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STEENS MOUNTAIN COOPERATIVE MANAGEMENT AND PROTECTION ACT

OVERSIGHT HEARING

BEFORE THE

SUBCOMMITTEE ON NATIONAL PARKS, RECREATION, AND PUBLIC LANDS

OF THE

COMMITTEE ON RESOURCES
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

June 8, 2002

Serial No. 107-124

Printed for the use of the Committee on Resources

Available via the World Wide Web: http://www.access.gpo.gov/congress/house
or
Committee address: http://resourcescommittee.house.gov

U.S. GOVERNMENT PRINTING OFFICE
80-117 PS WASHINGTON : 2002

For sale by the Superintendent of Documents, U.S. Government Printing Office
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OVERSIGHT FIELD HEARING ON THE STEENS MOUNTAIN COOPERATIVE MANAGEMENT AND PROTECTION ACT

Saturday, June 8, 2002
U.S. House of Representatives
Subcommittee on National Parks, Recreation, and Public Lands
Committee on Resources
Frenchglen, Oregon

The Subcommittee met, pursuant to call, at 12:40 p.m., at Frenchglen School, Highway 205, Frenchglen, Oregon 97336, Hon. Michael K. Simpson presiding.

STATEMENT OF HON. MICHAEL K. SIMPSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF IDAHO

Mr. SIMPSON. Good afternoon. Subcommittee on National Parks, Recreation and Public Lands, will come to order.

I appreciate being invited back to this beautiful country, in this area with the Steens Mountain and all that's gone on here. And I have spent 3 days here, last summer, with Fred Otley and Stacy Davies—even met with Bill Marlett—to discuss what you did here. And I was very impressed. It was my first trip here, and it is beautiful country.

This afternoon, the Subcommittee will conduct an oversight hearing on: (1) the ongoing implementation of the Steens Mountain Cooperative Management and Protection Act, and any problems the Bureau of Land Management has been having in executing some of the more unique features of this Act; (2) any concerns regarding the traditional access to the private inholdings within the Steens Mountain Management Area; and, (3) the process for issuing special-use permits for historical recreational uses within the special area.

At this point, I would like to add that this is not about additional legislation, which may be introduced or being talked about. This is about the implementation of the legislation that is currently on the books, relative to the Steens Mountain—Steens Mountain Cooperative Management Protection Act.

As many of you know, Congressman Walden led the Oregon Delegation's efforts, with Governor Kitzhaber, the Department of the Interior, and various user groups, to establish this multifaceted Steens Mountain Cooperative Management and Protection Act. For those of you that are members of the Steens Mountain's Advisory

Committee, you know, firsthand, just how truly unique and complicated the management of the special area is, and how unprecedented the concept was, when it was being developed back in 1999 and 2000. When you are faced with managing an area that includes Federal, state, and private lands, as well as a wilderness area, a no-grazing area, and a cooperative management area, it takes time to make things work out.

This hearing is of interest to me personally, as I'm currently working on resolving conflicts in the Boulder-White Clouds region of South Central Idaho. What I learn today will have a bearing on how I proceed in trying to work through issues that are very similar to the ones that you were facing when this legislation was developed. I believe that people are watching what is going on here, and that the future of wilderness legislation is going to depend a great deal on how the Steens Mountain Wilderness Area and Cooperative Management Plan is implemented. I have not seen a more collaborative piece of legislation than the Steens, and if it doesn't work here, it's hard to imagine one that will work.

If the intent of this legislation is not carried out, or is co-opted by rulemaking or by agencies or individuals or lawsuits, it's going to be difficult to get people to the table in other states. In sum, promises made to those who work on cooperative agreements such as this, must be kept. It they are not, future wilderness proposals and corporative agreements will be in jeopardy.

I have just one housekeeping item that I must take care of, before we have today's witnesses. First, I'd like to say that this is not a town hall meeting. And, unlike a town hall meeting, where we just have people come up and testify, the people who are testifying today have been invited to testify. This is an official hearing of the Subcommittee. Each of the witnesses will see a box on the witness table with three lights on it. Each witness will have 5 minutes for their oral testimony. Your entire written statement will be placed in the record. The green light will illuminate when you begin your testimony. The yellow will illuminate when you have 1 minute left. And the red light will illuminate when your 5 minutes are ended. I would also say that we will keep this hearing record open for 30 days, and that the Subcommittee may be submitting questions to those who testified, that we would appreciate responses to.

At today's hearing, we will hear from Chuck Wassinger, the Oregon Associate State Director for the Bureau of Land Management, regarding the ongoing decisionmaking process that the Bureau is utilizing to further implement the Steens Mountain Cooperative Management Plan. In addition, we will hear from ranchers, some of whom are members of the Steens Mountain Advisory Commission, and representatives from the recreational and environmental community. Congressman Walden and I look forward to the testimony and any ideas that our witnesses may have on ways to reduce any conflict between managers and users of the Steens. I now yield my opening statement to my good friend from Oregon, Mr. Walden, for his opening statement.

[The prepared statement of Mr. Simpson follows:]

Statement of The Honorable Michael K. Simpson, a Representative in Congress from the State of Idaho

Good afternoon. The Subcommittee on National Parks, Recreation, and Public Lands will come to order.

This afternoon, the Subcommittee will conduct an oversight hearing on: (1) the ongoing implementation of the Steens Mountain Cooperative Management and Protection Act and any problems the Bureau of Land Management has been having in executing some of the more unique features of the Act; (2) any concerns regarding traditional access to private inholdings within the Steen Mountain Management Area, and (3) the process for issuing special use permits for historical recreational uses within this special area.

As many of you know, Congressman Walden led the Oregon Delegation's efforts with Governor Kitzhaber, the Department of Interior and various user groups to establish the multifaceted Steens Mountain Cooperative Management and Protection Act. For those of you that are members of the Steens Mountain Advisory Committee, you know first-hand just how truly unique and complicated the management of this special area is, and how unprecedented the concept was when it was being developed back in 1999 and 2000. When you are faced with managing an area that includes Federal, state and private lands as well as a wilderness area, a no-grazing area and a cooperative management area, it takes time to make things work.

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If the intent of this legislation is not carried out or is co-opted by rulemaking, lawsuits or other agencies/individuals or lawsuits, it's going to be difficult to get people to the table in other states. In sum, promises made to those who work on a cooperative agreement such as this, must be kept. If they are not, future wilderness proposals and cooperative agreements will be in jeopardy.

I have one housecleaning item for today's witnesses. You will see a box on the witness table with three lights on it. Each witness will have five minutes for their oral testimony. Your entire written statement will be placed in the record. The green will illuminate when you begin your testimony; the yellow will illuminate when you have one minute left and the red light will illuminate when your five minutes has ended.

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I now yield for an opening statement to my good friend from Oregon, Mr. Walden, for his opening statement.

STATEMENT OF HON. GREG WALDEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OREGON

Mr. WALDEN. Thank you, Mr. Chairman. I want to thank you, Mike, for making the trip out here today. I want to apologize to the audience, too, for our delay in getting started. The plane that was sent to get us, from Bend, had a mechanical on the way to Portland to pick all of us up, and returned to its original landing strip. I prefer, when planes have mechanicals, that they have them without us on board, which was the case today. But it became very difficult to find a replacement plane, to be able to fly down. Eventually, we were able to charter one out of Wenatchee, to come and get us. So, my apologies for the start.

But I want to thank Congressman Simpson, who represents the Second District of Idaho, and is a member of the Subcommittee, for chairing this hearing and for attending. I also want to recognize that we will be inserting, in the record, a statement from my colleague Congressman DeFazio, as well as a statement from Senator Smith. Both Senator Smith and Senator Wyden, I believe, have staff here, in attendance today. And we want to welcome David Blair. We want to welcome Martin Doern and Rich Krikiva. I also want to thank the gentlemen seated behind me—both Paul Griffin, on my staff, and Lindsay Slater, who is familiar to many of you, who is now Chief of Staff to Mike Simpson. Lindsay spent the better part of the year as Legislative Director on my staff, negotiating the Steens Mountain legislation. That wore him out, and he had to move to Idaho.

[Laughter.]

It was about 3 years ago, in the front yard of this school, that we gathered to talk about whether or not we should proceed with a legislative alternative to a proposal being put forth by the Clinton Administration—and, specifically, Secretary Babbitt—to declare the Steens Mountain a national monument. And I remember, very vividly, a barbecue we had out here, and had that discussion. And, at that time, made the decision, together, that we could proceed with legislation and do our part to try and help craft something that would be better than a national monument. And I think we succeeded in crafting that legislation. The real challenge that's ahead of us is to make sure that what we thought we agreed to, and the intent of that legislation, gets implemented here on the ground, both by the Steens Mountain Advisory Committee Council, as well as by the agencies involved, and that the commitments that were made by various groups along the way, as that was hammered out, are followed.

I am troubled, frankly, and concerned by some of the access issues that are being raised, especially as it relates to private land holders and the rights of private land holders to be able to access their property without having to go through some sort of formal NEPA process and EA process. Certainly, that was never the thought I had in mind, nor do I think it was the intent of the legislation.

There are lots of other questions involving the recreational uses on the mountains. There were just too many times that we had meetings and discussions where we said, "The thrust of this legislation is different than the thrust of other wilderness legislation." Throughout the entire debate on this bill, we talked about doing it differently here—creating a cooperative management strategy here, that fully recognized the historical uses on this mountain. Economic, social, environmental—all of them. Ranching and recreational. And that we had an opportunity to write a law that was different than laws that had been written before. And I'm fully, fully aware that that was the discussion that we had, and that that was the intent of the law that we wrote. And so, as we begin to work through these issues, I want to commend the dedicated members of the SMAC for tackling a lot of these issues. But it appears to me that there are some very serious concerns that are out there about access, and I hope we can get to the bottom of those today.

There are issues about where we may go from here, in terms of making sure this Act gets implemented with the intent that those of us who wrote it had.

So, I want to thank our witnesses for making the trip out to this special part of Oregon, and those of you who are local here, I appreciate your willingness to join us today. I also want to thank those individuals who made this hearing a possibility today. Obviously, the people involved in Frenchglen School—Thank you for opening the gymnasium to us. Earlyna Hammond, Rob Howarth, from our Resources Committee. Both the communities of Diamond and Frenchglen for putting together a barbecue that will occur afterwards. And I would also like to thank the various staff members from our delegation that I already mentioned, who are with us today. I'd also like to notice Commissioner Dan Nichols, and Judge Steve Grasty, and Commissioner Jack Drinkwater, and all the elected officials—state and local—for their efforts in working with the Federal agencies to ensure that this landmark legislation is enacted as smoothly as possible. Finally, I'd like to wish Hoyt Wilson a speedy recovery from his most recent surgery. He was originally scheduled to testify today, but his shoes will be ably filled by Fred Otley.

So, with that, Mr. Chairman, I appreciate, again, your willingness to hold this hearing, and willingness of our overall Chairman, Congressman Hansen, to allow us to come out and have an official Resources Committee hearing here. By the way, I believe we are setting history today, and I think we can safely say it's the first time the House Resources Committee has held a hearing in Frenchglen.

So, we're delighted you're with us. We're delighted to be here. This is where it happens.

Mr. SIMPSON. Thank you, Congressman Walden. I am pleased to be here in Frenchglen. If any of you wonder why I'm smiling when I say "Frenchglen," it's because we have—Some of the staff just lost a bet. I kept thinking—My wife's basketball hero, Larry Bird, is from a place called "French Lick, Indiana," and I kept saying "French Lick," and they kept saying, "No, it's Frenchglen." And so, they made a bet whether I would say "French Lick" or "Frenchglen." So, I got it right, but if I screw up during the hearing, at any given time, please forgive me now.

