turning point of World War II. Liberated Europe never lost sight of that, but its monumental significance soon faded in the public consciousness of this nation. But for the fleeting appearance of the print and film versions of Cornelius Ryan's *The Longest Day* and Ronald Reagan's "Boys of Point du Hoc" speech on the 40th anniversary, it disappeared.

Sitting in dimming twilight at the end of a cookout some twenty years ago, a small group of World War II veterans fell to swapping stories. Not unlike the ashes beneath the grill they had cooked supper on, their memories had begun to cool and dissolve. As they sifted through them in the gathering darkness to search for adventure, lost friends, and times long gone, what first appeared to be a tentative stirring in the ash soon emerged as a youthful phoenix. In the weeks following, that fledgling gained strength and built itself a nest: The National D-Day Memorial Foundation. Incorporated in the spring of 1989, the Foundation set about the task of establishing a D-Day memorial in the United States.

For the next half-dozen years, a number of dedicated people came and went as members of a Roanoke-based board trying to identify and secure an appropriate site for a D-Day memorial. Roanoke had peopled one of twelve Virginia National Guard infantry companies of the 29th Infantry Division's 116th Regiment whose storied antecedents include General Thomas Jackson's Stonewall Brigade. Roanoke suffered terrible losses on D-Day as did Farmville, Lynchburg, Charlottesville, Chase City, South Boston, and most of the other communities whose young men served in the other companies of that regiment. Bedford, with a wartime population of some 3,000, experienced the severest per capita losses on D-Day, and by 1995 had worked with the Foundation to establish a D-Day memorial there.

In September of 1996, Congress gave the project its warrant and the National D-Day Memorial its designation: "The memorial to be constructed by the National D-Day Memorial Foundation in Bedford, Virginia, is hereby designated a national memorial to be known as the "National D-Day Memorial" (Public Law 104-201, Sec. 1080). Sited on an 88-acre parcel in the shadow of the Blue Ridge Mountains, the Memorial rises on nine consecrated acres, leaving the balance of the land open and available for additional construction as needed. The President of the United States addressed an audience of 24,000 when he participated in its dedication on the 57th anniversary of D-Day. This year the Memorial marked the 65th anniversary of the Normandy landing with a public commemoration and follow-on programs that, over the course of the day, drew a total audience of 9,000.

Between the 57th and the 65th anniversaries, the phoenix that had risen from ashes in 1989 burst into flames. Over that same period, the National D-day Memorial Foundation went in and out of bankruptcy, endured two Federal trials with no convictions, cleared a \$6 million residual debt dollar for dollar, and finished construction of the Memorial. At the end of all that, a new phoenix rose from its ashes, which brings us to today.

The National D-Day Memorial has never been better than it is today. And it is not as good as it will be tomorrow. It is every bit the physical plant the WWII Memorial is and many times more the memorial. Chief among the reasons for that are the gravitas and dignitas that hallmark it. Not merely a destination, the National D-Day Memorial is a sacred place. Memorial staff and volunteers make sure visitors understand that before they enter it. They also make sure visitors understand that its location—Bedford, Virginia—is less about that particular town than it is about that town's function as an emblem of this nation's communities, large and small, that have provided, and provide still, citizens who answer the call to serve in our military, naval, and air forces.

On the 65th anniversary of D-Day, more than a hundred active-duty veterans of the wars in Iraq and Afghanistan turned up at the Memorial in uniform. The divisional shoulder patches and regimental crests worn by many of them were the same ones worn by those who came in at Normandy as well as those who served in Korea, Vietnam, Desert Storm, and Bosnia.



If, at first blush, the Memorial's focus on D-Day seems too narrow, a closer look reveals that it exists in tribute to the valor, fidelity, and sacrifice of the Allied forces on D-Day. Writ large, that tribute also includes the D-Day contributions made on the Eastern Front of the European Theater and in the American, Mediterranean, China-Burma-India, and Asiatic-Pacific Theaters, without which the story would have had a different ending.

The Memorial uses that story as a foil to highlight its subject: Character. Presenting D-Day as the structural climax of World War II, the Memorial tells the story and celebrates its subject in such a way as to number it among the most veteran-welcoming sites in the country—branch, place, and period of service notwithstanding—and one of the most instructive for the large population of visitors who know nothing of national service. Since its dedication, the Memorial has received more a million visitors and delivered a broad range of educational programming to some 100,000 school children.

Thanks to the largesse and confidence of its donors and unstinting service of its volunteers, the National D-Day Memorial Foundation has continued to operate the Memorial in direct support of its educational mission: To preserve the lessons and legacy of D-Day. The Foundation is straight-arrow, debt-free, frugal, disciplined, and mission-driven. Few non-profits exceed its scrupulosity. Even so, alas, it cannot sustain itself as an independent entity.

Whether the Memorial should have been built is beside the point: The hard fact is, it has been. Today, it is a significant destination not only for Virginians but for the rest of the nation as well; indeed, fewer than half of the Memorial's annual visitors (altogether some 80,000) come from Virginia. Despite its well-tended grounds and gardens, robust physical appearance, worthy purpose, and rich educational programming, the Memorial lives on subsistence rations gathered from a modest larder.

Is the Foundation going to go in debt to keep the Memorial open? No. Is the Memorial worth keeping open? Yes. Can it be kept open? Yes—if the Congress that gave it its designation in 1996 to become the National D-Day Memorial will do what it should have done then: Enact legislation to help place it under the umbrella of the National Park Service.

In the last two decades, this memorial phoenix has twice risen from its own ashes, and in this 65th anniversary year of D-Day is releasing occasional wisps of smoke. If you think the Committee on Natural Resources should work to find a way to keep it from bursting into flame yet again, please make that finding plain; if not, at least pause to acknowledge the valor, fidelity, and sacrifice that will go unremarked should the National D-Day Memorial close its gates.

10 Attachments (Copyright-free images of the National D-Day Memorial at Bedford, Virginia)

[NOTE: Attachments have been retained in the Committee's official files.]

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**STATEMENT OF MICHAEL MOODY, PRESIDENT,  
MOLALLA RIVER ALLIANCE, MOLALLA, OREGON**

Mr. MOODY. Thank you very much. Appreciate it. As Congressman Bishop said, my experience with the BLM—I am sure Mr. Abbey has probably slipped out—has been of the same ilk, extremely professional, thorough, foresightful. A really interesting group of people to work with. My name is Mike Moody, I am President of the Molalla River Alliance. We initiated and lead the efforts before you today seeking Wild and Scenic River designation for the Molalla River.

The Molalla River is one of Oregon's historic rivers. It is vital to local communities. Among other attributes, the Molalla River is the primary source of drinking water for the communities of Canby and Molalla. However, for far too many years the Molalla River corridor has been wracked with destructive, unacceptable, and, at times, illegal human behavior.

The response to this is the Molalla River Alliance. This is a grass roots, communitywide, unprecedented local collaboration. The Molalla River Alliance is an all volunteer coalition of more than 45 nonprofit civic and conservation organizations, Federal, state and

local agencies, numerous user groups, individual property owners and individual conservationists.

We are dedicated to preserving the water quality of the Molalla River, sustaining the wildlife, plants and fish that inhabit its watershed while promoting a safe and healthy environment that encourages diverse enjoyment of the recreation corridor, including tourism and family friendly activities. We have forged a productive partnership of diverse, divergent and frequently opposing groups.

We have wild fish advocates sitting next to hatchery fish advocates. We have antilogging advocates sitting next to timber growers. We have hunters sitting next to horseback riders and hikers. We have fly fishermen sitting next to bait fishermen. The Molalla River Alliance has taken a leading role in galvanizing numerous stakeholders, scientists and policymakers, and this group of non-traditional allies works because all found a common bond between us which is the shared passion for this river.

Why are we seeking Wild and Scenic River designation? 1] We have a practical reason. This is a source of drinking water for more than 20,000 citizens in Molalla and Canby and designation assures sustained access to that clean water.

2] Wild and Scenic Rivers will benefit our local community. In the state with the third highest unemployment rate in the nation, Molalla has one of the highest rates in Oregon, approaching 13 percent. Both the City of Molalla and Clackamas County commissioners support Congressman Schrader's bill and believe that Wild and Scenic status will bring with it a certain cache that will attract more visitors.

In a community previously dependent upon the boom/bust cycles of the forest products industry we are confident designation will generate much needed economic activity through enhanced tourism.

The Molalla River corridor offers myriad recreational opportunities, including hiking, kayaking and white water rafting, touring, mountain bike riding, camping, horseback riding, hunting, fishing, swimming, picnicking, et cetera, there are more than 30 miles of nonmotorized trails as well, all conveniently accessible to a population that is quickly approaching two million people.

In addition, designation can be instrumental in attracting funding. The vetting process for Wild and Scenic Rivers helps the river to stand out. It becomes elevated among funding agencies and foundations who know that their money is more likely to be used effectively. This is especially obviously in an era of tight funding that we are living through today.

3] Wild and Scenic Rivers will benefit fish and wildlife that inhabit its watershed. The stretch under consideration provides critical spawning and rearing habitat for Steelhead Trout and Salmon, and two of these species are currently listed as threatened under the Endangered Species Act.

4] Widespread support from our community through the broad-based Molalla River Alliance confirms Wild and Scenic Rivers as a priority for area stakeholders and decisionmakers.

5] Because the act confers no Federal authority over private land use or local zoning, there is no practical impact on private prop-

erty. To that end, there is no organized opposition to this effort, and there is no organized opposition to this proposal.

6] No less vital is an enhanced sense of community associated with designation. This fosters goodwill and serves to motivate stakeholders with diverse interests that might otherwise not cooperate.

Finally, No. 7, the Molalla River Alliance and the Bureau of Land Management, which would be the managing agency for this river, have a well-established and close working relationship. The BLM has found that the Molalla River is both eligible and suitable as a Wild and Scenic River. In conclusion, our efforts, we believe, represent a rare opportunity to safeguard and preserve in perpetuity an ecological, historical and geological treasure offering myriad recreational opportunities while providing a much needed economic boost to our community.

I wouldn't be a good businessman if I didn't ask you for the order. I am asking, and respectfully asking you to support our request to legislate the Molalla as a Wild and Scenic River. On behalf of my community, my contemporaries and myself, I appreciate this opportunity today. I would be happy to answer any questions, or attempt to answer any questions, that you might have.

Mr. HEINRICH. Thank you, Mr. Moody. We are going to hear from Mr. Stahl and then start with a round of questions. Mr. Stahl?

[The prepared statement of Mr. Moody follows:]

**Statement of Michael Moody, President,  
Molalla River Alliance, on H.R. 2781**

The Molalla River is an Oregon natural treasure. It is vital to local communities in Oregon's Willamette Valley. Among other attributes, the Molalla River is the primary drinking water source for the cities of Molalla and Canby.

However, for far too many years the Molalla River corridor has been wracked with destructive and inappropriate human behavior including:

- Extensive dumping
- Littering
- Vandalism
- Violence
- Drug use and underage drinking parties
- Illegal camping
- Human waste
- Degradation of the health of the fishery

**The Molalla River Alliance**

These unacceptable activities prompted creation of an unprecedented and broad-based local collaboration. Established in early 2008, the Molalla River Alliance ("Alliance") is an all-volunteer coalition of more than 45 non-profit civic and conservation groups, regional, local, state and federal agencies, numerous user groups and a rapidly growing list of individual conservationists and property owners.

Over the past year, the Alliance has evolved into an important community forum for improving the safety and quality of the Molalla River Recreation Corridor. The Alliance initiated and leads efforts to secure Wild and Scenic Rivers legislation. The Alliance also was the impetus for a much-needed increase in law enforcement in the Corridor, resulting in a dramatic and sustained decline in lawless and inappropriate behaviors.

The key goals of the Molalla River Alliance are to preserve water quality of the river, sustain the wildlife, fish and plants that inhabit its watershed, while promoting a safe and healthy environment that encourages diverse enjoyment of the recreation area, including tourism and family-friendly activities.

The Alliance has taken a leading role in galvanizing numerous stakeholders, scientists and policy makers whose commitment first is to the health of the river and its ecosystems, for consequential enjoyment by all people.

The Alliance has successfully forged a productive partnership of diverse, divergent, and frequently opposing groups such as wild fish advocates sitting next to hatchery fish advocates; anti-logging advocates sitting next to timber growers; hunters sitting next to horse riders and hikers; and, fly fishermen sitting next to bait fishermen.

This group of non-traditional allies works because all have found a common bond, which is the shared passion for this storied river.

For these efforts to be successful Alliance members endorse an “ecosystem-based management” approach which simply means it places benefits to the river above those of any single species, activity, or group, including humans. No goal or priority of the Molalla River Alliance favors the interests of any single group or individual.

The Alliance is confident its efforts represent a rare opportunity to safeguard and preserve in perpetuity an ecological, geological and historical treasure, offering myriad recreational opportunities, convenient to a major metropolitan area.

### **The Molalla River**

The Molalla River supports bountiful ecosystems and offers year-round recreational opportunities within an hour’s drive of a major metropolitan area. It provides extensive native fish habitat including critical cold tributary spawning streams. It is home to wild winter steelhead and salmon runs, an abundance of wildlife, and geological and cultural wonders.

From its headwaters beyond the Table Rock Wilderness in the Cascade Mountain Range, the crystal-clear and biologically diverse Molalla River originates in coniferous forests and tumbles through private and public forests and agricultural lands to its confluence with the Willamette River approximately 53 miles away.

The Molalla River cuts through basalts and lava, forming deep canyons and beautiful rock out-crops including columnar rosettes and basalt columns which can be seen on the canyon walls. Carbon dating fossil leaves has placed the Molalla formation in the upper Miocene period, or 15 million years ago.

The Molalla River and its watershed support vital fish habitats, including native winter steelhead and salmon runs, resident rainbow and cutthroat trout, and a naturalized population of Coho salmon. The upper river and its major tributaries provide critical spawning and rearing habitat.

Distinct populations of Molalla River steelhead and salmon are listed as “threatened” under the Endangered Species Act.

This area also serves as an important wildlife corridor containing breeding and rearing habitat for northern spotted owl, pileated woodpecker, red tree vole, red-legged frog and pacific giant salamander. It provides habitat for bears, elk, cougars, bobcat, deer, beaver, otter, hawks, osprey and both golden and bald eagles.

### **Recreational and Cultural Uses**

The Molalla River Recreation Corridor is also of significant cultural, historic and recreational significance. Formerly the site of working steam donkeys, railroads and logging camps, today it offers year-round recreational opportunities.

Annually, thousands of recreationalists visit the Corridor for hiking, kayaking and white water rafting, touring and mountain biking, camping, horseback riding, hunting, fishing, swimming, picnicking, nature watching, or to simply enjoy nature. There are more than 30 miles of non-motorized trails.

Historically, an extensive system of trails existed along the Molalla River. These trails were principal trade routes across the Cascades between indigenous peoples of the northern Willamette Valley and Eastern Oregon. The Molalla Indians used one such trail in the early 1800’s which is now called the Table Rock Historic Trail. During the 1920’s this same trail was utilized by Native Americans from the Warm Springs Reservation to reach traditional berry picking areas near the Molalla River and Table Rock. Searching for gold and land to homestead, Euro-Americans began moving into the area during the late 1800’s.

The Molalla River is less than 50 miles from downtown Portland, Oregon’s largest city. This proximity likely means more and more people will visit as the population of the metropolitan area grows. In 2008 the Corridor saw a 33% increase in use compared to the previous year—a record number of visitors.

The Molalla River Alliance, including its members American Rivers, Oregon Wild, Native Fish Society and Molalla RiverWatch, are working together to secure Wild and Scenic designation for nearly 22 miles of the upper Molalla River. Designation would protect a quarter mile buffer on both sides of the river, and would therefore protect approximately 7,000 acres of riparian land essential for viable fish and wildlife habitat. These protections include a segment of the main Molalla River (15.1 miles) and also the Table Rock Fork (6.2 miles).

The upper river is also benefiting from river restoration efforts by numerous Molalla River Alliance members that will enhance native fish migration and overall river health. These current actions provide an opportunity for decision-makers to ensure that the Molalla River and its values are protected and managed for the benefit and enjoyment of the local ecology and communities.