[Laughter.]

So, I appreciate it.

[The prepared statement of Mr. Smith follows:]

Statement of The Honorable Gordon H. Smith, a United States Senator from the State of Oregon

Thank you, Mr. Chairman, for holding today's important field hearing on the implementation of the Steens Mountain Cooperative Management and Protection Act of 2000.

In the 106th Congress, faced with a potential national monument designation for the Steens Mountain area, you and I worked with our colleagues in the Oregon delegation and interested stakeholders to create the Steens Mountain Cooperative Management and Protection Act of 2000. Our goal in this process was to ensure historic ranching and recreational uses of the area continued, even as we enhanced protections for the unique natural treasure that is Steens Mountain. It took us over one year to negotiate out the provisions of the bill between Members of Congress, the Secretary of the Interior, the Governor of Oregon, the local ranching community, local outfitters, and environmental organizations.

It was clear at the time that we were trying to establish a new, innovative approach to cooperative management of the area between the Federal Government and the local landowners. We believed that Oregonians, as leaders in environmental stewardship, could craft a new, locally supported approach that did not attempt to impose on this management area an existing land management classification. We also created a Steens Mountain Advisory Council, composed of a diverse group of stakeholders who are to provide ongoing input concerning the management of the area to the Bureau of Land Management.

I am concerned, however, about ensuring continued access for ranchers to grazing allotments and non-federal lands on the mountain, as well as efforts to disrupt the operations of the Steens Mountain Running Camp. The running camp is an excellent facility that has trained thousands of runners and has operated on the mountain for the past quarter century. It was clearly congressional intent that historic uses of the mountain be allowed to continue under this Act. In fact, one of the objectives of the Area, as identified in the statute, is "to promote grazing, recreation, historic and other uses that are sustainable." In addition, the House report language states that the Act "is intended to enhance statutory protections for the area while maintaining the viability of historic ranching and recreational operations in the Steens Mountain area."

I am committed to ensuring that the long-term management plan for the area fulfills congressional intent, as well as the commitments made to the residents of Harney County. I want to thank those stakeholders who are working in good faith to achieve this same result.

Mr. Chairman, I commend you for your steadfast leadership to find a balanced approach to difficult land management issues. I look forward to reviewing the testimony from today's field hearing in Frenchglen and continuing to work with you to find consensus-based solutions to public lands management issues in the region.

[The prepared statement of Mr. DeFazio follows:]

Statement of The Honorable Peter DeFazio, a Representative in Congress from the State of Oregon

I would like thank Congressman Walden for asking for this oversight hearing, and his continued interest in resolving management issues on the Steens to ensure the best protection possible for this unique and majestic ecosystem.

Through a joint effort involving former Secretary of Interior, Bruce Babbitt, local residents and interest groups, environmentalists, and Oregon's congressional delegation, we were able to craft unique legislation that hopefully can be used as a model for managing our public lands treasures. The final compromise bill was well received. It was supported by the Clinton Administration, Governor Kitzhaber, and the entire Oregon congressional delegation. The legislation was approved by voice vote, without objection, when it came before the full House of Representatives.

Since the passage of this historic legislation, controversy over the management plan has developed and continued to fester. As you all know, the controversy primarily involves issues of access to private property, and appropriate recreational uses of the wilderness.

Most prominent among these issues is the use of the wilderness by young athletes attending the Steens Mountain Running Camp. The Bureau of Land Management (BLM) has done the required Environmental Analysis (EA) of the ecological impact the camp would have on the wilderness. The EA concluded that the impact of the camp would be negligible. It's my opinion that there should be no question as to whether the camp participants should be allowed to hike and run in the Steens wilderness. I don't believe the camp's activities violate the spirit or intent of the wilderness portion of the legislation, or of the 1964 Wilderness Act.

That said, I strongly encourage all parties to come to the table and work together to develop a reasonable option for the camp in an effort to avoid divisive legal action. The legislation that created the Steens wilderness was only possible through cooperation and non-partisan compromise. It is in this spirit that I hope the camp's management and environmentalists can come together to resolve their differences, and find a workable solution that allows the camp to use the wilderness in a responsible manner.

It's been over a year and a half since the Steens bill was approved by Congress. Many recreation and access issues remain controversial and unresolved because the BLM has yet to release a comprehensive management plan for the area, as required by the Steens legislation. A BLM management plan would provide the framework to resolve controversial issues. I am pleased that the scoping process is now com-

plete, but I encourage the BLM to move forward as quickly as possible to develop and release a management plan for the Steens.

Again, I'd like to thank Mr. Walden for holding this field hearing, and commend him for his interest in resolving difficult issues on the Steens.

Mr. SIMPSON. Our first panel is Mr. Chuck Wassinger, the Associate State Director for the Bureau of Land Management, for Portland, Oregon. Chuck, welcome to today's hearing. We look forward to hearing your testimony.

STATEMENT OF CHUCK WASSINGER, ASSOCIATE STATE DIRECTOR, BUREAU OF LAND MANAGEMENT, PORTLAND, OREGON

Mr. WASSINGER. Thank you, Mr. Chairman. Before I get started, I would like to request that our district manager, Tom Dyer, and our field manager, Miles Brown, join me at the table, if possible. They may be able to respond to some of specific questions.

Mr. SIMPSON. Certainly, we would like to have those two join you at the table. And, before you begin your testimony, I'll ask unanimous consent that Congressman DeFazio and Senator Smith's statements appear in the opening record. And I am, also—since this is his district and so forth, I'm going to turn the Chair of this hearing over to Congressman Walden.

Mr. WASSINGER. Thank you for the opportunity to testify, regarding the Bureau of Land Management's experience in implementing the Steens Mountain Cooperative Management and Protection Act of 2000. We appreciate the continuing interest you and the entire Oregon Congressional Delegation have shown in the implementation of the Steens Act. Many in this room have lived here for decades and generations, and it is your wise stewardship and examples that we look to in our management of public lands within the Steens.

Secretary Norton talks about the "4Cs"—consultation, cooperation, and communication, all in the service of conservation. The Steens Act is an excellent example of her guiding principles put into action. The wide array of natural characteristics, communities and desires, and competing interests, provides for many complex challenges and rewarding opportunities.

The 12-member Steens Mountain Advisory Council was appointed by the Secretary of the Interior on August 14, 2001, pursuant to the Steens Act. Steens Mountain Advisory Council has met four times since the first meeting in October of last year. Four additional meetings are scheduled for the remainder of 2002. Issues—including recreation, access, education, grazing, wilderness, and firefighting in the Steens—have all been addressed with the Council this year.

The Steens Act requires that we develop a comprehensive management plan within 4 years of the passage of the Act, to set long-term management direction for the area. We're working in close collaboration with the Steens Mountain Advisory Council, Southeast Oregon Resource Advisory Council, other Federal and state agencies, local governments, tribes, and with the public, to identify future management direction for the entire planning area. A draft management plan and environmental impact statement are ex-

pected to be available for a 90-day public review period, in the spring of 2003. The proposed plan and final EIS are, then, anticipated by the winter of 2003-2004.

Title VI of the Exchange Act mandates five land acquisition exchanges. Those exchanges have been a major focus of BLM's efforts over the last year, and the final exchange was completed in early April. In addition, two Land and Water Conservation Fund purchases, involving inholdings within the wilderness, have been completed since the passage of the Act. $25 million for additional land acquisitions and conservation easements is authorized through the Land and Water Conservation Fund by the Steens Act. As we receive appropriations for such acquisitions, we will work cooperatively with the Steens Mountain Advisory Council and local landowners to maximize the use of such monies.

Access to wilderness inholdings and private inholdings is governed by Section 112(e) of the Steens Act and by the Wilderness Act of 1964. Both require reasonable and adequate access, while minimizing impacts on designated wilderness. We are committed to addressing this issue. The Steens Act requires that grazing within the wilderness shall be administered in accordance with the Wilderness Act and the guidelines established by Congress in 1990. The BLM intends to fully comply with this direction and is preparing environmental analyses to analyze the potential use of motorized vehicles and equipment, and practical alternatives that may exist for this purpose.

For as long as people have settled in southeastern Oregon, they have used the Steens Mountain area for recreational purposes. Those uses are both individual and commercial. For many of the commercial activities, the BLM is required to issue special recreation permits. The BLM Burns District staff is preparing environmental analyses to analyze the impacts of current permitted recreational activities on public land within the Steens Mountain area, and, in particular, the Steens Mountain wilderness area. The EA's will identify impacts to resources and uses, while providing for streamlined administrative processes, for permitting to be more responsive to our commercial recreation-service partners. We are deeply aware of the importance of recreational issues to the local public. We will continue to work closely with the Steens Mountain Advisory Council and all users, whether recreational or commercial, to find ways to best address their needs in the context of the Steens Act and other applicable laws and regulations.

In conclusion, as we continue to move forward on planning and implementation of the Steens Act, I want to give you my assurance that we will continue to involve all interested parties who live in, recreate on, derive their livelihood from, and love Steens Mountain. We have learned much from those who call Steens "home," and we will continue to look for them for advice and guidance. That completes my initial comments.

[The prepared statement of Mr. Wassinger follows:]

Statement of Chuck Wassinger, Oregon Associate State Director, Bureau of Land Management

Thank you for the opportunity to testify regarding the Bureau of Land Management's (BLM) experience in implementing the Steens Mountain Cooperative Management and Protection Act of 2000, Public Law 106–399. We appreciate the con-

tinuing interest you and the entire Oregon Congressional delegation have shown in the implementation of the Steens Act.

Steens Mountain offers exceptional natural and geologic diversity. The mountain provides visitors and residents with spectacular views of deep, glacial gorges, stunning colorful alpine wildflower meadows, high desert plant communities and the opportunity to see pronghorn antelope, elk, mule deer, wild horses, bighorn sheep, and raptors. The 52-mile Steens Mountain Backcountry Byway offers access to four campgrounds on the mountain and affords remarkable views of Kiger Gorge, the east rim, and wild horse overlooks.

None of this is news to the many people here today who love the Steens. Many of you have lived here for decades and generations and it is your wise stewardship and example that we look to in our management of the public lands within the Steens.

Secretary Norton talks about the "4Cs"—consultation, cooperation, and communication all in the service of conservation. The Steens Act is a stunning example of her guiding principles put

into action. Passage of the Act was a culmination of a cooperative effort at the local level. This was not a top-down Washington-driven proposal. Rather, it was the result of the hard work of the Oregon Congressional Delegation, Governor Kitzhaber, local land owners, users of the land, and local conservation organizations, to provide for long-term protection of the cultural, economic, ecological, and social health of this area.

The wide array of natural characteristics, community needs and desires, and competing interests, provides for many complex challenges and rewarding opportunities. I'd like to address some of the steps we have taken toward implementation, as well as some of the challenges that lie ahead of us.

Steens Mountain Advisory Council

The 12-member Steens Mountain Advisory Council was appointed by the Secretary of the Interior on August 14, 2001—pursuant to the Steens Act. Under the provisions of Subtitle D of the Steens Act, the Advisory Council is charged with advising the Secretary in the management of the Steens Area and in promoting cooperative management. In addition, the Secretary is charged with consulting with the advisory committee on the preparation and implementation of the management plan for the area. The Steens Mountain Advisory Council has met four times since their first meeting in October of last year. Four additional meetings are scheduled for the remainder of 2002. Issues including recreation, access, education, grazing, wilderness, and firefighting in the Steens have been addressed by the Council this year.