#### **Wild and Scenic River Protection**

Sustainable management of forest lands and river restoration efforts are both necessary and essential to achieving a healthy river and watershed. A vital expedient to safeguarding the Molalla River and its values is to successfully legislate it a Wild and Scenic River. This designation will provide the Molalla one of our nation's strongest conservation tools for rivers.

Rivers listed under the Wild and Scenic Rivers Act are afforded a specific set of protections, including

- Preservation of the river's "outstandingly remarkable values" (ORVs) and its free-flowing character;
- Protection of the existing uses of the river;
- Ban on dams and any federally licensed water project that would have a "direct and adverse" effect on the river's free-flowing character, water quality or outstanding values;
- Creation of a 1/4-mile protected riparian buffer corridor on both sides of the river;
- Protection of the river's water quality (The Molalla River is the source of drinking water for the cities of Molalla and Canby);
- Preservation of the river's unique historic, cultural, scenic, ecological, and recreational values.

Because the Wild and Scenic Rivers Act confers no federal authority over private land use or local zoning, there is no practical impact on private property. Riverside landowners will not be told what to do with their property or have their land confiscated by the federal government.

To the point, not a single property owner has voiced opposition to Wild and Scenic designation for the Molalla River.

The river was studied and found suitable for Wild and Scenic Rivers designation by the Bureau of Land Management. The Outstandingly Remarkable Values attributed to the Molalla River are recreation, scenic and geology. The federal agency's implicit support is an impetus to ensure designation is achieved.

Even more so, widespread support of the local community through the broad-based Molalla River Alliance confirms Wild and Scenic protection is a priority for area stakeholders, policy makers and river users. Designation by Congress would mean the river's values will be protected in perpetuity. Wild and Scenic River protections will benefit the local community and economy because the designation serves as a stimulus to visitors and tourists.

#### **Benefits of a Wild & Scenic Molalla River to Local Communities**

The City of Molalla's and Clackamas County's interest in the Molalla River, and in obtaining Wild and Scenic River status, is very practical. First, it's Molalla's sole source of drinking water. So it's very much in Molalla's interest to ensure that the Molalla River continues to run pure and clean. The city believes Wild and Scenic River status will help protect this critical resource from any future degradation.

The second reason Molalla and Clackamas County support Congressman Schrader's bill is that Wild and Scenic River status brings with it a certain cachet that will attract more visitors to Molalla. City leaders see Molalla becoming a destination point for tourism. Visitors drawn by the appeal of a Wild and Scenic River may discover Molalla's numerous other tourist-based activities. Restoring and enhancing wild salmon and steelhead runs in the river means more visits to Molalla by anglers and campers, more stops at restaurants and motels, more business for outfitters and guides.

One of the city's challenges has been to ensure that this recreation corridor is safe for families to come and play. That has not always been so, but we have made unprecedented strides in the right direction.

Until the last year or two, the Molalla River Recreation Corridor had a reputation that didn't really lend itself to being a family destination. There was unregulated squatting and camping, underage alcohol and pot parties, illegal dumping, vandalism, poaching, no communications, and little if any law enforcement.

In the summer of 2008 that began to change. Prompted by the Molalla River Alliance, the City of Molalla applied for and was designated a "Weed and Seed" site by the U.S. Justice Department, and it began receiving federal funds to carry out measures aimed at weeding out crime and seeding the community with projects and

activities to strengthen community connections and opportunities. One of the most effective outcomes so far has been enhanced and interagency law enforcement patrols in the Molalla River Recreation Corridor.

These patrols were supplemented by patrols by Clackamas County Sheriff's office, the Oregon State Police, Oregon Fish and Wildlife Department, and the Bureau of Land Management. A magnetized door logo was created to stick on patrol vehicles to give visitors reassurance that this was a coordinated effort. This also put others on notice that it wasn't going to be business as usual.

All of this has resulted in a dramatic and, more important, sustained reduction in lawless behavior, vandalism and dumping. Families are now the primary demographic visiting and camping in the Molalla River Recreation Corridor.

The city is confident that Wild and Scenic River status will help establish a positive, inviting image for this remarkable stretch of river and attract even more conservation-minded individuals and organizations to work with us in protecting this great resource for future generations.

#### **Additional Benefits of Wild and Scenic River Designation**

Beyond the direct ban on dams and other federally-assisted water projects that could have a harmful effect on the designated river, numerous identifiable examples exist of ways in which Wild and Scenic Rivers designation has effected positive changes for rivers and nearby communities.

Clearly, designation generates an increase in public awareness and appreciation of a river. Knowledge and education about the importance of the health of the river can foster goodwill in the community and be a positive force for river restoration efforts. Public interest and support can also bring together stakeholders with diverse interests that might not otherwise cooperate, for the sake of the river. Coordination among multiple agencies facilitates the river being managed in a holistic manner.

For numerous Northwest rivers (including the Deschutes, North Fork of the John Day, Salmon, Cascade, Big Marsh Creek, Metolius, Skagit and White Salmon), Wild and Scenic Rivers designation has provided instrumental leverage and garnered additional resources for protection, river-related restoration and management of the rivers. In many cases, Wild and Scenic Rivers designation prioritizes a particular project in the eyes of government agencies and other funding organizations.

Because a Wild and Scenic River has been vetted through the designation process, a river stands out and is elevated among funding agencies who know their money is more likely to be used effectively. Increased public awareness can be a powerful and effective force to obtain funding to better manage, protect and restore a river.

In an era of tight funding, Wild and Scenic Rivers designation garners attention when agencies are developing resources. Designation can be instrumental in attracting funding for acquisitions and conservation easements of key parcels in the river corridor. Parcels may need to be acquired in the river corridor to ensure their protection or to provide additional public access, among other reasons.

Wild and Scenic designation provides a point of focus that attracts interest and naturally lends itself to the formation of partnerships. Through Wild and Scenic designation local, state and federal agencies, landowners, recreation users, non-profit organizations and others have a framework to come together and work to protect, restore and ensure public access to the river. Designation elevates the public's perception of the river as an important national resource.

#### **CLOSING**

On behalf of the Molalla River Alliance and the community of Molalla, I urge the Committee to support Wild and Scenic Rivers designation for the many benefits it will provide to natural and human communities along the Molalla River.

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#### **STATEMENT OF ANDY STAHL, EXECUTIVE DIRECTOR, FOREST SERVICE EMPLOYEES FOR ENVIRONMENTAL ETHICS, EUGENE, OREGON**

Mr. STAHL. Thank you, Mr. Chairman. My name is Andy Stahl, I am the Executive Director of Forest Service Employees for Environmental Ethics, a 10,000 member coalition of civil servants who manage our national forests, combined with the citizens who own them. I want to thank you for holding this hearing on H.R. 2888, a bill to designate the Devil's Staircase Wilderness and to protect

segments of Wasson and Franklin Creeks as wild or recreation rivers.

I especially want to thank Representatives Blumenauer, Schrader and Wu for cosponsoring the bill, and Senators Wyden and Merkley for introducing its companion, S-1272, in the Senate. On behalf of all of my fellow Oregonians who care about our state's wildest places, I want to give a special thanks to Representative DeFazio. I had the pleasure, with Peter, of making a descent into the rarely visited Devil's Staircase last fall.

It was an eight-hour bushwack through Oregon's steepest, most remote geography. We were fortunately led by two Forest Service scientists who knew the area better than we did. We traveled through 300 year old forests, thickets of impenetrable Vine Maple, and Evergreen Huckleberry and Devil's Club, and we, with no small amount of luck, actually made it to the staircase itself.

Only the second time in my life I had ever been there, it was an epic trip and it demonstrated just what a wilderness area is really like when it is wild. In 1983, Oregon Senator Mark Hatfield first brought attention to this wild place. He held field hearings on H.R. 1149 which became the 1984 Oregon Wilderness bill, and he heard testimony in support of Devil's Staircase, then called Wasson Creek, from a number of Oregon citizen groups and Oregonians.

By 1984, the Devil's Staircase area lay at the heart of a forest policy crisis over logging related landslides in Oregon's coast range. A Federal District Judge had ruled that, "The steep slopes make the Mapleton District particularly susceptible to soil erosion. It has the highest concentration of landslide prone land types in the Siuslaw National Forest."

The Judge went on to explain that as early as 1963 Forest Service personnel noticed that timber harvesting damaged soil, watershed and fish habitats in the district, and throughout the 1960s soil specialists warned that logging and road construction could seriously affect soil and watershed stability.

In 1969 the regional forester placed a moratorium on timber harvesting in the part of the Mapleton District between the Smith and Umpqua Rivers. That is precisely the area proposed for protection in this bill. In 1995, after a 10 year planning process, the Bureau of Land Management designated its portion of Devil's Staircase as an area of critical environmental concern making it unavailable for timber harvest.

As part of the Northwest Forest Plan, the Forest Service designated its lands as a late successional forest reserve. The area is also critical habitat for both the Northern Spotted Owl and Marbled Murrelet protected under the Endangered Species Act. Today, Devil's Staircase remains Oregon's most wild, most remote and most unexplored corner. Its deeply canopied forests, some of whose trees are hundreds of years old, is the least fragmented in Oregon's coast range.

It has wildlife, like the aforementioned Pacific Giant Salamander we heard in the hearing today. Also has a wonderful little lake, Wasson Lake, created by a recent landslide to which people picnic and hike. It is not a place I recommend for recreation. This is a rugged and inaccessible terrain. There is no trail into the area. Modern technology is of little use in navigating the steep slopes.

It is a place where man himself is only an infrequent and weary visitor. H.R. 2888 would ensure that Devil's Staircase remains Oregon's wild place forever. I thank you for this opportunity to testify, and happy to answer any questions you may have.

[The prepared statement of Mr. Stahl follows:]

**Statement of Andy Stahl, Executive Director of Forest Service Employees for Environmental Ethics, on H.R. 2888**

My name is Andy Stahl. I am the Executive Director of Forest Service Employees for Environmental Ethics, a 10,000-member coalition of civil servants who manage our national forests and citizens who own them.

Thank you, Mr. Chairman, for holding this hearing on H.R. 2888, a bill to designate the Devil's Staircase Wilderness in Oregon and to protect segments of Wasson and Franklin Creeks therein as wild or recreation rivers. Thanks also to Representatives Blumenauer, Schrader and Wu for co-sponsoring this bill and to Senators Wyden and Merkley for introducing its companion, S. 1272, in the Senate.

On behalf of all Oregonians who care about our state's wildest place, I want to give special thanks to Representative DeFazio. Peter went above and beyond his legislative duty by trekking last fall to the rarely-visited Devil's Staircase waterfall in the heart of this eponymous wilderness. The eight-hour bushwhack through Oregon's steepest and most remote geography took our small group, led by two Forest Service scientists, through 300-year-old forests, thickets of native vine maple, evergreen huckleberry, and Devil's club, down precipitous bedrock debris slides, and, ultimately (with no small amount of luck) to the Devil's Staircase falls itself. It was an epic trip, as has been the journey of this land towards wilderness protection.

In 1983, Oregon Senator Mark Hatfield first brought legislative attention to Oregon's most wild place. At field hearings on H.R. 1149, which became the 1984 Oregon Wilderness bill, Senator Hatfield heard testimony in support of Devil's Staircase (then called "Wassen Creek") from the Portland Audubon Society; the Wassen Creek Wilderness Committee; Siuslaw Task Force; from a hydrologic engineer who pointed out the landslides that result from clearcutting these steep slopes; and, from Marriner Orum representing the Sierra Club's Many Rivers Group (I can report that Marriner, at 92, is still riding his bicycle in Eugene).

By 1984, the Devil's Staircase area lay at the heart of a forest policy crisis over logging-related landslides in Oregon's Coast Range. Federal district court Judge Gus Solomon had ruled that "steep slopes make the Mapleton District [in which Devil's Staircase lies] particularly susceptible to soil erosion. It has the highest concentration of landslide-prone landtypes in the Siuslaw National Forest." Judge Solomon explained that "[a]s early as 1963, Forest Service personnel noticed that timber harvesting damaged soil, watersheds, and fish habitats in the district. Throughout the 1960's, soil specialists warned that logging and road construction could seriously affect soil and watershed stability. In 1969, the Regional Forester placed a moratorium on timber harvesting in the part of the Mapleton District between the Smith and Umpqua Rivers," which is the area proposed for protection in this bill. *National Wildlife Federation v. United States Forest Service*, 592 F. Supp. 931, 934 (D. Or. 1984).

In 1995, after a 10-year planning process, the Bureau of Land Management designated its portion of Devil's Staircase as an "Area of Critical Environmental Concern," which makes the forest "not available" for timber harvest. <http://www.blm.gov/or/plans/wopr/exrmp/coosbay/tables/table3.html>. A subsequent land use planning process (the Western Oregon Plan Revision), although recently withdrawn by Secretary Salazar for unrelated legal infirmities, reaffirmed the area's ACEC-protected status.

Concurrently, as a part of the Northwest Forest Plan, the U.S. Forest Service designated its lands contained within the proposed Devil's Staircase wilderness as a late-successional forest reserve, thus withdrawing these lands from the commercial timberland base. The Devil's Staircase area is also federally-protected critical habitat for two threatened bird species—the northern spotted owl and marbled murrelet.

Today, Devil's Staircase remains as Oregon's most wild, remote, and unexplored corner. Its deeply-canopied forest, some of whose trees are hundreds of years old, is the least fragmented in Oregon's Coast Range. Its major streams, including Wasson, Franklin and Harvey Creeks are habitat for native salmon species, including coho, steelhead, Chinook, and cutthroat trout, while its upland habitat sustains Roosevelt elk, black bears, and Pacific giant salamanders. People visit Wasson Lake, a geologic oddity created by a recent landslide, to picnic and hike, and they explore, if sufficiently adventuresome, its remote and beautiful forested slopes.



But it is not for its recreational assets that Devil's Staircase is most appreciated. This is a rugged and inaccessible landscape. No trail marks the way into these wild lands. Modern GPS technology is of little use in navigating its heavily-dissected ridges and ravines. In the words of the Wilderness Act, not only is Devil's Staircase untrammelled by man, man himself is only an infrequent and wary visitor. H.R. 2888 would ensure that Devil's Staircase remains Oregon's wildest place forever.

Thank you again for this opportunity to testify. I would be happy to answer any questions you may have.

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Mr. HEINRICH. Thank you, Mr. Stahl. I am going to ask you, actually, one quick question and then we will go to the Ranking Member and make our way around. I wanted to ask you how familiar you are personally with the high clearance two track that runs through the area that bisects the proposed wilderness, and how you feel about potentially turning it into a foot and horse path.

Mr. STAHL. I think that would be a very appropriate conversion. We have seen the same thing work in the Cummins Creek Wilderness, which lies just a couple of dozen miles north in the coast range where an old, unused logging road has now been converted to one of the major hiking trails that accesses Cummins Creek.

So this road has had no maintenance by the Forest Service in years, the brush is growing in, it is all forested along its length, and if you take a high clearance vehicle in there, you had better not care about your paint job.

Mr. HEINRICH. Thank you. Mr. McIntosh, in your testimony one of the things you stated was that Congress should have made this memorial part of the National Park System in 1996. From your perspective, why do you believe that was not done?

Mr. MCINTOSH. Because I think honestly that the chances for its going up seemed so distant and so remote that it was an inappropriate thing to do at that time.

Mr. HEINRICH. OK.

Mr. MCINTOSH. The point of my making that remark was when people come to representatives seeking congressional support for this, that or the other project, it would be well, I think, if they were really closely vetted, they being the projects themselves, because there are a lot of things that have come into existence that have turned out to be larger than they ought to have been and which really do require a tremendous amount of support that was unanticipated.

Mr. HEINRICH. Thank you. Mr. Moody, do you agree with the BLM that the appropriate category or status for the Molalla is a recreational status?

Mr. MOODY. In terms of reading what the characteristics are, in terms of wild scenic or recreational, we far more adhere to those conditions than frankly and honestly than we do for wild or scenic. Yes.

Mr. HEINRICH. Great. Mr. Moody, can you tell me about just what has been done in recent years to clean up this stretch of the mall?