Steens Mountain Planning Efforts

The Steens Act requires that we develop a comprehensive management plan within four years of the passage of the Act to set long-term management direction for the area. In accordance with that planning process, in late February and early March of this year, the BLM held a series of meetings to enlist citizen help in identifying planning issues. The planning area consists of approximately 1.7 million acres of Federal land including the Steens Mountain Cooperative Management and Protection Area. We are working in close collaboration with the Steens Mountain Advisory Council, the Southeast Oregon Resource Advisory Council, other Federal and State agencies, local governments, Tribes, and with the public, to identify future management direction for the entire planning area.

The information that we have gathered at the four scoping meetings, and through written comments, has been used to pinpoint issues and develop planning criteria and alternatives for the management of the area. The public comment period ended on April 15. After the comment period ended, we assessed comments, finalized planning criteria and worked on fine tuning draft alternatives. A document entitled "Summary of the Analysis of the Management Situation" was published this earlier spring to allow further public review of management opportunities. A draft management plan and Environmental Impact Statement (EIS) are expected to be available for a 90-day public review period in the Spring of 2003. The proposed plan and final EIS are then anticipated by Winter 2003/2004.

Exchanges and Acquisitions

Title VI of the Steens Act mandates five land acquisition/exchanges. The Act authorized, and Congress subsequently appropriated, over $5 million to complete these acquisitions. Those exchanges have been a major focus of BLM's efforts over the last year and the final exchange was completed in early April. In addition, two Land and Water Conservation Fund purchases, involving inholdings within the wilderness, have been completed since passage of the Act.

Twenty-five million dollars for additional land acquisitions and conservation easements is authorized through the Land and Water Conservation Fund by the Steens Act. As we receive appropriations for such acquisitions we will work cooperatively with the Steens Mountain Advisory Council, and local landowners to maximize the use of such monies. We recognize that acquisitions and conservation easements are an important part of successfully implementing the Steens Act, and to that end we will continue to work with you, Governor Kitzhaber, the entire Congressional delegation, and all interested stakeholders and publics.

Access

Access to wilderness inholdings and private inholdings is governed by Section 112(e) of the Steens Act and by the Wilderness Act of 1964. Both require reasonable and adequate access while minimizing impacts on designated wilderness. We are committed to addressing this issue. Both the Steens Act and the Wilderness Act provide some flexibility for allowing access to private inholdings. Both recognize the importance of providing the access and protecting wilderness values. We are presently investigating access options, and through an open dialogue with the public will provide for an analysis, disclosure of impacts, and discussion of the various options. Two access options currently under consideration are either a cooperative management agreement, or the more traditional permitting process.

The BLM intends to provide reasonable access to inholders in a manner that protects wilderness characteristics. The BLM Burns District is presently preparing the required Environmental Assessment (EA) to address inholding access needs in the Steens Wilderness in conformance with the Steens Act, the Wilderness Act, and BLM's Wilderness Management Regulations.

Livestock Grazing Permittees

The Steens Act requires that grazing within wilderness shall be administered in accordance with the Wilderness Act and the guidelines established by Congress in 1990. Those guidelines provide direction and examples of appropriate use of motorized vehicles and motorized equipment where practical alternatives do not exist. They also require that any occasional use of motorized equipment be authorized within the grazing permits for the area involved. The BLM intends to fully comply with this direction, and is preparing an EA to analyze the potential use of motorized vehicles and equipment, and practical alternatives that may exist for this purpose.

Recreational Use

For as long as people have settled in southeast Oregon, they have used the Steens Mountain area for recreational purposes. Those uses are both individual and commercial. For many of the commercial activities the BLM is required to issue special recreation permits. The BLM Burns District staff are preparing EAs to analyze the impacts of current permitted recreational activities on public land within the Steens Mountain Area and, in particular, the Steens Mountain Wilderness Area. These EAs will identify impacts to resources and uses, while providing for streamlined administrative processes for permitting to be more responsive to our commercial recreation service partners. The National Environmental Policy Act process will analyze all options, current policy and the comments from the public and partners. BLM will work with the Steens Mountain Advisory Council before a final decision is made.

The BLM Burns District is also working with off-highway vehicle users to help them better understand their responsibilities under the Steens Act. Section 112 (b)(1) of the Act clearly prohibits the off-road use of motorized or mechanized vehicles on Federal lands, limiting their use to designated roads and trails as determined in the forthcoming management plan.

We are deeply aware of the importance of recreation issues to our local publics. We will continue to work closely with the Steens Mountain Advisory Council and all users, whether recreational or commercial, to find ways to best address their needs in the context of the Steens Act and other applicable laws and regulations.

Conclusion

As we continue to move forward on planning and implementation of the Steens Act, I give you my personal assurance that we will continue to involve all the interested parties who live in, recreate on, derive their livelihood from and love Steens Mountain. We have learned much from those who call the Steens home and we will continue to look to them for advice and guidance.

Mr. WALDEN. Thank you very much, Mr. Wassinger. We appreciate your being here today. I know I have several questions I

would like to propose to you, and certainly the gentlemen on either side can certainly assist in answering these. And then, Congressman Simpson probably has some, as well.

I guess the first problem—the one that draws us here today—is, after reading a number of the witness's testimony, there seems to be a singular message that comes out, and that relates specifically to historical access that was assured to those involved in the development of the legislation. And there's a sense that that is now been seriously threatened or impeded, or, perhaps, will be.

For example, Stacy Davies, manager of the Oregon Springs Ranch, states in his testimony, "Historic and reasonable access is guaranteed in Section 4, under the Steens Act, as well as under the Wilderness Act." Yet, the Bureau has verbally put many landowners on notice they will be required to obtain a permit or lease to continue to access their property. In addition, during the 2000 negotiations on the Steens Legislation, the environmental community favored wilderness management, because congressional guidelines in wilderness areas allowed pre-existing grazing to continue. Those of us in the Oregon Delegation, and other members, were all under the impression that historical access would be guaranteed, and we thought we spelled it out pretty clearly. Were we wrong?

Mr. WASSINGER. The short and, probably, most concise answer is that historic uses were protected and provided for in the Act. So, if those uses exist, it's not a question. That question has been answered. The question that has been posed to us is: How that access or those rights are exercised. And the reason that we are preparing environmental analyses is to determine how those rights are exercised, and if there are any modifications. And we haven't gotten to the point of determining what, or if, any modifications might occur. If those modifications exist, those modifications would only be necessary in order to protect, or more appropriately protect, the wilderness values.

Mr. WALDEN. What about protecting historical access? Isn't that of an equal value in the law?

Mr. WASSINGER. Yes. Our interpretation of the guidelines, however, requires a review and assessment of those—of that access use, since we're specifically talking about access—and the determination of continuing, under reasonable conditions, that use.

Mr. WALDEN. What leads you to have to do a NEPA on this? Is this coming from your solicitor? From the direction of your solicitor?

Mr. WASSINGER. We are getting legal advice that there is discretion created by the creation of the wilderness area—a change in direction and mandate, essentially. And that new information must be assessed in an environmental analysis. There's a more practical level, though, Congressman. We've had a tremendous amount of experience here in Oregon with implementing actions where there is a possibility of a changed condition, without conducting a NEPA analysis, and, very frankly, our track record has not been very good. We're challenged in court. We have not been sustained. And so it puts at risk, I believe—potentially puts at risk those historic uses.

Mr. WALDEN. So, your solicitor has issued some directives?

Mr. WASSINGER. This is advice. They've advised us that NEPA does apply in this situation.

Mr. WALDEN. Is it possible to get a copy of that advice?

Mr. WASSINGER. Yes. We would be happy to submit it.

Mr. WALDEN. If you could submit it, that would be good. How does BLM reconcile its actions, in light of 112(c), which requires a secretary to consult with the Advisory Council and the public, when it comes to these access issues. I think, specifically, later, there are people testifying that there have been roads and trails that have been, sort of, unilaterally closed. And yet, the Act speaks to not doing that without first consulting with the public. Have there been any roads or trails that have been closed?

Mr. WASSINGER. Do you want to speak to that?

Mr. DYER. Sure. My name's Tom Dyer, District Manager, BLM, Burns, Oregon. The only roads and trails that were closed, were closed in the wilderness itself. Wilderness, by its nature, doesn't have roads and trails. As part of the law, there was some identified non-wilderness routes established in that document. The rest of the area was automatically closed off, as far as the roads. And it refers to, I believe in the maps—and I'll refer to September 18, 2000, as being the maps—And I believe we even have a copy of the map showing that, as referenced in there. Those were the only roads that were closed.

Mr. WALDEN. So, you're telling me the only roads or trails that were closed were within the new wilderness boundaries? None anywhere else?

Mr. DYER. Correct.

Mr. WALDEN. That's your statement. OK. I guess the question I have is: I thought you do a NEPA or an EA when there's a changed condition. If you have a historical use, that will continue, how is that a changed condition?

Mr. WASSINGER. The changed condition was the establishment of the wilderness itself. There were more issues related to that, but, that's basically the simple answer to your question.

Mr. WALDEN. How do we ever write a law that—This frustrates me, because I understand you're trying to follow your set of rules and laws, but when we talked about reasonable access, continued preservation of historical use, historical access, proper property rights—and we'll get into the running camp later on in this, because the e-mails I've got in my files from the Steens-Alvord Coalition—I mean, they actually say, "Oh, no, that's not an issue." I'm going to get into that in a minute. It's, like, this frustration, when we think we're writing something that says, "Preserve this historical access to private property." Then we see a NEPA come up, and then, you know, this concerns me again. Maybe you can address this. OK, you do a NEPA—You do a full public process about whether or not I can continue to access my property—and then that's subject to some sort of litigation and appeal, and then, maybe, a permit, and then, maybe, a fee for a permit.

Mr. WASSINGER. Congressman, again—

Mr. WALDEN. What do we have to say in the statute?

Mr. WASSINGER. Well, I'm not an expert on legislation, so I can't speak to that directly, Congressman. But the question, we think, is clear—and we're getting advice that is clear—that access was

provided for in this legislation. Again, the question is not "If." The question is "How?" And that's where the discretion and the requirement for public disclosure and new decisionmaking may come forward.

Mr. WALDEN. Let me ask you this, then: I'm a private landowner—and I'm not, but for the sake of this discussion—I'm a private landowner up on the mountain. You send me the form, which I've seen, that says, "How many times did you access your property in the last year, and how many do you anticipate..." I don't remember all the columns. But, let's say I tell you I accessed it 100 times last year, and I may access it 150 times next year. Do you have the authority, then, to tell me, "That's too many times," if that's my historical amount of access?

Mr. WASSINGER. Do you want to take a shot at this?

Mr. WALDEN. We need to pull that tape, on the mikes. OK. Now we've got flexibility on the mikes. Maybe we can get flexibility on access.

[Laughter.]

Mr. DYER. Congressman, I need flexibility.

Mr. WALDEN. But what about that? You see what I'm getting at? My concern is that, if I'm telling you that I did 100 trips last year—In the back of my mind, I've got this little bird of distrust going off, saying, "If I tell you 100, you're going to come back and tell me, 'You don't need 100; you only need 75.'" And that's this year. And, the next thing I know, it'll be 50, and the noose just tightens. And that's what we're trying to avoid here, by putting in the statute "historic.".

Mr. DYER. And that's what we're trying to fine-tune: What is historic, and what is reasonable? I'm with you. We're with you all the way on this. We're trying to come up with what that is. And, like you say, that's part of a lot of the discussions on the front end of it. And we still have a lot of that discretion that's associated with that. What is reasonable? You know, what do you need to access? How does that impact the wilderness values this time? The thing that we would love to be able to do is say, "Hey, you got it. We don't even have to address it any other way." But the direction that we have is, we've got to run it through a NEPA-type open process, so the public can see, as well as provide that—

Mr. WALDEN. But I guess my question, then, is: If the public sees the historical use, is that good enough? If I say 100 trips is what I've historically done, do you come back and say, "Sorry, the public thinks you only need 50 trips onto your property, and you only need it from this one point, not the three you've always used"? Is that—Do we come in conflict with the statute?

Mr. DYER. We could, based on the information that we've seen. The biggest question that we'd probably be walking up against is trying to sit down at the table and say, "OK, this concern has come in from this group; this has, from this other." Maybe there's a way to meet all of your needs, as well as to meet those needs of the wilderness values and so forth. I don't have the answer. The direction to get everything out and open, that we've been given, is: Work through the NEPA process. I guess, this is, kind of, the direction that we've been given on that.

Mr. WALDEN. And that's from your solicitor?

Mr. DYER. I think, in a lot of cases, you're using case law. You know, I think Chuck was right on. We've been in this game of NEPA, and coming up with the decisions. And where we really run into problems is when it really looks like it's an arbitrary decision, without a lot of the background, a lot of the history, with the information that's brought forward. So, these are the things, that we're ending up trying to bring in.

Mr. WALDEN. So, even though we spell it out in a statute that we will protect historic access—historic values on this mountain—You're telling me all that can go sideways, through a NEPA process, if enough people in the public say, "That's too many trips into your ranch"?

Mr. DYER. I don't think that. I think that, maybe, the thing of the NEPA document is to find out what that is, and then see if there is opportunity. Should there be at least a concern associated with wilderness values and impacting? For example, maybe you go in here five times a year. Maybe the five times a year, you could base around when it's not so muddy, you know, something like that. Or, that kind of stuff. Try to focus in on that. Like I said, I'm—We're trying to—

Mr. WALDEN. I understand. I mean, you don't want to damage the rangeland or destroy the roads, for that matter. But, common sense, probably, over the years has prevailed in those decision by those who access their property, because, if you run the ruts too deep, it's hard to get in the next time.

Mr. DYER. And that's one of the reason we've got to work closely together.

Mr. WALDEN. Chuck?

Mr. WASSINGER. Congressman, let me approach your question from a little bit different direction. One of the things that we're very concerned about, and one of the things I alluded to in my mention of our litigation record on NEPA, is—The real issue here is: Public disclosure. Have we disclosed to the public the activities that are going to occur? The legislation provides a tremendous amount of direction on—Activities should continue, but is somewhat—We're somewhat frustrated as well—cloudy on how those should continue. Yes, there's a lot of different perceptions, I assume, in this room. If we asked everyone, we would find a different impression of what those words mean. The real issue is: Have you complied with the procedures? Had you complied with the procedures, then you are less subject to legal challenge and being turned over in your decision.

Mr. WALDEN. As you work on sorting out the cloudiness part—We understand that, too, because you can't be totally prescriptive in the legislation. Plus, you wanted—We wanted the local input through the SMAC. We realized that this would be the toughest part of this legislation. But, I guess the question I have is: Do you consult the legislative record from our Committee hearings and the debate on the floor, as you try to find your way through the clouds?

Mr. WASSINGER. We're looking for any direction, any guidance, any information, that can help us make a better decision.

Mr. WALDEN. So, you are looking at what those of us who voted on this said, when we voted on it?

Mr. WASSINGER. Absolutely.

Mr. WALDEN. And in the hearings, as the intent behind the Act?

Mr. WASSINGER. The one thing I will speak to just in general, Congressman, is that we can clearly understand the intent, as we read the record—as we read the testimony. But, trying to match that up, with the specific legal direction we had, is where we have great difficulty from time to time. In other words, the law will clearly say, "This is your discretion, period." And trying to match those up, sometimes, is difficult. So, that's the only qualifier I would make to your statement.

Mr. WALDEN. All right. I may have some other questions for the panel. Mr. Chairman, do you want to take some now?

Mr. SIMPSON. I just want to ask a couple questions. One is—as I sit and listen to the testimony—As I read your testimony on the Livestock Grazing Permittees section, it says, "The Steens Act requires that grazing within wilderness shall be administered in accordance with the Wilderness Act and the guidelines established by Congress in 1990. Those guidelines provide direction and examples of appropriate use of motorized vehicles and motorized equipment, where practical alternatives do not exist. They also require any occasional use of motorized equipment be authorized within the grazing permits for the area involved." Could you give me an example of where it's currently used, and a practical alternative may exist, and what a practical alternative may be?

Mr. BROWN. Yes. My name is Miles Brown. I'm the field manager for the Andrews Resource Area, Burns District of the Bureau of Land Management. We've been wrestling with this one, too. Appendix A talks about practical alternatives, and it talks about rule-of-thumb, that historical uses would continue, in regards to motorized access. It also talks about what authorization for those uses would be placed in the grazing permits. And placing that in the permit is an action—is a decision—that could be appealed or could be litigated. And so, what we're trying to do right now is: (1) collect baseline information, so we know what was the historical use of motorized equipment in what is now wilderness—what uses that the grazing permittees think they are going to need to continue. And we haven't totally reached the discussion of practical alternatives. A practical alternative could be—I'm just making this up—perhaps, one is making 15 trips in to haul salt blocks to a single area. Maybe one could try to limit that to, maybe, five trips in. Take more salt blocks, cache them, and then spread them out from there. You know, so what we're looking at is: How can we balance—On the one hand, we're charged with protecting wilderness values and managing according to the Wilderness Act. But, on the other hand, we have historical uses, and we have the use of motorized, mechanized equipment. And so, what we're trying very carefully to do is balance those—determine what is the balance.

And, from a practical standpoint on the ground, we've got three grazing permittees that are in wilderness. And we've had excellent relationships with those three grazing permittees. We've been through tough, tough issues with those grazing permittees. We have biological opinions on threatened fishing, in one case. We have a model conservation agreement to protect redband trout in another area. And we've worked through maybe even tougher issues than these. And one of the ways we worked through those

was going through the NEPA process, because by going through that process, we're being open to the public about what we're doing. Because, what we find out is—I get lots of e-mails, just as you get e-mail about all these concerns. I get stacks of e-mails, concerned about the running camp, or this question about motorized, mechanized access. "Why are you allowing it now? You shouldn't allow any of it." And so, we have a lot of different viewpoints, I think that much of this is not based on fact. And what we can do, by going through the NEPA process, is: Collect the baseline information; work with the grazing permittees; get the facts out there; and then, be open about what our analysis and what my rationale is behind the decision. And, if I've got a good rationale, with good baseline facts, and I've been open with the public, then we'll succeed. What I don't want to do is lose. By just making an arbitrary decision, say, working with Roaring Springs and saying, "Fine, Stacy, you just go right ahead and keep doing what you're doing," I can guarantee you there will be an injunction, and we'll be in district court, and we will lose. And, Roaring Springs will lose. We don't want to be in that position.

Mr. SIMPSON. Let me ask—A lot of the—You mentioned a number of e-mails you get and that kind of stuff. Do you think a lot of these are from people who were not involved in the original decision, when this Act was negotiated, essentially? And expect something different than what is currently there—than what this Act provides for?

Mr. BROWN. I get it both ways. But, yes, I think when the legislation was created, the Steens became national. The issue became national.

Mr. SIMPSON. Because it is a unique piece of legislation that was put together, and I wonder how much—You know, Idaho has, probably, the largest wilderness area in the lower 48, and I'm wondering how many people expect, when they come, that it is a traditional type of wilderness, if that's a proper term. This is a different type of management plan, with all sorts of things intertwined.

Mr. DYER. Mr. Congressman, there is certainly—I get lots of e-mail regarding that—that it should be strictly according to the Wilderness Act, which it should. But the Wilderness Act also provides that the wilderness area be managed for the protection of wilderness values, and for other such purposes for which the legislation was created. And that refers back to me. The 13 purposes for which the Act was created, and the 5 objectives of this CMPA. And so, we are in a unique position. This is a unique piece of legislation. And I think we have to be very careful about being as open as we can, because this is new and unique, in balancing those 13 purposes and 5 objectives with protection of those wilderness values. And I think we need to illuminate to those people that weren't involved and didn't understand the intent, as to why we're making the decisions we're making.

Mr. SIMPSON. It is kind of an interesting debate that goes on. And, not to sound arrogant or anything, but someone said to me one time, "Wilderness is what Congress declares wilderness is—however you write the legislation." We have wilderness areas in this country that actually have paved roads running through the middle of it, because they were allowed when that Wilderness Act

was created. And so, I find this a fascinating piece of legislation. One other thing I'd like to add is that we talked about reasonable access. Reasonable to who? And, how do you define reasonable?

Mr. WASSINGER. You've talked about your frustration as legislators—creating legislation and then assuming that it's understood what you meant. Our frustration is wrestling with the terms like "reasonable." In the public review process, quite often, by hearing all points of view; by going back to the original intent of the legislation; by pulling all this together in a public forum, subject to public exposure, we're able to come up with the answer to that question. And it's almost different—It's almost assuredly different in every case.

Mr. SIMPSON. Well, I appreciate the difficulty of your job, in trying to actually implement something, and also trying to make it, as you say, bulletproof from lawsuits. I think a lot of us are tired of management-by-lawsuit. And this is something that I would like to see work, and I would hope that—and I believe that you're trying to make it work. And I know Congressman Walden is, and the rest of us. Because, as I said in my opening statement, "If it doesn't work here, I don't know where it's going to work." So, I appreciate the toughness of your job, and I'll turn this back over to Congressman Walden.

Mr. WALDEN. Thank you. As you might imagine, I have a couple other questions. First, let me help you on what "reasonable access" means. Having been the original drafter of legislation, I took it to mean—"Reasonable access" meant "continue what's been done up to this point." Historical access. I realize I wasn't the only one involved in the drafting. There are others who may have slightly different views on that, I realize. But, from a legislator's standpoint—at least this one's—When I talked about "reasonable," it was kind of "what we've been doing." And it's like that Oldsmobile commercial that was out a year or two ago. This isn't your father's Oldsmobile. This isn't it your father's wilderness area. This is the first cow-free wilderness in the country. It's a precedent. And so, I think, as much as that is a precedent, there's a precedent on the other side, too, about enshrining these historical uses. Whether it's access; whether it's recreation; whether it's the kind of work that's done on the mountain.

So, for what it's worth, as you struggle with trying to find what "reasonable" means, think in terms of how it's been done in the past. And I recognize you've got to do what you have to do about lawsuits, but we tried to make it as clear as we could.

Let me ask you some questions about the recreational permit issue, because this one has probably garnered more attention than any other. And I guess the first thing—I'd like to know, kind of, the current situation. Have there been any new recreational permits issued, since the Act was signed into law? Or, have there been any—

Mr. WASSINGER. I don't believe so.

Mr. BROWN. We had eight existing long-term permits—five-year permits, I believe. That might not be exact. I think we're down to about seven. One person quit. Those are long-term, 5-year permits. Those are people who, historically, have used the mountain for quite some time. The only permits that we've issued since the Act

are one-time permits, meaning they have an activity for a set period of time, whether it's a day or it's a week. During the interim, we're not entertaining multiple-year permits, until we go through working with the public and with the Steens Mountain Advisory Council on the resource management plan.