Mr. MOODY. I would be happy to, and I appreciate that opportunity. The canyon has been victim of extensive dumping, littering, vandalism, violence, drug use, drinking, illegal camping, riparian damage, degradation of the fishery, et cetera. At our second meet-

ing, we organized and realized that the goals that we have established have no chance of being achieved if we weren't able to eliminate that element, that behavior in the corridor.

So we organized a interagency enhanced patrols into that corridor with the local police department, the Clackamas County Sheriff Molalla Police Department, Oregon State Patrol, and the Bureau of Land Management Patrol as well. We have had a dramatic and now sustained impact in reducing that element in that corridor. The demographic of the type of visitor to our corridor today is now a family of four, and the drinking parties et cetera have been dramatically reduced.

Mr. HEINRICH. Thank you very much. That concludes my questions for this round. And we will go to Ranking Member Bishop.

Mr. BISHOP. Mr. Moody, I appreciate, in fact I appreciate all three of you being here and your patience in coming to this point. Mr. Moody, as I understand, the river of which you speak is already being administered as wild scenic recreational?

Mr. MOODY. It is.

Mr. BISHOP. So the change of designation would really not have a significant impact on how the administration of this stretch of river is being handled right now?

Mr. MOODY. As I have been told by Bureau of Land Management personnel in the Salem district, that is exactly correct. But the transition I think should be seamless.

Mr. BISHOP. But the bill itself does not state what the designation ought to be, is that correct?

Mr. MOODY. I think that it does. And if it doesn't, as the Chairman had asked, it is for recreational designation.

Mr. BISHOP. Well we will double check on the bill itself, but it would be wise simply if the legislation did make that designation clear.

Mr. MOODY. And I too will look into that.

Mr. BISHOP. OK.

Mr. MOODY. Yes, thank you.

Mr. BISHOP. Thank you very much.

Mr. HEINRICH. Mr. DeFazio, did you have some question? No. Mr. Hinchey?

Mr. HINCHEY. I have no questions, but I just want to join Mr. Bishop and express my appreciation to all three of you for being here and for the contents of the testimony that you gave and the response to the questions. I found it very, very interesting and very intriguing in many ways. So thank you very, very much for being here, and thank you for all that you are doing.

Mr. MOODY. Thank you.

Mr. HEINRICH. I want to express that too. Thank you very much for your advocacy and thank you for your patience as we. And Mr. Bishop wants to add something as well.

Mr. BISHOP. Mr. Moody, I am just looking at this again, I would ask you to go back with your group here, the analysis that I have says the bill does not specify which classification. I think I agree with you, there ought to be a specific statement of what the classification ought to be if this bill goes forward.

Mr. MOODY. I agree with you, and I will talk with Congressman Schrader about that.

Mr. BISHOP. Thank you very much.

Mr. MOODY. Thank you for the opportunity.

Mr. HEINRICH. Thanks again.

Mr. HEINRICH. We are going to go now to our fourth panel, we are going to hear from The Honorable Gregory Bell, Lieutenant Governor of Utah; Commissioner John Jones from Carbon County; Mr. Peter Metcalf, the President, CEO, and Co-Founder of Black Diamond Equipment; and Bryson Garbett, former Utah State Legislator from Salt Lake, and Rocky Anderson, the former Mayor of Salt Lake City, Utah.

Welcome, gentlemen. Since I believe the Lieutenant Governor is en route, actually he is here, so we will give him a minute to settle in. Welcome, Lieutenant Governor Bell, and feel free to get settled in and start at your leisure.

**STATEMENT OF THE HONORABLE GREGORY BELL,  
LIEUTENANT GOVERNOR OF UTAH, SALT LAKE CITY, UTAH**

Mr. BELL. Thank you, Mr. Chair, Ranking Member, and Honorable Members of the Committee. I am delighted to be here today, and I appreciate so much your giving us this time. I am here on behalf of Governor Herbert, Governor of the State of Utah. We appreciate the many citizens who have come today to weigh in on this important issue, and we certainly do not resent the attention to public lands which are located in the State of Utah.

Of course we have very strong feelings how those lands are treated, we are the ones who live with them, we recognize the Federal ownership of those lands, we also recognize the necessity of treating those lands in a nuanced way. I think we are past now the age of one size fits all. We have all realized that these issues have become so polarized that it is almost impossible to deal from any one perspective.

And while the examples of the Washington County and Cedar Mountain examples have been very, very successful, there are some who don't even support those processes. But I think going forward we would make two simple comments without being redundant. And that is that, we in the State of Utah are committed to a nuanced look at the public lands in the State of Utah. No longer can we treat this issue as a paint brush would paint the side of a barn. This has to be more like sculpting or like surgery, where with a scalpel or with a knife or a little chisel we are going to take area by area a look at these lands.

These lands comprehend so many different kinds of property, kinds of interest, the layers, the wires, if you will, running underneath the floor are so many, the local interests, the economic, the aesthetic, the spiritual, all of the people who have weighed in have made such tremendously good comments about the values which are at work in these public lands. Therefore those have to be treated with in, again, a very sophisticated way.

The second comment that we make in our letter is that we in Utah have been pretty good. We have been very good about not only reaching good processes and achieving things, but also in addressing and managing the lands themselves. And so, while these are public lands, they need to be dealt with taking into account the interests of those who live around them, those who hike there,

those who bike there, those who camp there certainly, but those who live there.

It is so important that people who have grown up on these lands, around these lands, who make their livelihood related to these properties, that they be consulted and that they be given a sense of self determination. We don't want to railroad anybody, we don't want to run over people, and particularly those folks who live around these remote, desolate in some cases, lands. Those interests have to be accounted for. So we appreciate so much your attention to these things, but our hope is that we can get to more of a delicate and multilayered process rather than the concept we find before us.

[The prepared statement of Governor Gary R. Herbert follows:]

[A letter submitted for the record by Governor Gary R. Herbert, State of Utah, follows:]

September 29, 2009

Rep. Raúl M. Grijalva  
Chairman  
Subcommittee on National Parks,  
Forests and Public Lands  
Longworth House Office Building  
Washington, D.C.

Dear Chairman Grijalva:

Utah has a long history of responsible stewardship of the land, dating back to Native American and early pioneer times. Those who lived here in the past, and continue to live here today, have learned to work with the land, and the arid climate that helped sculpt it, in order to make a living. Today, the livelihood of residents of rural Utah depends on development of the natural resources in the energy and minerals business, outstanding stewardship of the land through comprehensive and coordinated grazing of the land, the natural beauty of the state through the tourism and recreational industries, and, increasingly, from renewable energy resources in the state.

Wilderness, as defined by the United States Congress, has been a contentious issue in Utah for decades. Positions on the issue range from the belief that the designation of Wilderness locks people out of an area and forecloses all economic opportunity on one side, to the assertion that, without Congressional Wilderness, the land and landscapes are lost forever on the other. Neither extreme is accurate. Looking forward, the discussion must move from these unproductive polarized positions to a careful examination of the resources and beauty of the land, human uses of the land, and the best management tools available. Unfortunately, through this long debate, common sense in the management of the land has often been lost.

Before the Subcommittee on October 1, 2009, will be a hearing on H.R. 1925, a bill to designate a huge portion of the State of Utah as Congressional Wilderness. The bill, sponsored by Rep. Maurice Hinchey of New York, is not supported by a single member of the Utah delegation. The amount of land proposed for this designation is overwhelming—it is the approximate equivalent of the size of the State of Maryland. The State of Utah recognizes that the lands proposed for wilderness designation by this bill, lands that are managed by the Bureau of Land Management, are owned by the American people. However, we also find this proposal is, and always has been, an unrealistic and unvetted allocation of the natural resources of this great State. The proposal has not been presented by the sponsor to the many stakeholders in this issue, particularly the rural citizens who feel so passionately about the matter. Nor has the sponsor sought to balance the laudable goal of preserving our stunning scenic resources against the nation's needs for wildlife conservation, recreational pursuits, and energy,

Utah has a history of nuanced collaborative efforts to address thorny issues. I have been active in many such efforts and note that Utah's Lieutenant Governor, Greg Bell, formerly served as the chairman of Envision Utah, an internationally acclaimed honest broker and facilitator for urban, rural and wilderness issues.

The sponsor's proposal has been publicized as a responsible effort by citizens to survey the resources of the State and make a determination of the lands that should be designated Congressional Wilderness. Yet, this result is entirely dependent upon a determination by those citizens that the public lands are roadless, do not contain human intrusions (or those intrusions are substantially unnoticeable), and there are no competing resource needs. Similar comprehensive surveys by local government are ignored, as are efforts by the State and local governments to seek recognition of historical roads. Recent decisions by the federal courts have clarified the nature of these historic roads—cases that postdate the citizens' work in this area.

Management of Congressional Wilderness is also a point of concern for the State. Recent efforts by Utah's delegation on a comprehensive land management bill for Washington County in Southern Utah established that a National Conservation Area, not Congressional Wilderness, is the most appropriate management tool for areas where the desert tortoise lives. In addition, Congressional Wilderness embodies a particular vision for management of the resources through natural processes, a vision that can be at odds with the needs of nearby human uses. This difference came into play in Utah this past summer with a decision to let a lightning-caused fire burn in Congressional Wilderness for some weeks, only to have it flare up and threaten homes outside the boundaries later in the summer. Active management of the fuel in the forest area, or ignition of a prescribed fire at a more appropriate time of year, may have alleviated the situation, yet was unavailable to the forest land managers.

The State of Utah supports the efforts of Utah's Congressional delegation to seek a balanced review of Utah's lands for wildlife conservation, energy production (including renewable energy resources), recreational pursuits and tourism, and wilderness and other conservation designations. These efforts involve collaboration between conservation advocates, resource stewards such as ranchers and recreational providers, resource users such as energy companies, local governments, and state agencies. The State urges the Chairman to require the sponsor and citizens who have spent time preparing the work behind the bill to engage in these efforts. Only then will a true, workable balance of conservation and human use emerge. Moreover, the huge amount of land targeted by this bill should be addressed on an area-by-area basis, because a one-size-fits-all approach will produce the wrong results. Again, we recommend to you the Washington County experience as a model of nuanced treatment of a spectrum of lands and values affecting those lands.

Thank you for the opportunity to provide comment on a matter of such grave importance, not only to the State of Utah and its citizens, but the entire Intermountain West and the Nation.

Sincerely,

Gary R. Herbert  
Governor

cc: Senator Orrin Hatch  
Senator Robert Bennett  
Congressmen Jim Matheson  
Congressman Rob Bishop  
Congressman Jason Chaffetz

Mr. HEINRICH. Thank you, Lieutenant Governor.  
We will now hear from Commissioner John Jones from Carbon County.

**STATEMENT OF JOHN JONES, CARBON COUNTY  
COMMISSIONER, PRICE, UTAH**

Mr. JONES. Mr. Chairman, Congressman Bishop, and the Subcommittee, I appreciate this opportunity to testify on behalf of the people of rural Utah on HR-1925 for the objective of Representative Hinchey's affection. My name is John Jones and I represent Carbon County, a historical mining community with a strong tradition of organized labor who have provided utilities across this country for some of the nation's finest high BTU low sulfur coal.

Ours is the most democratic county in Utah, and like you, Mr. Chairman, we are proud democrats who are concerned about providing good jobs and stable economic opportunities. As I look at the impacts of the Red Rock Wilderness bill, I see imminent destruction statewide to thousands of miles of roads, mine sites, well pads, cabins, landing strips, and stock ponds, complete with some of their supporting structures. It is not uncommon as we travel these roads to run into people who are both working the land and out enjoying these historical sites.

True management of multiple use lands, including recreation, is accomplished through trails and road systems that provide access to these areas. If this doesn't prove that this area has been touched by man, I don't know what could. Moreover, the evidence of man throughout this proposed Red Rock Wilderness has been and remains the primary ticket to rural Utah's prosperity. Carbon County, like many other counties in Utah, has just participated in a grueling seven-year public process working with the BLM to develop a balanced resource management plan which protects lands and truly outstanding environmental qualities and leaves open for development crucial oil- and gas-rich lands.

This was no last minute, eleventh hour backroom deal. Mr. Chairman, we had high expectations for this Administration and supported it last November. Since then, without any explanation, Interior Secretary Salazar overturned our seven-year effort to create a price area RMP by blocking legitimate oil and gas areas upon which our people depended for work and economic opportunities, not to mention that his devastating actions are driving away energy production companies that pay about 60 percent of Carbon County's property taxes, of which \$12 million went to local school districts last year. The same is true with other RMPs developed across Utah.

Passage of HR-1925 would place a nail in the coffin of rural Utah communities and render impossible any long term economic opportunities for the people in our counties who are surrounded by government owned land and whom we were elected to serve and represent. The idea that SUWA, and its lackey Mr. Hinchey, represents the voice of rural Utah is like saying King George III represented the American colonies on issues of taxation. It just isn't so.

Our people have asked, how is it that a wilderness bill offered by a New Yorker on behalf of SUWA is treated seriously by this Committee when a BLM RMP developed locally over the course of seven years through a legitimate public involvement process is thrown out by our own Administration, thus squandering employment opportunities for our people in the process? This is not what we elected President Obama to do. Things in Washington, D.C., are seriously off track.

We support reasonable protection for all public lands, wilderness designation when necessary to protect truly outstanding national treasures in their pristine state. However, the proposed Red Rock Wilderness bill targeting Utah devastates our local economies even more so during the economic recession and at a time our county should be moving away from foreign energy.

Moreover, the majority of the lands covered by this bill would actually suffer environmental degradation if subjected to leave-it-alone wilderness style management regimes. When lands are not managed, they are fire prone and lose their usefulness for grazing, wildlife, and watershed, and recreation. Earlier this year, HR-147, the Omnibus Public Lands Package which was signed into law by President Obama, proved to be a much better way to protect our public lands including wilderness values.

That package included such measures as the Washington County bill in Utah, the Owyhee Initiative in Idaho, and the Carson City bill in Nevada. These measures are the models for successful resolutions of these land protection issues going forward, and they are far superior to the overreaching approaches of the past which HR-1925 represents. Particularly troubling is the fact that HR-1925 still includes acreage in Washington County which the new Washington County law specifically released from wilderness classification. So much for SUWA keeping its word. I would like to thank you for this opportunity to testify on behalf of the people from Utah. Thank you.

[The prepared statement of Mr. Jones follows:]

**Statement of John Jones, Carbon County Commissioner, on H.R. 1925**

Mr. Chairman, Congressman Bishop and members of the Subcommittee, I appreciate this opportunity to testify today on behalf of the people of rural Utah who are the object of Representative Hinchey's affection.

My name is John Jones and I represent Carbon County, a historic coal mining community with strong traditions of organized labor who have provided utilities across the country with some of the nation's finest high BTU low sulfur coal. Ours is the most Democratic County in Utah and like you, Mr. Chairman, we are proud Democrats who are concerned about providing good jobs and stable economic opportunities.

As I look at the impacts of the Red Rock Wilderness bill, I see the imminent destruction statewide to thousands of miles of roads, mine sites, well pads, cabins, landing strips and stock ponds, many complete with their supporting structure. It is not uncommon as you travel these roads to run into people who are both working the land and out enjoying these historical sites. True management of multiple use lands including recreation is accomplished through trail and road systems that provide access to these areas. If this doesn't prove that an area is touched by man, I don't know what could. Moreover, this evidence of man throughout the proposed Red Rock Wilderness has been and remains the primary ticket to rural Utah's prosperity—it is not in the view of those who live there—detrimental, but the highest and wisest use of the land.

Carbon County, like many other counties in Utah, has just participated in a grueling seven year public process working with the Bureau of Land Management to develop a balanced Resource Management Plan (RMP) which protects lands with truly outstanding environmental qualities and leaves open for development crucial oil and gas rich lands. This was NO last minute 11th hour backroom deal.

Mr. Chairman, we had high expectations for this Administration and supported it last November. Since then, without any explanation, Interior Secretary Salazar, overturned our seven year effort to create the Price area RMP by blocking legitimate oil and gas areas upon which our people depend for work and economic opportunity. Not to mention that his devastating actions are driving away energy producing companies that pay about 60% of Carbon County's property taxes—of which over \$12,000,000 went to the local School District last year. The same is true with other RMPs developed across Utah.