Mr. WALDEN. So, your justification for 1-day or 1-week permits is their, sort of, diminutus use? Is that—I'm just curious why that doesn't require some further evaluation.

Mr. BROWN. We did do a programmatic environmental assessment for day use, and most of those fall within that category. The programmatic addresses, typically, "Well, you're staying on the road and you're in the campground. You're not doing multiple-night camping in the wilderness, and that sort of thing.".

Mr. WALDEN. And is one of those Cycle Oregon?

Mr. BROWN. Yeah. Cycle Oregon was actually done under an agreement, a cooperative agreement, rather than permit.

Mr. WALDEN. And how many people were involved there, on the mountain?

Mr. BROWN. Oh, gosh, that must have been 1500 to 2000.

Mr. WALDEN. 1500 or 2000? At one time?

Mr. BROWN. At one time.

Mr. WALDEN. Did any of them stray into the wilderness?

Mr. BROWN. Not that we're aware of. We have people up there monitoring that. They all stayed on the loop road. One of the conditions of the agreement was they were not to go off the right-of-way of the road.

Mr. WALDEN. Not at all? Not to walk, not to—

Mr. BROWN. If you were part of the Cycle Oregon tour, you were not supposed to do that.

Mr. WALDEN. Was there one issue—the Full Circle Tours permit, for this year?

Mr. BROWN. I'm not sure. This year? Perhaps last year. Yes, it was a one-time—

Mr. WALDEN. What is Full Circle Tour? Do you know what that's about, personally?

Mr. BROWN. I don't know, exactly.

Mr. WALDEN. I thought you were the expert.

[Laughter.]

Mr. BROWN. Well, I wouldn't—I'd guess, and I wouldn't want to give the wrong answer. I think they typically work along the road, and look at natural features.

Mr. WALDEN. I'm just curious: How many of those temporary permits are being issued?

Mr. BROWN. Oh, I don't think we have a half a dozen. And some of those—Some of those, historically, we know have gone on in the mountain, and it was BLM's choice in the past not to permit them. And, in fact, we did do a Technical Procedures Review, if I can just elaborate a little bit. And that's an internal review of our own procedures. And that was 2 years ago, I believe. And it was found that much of our permitting was actually out of compliance with our manuals and our regulations. And that's why we had started to bring some of those gradually into permit—under permitting. But what we've told them is: We're not going to go—Until the RMP is done, we're not going to issue any more 5-year, long-term permits.

There are the existing seven permits, that are for 5 years. But I think there are historical uses that existed on that mountain, and I think it would be very unfair of the Bureau, who recognized those uses, even though they didn't permit them—They recognized them; they knew about them; they told them in the past they didn't need a permit—to suddenly tell them that they can't come up on the mountain anymore.

Mr. WALDEN. And then, how does that go against the timeline, for example, of the running camp? In terms of how fast to move to grant that permit? I thought I'd heard somewhere—Maybe it wasn't even the running camp—But, one of these folks that had a permit—It was coming right up to the deadline, before they would know whether or not they could operate for the season. Is that true?

Mr. BROWN. We ran into some problems with that, last year, yes.

Mr. WALDEN. Why was that?

Mr. BROWN. Workload. Implementing everything with the Steens Act. Trying to gather up enough information. The folks—The permittees that have the 5-year permits—They have 5-year permits. So, that is not an issue this year. Regardless if we finish the NEPA on those permits, they will be allowed to continue.

Mr. WALDEN. How does that differ, then, from if you have a grazing permit the runs 10 years? One of the issues that has been brought to my attention is that there's a process under law to do a review at the end of the permit cycle, and I thought under—Maybe it's the Arizona language, the Colorado language—pretty clearly says, "Just because even a new wilderness designation occurs, is not reason to go in and upend that permit and do an evaluation." Is that not an accurate reading of those—of that language?

Mr. BROWN. It could be. The issue is not so much that there is wilderness, although wilderness certainly highlights the issue. The issue is: Our Technical Procedures Review found us to be out of compliance—that, on the 5-year, there should have been NEPA in the past.

Mr. WALDEN. On the grazing?

Mr. BROWN. On the five—I'm talking special-recreation use permits.

Mr. WALDEN. OK. But, what about grazing permits? I sort of shifted gears on you.

Mr. BROWN. Oh, there should be NEPA on those, and if there hasn't been NEPA in the past—Before you issue that 10-year permit, you should do NEPA on those.

Mr. WALDEN. Right. But, aren't you actually going back of the middle of those permit timelines now, and doing evaluations on how they're operated?

Mr. BROWN. On some of them, yes, based on the schedule. And the schedule for the evaluation, typically, is based on the issues at hand, meaning—

Mr. WALDEN. So, passage of this Act has nothing to do with evaluations you're doing on the grazing permits?

Mr. BROWN. Absolutely. It does not.

Mr. DYER. I want to, if it's OK, provide some more information associated with Cycle Oregon. Cycle Oregon was something that was kind of a community-sponsored interest event. I can tell you

that the direction of the—The alumnus tried to direct that to the existing permits that were already out there. For whatever reason, it didn't pan out. And it was a concern that they identified. They were very concerned, because why they were going to have Cycle Oregon was to get to the top of the mountain. They wanted to see the Steens. That was a part of the whole deal of coming over here. And, if there's any fault with that particular permit, it probably lies strictly with me, because I felt very strongly to try to make this work. As part of this law, the agreements were fairly important—working with the public; working with groups. And I think we ended up with, roughly, 800 riders who ended up going out there on the mountain, not the total 2000, or whatever there were—

Mr. WALDEN. Pretty steep climb.

Mr. DYER. Yeah. But they went up, and I think they did a pretty good job, now. If they had gone over on—locked on the wilderness—They may have. We had people that were up there, trying to monitor that as best they could, and did the best job they could. Mark Sherborne was up there. He monitored it, as well as one of the SMAC members that represents the environmental community, was up there monitoring. And I think we even had individuals from some of our existing special-recreation programs, that were up there to watch to see how it went. Based on everything I heard, it went pretty well. It was also an extremely important and big event, I believe, to the community of Burns.

Mr. WALDEN. I understand that. I was just curious how the—what the process is for these individual permits, versus those for the long-term. Certainly, no criticism of Cycle Oregon. I admire people who can do that as well as they do.

Mr. DYER. If that helped—I thought it might help a little bit.

Mr. WALDEN. We probably ought to move on. All right. Well, thank you very much for your testimony and for helping us understand what you're facing and for answering our questions. We may have additional questions, which we'll submit to you in writing or, perhaps, even talk to you later this afternoon. Thank you very much.

Mr. WASSINGER. Thank you.

Mr. WALDEN. If we could have the next panel come up. Panel 2 will be Harland Yriarte, the Director of Steens Mountain Running Camp; Cindy Witzel, Recreation Permit Holder, from Frenchglen; Bill Marlett, Executive Director, Oregon Natural Desert Association; and, Mr. George Nickas, Executive Director, Wilderness Watch, Missoula, Montana. Come on up. Is Mr. Nickas here? OK, apparently, he is—I am told he is not here. We wanted to, certainly, extend an invitation for him to come and share his concerns.

Mr. WALDEN. We'll start, now, with Harland. And, then we'll go to Bill, and then to Cindy. Thank you, again, for joining us today. We look forward to hearing you testimony. Harland?

STATEMENT OF HARLAND YRIARTE, DIRECTOR, STEENS MOUNTAIN RUNNING CAMP

Mr. YRIARTE. Thank you very much. Before I get started, I just want to say I support the four land exchanges and five boundary adjustments proposed in the draft legislation. And, one other caveat. My testimony will be presented by using one or two word

definitions of descriptions taken out of the Basque version Webster's dictionary.

[Laughter.]

So, there is a Basque version of the Webster's dictionary. I didn't know if you knew that or not. So, you've got to listen real close for some of this. I believe that the Senator—or, the Congressman—from Idaho is probably real familiar with the Basque population.

First of all, the definitions are these: Harney County; the greatest hard-working folks—people—that I've ever been associated with, that really need an economic break at this time. Me—That's me. Definition of me: Last Basque left on Steens Mountain.

[Laughter.]

Mr. WALDEN. Probably the only one in Eugene, too.

Mr. YRIARTE. Well, given the trouble there is around here, you have a clue on what really happened to the dinosaurs; followed by the Indians; the sheep; the sheepherders; now the cows, and, eventually, cowboys; and, maybe now, the kids. My occupation is herding kids. I've got nine of my own. I teach and coach at Lane Community College. I run a running camp, and have since 1975, on this beautiful mountain that God created. And I think what happens is, sometimes when you worship creations, versus the creator, you start having problems.

Steens Mountain staff: Caring, loyal, educated, great teachers, ethical—and there's a lot of them here today. Kids. Kids, out of this dictionary, is not another four-letter word. K-I-D-S. They're not a four-letter word. They're the future leaders of our country. They're our sons and daughters. They're your sons and daughters. Definition of "Clients": Definition of "Clients" is what these kids are referred to and described by Wilderness Watch ALERT flyer, last fall. The other description was "hoards." Around here, "hoards" means mosquitoes. Other descriptions, in this particular Wilderness Watch ALERT flyer that came out last fall: "Hoards of runners suddenly streaming down canyon ledges and racing past the camps of visitors to the wilderness." By count, there were only three people, in the total 2 weeks of canyons last year, and all of them were smiling when you went by. Which brings me to the definition of "Spin": What Wilderness Watch representatives are very good at. Wilderness Watch definition, "Basque": An environmental group whose extreme views on kids in the Steens Mountain wilderness area are out of step with mainstream Americans and mainstream environmental individuals and groups.

Ron Bellamy, Registered Guard, Eugene—and, by the way, Eugene is a very hotbed of environmentalism—Most runner's are environmentalists. This hits hard with the heart of Eugene. In his column, May 9, 2002, he called it "Misguided Meddling." He said, "You ought to be outraged at the environmental group, Wilderness Watch, in Missoula, Montana, that wants to keep the young runners out of the wilderness. It's stuff like this that makes environmentalists look like idiots. It does more damage to the general cause than a chainsaw.".

Wilderness Watch: Voted Most Likely to Litigate or Challenge the BLM, if a permit is issued which allows kids to go on the Big Day. And that's the contention, is the Big Day. It's nothing else. Definition, "Big Day": The camp's highlight—the main meal, if you

will. Wilderness Watch says, "We don't want to run you out of business." But, hey, how many people want to go to Thanksgiving dinner when you don't have the turkey? How many people want to take the "to" out of "fu"? When you have tofu, and you take out the "to," all you're left with is "fu." Period.

[Laughter.]

The Big Day is a 28-mile hike through Big Indian-Blitzen gorges, and then running back to camp via the loop road. Wilderness Watch wants to relocate us. That isn't a historic use. We've ran—We've been in that mountain for 26 plus years. We've been all over mountain, historically. I'm shorter, now.

"Atmosphere": Why people eat, or don't eat, at restaurants. Why would you want to come here and get close to where wilderness is, and not be able to access it. Definition of "ONDA": Oregon Natural Desert Association, who supports the running camp activities in wilderness area. According to Bill Marlett, on several occasions, "A deal is a deal." It's a deal. Oregon Congressional Delegation supports kids and camp in the wilderness. Earl Blumenaur and Ron Wyden have written letters in support of that.

In conclusion—as I see my light coming down close—The rights of our camp were purposely and intentionally written into that important legislation. Therefore, in respect to the groups—environmental, rancher, everybody who was involved in the original legislation—We hope that no litigation or court injunction is filed by groups, such as Wilderness Watch, that would prevent what legislators and stakeholders intended for the Steens Act of 2000. If there is litigation or an injunction filed that prevents our camp from using historic routes through wilderness, we would ask you—the Congressional Delegation—for clarification of the Act, that may have legislation, or promote legislation, to protect us.

In summary, our camp was born out of a simple desire to allow young men and women to be inspired by the beauty and lessons of nature. Since our earnest and humble beginning, 27 years ago, we have always embraced the environment and respected the land. We hope that we can continue this proud tradition in the future. It would be a bittersweet and ironic ending, if the very purpose of the special running camp is also the very reason for its demise.

Mr. WALDEN. Thank you, Harland.

[The prepared statement of Mr. Yriarte follows:]

Statement of Harland Yriarte, Director, Steens Mountain Running Camp

Honorable Chairman Radanovich and members of the Subcommittee:

Thank you for the opportunity to testify before the Subcommittee on National Parks, Recreation, and Public Lands on the subject of the Steens Mountain Running Camp. As the founder and director of this 27-year old camp, I am very appreciative to be able to speak about the origins and history of this camp, its purpose, the impacts that it has on young people's lives and the environment, and the current legislative and administrative issues it is dealing with.

BACKGROUND ON HISTORY OF STEENS MOUNTAIN RUNNING CAMP

I chose Steens Mountain as a backdrop for a running camp for high school boys and girls because I grew up on this mountain, and I realized the tremendous potential for drawing strength and beauty from this pristine place. My grandparents were Basque immigrants that came from Spain in the 1920's to herd sheep for the Laxalt family in Carson City, Nevada. Within a few years of their arrival in the United States, they moved to Crane, Oregon, and then Steens Mountain in the 1930's in order to herd sheep in the Kiger, Blitzen, and Little and Big Indian Gorges, as well as the Fish Lake Creek of Steens Mountain. I grew up on a ranch 42 miles from

Burns, Oregon, and I spent many of my summers on Steens Mountain exploring the landscape, helping my family with work, and gaining a deep sense of appreciation for this special place. After graduating from Burns High School in 1966, I received a Bachelor of Science Degree from Southern Oregon College in 1972, and then earned a Masters of Education from University of Oregon in 1982. From 1972–1980 I became a teacher and cross country coach at Brookings Harbor High School. During this time, in 1975, I decided to bring my fledgling cross country team of 14 young boys and girls to camp in Steens Mountain for a week. At the time, I had no thoughts or intentions of starting a yearly "camp." Simply, my purpose for bringing kids to Steens Mountain was to allow them to internalize the beauty and the simple, yet powerful lessons that exist in nature so that they could become better runners, students, employees, sons and daughters, and citizens. I believe that spending time in rugged and beautiful places does several things: that it brings people closer together, it teaches people to adapt, and it teaches life's truths. That year, after returning from the mountain, our team won the state cross country championship. Six state trophies and five Steens camping trips later, The Oregon State Athletic Association decided that our team had an "unfair advantage" by going to Steens each summer. The state said that either I had to cease bringing my Brookings Harbor high school kids to Steens, or open it up for kids from other high schools to attend. I decided to open it up for other kids to attend, and thus Steens Mountain Running Camp was born.

CAMP PARTICIPANTS

Steens Mountain Running Camp usually holds two weeklong sessions in late July through early August. Participants are primarily high school athletes, college-age counselors, coaches, and adults. The camp staff represents a variety of people with different backgrounds and skills from across the country, and has included teachers, coaches, physical trainers, bus drivers, cooks, political researchers, pilots, college students, elite athletes, doctors, environmentalists, biologists, and even interested parents. Past high school participants have come from 30 different U.S. states, as well as from abroad. Enrollment has grown over the years and is now limited to 150 kids each session.

PURPOSE OF CAMP

Some of the major objectives of the camp is to allow adolescents to enjoy, engage, and respect wilderness beauty through running, hiking, exploring, and education. Our greatest goal is for high school boys and girls to learn an appreciation for themselves, the environment, and others—allow them to internalize this appreciation and beauty—and then bring it home to share with their parents, teachers, friends, neighbors, peers, and co-workers.

One thing that Steens Mountain has taught me is that people are chameleons: you become what you surround yourself with. If you want to be a good person, you surround yourself with good people. If you want to espouse good values and internal beauty and strength, you surround yourself with an externally beautiful and rugged world. I believe this is one reason the camp has been so effective in inspiring young adults to not only excel in running, but in academic, personal, spiritual, and career goals as well—because they have opportunities to take in the immense beauty that characterizes the Steens wilderness. I tell my camp participants that they don't have to pick a beautiful flower to internalize it's beauty'they can take that experience with them in their hearts and minds, yet they leave the flower on the mountain for others to enjoy. I encourage kids to emulate the qualities of plants and animals we find in nature: the beauty of a flower, the adaptation of a juniper tree to wind and hail storms, or the speed and grace of an antelope.

The Steens Mountain Running Camp is not a typical sports camp that only emphasizes athletic training or competition. On the contrary, more than anything, this camp is about being a good person and reaching your full potential as a human being. It's not just about becoming an endurance athlete, or how to run fast, or how to be competitive, it's about respecting the natural world we live in and the people around us, having self-confidence, determination, courage, and integrity. It's about being responsible, and maintaining self-discipline and character despite adversity or hardship. The philosophy of the camp is that if your heart is in the right place, and your mind and spirit are focused and balanced, then everything else, including being a good athlete and a good steward of the earth, will fall into place. Learning to be a good runner is secondary at this camp, learning to be a good person is primary.

Over the years, many things have changed with the running camp, such as the size, location, and activities of the camp, but some things have always remained constant.

We have always strived to teach young kids about how to respect and appreciate the outdoors and nature. We teach kids to "leave no trace," "respect wildlife and other wilderness visitors," and "enjoy, but do not disturb anything." We do our utmost to embrace the tenets of environmental stewardship.

We have maintained an excellent relationship with the BLM, visitors to Steens Mountain, and local communities. To my knowledge, the BLM has never received a formal complaint against our camp during our 26 years of operation.

We ensure that campers' safety remains paramount at all times.

We allow kids to take in the beauty of Steens Mountain, internalize this beauty, and take it home to share with their families, friends, schools, jobs, and society.

CAMP ACTIVITIES

Most activities of the running camp are conducted on private land that the camp owns on Steens Mountain. Activities on public lands, including the Steens Mountain Wilderness, account for less than 25% of the entire time spent at the camp. No competitive activities or endurance events take place in the Steens Mountain Wilderness.

The cornerstone of the camp experience is the "Big Day", an all-day hike/run through the Big Indian and Little Blitzen canyons, which are now part of the Steens Mountain wilderness. The Big Day is conducted twice each year, for 8–10 hours each time. The entire route of the Big Day follows pre-existing trails and dirt roads within and outside of the wilderness. This is the only camp activity conducted within Steens wilderness.

Other activities on public land during the course of the week include hikes, sightseeing, and runs. For example, as part of an initial orientation, kids are taken to the top of Kiger Gorge and Wildhorse Canyon, where they are educated about the ecology, biology, geology, history, and geography of Steens Mountain.

WHAT CAMP PARTICIPANTS GAIN FROM THEIR EXPERIENCE

High school campers, college counselors, and adults consistently express a great appreciation for the lessons they have learned at the camp. Through words and letters, former campers most often say that they have learned lessons about appreciating the beauty of nature, or the value of adopting inner strength, compassion, and respect for others and the world we live in. Here is what one camper, a 16 year-old girl from Eugene, told me in a thank you letter:

"Dear Harland, I just wanted to say thank you for giving me the opportunity to come to such an extraordinary camp like Steens. This last week was my second time at the camp, and I'm just now beginning to realize what a truly valuable experience I have been given. Being in the awe-inspiring wilderness with all those amazing coaches and educated individuals, has helped me not only realize what it is that I love about running, and made me a better athlete, but has taught me the value of teamwork and love. The gifts I have received from the Steens Mountain and your camp will stay in my heart and thoughts forever, and I hope to one day be able to live up to your standards of compassion, determination, and excellence. Thank you so very much."

Another camper, also a 16 year-old girl from Oregon, kept a journal while at Steens camp:

"A Steens' night is clear and black. A black that you could stick your hand into and it would be immediately swallowed; stuck in the depths of another dimension. It was that kind of black. Yet the air was luminous, lit strangely, possibly by the infinite number of stars which were so visible in nights like these; unmasked by the neon of cities. They sat like silver fleck of pepper on a deep black dinner mat. The air was so still it seemed that if I lifted my chin and exerted one forceful breath, all the stars would be sent scattering toward one corner of the universe."

In a letter of support, she also said, "No other experience, world traveling, community service, or otherwise has impacted me to the extent that Steens has. Steens has made me a more considerate, inspired, driven, confident, responsible, and environmentally aware person. It is not a stretch to say that Steens campers, in five short days, become better people."

THE FORMATION OF THE STEENS ACT OF 2000

For the past 27 years, Steens Mountain Running Camp has been the informal steward of the Steens Mountain area. We realized the special qualities and unique beauty of this mountain long ago, and have taught kids to respect and take care of this natural asset. Spanning almost three decades, our camp has drawn consistent praise from local communities, environmentalists, ecologists, high school athletes and their coaches, and magazines and newspapers. Since our humble beginning in 1975, our camp has been ranked as one of the "top 10 running camps" in the nation by Runners World magazine, and newspapers such as the Eugene

Register Guard and Burns Times–Herald have written articles, aptly named "Runner's High: Surviving the Steens Mountain Running Camp is a Triumph of the Mind," and "Steens Mountain Running Camp Strives for Inner Strength and Character."

In 2000, due to growing public awareness of a secret hidden gem tucked away in the remote Southeast corner of Oregon, people decided they wanted to formally protect the Steens Mountain. Even though, as a group, we didn't need for laws to pass to ensure that we would continue to do the right things and be stewards of the mountain, we strongly supported environmental efforts aimed at protecting this magnificent wilderness area. We were glad to see that measures were being taken to guarantee that this enduring source of wilderness would remain unspoiled for future generations.

Accordingly, we participated in the legislative process to ensure that laws were passed to protect Steens Mountain and our running camp. We wrote letters, collected information, worked with legislators, and provided public testimony about the mountain and running camp. As a result of our outstanding track record and relationship with the BLM, public, and environmental groups, we received overwhelming support for the camp from a variety of groups, individuals, and legislators. Indeed, we were given reasonable assurance from the framers of the Steens Act that that the running camp would not have to change it's historic use of the mountain at all (including routes used for the Big Day). In fact, the Steens Act was a ground-breaking piece of legislation, unlike any other wilderness acts previously passed in the United States. During the bargaining phase (in which environmental groups participated), certain concessions were made in exchange for certain allowances. The most notable concession made was that Steens would be made the first-ever cow-free wilderness in the nation, and among the allowances made in exchange was protection granted for the historic use of the Steens Mountain Running Camp. Thus, we were led to believe that our camp was protected in the future. In furtherance of this understanding, legislators wrote our camp letters of reassurance. For example, Senator Wyden sent us a letter on December 21, 2000 stating the following:

"As I understand, the running camp uses routes both inside and outside of the newly created wilderness area. The running camp provides a unique experience for young athletes, and I strongly support it. In our discussions over the legislation, I wanted to accommodate the needs of the running camp and therefore negotiated the bill to ensure the camp would run in the same manner it has for several years. The bill specifically protects those 'outfitters'—in this context the camp is an 'outfitter'—who have historically operated on the mountain. I intend to watch closely as the new law takes effect, and stand ready to assist the camp should any difficulties arise."