Now, under the guise of a contrived effort by the Southern Utah Wilderness Alliance (SUWA), to portray the Red Rock Wilderness bill offered by New York's Representative Hinchey as a Utah "citizens" bill, passage of H.R. 1925 would place a nail in the coffin for rural Utah communities and render impossible any long-term economic opportunities for the people in our counties who are surrounded by government-owned land and whom we were elected to serve and represent. The idea that SUWA and its lackey, Mr. Hinchey, represents the voice of rural Utah is like saying

King George III represented the American colonists on issues of taxation—it just isn't so!

Our people have asked, how is it that a wilderness bill offered by a New Yorker on behalf of SUWA is treated seriously by this Committee when a BLM RMP developed locally over the course of seven years through a legitimate public involvement process is thrown out by our own Administration thus squandering employment opportunities for our people in the process? This is not what we elected President Obama to do. Things here in Washington, D.C. are seriously off track. This bill threatens the very survival of rural Utah.

We support reasonable protections for all public lands and wilderness designation when necessary to protect truly outstanding national treasures in their pristine state. However, the proposed Red Rock Wilderness bill targeting Utah would devastate our local economies even more so during this economic recession and at a time our country should be moving away from foreign energy. Moreover, the vast majority of the lands covered by the bill would actually suffer environmental degradation if subjected to leave-it-alone wilderness style management regimes. When the lands are not managed they are fire prone and lose their usefulness for grazing, wildlife, watershed and recreation.

Earlier this year, HR146, the Omnibus Public lands package which was signed into law by President Obama, proved to be a much better way to protect our public lands including wilderness values. That package included such measures as the Washington County bill in Utah, the Owyhee Initiative in Idaho, and the Carson City bill in Nevada. These measures are the models for successful resolution of these land protection issues going forward, and they are far superior to the overreaching approaches of the past, which H.R. 1925 represents. Particularly troubling is the fact that H.R. 1925 still includes acreage in Washington County which the new Washington County law specifically released from wilderness classification. So much for SUWA keeping its word.

Without the buy-in of the people who are actually impacted by the management decision or in this case wilderness, there is little chance those decisions will ever be honored or respected. Locally driven processes like the 7-year BLM RMPs developed across Utah or like the Washington County, Utah Wilderness bill developed on a case-by-case, area-by-area basis is the only proven way to resolve the wilderness impasse in Utah or anywhere else. That is the model this committee should follow, not the overreaching, overbearing approach embodied in the Red Rock bill. The people of Carbon County and the rest of rural Utah trust our Utah Congressional delegation to represent us because they understand Utah and have shown us that they listen. We hope that this Committee will see the Red Rock bill for what it is, unrepresentative of our views and counterfeit in its creation. The future of the land we love and care for, rural Utah itself hangs on your decision.

Thank you for this opportunity to speak on behalf of the people of rural Utah.

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Mr. HEINRICH. Commissioner Jones, I would just remind you that we have a certain decorum here, and I would ask that you not refer to any Member of this Committee in the future as a lackey. I don't think those were appropriate words for this Committee. I do very much appreciate the rest of your testimony.

We are going to go now to Mr. Metcalf. You can start whenever you like.

**STATEMENT OF PETER METCALF, CEO/PRESIDENT &  
CO-FOUNDER, BLACK DIAMOND EQUIPMENT LTD., UTAH**

Mr. METCALF. I would like to begin by thanking the sponsors of this legislation, especially Congressman Hinchey and Chairman Grijalva. The citizens who helped craft this bill and those who have worked to protect Utah's Red Rock Country for more than 25 years are deeply grateful for your vision and steadfast commitment to these magnificent wild lands. A September, 2009 Dan Jones & Associates statewide poll in Utah showed that over 60 percent of Utahns who had a position on the issue supported protecting 9 million acres or more of Utah BLM wilderness. So the citizens of my state thank you as well.



My name is Peter Metcalf. I am a Utah resident and president and Co-Founder of Black Diamond Equipment, a Utah based outdoor equipment company with annual sales of approximately 90 million and approximately 250 Salt Lake City based employees, another 30 in Europe, and another 100 more in Asia. I am also appearing before the Committee today in my capacity as a member of the Board of Directors and the Vice Chair of the Outdoor Industry Association, which is a national trade association with many hundreds of members nationwide whose mission is to ensure the growth and success of the outdoor industry.

Our members include some of the nation's preeminent and iconic outdoor companies, including Coleman, L.L. Bean, Cabelas, REI, The North Face, EMS, and Patagonia. 18 years ago, my company made a deliberate decision to relocate its headquarters to Utah from California because it was a world class active outdoor recreation destination. Utah pretty much has it all. Many of these activities take place in BLM administered public lands, such as Indian Creek, the San Rafael Swell, and Desolation Canyon, all proposed wilderness areas that currently lack protection.

These iconic landscapes are directly linked to the strengths and resonance of our global brand. To protect these remarkable landscapes, the Outdoor Industry Association strongly supports passage of America's Red Rock Wilderness Act, a grassroots initiative that is homegrown, field checked, and time tested. In crafting the original bill, citizen volunteers spent thousands of hours in the field documenting wilderness characteristics and carefully mapping the boundaries of the proposed wilderness areas. These volunteers included Black Diamond employees.

Their efforts resulted in one of the most comprehensive land inventories ever conducted by a nongovernmental organization. The citizens' inventory has been largely validated by the BLM. To date, the Agency has verified the wilderness character of an overwhelming majority of those proposed for designation in this bill. Active outdoor recreation is a strong and vital part of the nation's economy, especially in rural areas. In 2005, 159 million Americans participated in outdoor recreation, with the greatest numbers in the gateway sports of hiking, camping, and paddle sports.

In Utah alone, the active outdoor industry contributes over \$6 billion annually to the state's economy. Protecting the public lands that support outdoor recreation is critical to establishing and sustaining balanced local economies across the Nation and especially in the West. Several years ago, the Outdoor Industry Foundation with the support of others completed a study on the contributions of active outdoor recreation to the U.S. economy. It concluded that active outdoor recreation among other things touches over 8 percent of America's personal consumption expenditures, more than one in every \$12 circulating in our economy.

In times of difficult economic hardship, Americans always return in large numbers to the great outdoors. During the first 11 months of the current recession, industry outdoor product sales grew an extraordinary 10 percent as families returned to affordable outdoor activities. At the same time, many state and Federal lands are seeing a dramatic increase in visitation. For this reason, outdoor gear sales and recreational outings will play a significant and growing

role in maintaining vibrant outdoor businesses, strong communities, and healthy citizens.

America's Red Rock Wilderness, with its soaring arches, plunging canyons, is a landscape that captures the soul and the imagination. No other landscape in the United States or even the world compares to what we have. It is one of our country's greatest assets, one that can't be copied in China, done more cheaply in Bangladesh. These lands in part are our competitive advantage, and as a state and as a nation.

And as Steward Brand once said, "National systems are priceless in value and nearly impossible to replace, but they are cheap to maintain. All you have to do is defend them." So please protect this national treasure for future generations by casting a vote for America's Red Rock Wilderness Act. Rest assured it will be good for wildlife, good for our air and water, good for the outdoor industry and a clean, sustainable outdoor economy, and good for the American public. Thank you.

[The prepared statement of Mr. Metcalf follows:]

**Statement of Peter Metcalf, President & Co-Founder: Black Diamond Equipment, Ltd., Salt Lake City, Utah; Vice Chair & Board Member: Outdoor Industry Association, on H.R. 1925**

**Introduction**

Thank you for the opportunity to testify before this subcommittee regarding America's Red Rock Wilderness Act, H.R. 1925. My name is Peter Metcalf. I am a Utah resident and the president and founder of Black Diamond Equipment, a Utah-based outdoor equipment design and manufacturing company with annual sales of approximately \$90 million per year with approximately 250 Salt Lake City based employees, another 30 in Europe and a 100 more employees in Asia. I am also appearing before the committee today in my capacity as a member of the board of directors and vice-chair of the Outdoor Industry Association (OIA.) OIA is a national trade association whose mission is to ensure the growth and success of the outdoor industry.

First, I'd like to thank the sponsors of this legislation, especially Congressman Hinchey and Chairman Grijalva. The citizens who helped craft this bill, and those who have worked to protect Utah's redrock country for more than 25 years, are deeply grateful for your uncommon vision and steadfast commitment to these magnificent wild lands.

I also applaud both chambers of Congress for working to pass the Washington County Growth and Conservation Act earlier this year as part of the Omnibus Public Lands package.

I appeared before the Senate Subcommittee on Public Lands and Forests back in 2006 to register our concerns about the original version of this bill. It has since been signed into law as a vastly improved and widely celebrated example of public land policy which grants real protection to 180,000 acres of Utah's Zion-Mojave wilderness. Yet, as important as this conservation victory is, it represents just a tiny fraction of the qualifying wilderness lands in America's Red Rock Wilderness Act.

**Overview of America's Red Rock Wilderness Act**

Introduced in 1989 by the late Congressman Wayne Owens, America's Red Rock Wilderness Act seeks to protect what remains of Utah's unspoiled BLM wild lands—from the serpentine canyons of the Green and Colorado Rivers to the ancient cultural sites of Cedar Mesa; from the island mountain ranges of Utah's West Desert to the wildlife-rich forests of the Tavaputs Plateau. Proposed wilderness lands in the bill include such poetically named places as Arch Canyon, the Burning Hills, Comb Ridge, the Vermilion Cliffs, Labyrinth Canyon, Wild Horse Mesa, the Deep Creek Mountains, and Desolation Canyon, to name a few.

So unique and jaw-droppingly beautiful are these public lands that people come from all corners of the globe to see them. They provide the prelude and the backdrop for Utah's five national parks, yet they are threatened every day by oil and gas development, mining, exploding off-road vehicle use, and the endless proliferation of roads.

To protect these remarkable landscapes, the Outdoor Industry Association strongly supports passage of America's Red Rock Wilderness Act—a grassroots initiative that is home-grown, field-checked and time-tested. In crafting the original bill, citizen volunteers spent thousands of hours in the field documenting wilderness characteristics and carefully mapping the boundaries of proposed wilderness areas. These volunteers included Black Diamond employees. Their efforts resulted in one of the most comprehensive land inventories ever conducted by a non-governmental organization. Now updated to include 9.4 million acres of proposed wilderness, this citizens' inventory has been largely validated by the BLM. To date, the agency has verified the wilderness character of 74 percent of lands proposed for designation in the bill.

### **Utah Wilderness and the Outdoor Industry**

Active outdoor recreation is increasingly a strong and vital part of our nation's economy, especially in rural areas. In 2005, 159 million Americans participated in outdoor recreation, with the greatest numbers in the gateway sports of hiking, biking, camping and paddle sports. In Utah alone, the outdoor industry contributes over 6 billion dollars annually to the state's economy. Protecting the public lands that support outdoor recreation is critical to establishing and sustaining balanced local economies across the nation, especially in the West.

Several years ago, the Outdoor Industry Foundation, with the support of many other trade groups including the travel industry, completed the industry's first study quantifying the contribution of active outdoor recreation to the U.S. economy. We looked at eight activity categories: bicycling, camping, fishing, hunting, paddling, snow sports (including downhill skiing, snowboarding, cross-country/nordic, snowshoeing), hiking and backpacking (including mountaineering/canyoneering), and wildlife viewing. The study concluded that active outdoor recreation:

- contributes \$730 billion to the U.S. economy;
- generates \$289 billion annually in retail sales and services across the U.S.
- touches over 8 percent of American's personal consumption expenditures—more than 1 in every 12 dollars circulating in the economy;
- generates \$88 billion in annual state and national tax revenue; and
- supports nearly 6.5 million jobs across the U.S.

In times of difficult economic hardship, Americans always return in large numbers to the great outdoors. During the Great Depression and in every recession since, we have utilized the outdoors as our national place for renewal. In the coming years, outdoor gear sales and recreational outings will play a significant and growing role in maintaining healthy outdoor businesses and strong communities.

During the first eleven months of the current recession, industry-wide outdoor product sales grew an extraordinary 10% as family's returned to camping, cycling and other affordable outdoor activities. At the same time, many state and federal lands are seeing a dramatic increase in visitation.

My company is headquartered in Utah because it is a world class recreation destination. With outstanding opportunities for camping, hiking, skiing, mountain biking, climbing, canyoneering and river running, Utah pretty much has it all. Many of these activities take place on BLM-administered public lands in areas like Indian Creek, the San Rafael Swell, and Desolation Canyon: all proposed wilderness areas that currently lack protection. These iconic landscapes are directly linked to the strength and the resonance of our global brand.

### **Threats to Utah Wilderness**

Threats to these landscapes come in many forms. Controversial plans to sell oil and gas leases near several Utah parks and in proposed wilderness areas have made national headlines lately, as has the recent federal bust of an archaeological looting ring centered in Utah's San Juan County. Other threats are more insidious: like the rapid spread of off-road vehicles into nearly every corner of Utah's backcountry. Illegal trails often find their way onto BLM route maps due to pressure from off-road vehicle groups. Just a few of these routes, once established, can disqualify thousands of acres from future wilderness consideration.

The rallying cry of wilderness opponents is "More access!" and they accuse conservationists of "locking up the land." The truth is, a full 70 percent of the lands within America's Red Rock Wilderness Act are within just one mile of a vehicle route—that's about 10 city blocks in Washington, DC. If the Red Rock bill were passed today, there would still be tens of thousands of miles of primitive dirt roads and trails available for motorized use on Utah's BLM lands. At the same time, lands protected in the bill would remain open to hiking, backpacking, horseback riding, camping, river running, hunting, fishing, guiding, scientific study, fire and insect control, and even existing livestock grazing.

When it comes to energy, the vast majority of BLM land would still be available for oil and gas development after passage of the Red Rock bill. Even now, the industry cannot keep up with the leases it holds. At the end of Fiscal Year 2008, five million acres of BLM land were under lease in Utah, yet only 1.5 million acres of those lands were in production.

According to the federal government's Energy Information Administration, the state of Utah holds approximately 2.5 percent of the country's proven natural gas reserves and a mere one percent of the country's proven oil reserves. Only a fraction of that lies beneath proposed wilderness. In fact, government figures show that "technically recoverable" undiscovered natural gas and oil resources on lands within America's Red Rock Wilderness Act amount to less than 4 weeks of natural gas and roughly 4 days of oil at current consumption levels. Such a trivial amount will hardly make or break our nation's energy independence. On the other hand, as Wallace Stegner famously noted, "Wilderness, once we have given it up, is beyond our reconstruction."

#### **Protecting Wilderness and Mitigating Climate Change**

If passed, America's Redrock Wilderness Act would permanently preserve some of the most stunning landscapes on earth, protect critical water sources and native plants, safeguard archaeological treasures, and preserve large blocks of habitat for native animals like bear, cougar, bald eagle, and bighorn sheep.

Wilderness designation is also the best strategy for making our public lands as resilient as possible to the effects of climate change. The United States Geological Survey predicts that the Colorado Plateau will become hotter and drier over the next century, leading to more wildfires, increased water demands, and dwindling water resources. The result will be large dust storms, which we've already begun to see in southern Utah. This dust is carried on the wind all the way to Colorado, where it's deposited on mountain snowpack high in the Rockies. The dark colored dust absorbs heat, causing earlier spring run-off, which impacts everything from wildlife to agriculture to Colorado's multi-billion dollar ski industry. Protecting Utah's roadless BLM lands from the soil disturbance that accompanies roads and development would help mitigate this cycle of environmental damage while protecting the agricultural and recreational economies that rely on seasonal snowpack.

#### **Support for Utah Wilderness**

America's Red Rock Wilderness Act is supported by 139 member of the U.S. House and 21 members of the Senate. It is also endorsed by the Sierra Club, Earthjustice, the Natural Resources Defense Council, The Wilderness Society, and over 200 member organizations of the Utah Wilderness Coalition. Most importantly, Americans throughout the state of Utah and across the nation support this visionary bill. In a September 2009, a Dan Jones statewide poll showed that just over 60% of Utahans that had a position supported protecting 9 million acres or more of Utah BLM wilderness.