Likewise, we received a similar letter from Congressman Blumenauer, dated September 22, 2000:

"Let me assure you that there is nothing in my legislation, the Steens Mountain Wilderness Act of 2000, which would negatively impact your camp. No one has ever asked us to include any provisions in the bill that would threaten its continued existence."

Furthermore, we received support from environmental groups intimately familiar with the Steens Mountain area, such as the Oregon Natural Desert Association (ONDA) and the Steens–Alvord Coalition. For example, an August 24, 2000 e-mail sent to Oregon legislators by Jill Workman, Chair of the Steens–Alvord Coalition, stated that:

"I understand that you have received inquiries from your colleagues regarding the Steens Mountain Legislation's impact on the running camp that takes place on Steens Mountain each summer. As chair of the Steens–Alvord Coalition, I am writing to let you know that the coalition views the running camp as relatively benign. We do not take issue with its continued existence nor do we intend to attempt to incorporate into the legislation any language that would limit or force the running camp to change its operation...Last year the Southeast Oregon RAC [Resource Advisory Council] received numerous letters from campers asking us (I represent environmental interests on the RAC) to not close the camp, to keep the Steens Mountain Road open and to continue to allow people to recreate on the mountain—we had not considered closing the camp, the Steens Mountain Road or the mountain to recreation use...As you may know, this running camp houses its campers in tents on private land and the campers spend the majority of their days running through the gorges of Steens Mountain, much of which is public land. I doubt that most visitors to the mountain realize that the camp is there. The camp has a special use permit from BLM and we have not purposed any changes to that permit...I am hopeful that

addressing this matter now will keep the running camp from becoming an issue as we attempt to move forward with consensus legislation."

In a more recent newspaper article, "Watchdog Group Battles Steens Camp for Runners," (The Register Guard, Eugene, Oregon, May 6, 2002) Bill Marlett, executive director of the ONDA, shed some light on their organization's stance regarding the Big Day event:

"From the get-go, we felt it was a relatively benign activity compared to a lot of things that were happening in wilderness, especially livestock grazing. The expectation was that when the Steens was designated, the camp would continue its operation in the wilderness."

Due to these numerous reassurances that our camp would not have to change our historic use of the mountain, we did not worry that our camp's future would be threatened. Had we known at the time that our camp's status would be challenged, we would have gone to great lengths to fight for the camp's rights and ensure that legislation provided further provisions to protect our camp.

LATE–EMERGING CONCERNS RAISED ABOUT THE CAMP

In the Fall of 2001, the first indication surfaced that a group opposed our camp's historic use of the Steens Mountain area. As a member of the newly formed Steens Mountain Advisory Council (SMAC), I received a newsletter from Wilderness Watch along with the eleven other council members at the very first SMAC meeting. The newsletter stated:

"Wilderness solitude needs protection: This past summer the BLM allowed a commercial running camp to take its clients through the wilderness in a single group of 150 runners. Other wilderness visitors were dismayed to see hordes of runners suddenly streaming down over canyon ledges and racing past their camps. Nothing in the Steens Mtn legislation allows the continuation of commercial activities that are inconsistent with wilderness values such as protection of solitude. The running camp owner, Harlan [sic] Yriarte, represents private property interests on the SMAC."

I was troubled to read this information about our camp, which I believed portrayed our camp in an inaccurate and negative way. Since this newsletter appeared in 2001, the controversy over our camp has become more contentious, as a handful of individuals and groups seem unwaveringly opposed to our camp's use of the wilderness. Primarily, issues of solitude, group size, compatibility with the Wilderness Act of 1964, and fear of setting a precedent seem to be their foremost concerns. As they have stated, their goal is to remove our camp from the Steens wilderness areas, and have us do the Big Day on an alternative route outside of the wilderness. To achieve this goal, they are asking the BLM to refrain from issuing the Special Recreation Permit (SRP) that would allow our camp to conduct the Big Day within wilderness areas. I commend the good intentions and efforts of groups like Wilderness Watch to protect the Steens area. I, too, wish to protect this natural asset. However, I believe that their good intentions are based on a lack of a thorough and accurate understanding of the running camp and the intentions of the Steens Act of 2000. Their desire to re-route the Big Day will also undermine the safety of the young runners, which I will explain more in a moment.

I think it's also important to point out to the Subcommittee that although there are a handful of people who oppose our camp (many of whom reside out of state and have never even been to Steens Mountain), our camp has had tremendous outreach and support from the community, former campers, and environmental, conservation, and wilderness advocates. Biologists, ecologists, botanists, archeologists, and members of groups such as the Sierra Club, League of Conservation Voters, and the Eugene Natural History Society are among the many groups and individuals that have written letters of support to our camp. For example, Peter Helzer, a member of the board of directors for the Eugene Natural History Society, wrote the following in a May 20, 2002 letter addressed to the BLM:

"We feel that the environmental impact of the Steens camp has been negligible while its educational value (and its public relations value to the environmental movement) has been substantial. Our concern is that if the Steens Mountain Running Camp is forced to change its format, including alterations to the "Big Day Run," the camp experience will be diminished, and local environmental groups like the Natural History Society...will lose a unique opportunity to work with a large group of energetic young adults. There are good reasons why environmental groups'that are active within the state of Oregon'support the Steens Mountain Running Camp."

Similar sentiment was expressed in an e-mail sent to me on May 18, 2002, from a member of the Sierra Student Coalition:

"Mr. Yriarte, I work with the Sierra Student Coalition, the student arm of the Sierra Club, on National Forest issues. I just wanted to let you know that I am totally with you on the Steens Wilderness issue. I think the philosophy that you articulated in the paper recently is exactly what young people need—and Nickas should recognize that. I hope that you won't let his narrow view create negative impressions of the environmental community for either the young athletes or yourself. He "does not" represent the majority of us."

Yet more evidence of support came from Andrea Callahan, founder of the "Kids Saving Earth Club" in a 4J public school, and member of the League of Conservation Voters. In a letter to the editor published in the Register Guard on May 20, 2002, she said:

"I attended the camp in 1999 as a 55-year-old mother, and although I'm not a runner, I went on the "Big Day" through what is now wilderness area, taking in beautiful canyons, waterfalls and aspen trees (campers go into this wilderness area only two days out of the year). I saw the minimal impact the camp had on the land, the wilderness education it provided to kids and the inspiration it fostered to respect the earth and all living things. I was inspired. Kids today need all the help they can get on their way to becoming responsible, respectful adults. Steens camp was a turning point in my own son's life. Through inspirational and educational talks during camp, he developed a strong sense of self and a love for the earth. How many kids have an opportunity to learn first hand how to be stewards of our precious earth? It's this very kind of camp that will motivate kids to become environmentalists, and I can think of no better environmental cause to support."

HOW THE CAMP HAS ADDRESSED CONCERNS

Although we feel that the Steens Mountain Act protects our historic use of the mountain, we also feel that our camp does embrace the values and intent of both the Steens Act of 2000 and the Wilderness Act of 1964.

Compliance with the Wilderness Act of 1964

The Wilderness Act of 1964 was written to create "an enduring resource of wilderness—where man is a visitor who does not remain." The Wilderness Act also states in Sec. 4. (b) that, "wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use." In these ways, our camp maintains the quintessential spirit and intention of the Wilderness Act of 1964. First, nothing that our camp does harms the mountain, or prevents the wilderness from continuing to be wilderness. This has been confirmed by years of monitoring by the BLM and environmental specialists. In fact, a biology and ecology teacher who attended the camp commended the camp's efforts to "encourage and maintain high standards to take care of the environment at all times." Second, we allow a group of talented, curious high schoolers a rare opportunity to directly experience wilderness and learn from the mountain. In fact, kids from over 30 different states and even other countries have attended this camp, ranging from places like inner-city Chicago to Mississippi and even Portugal. The experience these kids take away from camp is one that cannot be duplicated at home, and it will last them a lifetime. On all levels and at all times, we respect the mountain, we leave no trace, and we respect and allow other people to enjoy the mountain as well. We are not asking to operate jet skis on the Blitzen River, and we're not the National Guard asking to conduct military exercises. We are a group of high school adolescents who will be traveling into the wilderness by foot. We conduct the camp for only two weeks out of every year on private land, we are only in the designated wilderness area for 8–10 hours two to three times a year. We spend the majority of our time on private land.

The Steens Mountain Running Camp fulfills the Wilderness Act provisions of "recreational, scenic, scientific, educational, conservation, and historical use" in several ways: The camp conducts recreational activities (swimming, hiking, exploring, sightseeing), it allows kids to take in the amazing scenery that exists within the wilderness areas, it educates participants about biology, ecology, and geology, it encourages and practices conservation, and it has a proud history that dates back to 1975. On several occasions during camp, campers were even given demonstrations of primitive archeology and living skills, and were given the opportunity to learn the ancient skills of making fires by friction and flint knapping (making arrowheads out of obsidian). Native American dancing demonstrations have also been performed at camp, and this summer a guest speaker who holds a PhD in archeology and paleobotany is going to give a presentation about the archeology and botany of Steens Mountain. In furtherance of educational objectives, campers even have the opportunity to receive college credit from their camp experience through Southern Oregon University.

Furthermore, the Wilderness Act states that wilderness areas "shall be administered for the use and enjoyment of the American people in such manner as will leave them unimpaired for future use and enjoyment as wilderness..." We cause no damage to the mountain that would impair its "future use and enjoyment as wilderness." Furthermore, who better qualifies to use and enjoy Steens wilderness than the youth, and future leaders, of our country? Indeed, some campers have even been inspired to devote their lives to conservation causes, and are currently pursuing life goals of working for environmental groups.

However, even if there are concerns that our camp does not fall in harmony with the Wilderness Act of 1964, the intent of Steens legislation was to allow us to continue using the wilderness area.

Compliance with the Steens Act of 2000

The purpose of the Steens Mountain Cooperative Management and Protection Act of 2000 (SMCMPA) included maintaining the "cultural, economic, ecological, and social health of the Steens Mountain area in Harney County, Oregon." (Sec. 1 (b) (1)). It is recognized that the Steens Mountain Running Camp has been a legitimate and historic part of the Steens Mountain, and has also maintained an enduring economic function in the local area (spending more than $20,000 in Harney County last year alone). As such, the camp falls under the cultural, economic, and social health provisions as granted by the SMCMPA.

Furthermore, the objective of the SMCMPA is "to promote grazing, recreation, historic, and other uses that are sustainable." The camp is consistent with the "recreation" and "historic" objectives of the SMCMPA (sec. 102 (b) (2)).

Additionally, the SMCMPA states that "the Secretary [of the Interior] shall manage all Federal lands included in the Cooperative Management and Protection Area...in a manner that (2) recognizes and allows current and historic recreational use." (Sec. 111 (a) (2)). As the camp has been operating on Steens Mountain since 1975, it, too, fulfills these functions of the Steens Act.