#### **Conclusion**

America's Red Rock Wilderness—with its soaring arches and plunging canyons—is a landscape that captures the soul and the imagination. It is the land of Old West Outlaws and Navajo legends, a place where ancient cultures have left their stories etched in stone. No other landscape in the United States—or even the world—is quite like it. It is one of the country's greatest assets; a global draw that can't be copied in china or done more cheaply in Bangladesh. These lands are, in part, our competitive advantage, yet because we did not sacrifice in their creation there are those who are challenged to understand that their highest economic and societal value is to leave them as they are. As Steward Brand once wrote: "Natural systems are priceless in value and nearly impossible to replace, but they're cheap to maintain. All you have to do is defend them".

Let us remember that these wild lands have played an integral role in forging the uniquely American character and defining our humanity. When they are gone we will have lost something uniquely American. Please protect this national treasure for future generations by casting a vote for America's Red Rock Wilderness Act. Rest assured it will be good for wildlife, good for our air and water, good for the outdoor industry & the clean, sustainable outdoor economy, and good for the American public.

Thank-you.

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Mr. HEINRICH. Thank you, Mr. Metcalf.  
We are going to hear from Bryson, is it Garbett?

Mr. GARBETT. Garbett.  
Mr. HEINRICH. Welcome, Mr. Garbett.

**STATEMENT OF BRYSON GARBETT, FORMER UTAH STATE  
LEGISLATOR, SALT LAKE CITY, UTAH**

Mr. GARBETT. Thank you, it is nice to be here. Parunuweap Canyon is a great example of the incomparable red rock lands that we have in Utah. I have returned many times to show it to friends and family. I have even gone through with my family, we spent four days. My toddler Mary was carried through this canyon by her oldest brother. My then 5-year-old Sam carried a backpack with an extra change of clothes and some snacks. His older brothers carried his sleeping bag and food. And you can see here a picture of my family, uncle, and some aunts and some cousins.

Parunuweap is a beautiful oasis ringed by a rugged dry landscape. The stream that runs through it is clear and cool. Everywhere there are cottonwood trees and lush vegetation. Above this crystal clear stream rise the cliffs of the canyon. I have spent many nights looking up at the river of stars created by these sheer cliffs. On my first visit to Parunuweap I did notice one faint pair of offroad vehicle, or ORV, tracks in the canyon bottom that would disappear and reappear as we hiked along. There was certainly no route or road there.

As I have returned over the years, those ORV tracks have increased, creating definite impact. It was shocking to see the damage done in the stream bottom. Now, unfortunately I understand that the Bureau of Land Management has designated this as a permissible route for ORVs. I am a witness of something that has gone from nonexistent to permitted within a few short years. If this use is allowed to continue, the canyon and all those species that depend on it will be substantially harmed.

My name is Bryson Garbett. I am from Utah. My wife Jan and I have eight children that we have raised in Utah. In 1982 at the age of 28, I was elected as a Republican to the Utah Legislature. After my time in the Legislature, I turned my attention to my business and service in the community. I helped start Foundation Escalera, I served for six years on the Board of Directors of Salt Lake Habitat for Humanity and served one year as the president. I am the president of Garbett Homes. We provide work for hundreds of employees and subcontractors. I have been active in our trade association and am now the president of the Salt Lake Home Builders Association.

Utah is an amazing place, unique in all the world with its beautiful and wild scenery that can be enjoyed in rare solitude. It is accessible and healing to all walks of life. Now it is facing daily threats, and only Congress can stop them. But it must act now or we may lose this amazing resource. Our current Federal wilderness areas such as the High Uintas are highly prized by both those in the state and those that come to visit. No one would say that this is a mistake.

I have heard and read comments from people to the effect of, no Utahn likes this bill. Do these naysayers mean that no Utahn likes wilderness? This is ridiculous. People in Utah are no different than anywhere else. Those who have had experience with wilderness

love it. They are uplifted by it and do not want to see it disappear. Most people in Utah have experienced wilderness. As well as hiking in it, they drive by it, they see pictures of it, they camp in it, they hunt and fish in it. I am only one of a majority of Utahns that want our wild areas preserved.

I have heard others argue that 9 million acres are too much. To simply dismiss the bill based on that reason is a disservice to Utahns and Americans. It does not make sense. You must look at each area we are trying to protect and talk about the specific issues. America's Red Rock Wilderness Act was not just put on the map arbitrarily or fashioned by people juggling acreage numbers. It was formed by countless volunteers and professionals from Utah spending thousands of hours on the ground identifying mapping these areas.

As a former legislator, I have been in your position. You must take a complicated issue and understand it and decide what is best. You do this day in and day out. I have great respect for the issues and challenges you face continually. I hope that you will give this issue the time and attention that it deserves. I have gone into Utah's wilderness with my young children and my older children. They love it. It is part of them. I know my experience is not unique among Utahns and Americans.

For the millions of young Americans that want a chance to experience the beauty of wilderness, I ask you to support America's Red Rock Wilderness Act. I ask you to give this bill the serious time and effort it deserves. If you do not act, Utahns will lose out, Americans will lose out, and worst of all, future generations will lose out. Thank you.

[The prepared statement of Mr. Garbett follows:]

**Statement of Bryson Garbett, Former Utah State Legislator,  
Salt Lake City, Utah, on H.R. 1925**

My name is Bryson Garbett. I am from Utah. My great grandmother and my great great grandfather were Utah pioneers. They made the journey from England across the ocean and then by covered wagons across the plains. I was born and raised in Utah and I was taught to appreciate those pioneers that made so many sacrifices to settle Utah.

I am married to Jan VanDenBerghe Garbett. Her great great grandfather, Lemuel Hardison Redd, was one of the scouts for the Hole in the Rock expedition, which traversed much of Utah's redrock country and stopped in southeastern Utah. That is where he settled.

We have eight children that we have raised in Utah. They were educated in our public schools.

From the time I was a young man I have been involved in politics. At eighteen I voted in the first national election an eighteen-year-old could vote in. At twenty-two I was elected as a delegate to the Republican state nominating convention. It was 1976. We nominated a young attorney by the name of Orrin Hatch to run against the long time incumbent, Ted Moss. At twenty-eight, in 1982, I was elected to the Utah Legislature. Those were tough times for Utah's economy; I was the chief sponsor of the Interstate Banking Act. This bill revamped banking and capital in Utah and allowed banks from other states to come and do business in Utah. Before that it was very difficult for banks to do that. It brought much more capital into the state.

After my service in the Legislature I turned my attention to my business and service in the community. I am one of the founders of Foundation Escalera, a humanitarian organization providing a step up to impoverished communities in Mexico. We do this through education, thereby giving young people the tools they need to stay in Mexico and provide for their families. I served for six years on the board of directors of Salt Lake Habitat for Humanity and served one year as the President in 2007-2008.

I am the President of Garbett Homes which provides work for hundreds of employees and sub contractors. We have been a leader in building good communities with homes that Utahns can afford. Even in these very tough economic times we continue to sell homes. I have been very active in our trade association and I am now the President of the Salt Lake Home Builders Association.

We are here today to talk about America's Red Rock Wilderness Act. I have visited many of these areas over my lifetime. My father was a loan guaranty officer for the Veteran's Administration. He would travel the state to check on homes and borrowers. He would take me with him. In the early 1960s we would drive throughout Utah visiting many small towns. I still remember being in the government car driving on the backroads of our state. It was summer and the windows would be down and the warm wind would rush in. We would pass green pastures with cows and horses, old barns, and miles of barbed wire fences with old pine poles. We would stop in little towns and eat broasted chicken in the café on Main Street. What I remember best were the large open spaces with redrock everywhere and hardly anyone on the road. I would stick my head out to get a closer look at those huge red mountains and wonder if anyone lived up on top of those red mesas with the sheer red walls and the green table tops.

This was the spark for my interest in these isolated and wild places. I have now been in many of those places that we drove by in the early 1960s.

Wilderness in Utah is unique in all the world and it is one of our greatest state and national resources. It is incredibly beautiful but also very fragile.

I mentioned earlier that I have eight children. Raising a family is the hardest thing I do. As a young father I looked for something that we as a family could do together. I could not afford a boat, as many families could. In fact there were many things I could not afford. However, I did think we could backpack. I was a novice, so we learned together. When we went into these areas proposed for wilderness we were isolated. It was just us and what we could carry on our backs. No iPods, no phones, no TVs, no newspapers. We grew closer together and we visited wondrous places. I have seen other families in Utah have this same experience. Our experience is not unique.

The first place we went was to Grand Gulch, which is proposed for wilderness designation in America's Red Rock Wilderness Act. I was nervous and a little afraid. I hoped we would make it out alive. As we started on the trailhead I scanned the comments left by those on their way out in the trail register. "Amazing!, Great Ruins!" and even "It changed my life." That trip would change our lives. We survived. There is something I can't describe about being on your own. Leaving all the modern noise behind and living in the open and surviving. However on that trip I had new boots and my feet were pretty beat up so I wrote in the register, "changed my feet."

Since then we have been to many areas proposed for wilderness designation in America's Red Rock Wilderness act: Dark Canyon; the San Juan River, which includes Lime Creek and Valley of the Gods; the Dirty Devil River (I have included a picture of this area with my testimony); Upper Horseshoe Canyon; Mexican Mountain; Death Hollow; Labyrinth Canyon; Little Wild Horse Canyon; Muddy Creek; Devil's Canyon (picture included at the end of my testimony); North Escalante Canyon, Paria-Hackberry Canyon; Parunuweap Canyon (also pictured); Orderville Canyon; Notch Peak; the Wah Wah Mountains; and the White River. I have also been to Canaan Mountain, Goose Creek, and Kolob Creek, which are places in America's Red Rock Wilderness Act that are now protected thanks to the efforts of Utah's Senator Bennett and Representative Matheson. And not to leave out Representative Bishop, my family has greatly appreciated the Cedar Mountains Wilderness Area—an area formerly included in America's Red Rock Wilderness Act—that he worked to protect.

### **Parunuweap Canyon**

Parunuweap Canyon is a great example of the incomparable redrock lands that we have in Utah. I have returned many times to show it to friends and family. Eventually flowing into Zion National Park, Parunuweap—a Piute word meaning whitewater or roaring water canyon—was formed by the East Fork of the Virgin River. Parunuweap was visited by the explorer John Wesley Powell. We pass the plaque erected to him on the canyon wall when we leave the canyon.

I have even explored it with my whole family. My daughter, Mary, was carried by her oldest brother and shared a sleeping bag with her older sister. My then five-year-old, Sam, carried a backpack with an extra change of clothes and some snacks. His older brothers carried his sleeping bag and food.

Parunuweap is a beautiful oasis ringed by a rugged, dry landscape. The stream that runs through it is clear and cool. Everywhere there are cottonwood trees and

other species. Above this crystal clear stream rise the cliffs of the canyon. As you travel farther downstream the walls become higher, straighter, and closer together until they are only a few yards apart. I have spent many nights looking up at the river of stars created by these sheer cliffs. The canyon is full of freshwater springs where we loved to refill our water bottles and eat watercress growing nearby.

As a side note, a former Representative from Utah once proposed a wilderness bill that would have designated Parunuweap Canyon as wilderness but would have allowed for the construction of a reservoir, transmission lines, and a road in this area. (See Utah Public Lands Management Act of 1995, H.R. 1745, 104th Cong. §9(1)(C) (1995)).

On my first visit to Parunuweap I did notice one faint pair of off-road vehicle, or ORV, tracks in the middle of the canyon in the stream bed that would disappear and reappear as we hiked along. There was certainly no route or road in the canyon bottom. As I have returned over the years those ORV tracks have increased, creating definite impacts. It was shocking to see the damage done in the riparian stream bottom, a rare gem in the middle of the desert. Now, I understand, the Bureau of Land Management (BLM) has designated this as a permissible route for ORVs. I am a witness of something that has gone from non-existent to permitted within a few short years. If this use is allowed to continue there is a real danger the canyon, and all of those species that depend on it, will be substantially harmed.

### **White River**

The White River is located in northeastern Utah. It is a remarkable deep canyon that sits as an island in a sea of oil and gas development. It is an easy place to visit and an easy river to run. We canoed it. If we could do it, anybody can do it. I did it with my young boys and another family and we knew nothing about how to paddle a canoe but we wanted to see that part of the country. I only learned about this area because it was part of America's Red Rock Wilderness Act and my son had read about it in Wilderness at the Edge (the Utah Wilderness Coalition's detailed description of its earlier wilderness proposal).

In the canyon and on the river we enjoyed the scenery and the solitude. I remember the sweeping bends and the beautiful placid water that reflected the rugged cliffs looming above us. As we approached the river and as we left we saw one gas well after another. We understand that those wells are important to Utah's economy. However, the White River's deep canyon is so spectacular that surely a small inconvenience to unfettered development is worth the price. It will offer a welcome relief, a refuge, to all who paddle down its placid waters from the development around it. With thought and clear boundaries this area can easily be preserved. To that end, I understand that supporters of America's Red Rock Wilderness Act were able to reach an agreement with Anadarko Petroleum Corporation (the federal lessee in parts of this area) which clearly defined acceptable areas for natural gas development while protecting much of the northern half of the proposed White River wilderness.

Unfortunately, the remainder of the White River is still threatened. With no planning it will clearly be lost.

### **Labyrinth Canyon**

The Green River is a singular river that flows through a good part of the state. It has many varied phases in the miles it covers. As it approaches Canyonlands National Park from the north it becomes calm and tranquil. It is the perfect place to take families for a great time on a remarkable river in the middle of redrock country. It would also be a perfect place to take the infirm or those with disabilities who might not be able to access the rugged heart of wilderness on foot. There are no rapids in Labyrinth Canyon, any novice could float it.

I spent three days on this trip. It was in March. The air was crisp and the sun bright. We traveled through the wide canyon with beautiful redrock walls. As we lazily paddled, the most amazing scenery floated by us. It is not just the scenery that makes Labyrinth Canyon special but as each mile goes by the hustle and stress of another world seems to fade. Nothing was threatening; the water was easy, we saw huge herons and cranes, we basked in the silence and stillness of this gentle place. The river reflected the canyon walls. When we were hungry we snacked as we paddled or found a sunny spot and pulled our canoes over, maybe napping for a moment or two after lunch.

Labyrinth Canyon is part of America's Red Rock Wilderness Act. Unfortunately, the BLM has not recognized, nor afforded this entire spectacular, tranquil canyon the wilderness-like management and respect it deserves.

On the second day of my trip through Labyrinth Canyon the remarkable silence of the area was shattered by the noise and dust of two very loud motorcycles. I was



shocked to learn that the BLM was allowing motorcycles to travel down Labyrinth Canyon and along the Green River. This seemed ill advised; no place in Utah was better suited for making a true wilderness experience accessible to all walks of life. That day, when the stillness of the canyon was shattered by the roaring of the bikes, was a stark reminder of the fleeting and sensitive nature of wilderness. It was as if the city had been plopped into the middle of wilderness. It was out of place and made no sense in that setting.

### **Devil's Canyon**

Devil's Canyon was a hard hike through a fantastic part of America's Red Rock Wilderness Act. Not only was it a spectacular, narrow redrock canyon but it was easy to access. It runs right next to I-70. When we first started the hike we could even hear the cars traveling on the freeway but that soon faded. It was challenging but unlike other places I have been. There was no running water. We had to drink from an alkali spring full of hair from cows. I did not know you could drink such bad tasting water and live. We did just fine.

The day we climbed out of the canyon to start the long hike back to our car I was amazed. As we made our way from the bottom of the canyon to the desert above the route we took seemed like a spiral staircase circling round and round with fantastical rock formations on the canyon wall. I have never forgotten it.

On all our trips we are very careful where we walk. The floor of the desert is so fragile. It is often kept from eroding by small organisms living on top of the soil. One step in the wrong place can destroy these sensitive organisms and may mean erosion and lost soil.

On our Devil's Canyon trip we spent three days carefully watching where we stepped and walked. However, not everyone shared our caution. On exiting the canyon we heard the high-pitched whine of motorcycles. We shortly came upon their tracks and were angered to see all of the damage that they had wrecked from a few moments of joy riding in an area miles away from any roads. In the sensitive desert, where even an errant footstep can have noticeable impacts you can understand what kind of unnecessary havoc the churning, spinning, careening tire of a motorcycle will cause. We were all very sad to see such destruction.

### **Wilderness Is Important**

I have been a few places throughout the world. Utah is an amazing place; unique in all the world with its beautiful and wild scenery that can be enjoyed in rare solitude. It is accessible and healing to all walks of life. Now, it is facing daily threats and only Congress can stop them. But it must act now or we may lose this amazing resource. We are just beginning to see the economic value of all this to our state and country. Our current federal wilderness areas such as the High Uintas are highly prized by both those in the state and those that come to visit. No one would want to turn back the clock on the High Uintas and prevent it from being designated wilderness.

I have heard and read comments from people to the effect of "no Utahn likes this bill." Do these people mean that no Utahn likes wilderness? That is ridiculous. People in Utah are no different than anywhere else. Those who have had experience with wilderness love it. They are uplifted by it and do not want to see it disappear. Most people in Utah have had experience wilderness. As well as hiking in it, they drive by it, they see pictures of it, they camp in it, and they hunt and fish in it. Every person in the Salt Lake, Utah, and Cache valleys can see federally-protected wilderness areas as they face east and look at the Wasatch Mountains. Likewise, those people living in Tooele, Nephi, Brigham City, and Washington County can easily glimpse protected wilderness from their homes. It seems that two-thirds of our entire state may have a view of a federal wilderness area from some window in their house.

Elected officials and promoters for the state realize what we have. When they market their counties to others the first thing they pitch is usually the beautiful natural areas of Utah, including wilderness areas.

I have heard others argue that "9 million acres are too much." To simply dismiss the bill based on that reason is a disservice to Utahns and Americans. It does not make sense. You must look at each area we are trying to protect and talk about the specific issues. America's Red Rock Wilderness Act was not just put on the map arbitrarily or fashioned by people juggling acreage numbers to see what sounded good. It was formed by countless volunteers and professionals spending thousands of hours on the ground identifying and mapping these areas.

How much land should be protected is a valid point of discussion. There are many questions that could and should be asked. "What is it you would like to take out of this proposal? What is it that you think should not be protected? What do you

think should be protected?" These are good questions that deserve responses from both sides of the issue. I do not think there is anyone that has been to Utah, that has seen these lands, and that is interested in future generations that would say that nothing should be preserved. So for an elected official to dismiss the bill just because it sounds like too much to some vocal minority does his constituents, future generations, and all Americans a disservice.

**Conclusion**

As a former legislator I have been in your position. You must take a complicated issue and understand it and decide what is best. You do this day in and day out. I have great respect for the issues and challenges you face continually. I hope that you will give this issue the time and attention that it deserves.

I have gone into Utah's wilderness with my young children. They love it. It is a part of them. For the millions of young Americans that want a chance to experience the beauty of wilderness I ask you to support America's Red Rock Wilderness Act. If you do not act Utahns will lose out, Americans will lose out, and, worst of all, future generations will lose out.

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Mr. HEINRICH. Thank you, Mr. Garbett. We have just had our last vote of the week called, so we are going to take a quick recess here, it shouldn't take us long to come back, and then we will resume with Mr. Anderson's testimony.

[Recess.]

Mr. HEINRICH. Welcome back. We are going to get started here again and finish up the panel with Rocky Anderson, former mayor of Salt Lake City, Utah. Mr. Anderson, you can get started whenever you are ready.

**STATEMENT OF ROSS C. "ROCKY" ANDERSON,  
FORMER MAYOR OF SALT LAKE CITY, UTAH**

Mr. ANDERSON. Thank you very much. My name is Ross C. "Rocky" Anderson. I have lived all but three years of my life in Utah and was privileged to serve as mayor of Salt Lake City from 2000 to 2008. Thank you, Congressman Hinchey, for your long time commitment to America's Red Rock Wilderness Act, particularly after you took the torch from the initial sponsor, former Utah Congressman Wayne Owens, a remarkable man who understood the tremendous responsibility we have to preserve in their untrammeled state majestic places that make the State of Utah so magnificently unique.

This bill was initially developed in 1989, but there is a real urgency now because of the imminent, constant threat to the wilderness character of these lands posed by the explosion of offroad vehicle use and the consequences of climate change. If nothing is done now, these last remaining wild places will succumb to desecration by offroad vehicle abuse and other forms of development. My support for Utah wilderness is informed by the experiences I have had hiking and camping in Utah's wild lands as well as experiencing the direct benefits of leading Utah's capital city adjacent to thousands of acres of designated wilderness.

For me as well as for millions of others, the experience of getting away to hike, explore, and camp in wilderness areas away from the noise, pollution, and land corrupting mechanization of our times is soul inspiring beyond measure. Just a few weeks ago my son and I backpacked in the proposed Death Hollow Wilderness, near Escalante, Utah, and will never forget the beauty, the solitude, and the utter wildness of the spectacular landscape.

Wilderness designation is often controversial. The Wasatch Wilderness area is adjacent to Salt Lake City for a case and point. Here you can see Salt Lake City and thousands of acres of designated wilderness, the Mt. Olympus Wilderness, Twin Peaks Wilderness, Lone Peak Wilderness, Mt. Timpanogos Wilderness, Deseret Peak Wilderness, and the Cedar Mountain Wilderness. Thanks very much.

When wilderness designation of those areas was under consideration, some of those areas, especially the Lone Peak Wilderness area, Salt Lake City and the Salt Lake Health Department actually argued against designating Lone Peak as wilderness. They made many of the same arguments that we hear today in opposition to Wilderness designation. They said they feared that wilderness designation would make it difficult to protect the water quality of this area. In fact the experience has been just the opposite.

Both of Utah's House Members at that time opposed wilderness designation for Lone Peak. Now we know that they were all wrong on every count. I doubt that any member of Utah's Congressional Delegation or any elected official or just about anybody throughout the State of Utah would support the repeal of that wilderness designation today. Wilderness adjacent to Salt Lake City has been of tremendous benefit to our community because it creates needed open space for the increasingly dense urban population of Salt Lake Valley and surrounding areas, world renowned recreational opportunities, and vital protection for our watershed.

The dynamic occurring now is typical. Almost every time lands are proposed to be protected as national parks, national monuments, or wilderness, there are naysayers who raise many of the same complaints we hear today about America's Red Rock Wilderness Act. Yet after the protections are in place, people look back with gratitude for the farsightedness and leadership of those who made certain the exquisite nature of these magnificent places will be preserved for our children and for later generations.

A recent Dan Jones poll, as indicated earlier, we hear a lot about this top down approach, actually of those who have decided on the matter, 60 percent of Utahns who have developed an opinion want to see 9 million acres or more of Federal lands in Utah protected as wilderness. Millions of Americans understand that Federal stewardship and protection of these amazing places are not a burden but are of tremendous benefit and are a great treasure to our state and our nation.

When considering this vital measure, please harken to the words of Utah native Terry Tempes Williams, "If you know wilderness in the way that you know love, you would be unwilling to let it go." Utah's Red Rock wilderness is a gift we should not squander. Please embrace this farsighted opportunity without any further delay in service to the world and to later generations.

[The prepared statement of Mr. Anderson follows:]

**Statement of Ross C. "Rocky" Anderson, Former Mayor,  
Salt Lake City, Utah, on H.R. 1925**

Thank you for the opportunity to testify before this subcommittee regarding America's Red Rock Wilderness Act, H.R. 1925. My name is Ross C. "Rocky" Anderson. Except for three years of law school in Washington, D.C., I have lived my entire life in Utah and was privileged to serve as Mayor of Salt Lake City from 2000-2008.

Thank you Congressman Hinchey, for your commitment to this legislation, particularly after you took the torch from former Congressman Wayne Owens, a remarkable man who understood the tremendous responsibility we have to preserve, in their untrammelled state, the majestic places that make the State of Utah so magnificently unique. Thank you, Chairman Grijalva, for co-sponsoring America's Red Rock Wilderness Act and for giving us this opportunity to discuss the critical and timely issue of protection for Utah's—and America's—wild lands.

This far-sighted bill was initially sponsored by Congressman Owens in 1989, but there is a real urgency now because of the imminent, constant threat to the wilderness character of these lands posed by the explosion of off-road vehicle use and the consequences of climate change. If nothing is done to assume the responsibility we have as stewards of these lands, the matter of Utah wilderness will be decided by default when these last remaining wild places succumb to desecration by off-road vehicle abuse and other forms of development.

In 1960, Wallace Stegner, a westerner and former Utahn, articulated the imperative for wilderness with these words:

"Something will have gone out of us as a people if we ever let the remaining wilderness be destroyed; if we permit the last virgin forests to be turned into comic books and plastic cigarette cases; if we drive the few remaining members of the wild species into zoos or to extinction; if we pollute the last clear air and dirty the last clean streams and push our paved roads through the last of the silence, so that never again will Americans be free in their own country from the noise, the exhausts, the stinks of human and automotive waste."

Wallace Stegner, *The Wilderness Letter*, 1960.

The warning in these words is unmistakable, but I have confidence in our ability, as Americans who value the preservation of these wild places and who recognize our responsibilities toward future generations, to exercise the wisdom to prevent Wallace Stegner's grim depiction of a landscape without wilderness from ever happening.

America's Red Rock Wilderness Act is a bold vision for Utah wilderness born out of the work of thousands of Utahns who care deeply for our wild lands. It lays the framework for what is possible to protect the "wild west" landscapes of Utah's Colorado Plateau, and the starkly beautiful Basin and Range landscapes of our West Desert.

My support for Utah wilderness is informed by the experiences I've had hiking and camping in Utah's wild lands, as well as experiencing the direct benefits of leading a major urban area adjacent to thousands of acres of designated wilderness.

My experiences of Utah's wild landscapes are part of the reason I chose to move back to Utah after law school. For me, as well as for millions of others, the experience of getting away to hike, explore, and camp in wilderness areas—away from the noise, pollution, and land-corrupting mechanization of our day—is soul-inspiring beyond measure. Just a few weeks ago, my son and I backpacked in the proposed Death Hollow wilderness, adjacent to the Box Death Hollow Wilderness Area near Escalante, Utah, and will never forget the beauty, the solitude, and the utter wildness of the spectacular landscape.

As Mayor of Salt Lake City, I was so pleased to introduce visitors to our nearby wilderness areas, assets to our city whose tremendous uniqueness and value is no longer questioned—although, before the wilderness designations of those areas, many of the same arguments were made by opponents that we hear now in opposition to the Red Rock Wilderness Act.

In fact, before the wilderness designation of Lone Peak wilderness, both Salt Lake City and the Salt Lake City-County Health Department argued against the designation. They expressed fears that wilderness designation would make it difficult to protect the water quality of this area. Both of Utah's House members at that time opposed wilderness designation for Lone Peak. (U.S. Forest Service, Uinta National Forest-Wasatch National Forest, Intermountain Region, Region 4, "Lone Peak Wilderness Study, Study Report, Final Environmental Statement," 1976, 1, Appendix B; "Lawmakers Ask to Keep Lone Peak as 'Scenic,'" *Deseret News*, 3 March 1977).

Today, everyone would agree that those concerns and fears were entirely misplaced. The naysayers were wrong on every count. Wilderness adjacent to Salt Lake City has been of tremendous benefit to our community. It creates needed open space for the increasingly dense urban population of Salt Lake Valley and surrounding areas, world-renowned recreational opportunities, and vital protection for our watershed.

The dynamic of opposition and fear is typical. Almost every time lands are proposed to be protected as National Parks, National Monuments, and wilderness, vocal opponents raise many of the same complaints we hear today about America's Red

Rock Wilderness Act. Yet after the protections are in place, people generally look back with gratitude for the foresightedness of those who made certain the exquisite nature of these magnificent places will be preserved for our children and for later generations.

Our realization as a community about the importance of undeveloped wild lands to our water supply and quality of life was demonstrated during my tenure as Mayor when Salt Lake City purchased 155 acres in Big Cottonwood Canyon to create the Willow Heights Conservation Area and another 149 acres to preserve Donut Falls, both of which will now be protected in perpetuity from development. We knew that, once developed, these pristine areas would be destroyed forever.

Most Utahns support Utah wilderness. Over the years Salt Lake City residents have frequently told me how important this issue is to them. This support shows up in the bright yellow "Protect Wild Utah" bumper stickers that are on so many vehicles in the Salt Lake City area, including my own. This support was demonstrated recently by a statewide survey of Utahns conducted by Dan Jones and Associates, which reflects that 60% of people who have developed an opinion on the matter want to see nine million acres or more of the federal lands managed by the Bureau of Land Management protected as wilderness. (Dan Jones & Associates, A Study Conducted for Southern Utah Wilderness Alliance, General Public Study, Longitudinal Data, September 2009).

Those in Utah who resist protection of these places should take a clue from the visitors to our state who come to Utah, and keep coming back, because they are in awe of the geography they find there. Where else in the world can you go from the inspiring granite peaks of mountains like the Wasatch to the red rock splendor of the San Rafael Swell in a four hour drive?

The beauty of the landscape is an astounding resource for Utah that sets it apart from most other places in the world, providing Utahns remarkable opportunities for outdoor recreation and serving as a magnet for tourists from other parts of the country and world. In a study of the economic impact of National Parks in Southeast Utah by the National Parks and Conservation Association, released in 2009, the authors report that: "In 2006, over 1.2 million visitors came to Arches and Canyonlands National Parks, spending some \$99 million during their visits." Economists estimate that this spending supported 2,315 jobs. (National Parks and Conservation Association, Landscapes of Opportunity: The Economic Influence of National Parks in Southeast Utah, April 2009, p. 7).

Long-term, sustainable economic development is best promoted by providing for low-impact recreational use. It will help generate the greatest monetary benefit from federal lands for the longest period of time.

Adaptation to the impacts of climate change is another significant benefit of protecting large swaths of wild lands on the Colorado Plateau and in the west desert. The U.S. Geological Survey predicts that by 2050 soil conditions on the Colorado Plateau will be worse than those typical of the Dust Bowl. And, as we know from the Dust Bowl years, dry soil, especially if it is disrupted by human activity, easily becomes airborne, forming dust storms. Studies by the U.S. Geological Survey also show that undisturbed dry soil develops a fragile, but important crust, and the accompanying ecosystem of symbiotic life forms growing in that crust helps to keep it in place during high winds. Disruption of the soil by off-road vehicles results in crushing of plants, soil crust, and anything else in the way, loosening the soil to be carried away. (U.S. Geological Survey, Impacts of Climate Change on Water and Ecosystems in the Upper Colorado River Basin, August 2007).

Dust from Utah's Colorado Plateau is already a problem in Colorado, landing in the Colorado Rocky Mountains. Scientists have been tracking these dust storms for six years. In 2009, a record number occurred. As the red dust from the Colorado Plateau lands on snow, it increases the heat absorption of the snow, causing it to melt much faster. (Thomas Painter, Presentation, "Dust on Snow Panel: What's the Dirty Secret of Dirty Snow?," Colorado River District Annual Water Seminar, September 18, 2009; Thomas H. Painter et al., "Impact of Disturbed Desert Soils on Duration of Mountain Snow Cover," *Geophysical Research Letters*, Vol. 34, L12502, 2007).

A contributing factor to soil disruption is the dramatic increase of off-road vehicle use. The pressing need for thoughtful management of these vehicles grows stronger with each new one that enters Utah's wild lands. Unless protections are enacted soon, there will be very few places for humans to go without the noise, pollution, and destruction of the land caused by ORVs.

Even with enactment of America's Red Rock Wilderness Act, there will still be 17,000 miles of dirt roads, jeep trails, and old mining tracks for off-road vehicle enthusiasts to enjoy on BLM lands on the Colorado Plateau. That figure does not include all trails in the Grand Staircase-Escalante National Monument. Those who

say we are “locking up the land” and no one will have access to it except for back-packers and horse-packers should understand that they will have access too because 70% of the land proposed for wilderness designation within America’s Red Rock Wilderness Act is within eight city blocks of a motorized route.

Another argument we hear against America’s Red Rock Wilderness Act is that it will inhibit energy development in Utah. But the facts don’t bear this out. Utah holds approximately 2.5% of the country’s proven oil reserves. The technically recoverable, undiscovered natural gas and oil resources on land within America’s Red Rock Wilderness Act amount to less than twenty-three days of natural gas and approximately 6.5 days worth of oil at current rates of consumption. (U.S. Department of Energy, Energy Information Administration, visited September 2009).

Some are worried about the impact of Utah wilderness designation on school trust lands. Wilderness designation is actually a good thing for Utah’s schools and students. Trust lands within wilderness can be traded for federal land with greater revenue-generating potential. America’s Red Rock Wilderness Act can serve as a catalyst for exchanging the scattered, difficult-to-develop school trust lands for amalgamated blocks of land in areas more appropriate and more promising for development. For example, when the Grand Staircase-Escalante National Monument was designated it created impetus for a large land exchange to remove all trust lands within the monument’s boundaries. The United States gave Utah’s school kids \$50 million in cash and large acreages of land productive for energy development. Trust lands within the Monument were traded for federal land at Drunkards Wash, near Price, Utah, among other places. Drunkards Wash is an extremely profitable natural gas field. In 2006, this field alone provided 60% of all state trust land oil and gas revenue. (State of Utah, School and Institutional Trust Lands Administration, Tenth Anniversary Report (July 1, 1994 to June 30, 2004); Report to the Utah Legislature, A Performance Audit of the School & Institutional Trust Land Administration (SITLA), Number 2006-01, January 2006, pp. 8-9).

Finally, there are those, including Representatives from Utah, who argue that the federal government was required, constitutionally or otherwise, to give up its lands in Utah at the time of statehood. The Congressman from Utah’s First Congressional District has maintained in a recent op-ed piece in Utah’s major daily newspaper that the U.S. Constitution contains a provision giving rise to the Equal Footing Doctrine and that somehow that doctrine forbids federal ownership of lands in states at the time of statehood. Actually, Article IV of the Constitution, cited by the Congressman, says no such thing. Further, the 1894 Enabling Act for Utah to be admitted to the Union makes several references to continued federal ownership of lands, including, under Section 3, (1) a requirement that Utahns disclaim all right and title to the unappropriated public lands lying within the boundaries of the State; (2) a requirement that until the United States extinguishes its title to lands, they shall remain subject to the disposition of the United States; and (3) a prohibition that “no taxes shall be imposed by the State on lands or property therein belonging to or which may hereafter be purchased by the United States.” (Emphasis added.)

Were the county supremacists correct about the Equal Footing Doctrine, one wonders why they have not pursued their claims in the courts. The United States Court of Appeals rejected that very claim (*United States v. Gardner*, 107 F.3d 1314 (9th Cir. 1997))—and the U.S. Congress obviously gives it no credence because of the many bills it has passed relating to the management and control over federal lands, which the Property Clause of the Constitution clearly contemplates.

While it is true the federal government does not pay property taxes on the land it owns in Utah, it does provide the state with “payment in lieu of taxes,” under which Utah receives the third highest amount in the nation. Also, Utah ranks 18th in the nation, on a per capita basis, of land within the state that is not owned by the federal government.

Many good reasons support enactment of America’s Red Rock Wilderness Act. When considering this vital measure, please hearken to the words of Utah native Terry Tempest Williams:

“If you know wilderness in the way that you know love, you would be unwilling to let it go.”

(Terry Tempest Williams, *Testimony*, Milkweed Editions, 1996)

Utah Congressman Wayne Owens understood this, Utahns understand this in greater numbers than ever before, and people outside of Utah understand this. Utah’s red rock wilderness is a gift we should not squander. Please embrace this far-sighted opportunity, in service to the world and to later generations, without any further delay.

Mr. HEINRICH. Thank you. I have a couple of questions, and then we will move on to the rest of the panel. I wanted to ask Commissioner Jones, I believe you mentioned in your testimony that you thought that many stock ponds would be obliterated as a result of wilderness designation, and I am curious what you meant by that because I have worked very closely with Congressman Tom Udall for example on the Ojita Wilderness Act in New Mexico, there are a number of stock ponds in that designated wilderness now and they continue to be maintained. How would stock ponds be obliterated by wilderness designation?

Mr. JONES. I have been led to believe that in wilderness areas that you are not allowed to take equipment in. So stock ponds and so forth that has been built out in that rugged terrain where they have used backhoes and so forth to maintain them would no longer be available, not only for the cattle but for big game and so forth that is living in those areas.

Mr. HEINRICH. You might want to take a look at that, because I believe the Agency is actually allowed to maintain those facilities with the least intrusive tool, and that has resulted in many stock ponds in wilderness areas throughout New Mexico, Arizona, and other places being maintained for many years. So I would just encourage you to look closely at that.

Mr. Metcalf, you mentioned in your testimony that in times of economic hardship people turn to the great outdoors. And you stated that the outdoor industry is seeing extraordinary growth in sales. Why should wilderness matter to folks who are in the midst of a difficult economic downturn?

Mr. METCALF. That is a good question, thank you. It appears through our history that in difficult economic times people do turn to the wilderness for their recreation, rejuvenation, I think in part because it is inexpensive to do, you can get some gear and it is not expensive, I think in part because they look for physical challenge, and I think they look for the spiritual inspiration that places like wilderness give them, getting away from the city, the urban setting, and a lot of other people. So it is just what human beings seem to do in periods of economic downturns.

Mr. HEINRICH. Thank you. Mr. Garbett, I know you mentioned that in your time looking at these places that you have seen an increase in ORV use. And as a former outfitter guide myself who spent a number of years taking kids on educational trips into the midst of the proposed wilderness in southeastern Utah, particularly in places like Cedar Mesa, I have seen more and more offroad vehicle use and more offroad vehicle use in places that it clearly didn't have routes before, oftentimes in blatant disregard for signage. What are your real concerns with this issue, and can you describe the trend that you have seen over the years?

Mr. GARBETT. Yes, I think I can do that with a couple of examples. When we go into the wilderness with a group like you saw in the picture here, we go in and we are very careful about where we go. We take out everything that we pack in, we don't even have fires, so that you wouldn't even know that we had been there if you came the day after we had been there.

And one time, let me give you an example of, we were in Devil's Canyon, and we were very careful for three days of where we were

walking, and on the way out we heard, you know, that whiny noise of motorcycles. And as we came over the rise we could see where they had been, and the landscape was just devastated, it was sad to see how much had been torn off, they were off the road. And you probably have all seen vacant lots in your neighborhood where motorcycles have been. Nothing grows there.

And when you see motorcycles, when they go through there, it is decades before that damage is repaired. The same thing happened when we were going down the Green River, and we were two days of floating down that river, which is very calm. Anybody can go on that river and the scenery is beautiful. But on the second day, again, we heard the motorcycles and it was just like the city all of a sudden came crashing back. And two motorcycles were going up and down the Green River, and I understand that by Labyrinth Canyon, the BLM is now allowing motorcycles to do that, but the same damage was done there. And it takes a long time to repair that kind of damage.

Mr. HEINRICH. Thank you. I assumed when you said the Green River and calm, you must be describing Labyrinth Canyon.

Mr. GARBETT. Labyrinth Canyon, exactly.

Mr. HEINRICH. And not Desolation and Gray Canyon and a number of other stretches.

Mr. GARBETT. Not Desolation, no. You must know them well.

Mr. HEINRICH. I have spent a lot of time in that country. I am going to waive the balance of my time and turn things over to the Ranking Member Bishop.

Mr. BISHOP. Thank you. I appreciate once again all of you coming out from Utah and the tremendous patience that it takes to be here as a panelist for these meetings, especially Lieutenant Governor Bell. By the way, Gary used to say if you covered his left eye it looked like Governor Herbert, so is it now still Governor Bell when you do that?

Mr. BELL. I make no pretense on that.

Mr. BISHOP. OK, fine. But having served in the Legislature, and with Bryson, I hope you get the frustration that many of us who have served in legislative bodies have with this area. This is a place of horrendous time management, which means, as you know in Utah, when there is a committee hearing it is anticipated everyone will be in the committee. Committee actions are there, and there is no overlap between Floor time and committee time. Someday, if I live long enough, that is going to be one of the reforms we actually make around this place so we don't have these kind of 30-minute vacations for you in the middle of it all.

Lieutenant Governor, I do want to talk to you for just a minute about some of the experiences you have had prior to becoming the Lieutenant Governor of Utah working with Envision Utah and some of the efforts you had in transportation issues. Could you just explain how the collaborative effort was done and what result took place because of that?

Mr. BELL. I guess it is called the third way, or whatever you want to refer to it as, but I think almost every speaker has alluded to it, and that is that because there now are stakeholders recognized almost on a 360 degree basis around so many contentious issues that the process really becomes more important at the first



than the substance in that it brings people together of good faith, and people come in, check their bombs at the door, and try to cooperate and get to yes.

And we have seen that progress in a multitude of contexts. Envision Utah is internationally acclaimed for having done that around urban, then transportation, regional planning, and has now moved into suburban and even some wilderness issues. Envision Utah just has the concept that this is a bottom up, not a bottoms up, that is a drinking term, so it is a bottom up process by which people come together, sit around a big table, it may take time, may take energy, may take a little money, but they are the honest broker.

And Envision Utah has been very successful along the Wasatch front, but now has gone into the Wasatch back, into Washington County, throughout our state. And now you have Envision Montana, Envision whatever, Envision Central Texas. We have been copied and gladly share our secrets around the nation. And some kind of effort in this context along those lines seems to me to have tremendous fruit to bear where we could have a collaborative process.

We just have to take account of Representative Hinchey's more national public investment point of view, public ownership, versus the local interests, the recreationalists, both at Mr. Garbett's end of the spectrum and also those offroad enthusiasts with motors. And there are a hundred other points of view on that, but that to me promises real success.

Mr. BISHOP. OK, thank you, I appreciate that. Commissioner Jones, I appreciate you coming out here. You are a County Commissioner and an elected Democrat, an endangered species in Utah I recognize. But could you just simply explain, I know the passion that you have already felt in here, the sentiments of your constituents, you have to listen to them to be elected, toward this particular bill. And I do want to talk about the land management plan with both of you in just a minute.

Mr. JONES. They are utterly against it. The majority of the people that I talk to, rarely occasionally you will find somebody that is for locking up wilderness land in Carbon County, but the majority of the people that are there are against it because they depend on it for their livelihood. We depend on Federal land to build an economy.

Mr. BISHOP. The land management plan that was referred to earlier, in terms of how it was rushed through or in terms even that it was, "illegal" is one of the words that was thrown about about this, how long did that land management take to try and develop?

Mr. JONES. It took us in Carbon County about seven years.

Mr. BISHOP. Was Carbon County part of the process in discussion with BLM that particular land plan?

Mr. JONES. Sure, there was Carbon County, I believe SUWA was involved in those talks and several other groups.

Mr. BISHOP. Lieutenant Governor Bell, I understand that before the land plan was actually finalized by BLM, the State of Utah and their experts also had to sign off on every part that was part of that plan?

Mr. BELL. Absolutely. We have been big players.

Mr. BISHOP. So one of the processes, I don't know how seven years can be a rush to judgment on anything, it is a long time in coming, but part of it is also that when you unilaterally decide to throw that out and start over again, it has ramifications on the expert testimony of those who are on the ground who are working within the Federal agencies as well as the counties as well as the states, all of whom came up to a common consensus before the bell went further with that. I realize I am over by 30 seconds, so let me wait until my next round and let others ask questions if they would.

Mr. HEINRICH. We will go on to Mr. Hinchey then.

Mr. HINCHEY. I want to thank you gentlemen very, very much for being here, and I very much appreciated everything that you said in the context of your testimony. And I agreed with a lot of it, more than 60 percent easily. But I appreciate everything that you said, and it was in some ways very informative. I think that fundamentally there is not a clear understanding of what the wilderness designation would be, what would be the effects of that. It wouldn't be locking the place up, it would have it open so that people could go in and enjoy it, and if there are things that need to be done in there you could bring the vehicles in to do them, there is no problem with that.

But this is something that is very important, and I just wanted to ask a few questions in the short time that we have. Mr. Metcalf, if I may, in your testimony you spoke about the importance of the outdoor industry in the United States and the strong economic impact that that industry has in Utah. And I know that you are a businessman, you are directly connected with this, and I know that the things that you do are very important and they provide a lot of benefits for the people who are your customers.

And I wonder if you could tell us more about what the designation of this land is likely to do with regard to improving the economic circumstances in Utah. That is one of the things that strike me so clearly. This is one of the most important aspects of economic development in Utah. And why you believe preserving these lands in Utah will create economic opportunities and jobs in the State of Utah?

Mr. METCALF. Yes, thank you. Let me begin by saying that outdoor recreation, active outdoor recreation, are activities such as hiking, camping, canyoneering, climbing, backpacking, canoeing, kayaking, fly fishing, hunting. All these activities require wild lands to do the activities, or at the very least some of these are close to home activities but everybody aspires to go to the wilder places.

I was just down near Hanksville this fall canyoneering, and I was really pleased to see the number of young people out there in groups engaged in canyoneering, wanting to hike in and be in some wild place and engage in technical slot canyoneering. These activities really do require wild places to do them, and without preservation of these environments to do these activities, we no longer have a viable industry. It is kind of like saying we want to have factories but we zone everything for residential.

The activities that the outdoor industry rely on, these active outdoor pursuits, not only are they healthy for our children and us as

citizens, but they require places to go that aren't zoned for things like motorized recreation or mining or oil and gas extraction, those are two mutually incompatible uses. But I think the point that the outdoor industry is trying to make is that this isn't about locking lands up for preservation purposes versus jobs, it is jobs versus jobs.

It is what kind of jobs do you want to have? Do you want to have a sustainable economy that is entrepreneurial in nature made up of a lot of small businesses that make their money off of outdoor recreation, or do you want to have a boom and bust cycle? I spent two years as a roughneck drilling for oil in Utah and in Wyoming during the first oil boom, and I witnessed firsthand what it was like when the oil boom crashed.

I think that our approaches to how you balance your own savings, balance portfolio, is how we should approach also jobs in the West. Outdoor recreation requires us to save and preserve some of the lands for this very viable industry that contributes \$750 billion a year to our GNP, but not to the exclusion of some of these other industries, but it is taking a balanced approach. And what we have right now in Utah with these new management plans that the BLM has put forth is a total weighting toward extractive industries and motorized.

And in the plan of America's Red Rock Wilderness Act, we are only asking that 3,500 miles of designated roads out of 20,000 in those management plans get pulled. That is a fraction when our own statistics, the BLM's own statistics show that in a place like Moab, only 8 percent of the visitors are engaged in motorized recreation. The rest are engaged in human powered active recreation. So clearly those two are incompatible, and those are the drivers of the recreation economy in America. Thank you.

Mr. HINCHEY. Thank you very much. If I may, Mr. Garbett, I know that your family, you and your family, are one of the oldest families in the State of Utah. And I appreciated hearing about the experiences that you had, the kinds of things that you have done. And I know that you have insight with regard to the economic circumstances and Utah and how positive it is to open up these wilderness lands and present them to the people in Utah and everyone else around the country so that they could come there and enjoy it, and what an impact that does make on the economy.

And also if you would say something else about the offroad vehicles and the poorly managed circumstances there and the way in which that damages the land there. And to some extent I have heard speculations about how that damaging of land is contributing to the global warming problem that we are having as well. So if you could touch on that, I would appreciate it.

Mr. GARBETT. My family has been in Utah for a long time, and my interest was sparked when I used to go throughout the state with my father, he was a loan guarantee officer for the Veterans Administration and would travel through all the small towns in Utah. I hope that those that are on the other side of the issue of wilderness don't feel that we are not interested in what happens in Utah and what happens in their towns.

I agree with Peter, I think that this would be a very viable way of creating jobs in Utah so that the children of the residents in

southern Utah can stay there and don't have to move out. I have started many companies, and I think we are just seeing the beginning of the potential. Offroad vehicles, and I am glad that you asked that question, the dust that is created from offroad vehicles, the removal of vegetation which holds the dust in place, there is evidence now that that is actually affecting the ski industry in Colorado, and what it does is it covers the snow so it melts faster. Some estimates think that that is maybe as much as a month and a half faster, which also hurts agriculture if that runoff comes that much earlier.

Mr. HEINRICH. Mr. Bishop stuck to his five minutes, so I am going to try and keep things moving along here. Mrs. Lummis.

Mrs. LUMMIS. Thank you, Mr. Chairman. Mr. Bell, I understand that the multiple uses currently allowed on the land in question are economic drivers in the State of Utah, whether through energy development, ranching, or recreation. Do you see the sweeping wilderness designations included in this bill raising or depressing revenue for the State of Utah and its local communities?

Mr. BELL. I think the chart we saw this morning about the impact Federal lands have on our education for our children is really quite foundational. When you try to run an economy with public lands approaching 80 percent, when you take into account the Indian reservations, the Federal lands, the state ownership, it is really quite a burden, and of course we recognize the great advantage that these lands have as well, but still we are working with essentially 20 percent of our land to make a tax base for our state, so it is very difficult.

And let me just continue by saying, I was in the Uinta Basin, which is the Vernal area which has enjoyed somewhat of an oil boom and a gas boom in the last two or three years, that economy now is reeling from the pullback of those energy facilities. And while it is encouraging over the long long term to say, well there might be entrepreneurial opportunities, it is really difficult to walk the streets of Vernal today and say for the next year or two or three or five, the RMPs have been rejected, the permits have been slowed down, the rigs have cut down to about a third, we have an energy problem in our country, it is almost impossible to deal with the current situation.

Mrs. LUMMIS. Thank you. We have similar situations in Wyoming, it sounds like a very parallel story. Commissioner Jones, why do you think the Washington County and Cedar Mountain wilderness designations recently done in Utah were successful, and what do you think the sponsors of this bill can learn from those pieces of legislation?

Mr. JONES. Well, community input. People had the opportunity to have input on those. I am opposed to large land grabs, as I call this because it is huge. And they are not really taking a look on the economic gestures or, you know, people who live that country, they ranch that country, they use the country for petroleum and energy influences. None of that was taken into consideration on this bill. And I believe that whenever Washington County's bill was looked at, they looked at those issues. And that is important to our economy in rural Utah whenever we build an economy on Federal lands.

Mrs. LUMMIS. Both Mr. Anderson and Mr. Garbett, I would like you to consider this question. You are former public servants in Utah, and so I think you understand what kind of pressures we are facing here. One of my concerns with this bill is, the language is pretty broad and vague describing the number of acres and the lack of a map defining the areas to be designated. Whether it is wilderness or wind energy sites, do you think it is good policy for Congress to sign off on bills without knowing all those specifics? What kind of issues does that create for the implementers?

Mr. ANDERSON. I read the Cedar Mountain Wilderness Act last night, and I saw that the map was to be presented by the Interior Secretary to define those areas. I think certainly the marking up of this bill presents a great opportunity for everybody to get together and determine the specifics. But we saw a map today, there is as great a clarity with respect to what this wilderness would be as with other wilderness acts, and I think that that all is going to be resolved as this bill is marked up and the details attended to. And that would include of course the wilderness area in Washington County that needs to be removed from the bill.

Mr. GARBETT. I have seen maps. It looks clear to me. I have also read the bill, and it is fairly detailed in the amount of acreage that it calls for in each area.

Mrs. LUMMIS. OK, Mr. Garbett, excuse me, I had mispronounced your name earlier. It is Garbett, right?

Mr. GARBETT. Yes. Yes, it is. That is no problem.

Mrs. LUMMIS. OK. Thank you. I apologize.

Mr. HEINRICH. Mrs. Lummis.

Mrs. LUMMIS. What I saw, Mr. Chairman, was references to things like 10,000 acres more or less. And, you know, I have a ranch that is 10,000 acres more or less. I know that that is—

Mr. HEINRICH. And you would prefer a ranch that was 10,000 acres more as opposed to less.

Mrs. LUMMIS. You have it, exactly. And one more question, or is my time up?

Mr. HEINRICH. It is. We will do another round if that is OK.

Mrs. LUMMIS. Thank you.

Mr. HEINRICH. Mr. Bishop?

Mr. BISHOP. Let me just do a couple, and I appreciate the gentlelady from Wyoming bringing that up because I was the one that did the Cedar Mountain bill and the map had to be there and it had to be specific before we had the hearing. Otherwise, Chairman Pombo would not let us go forward with that, and we had done it on the ground and had made specific changes to the map. So it was there, it was specific, it was not labeled as XX. There is a difference in the process in which we are going with this.

There is just one other question I have of Mr. Bell perhaps, Lieutenant Governor Bell. And maybe Mr. Hinchey would help me with this because there was one element of revisionist history that became just abundantly unusual to me when you said that the reason the Federal Government has all this land is because the states abandoned this land. That is a unique concept there. Do you want to clarify what you mean by "states abandoning this land"? And, Lieutenant Governor Bell, did anyone in Utah ever use that as the philosophy of what we have when we try to talk about these terri-

tories as these parcels, which was supposed to supply a state fund for education by the way, of being abandoned? That is just such a bizarre verb ever to be used.

Mr. HINCHEY. Obviously, Mr. Bishop, there is a clear misunderstanding of the situation here. The circumstances of the lands that are overseen by the Federal Government in this country comes about as a result of the fact that the states were not interested in them and did not organize them in any way, none of the property was being sold to individual citizens back at that time. And that is basically, Mr. Bishop—

Mr. BISHOP. If I could reclaim my time, can I ask you where you actually got that concept?

Mr. HINCHEY. If I were you, Mr. Bishop, I would let somebody that you ask a question finish it before you try to interrupt them.

Mr. BISHOP. Just if you can tell me where you got that concept though.

Mr. HINCHEY. Mr. Bishop, that is the fact. All you need to do is go back and look at the history, the early history of the country, and you see that that is how basically the open lands in a great many states were organized in that way, and how they came about and how the Federal Government's oversight of that land eventually came about.

Mr. BISHOP. Mr. Bell, have you ever heard that one before?

Mr. BELL. Well, it is my understanding these public lands from statehood have never been owned by the State of Utah, and our authority over those has been nonexistent. So I don't know, perhaps we are missing a defined term here. We do have of course school lands in every section, and it is somewhat difficult to manage those scattered lands because you can't sell them if they are surrounded by Federal lands, and perhaps that is what the good Representative is talking about. But in the last 30 years Utah has aggressively organized itself to manage state trust lands for the benefit of the students of Utah, and that has yielded tremendous returns.

Mr. BISHOP. Let me, I don't mean to cut you off here, but I am going to run out of time here very quickly. And I appreciate the concept you went in there because once again, when we had to present the map, we had to go in there and find out not only what were the private holdings but we also had to go upon the state trust lands and make sure that we were not imposing upon them something that still has to be done. That is a very time consuming concept that is there.

And it is also unique because simply, these lands that were taken at statehood were supposed to provide a state trust fund for the education in the State of Utah, hardly the concept of abandonment. I think what we probably have to do here is get some lexicon discussions going as to what the word "abandonment" means, but for those of us in the West that is a unique concept that is not historically part of the history we are looking at. And I appreciate that, and perhaps we are just dealing with semantics at this stage of the game, but it is an unusual and unique semantics game in which we are engaged. I will yield back.

Mr. HEINRICH. Mr. Hinchey.

Mr. HINCHEY. Thank you very much, Mr. Chairman. Again, I think that this is a very interesting discussion, and again I want

to express my appreciation to all of you for being here. These things are very important. One of the things that we are interested in, those of us who are sponsoring this bill, is to try to do everything that we can for this particular state in the context of this extraordinary land that it has, and how that land can be used in that state effectively for the people in that state, and how it can be enjoyed more by people in other places that are neighbors to that state and other places around the country. That is basically what we are trying to do here.

You are dealing with something that is absolutely the most startlingly beautiful lands almost anywhere on the planet. So that is one of the main focuses of our attention. And I wanted to ask Mayor Anderson if he would respond to a question or so, there are so many things that have been done in the context of your experience as mayor, and I very much appreciate the testimony that you gave. That city is a wonderful place and it is the largest and most important city in Utah.

And one of the things that you mentioned in the context of your discussion with the display, that picture that you showed, how the public lands around the City of Salt Lake have had a positive impact, and maybe you could talk a little bit more about that. But also, I know you are a former trial attorney and you have an extensive background in issues of Constitutional law, and I know that some of the people opposed to this bill have argued that the Federal Government was required by the Constitution to relinquish its Federal lands in Utah upon the state's admission to the union. Perhaps you could talk to us a little bit about that as well.

Mr. ANDERSON. I am going to take the latter one first if I may. There has been, to use the politest term I can think of, a very strange legal argument used by those who call themselves "sage brush rebels" or "the county supremacists," who say that there is an equal footing doctrine. Congressman Bishop wrote about this in an op-ed piece saying that it is in Article 4 of the United States Constitution, which coming from a strict constructionist I would think that you would want to look at the language of Article 4, you see that there is nothing of the sort in Article 4 or anywhere else in the Constitution.

Their concept is that all of the states after the original 13 states were to be admitted to the union on an equal footing, and so they say that means since there was no Federal land in the first 13 states, therefore there couldn't be any land at the time of statehood in any of the new states. Absolutely no basis for it. There was one old Supreme Court decision where they said that the beds and banks of navigable streams are part and parcel of a state's sovereignty, so that when a state becomes a state if the Federal Government owned the banks and the beds of navigable streams then that goes to the state. That is as far as it goes.

And in fact this theory has been expressly rejected by the United States Court of Appeals. So there really is nothing to that. The inconsistent argument that I have also read from Congressman Bishop is that somehow the enabling act for Utah becoming a state requires that the Federal Government sell all of its lands and give 5 percent of the proceeds to the state. It doesn't say that at all. It uses the word "shall" the first time in the section that he refers to

in the context of, if the government shall sell the lands then it gives 5 percent of the proceeds.

And that has to be the meaning because in Section 3 of the enabling act it provides all sorts of explicit requirements and prohibitions that clearly contemplate that those Federal lands will be retained by the Federal Government, which of course is what the property clause under Article 4 of the United States Constitution contemplates as well. And that means that Congress shall determine the use and the management for those lands.

Regarding the value of the these wilderness areas around the Salt Lake City area, it is really interesting when you go back and look in the archives, Deseret News, March 3rd, 1977, everybody, Salt Lake City, Utah's two House Members were recommending that wilderness designation for Lone Peak be rejected. Same thing in 1984 regarding Deseret Peak, Stansbury wilderness area. These articles read exactly like what we are hearing from the opponents of the Red Rock Wilderness Act in terms of the objections.

It is something that we have seen in the Ken Burns documentary now in terms of preserving our Federal lands either as national parks, national monuments. We know that in every one of these instances, and certainly it is the case with regard to all these wilderness areas around Salt Lake City.

Mr. HEINRICH. Mr. Anderson, because your time is expires, I am just going to ask you to wrap it up.

Mr. ANDERSON. OK. We know that everyone now looks back with gratitude for those who stood up against the opposition and made certain that these lands were preserved for later generations.

Mr. HINCHEY. Thank you very much for that. And I think that what we are trying to focus on here is some of the misunderstanding that is generating opposition to the kinds of things that are trying to be done on behalf of the people of the State of Utah. And I thank you very much for your answer.

Mr. HEINRICH. Thank you, Congressman. Mrs. Lummis, do you want to go to your next question?

Mrs. LUMMIS. Thank you so much, Mr. Chairman. Mr. Metcalf, one of the areas recommended in this bill is only 390 acres in size, far below what the Wilderness Act requires. This is less than one square mile, it is only about a half a square mile. How do you think that particular area known as Sooner Bench meets the requirements of the Wilderness Act?

Mr. METCALF. I have to be honest with you, I don't know the specifics of that piece of property, but I will tell you this, that as somebody who has moved a business to Salt Lake that is located only about two miles from a wilderness boundary and I go there at lunch, I can cross into the wilderness and look over my shoulder and see tractor trailer rigs rumbling along and hear the noise, but it doesn't remove for a moment the sense of wonderment I get from being in that wilderness, seeing Rocky Mountain Bighorn Sheep, elk, deer, et cetera. So I don't see necessarily a contradiction that you may be referring to, but I don't know the specifics of that parcel.

Mrs. LUMMIS. Mr. Chairman, anyone, know that parcel?  
[No response.]

Mrs. LUMMIS. OK. Thank you, Mr. Chairman.



Mr. HEINRICH. Mr. Bishop.

Mr. BISHOP. If no one else has other questions, I realize our guests have been here forever and are trying to go on. I have other questions, obviously I can go on all night, but if no one else has other questions I will refrain and we will just go on with this. Let me just thank our good friends for coming up here, coming back here, I appreciate your participation, I appreciate your willingness to be here. Thank you so much for your time and dedication. And look to 1848 for some Supreme Court cases.

Mr. HEINRICH. Thank you. And I too want to express our thanks to all of our panelists today in all four panels. Go ahead, Mr. Hinchey.

Mr. HINCHEY. If you don't mind, one of the issues that was brought up was the issue of education and how potentially the expansion of wilderness land is going to have a negative impact on education. But we know from our experience that it is quite the opposite. And so I would ask you, if we could start with the mayor first and come back, talk to us a little bit about education and the way in which education needs to be funded and how this would be beneficial to that process.

Mr. ANDERSON. Well, we have the small parcels of STLE lands, the State Trust Lands for Education, and you will see those at little blue dots, little squares on the maps. This Act actually requires the Secretary of the Interior to trade out those lands that would be within the wilderness area for other lands of at least equal value.

The fact is that the designation, for instance of the Grand Staircase Escalante Monument, has been a boon for Utah's schools because they took all of those isolated tracks that were very unproductive and that were separated from each other, and up in I believe it is called Drunkard's Wash up in the Price area, the BLM has traded those properties in the Grand Staircase Escalante Monument for contiguous properties up near Price, Utah, and 60 percent of all the gas and oil revenues that have gone to the state school trust has come from those lands.

So this would be of great benefit to our schools. But in arguing about these STLE lands, one must recognize that only about six tenths of 1 percent of our entire education budget comes from these lands. So anything we can do to increase the productivity, as has been accomplished, through designation, protection of these Federal lands I think is of great benefit to the state, to our students, to our teachers.

Mr. HINCHEY. Thank you, Mr. Mayor. Mr. Garbett?

Mr. GARBETT. As a former legislator, education is the number one concern of the State of Utah, and trying to find the money to educate our kids. It is hard, we have a lot of children, not a lot of money. And my support for this bill is, based on from what I have seen, that it will not have effect on ways of earning money, oil, gas, and the effect there will be very minimal. And so that we can continue to receive those revenues as well as save our valuable resource for those children that go to school and for future generations in our state and across America.

Mr. HINCHEY. Thank you. Mr. Metcalf?

Mr. METCALF. I think the only thing I can add to those excellent answers is simply that I think we want to be sure we don't lose sight of the fact that Utah is not just a one-industry state. We keep talking about oil and gas, oil and gas. We have seen the boom and bust cycles over the last three decades since I have lived in the West. And what this bill helps do is to preserve the lands that allow for another industry to remain relevant for many, many generations to come, that of active outdoor recreation.

And that is without even going into the aspects of global warming, obesity, making sure that we get our children outdoors. And as somebody who is an active outdoor participant, it is wonderful to see the number of Utah schoolchildren who get out to use these wild lands that we have. So that is an important issue too. But a balanced business portfolio is essential to the livelihood and vibrancy of this state's economy in the decades to come.

Mr. HINCHEY. I thank you very, very much. Thank you, Mr. Chairman.

Mr. HEINRICH. Thank you. Mr. Bishop.

Mr. BISHOP. When we come back for a markup on this bill, we will have a nice discussion on Utah's equalization formula for education and the recapture program and how that actually has happened historically in the State of Utah. But I realize we are trying to get out of here so I am not trying to prolong this with more questions.

Mr. HEINRICH. Thank you, Mr. Bishop. I want to thank once again all of our panelists today for coming all the way to Washington to make your testimony, and I want to thank all of you for your patience with us as we moved back and forth between here and the House Chamber. And we will wrap this up. Thank you so much.

[Whereupon, at 3:15 p.m., the Subcommittee was adjourned.]