Concerns about Impact to Wilderness

Some concerns have been raised that we disturb the solitude of the wilderness when we conduct the Big Day and Cross Canyon events, possibly creating a "negative social impact for other wilderness visitors." However, feelings of solitude are dependent upon encountering people. As such, our camp rarely encounters people during the Big Day. In 2001, we encountered a total of three people during the Big Day events. Part of the reason for this is because the Steens wilderness encompasses such a large area: 170,000 acres. During the Big Day, 150 high school kids traverse a very small, geographically masked area of this enormous mountain wilderness. To put it in perspective, if each camp participant were equally spread across the Steens Wilderness, each would occupy an area larger than 1100 acres. This equates to fewer than one person per an area of land larger than New York City's Central Park. In the rare times that we have encountered other people, the encounter usually consists of smiles, encouragement, and a friendly wave good bye. Additionally, campers are instructed to talk quietly while in the wilderness and treat other wilderness visitors with courtesy and respect. A large part of the route also follows the Blitzen and Big Indian rivers, which help mask the sounds of our group. Furthermore, opportunities for solitude are enhanced by the varied and rugged topography. Topographic and vegetative screening, especially around the creek and canyon bottoms, often hide our presence from other visitors. Frequently, someone who is not more than a ′ mile away from our group will often not know that we are there. Perhaps the greatest testament to our minimal impact to solitude is the fact that the BLM has never received a formal complaint during our 26 years of conducting these activities. Additionally, if we have perceived any potential problems in the past, we have either policed ourselves to fix the problem or willingly worked with the BLM to mitigate any impacts to the mountain.

However, if wilderness advocate groups are truly concerned about mitigating any impact to solitude or sign of human presence in the Steens wilderness, then maybe they should consider the following:

Hunting, even commercially for-profit guided hunting groups, are allowed in Steens and other wilderness areas. Is the sound and sight of rifle fire less disturbing to wilderness values than kids hiking through a canyon?

Cars and RV's can be seen from many points within Steens wilderness area—as 50,000 visitors come to Steens Mountain each year and drive down the South Loop. Do automobile backdrops provide a "truer wilderness" to visitors than high school boys and girls at a creek side?

My point is not to single out hunting or driving access on Steens, or to pass judgment on other wilderness activities, but rather to highlight that some oppositional

efforts against our camp seem disproportionate and misguided. If solitude is really what they're concerned about, shouldn't they be going after the 165 decibel roar of rifle fire, rather than the 65 decibel sound of shuffling feet muffled by the sound of running water? Shouldn't they be going after the constant glinting glass and shiny metal of a roaming RV seen from within wilderness, rather than the occasional and benign sight of kids hiking on a trail?

Some wilderness advocates such as Wilderness Watch want our camp to consider using alternative routes outside of the wilderness area to conduct the Big Day event. While these alternative plans may seem to make sense on the surface, in practice they would create problems. We've designed the Big Day to fulfill two main goals: to provide outstanding scenic beauty and safety. Any alternative plan outside of the wilderness compromises both of these issues.

First, Steens Mountain is somewhat like the Grand Canyon'the outstanding scenery and beauty exists when you have an opportunity to take in views at the edge or from within the enormous canyons. At the Grand Canyon, if you are only allowed within ′ mile of the rim, it is a vastly less inspiring and breathtaking experience than being at the rim or inside the canyon. Likewise, at Steens Mountain, the most impressive beauty and splendor lies at the edge or within the enormous canyons. All of these canyons are within the newly designated wilderness area, as they should be, because that is where the outstanding beauty and scenery of Steens Mountain exist. The areas outside of the wilderness areas consist of rather monotonous, flat, arid land dominated primarily by sagebrush, junipers, and some aspen trees. The areas are devoid of the rich diversity and scenery found in the canyons, such as waterfalls, grassy meadows, and fragrant wild mint and lavender. Being forced to hike on a dirt road outside of the wilderness area totally eliminates the original purpose of the Big Day and the camp.

Second, the primary consideration in planning the Big Day is safety. This includes factors such as planning for bad weather, having aid/first aid stations along the route, operating in areas that allow transmission of two way radio communications and cell phone reception, and attending to water and hydration needs. The proposed alternative routes may not be able to accommodate all of these safety factors.

One of the greatest risks to camper safety is lightning strikes. Due to the elevation, topography, and weather patterns around Steens mountain, adverse weather conditions, including thunderstorms, high winds, and hail frequently develop with little or no warning. The large, flat expansive areas outside of the wilderness areas provide less protection and shelter from the thunderstorms that are typical during the summer afternoons. In 1975, the bus driver for the camp was killed by a lighting strike that occurred on the expansive, flat top of Big Indian Gorge, where there is less terrain variation to afford protection from strikes. As a result, to help mitigate potential lightning strike hazards, the camp plans the Big Day so that campers are within the 2000" deep Blitzen Gorge during the afternoon. Generally, lightning will strike canyon walls, varied terrain, or other high points like trees more frequently than surrounding flat terrain. To further mitigate safety hazards, participants are given a thorough briefing on how to avoid lighting strikes during thunderstorms. When encountered, camp staff direct the participants to stop hiking or running, and to assume a position on lower terrain that minimizes the potential of attracting lighting.

Forcing the camp to adopt alternative plans may have other drawbacks. For example, since the Wilderness area is at higher elevation, conducting this event outside of the Wilderness area may likely force us into the juniper/sage brush lowlands, where temperatures are considerably hotter during the day. This increases the risk of kids experiencing heat-related problems such as dehydration or heat stroke. It can also lead to greater risk of hypothermia if the temperature drops.

Concerns have also been raised about the size of our group, as claims have been made that no other for-profit group in the nation is allowed to conduct an activity like our Big Day in wilderness areas. In fact, this is flat-out wrong. For example, a for-profit commercial enterprise that is allowed to bring a group through wilderness is the 20-plus year old Western States 100 Endurance Race—where the Forest Service allows 369 runners and 1300 volunteers to go through the Granite Chief Wilderness Area each year. Forrest Service monitoring has revealed that this group of runners (larger than our camp) has "no impact" to the trail. In another example, the Tevist Cup horse race with 250 rider/horse teams and 700 volunteers is allowed to go through the same wilderness area.

Another stated concern is that by allowing our camp into the wilderness, a dangerous precedent of "accommodating groups in wilderness areas" will be established. However, no precedent will ever be set, as no other group could possibly fit the stringent criteria that allows us to operate in the wilderness, namely, 27 years of historic use. No matter who asks, or for what reasons, or by what means, any other

group asking to do the same thing as Steens Mountain Running Camp will be flatly denied permission, and justifiably so, since they do not fall under the protection of the Steens Act of 2000.

THE CAMP'S CURRENT SITUATION

In the spirit of cooperation, our camp is willingly going through an administrative process to ensure our right to use the Steens Wilderness. The Burns BLM is currently drafting an Environmental Assessment to measure the impacts of our camp on wilderness. If approved, we will receive a Special Recreation Permit as we have since the early–1980's to conduct our camp this summer.

CONCLUSION

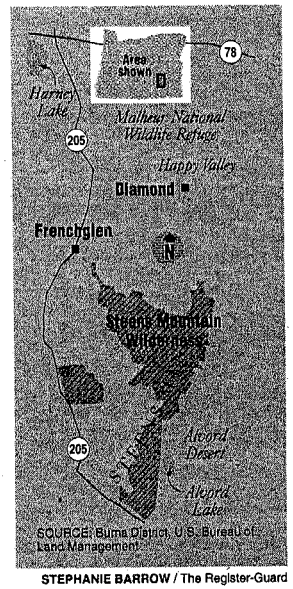
The Steens Act was put together by a cross section of society: bipartisan politicians, environmentalists, ranchers, wilderness advocates, land owners, private citizens, and Native Americans. Essentially, a patchwork quilt of people contributed to make this Act possible because they wanted to see the bright future of Steens Mountain passed on to future generations. The rights of our camp were purposefully and intentionally written into that important legislation. Therefore, in respect of the groups who were a part of the Steens legislation, we hope that no litigation or court injunction is filed by groups such as Wilderness Watch that would prevent what legislators and stake holders intended for the Steens Act of 2000. If there is litigation or an injunction filed that prevents our camp from using our historic routes through wilderness, we would ask for a congressional clarification to the Steens Act that would protect our camp in the future. Additionally, we are concerned about how many other unforeseen controversies we may have to deal with in the future. How do we ensure that our camp will not have to go through another controversy and administrative process in another four or five years? Already, dealing with this unforeseen controversy this year has required a great deal of time, attention, and effort. It is also having a negative financial impact on the camp, as enrollment is down 25% as compared to previous years.

I am worried about the future of this camp, even this summer. Although the BLM has not ever received a single formal complaint in the past 27 years about any issues such as soil compaction, trail erosion, or disturbance to solitude, I must be honest and say that I'm worried that this year there will be many complaints made by "planted complainers," who will coincidentally appear on the day, time, and place of our Big Day event.

We hope that we can avoid a further controversy surrounding our camp. We ourselves would like to return to the "solitude" that we once knew on the Steens Mountain.

In summary, our camp was born out of a simple desire to allow young men and women to be inspired by the beauty and lessons of nature. Since our earnest and humble beginning 27 years ago, we have always embraced the environment and respected the land. We hope that we can continue this proud tradition in the future. It would be a bittersweet and ironic ending if the very purpose of this special running camp is also the very reason for its demise.

[Attachments to Mr. Yriarte's statement follow:]



STEPHANIE BARROW / The Register-Guard

Watchdog group battles Steens camp for runners

■ Environment: The organization wants the BLM to deny a special-use permit.

By SCOTT MABEN
The Register-Guard

Does a large group of young athletes trotting through a high desert wilderness ruin the wilderness experience for others?

Absolutely, says a watchdog group opposed to a Eugene-based running camp's use of the new Steens Mountain Wilderness Area in Southeastern Oregon.

The camp's signature event, a dawn-to-dusk trek through backcountry sagebrush and deep gorges, spoils the solitude people expect in a protected wilderness, claims Wilderness Watch of Missoula, Mont.

"It's really a pretty extraordinary request to be doing something like this in the wilderness," said George Nickas, the group's executive director.

Directors and supporters of the 27-year-old Steens Mountain Running Camp counter that the students have little impact on the wilderness and come away with greater respect for nature and wide-open spaces.

The day spent inside the wilderness boundary is an integral part of the program, said Harland Yriarte, the camp's founder and athletic director at Lane Community College.

"For a person coming to the Steens Mountain Running Camp and not being able to experience what is now labeled wilderness is kind of like going to Arizona and getting only a quarter-mile from the Grand Canyon," Yriarte said.

"Basically what they're proposing is taking the turkey out of Thanksgiving, taking the ham out of Christmas," he said.

Wilderness Watch wants the federal Bureau of Land Management, which manages the Steens wilderness, to refrain from issuing a special-use permit that allows the camp to lead students through the Big Indian and Blitzen gorges on the west side of the

Turn to STEENS, Page 6A

STEENS

Continued from Page One

fault-block mountain, located about 65 miles south of Burns.

The group, which advocates proper stewardship of wilderness areas, argues that wilderness rules prohibit running camps, endurance races and similar events.

"To make an exception for one camp doesn't seem right to us, and we're concerned it may become a precedent," Nickas said. "If we allow one camp to do it, how can we tell others they can't without appearing arbitrary?"

He also called the camp "an outdoor-oriented commercial enterprise that uses the wilderness as a backdrop for its operation," and that wilderness areas generally are off-limits to for-profit organizations.

However, the camp's continued use of the area had strong support during congressional debate on the wilderness designation. Second District Rep. Greg Walden, a Republican from Hood River, said everyone involved understood that the camp's long association with the Steens should garner it special consideration over strict adherence to wilderness management rules.

"It was exactly the kind of purpose we were trying to protect under the historic recreational use," Walden said. "If you want to think of it as just your grandfather's wilderness area, it's not. This is the first cow-free wilderness area in the nation."

One of the trade-offs for removing livestock from the Steens wilderness was to recognize other traditional uses, including the running camp, Walden said. He portrayed Wilderness Watch as a late-comer to the table that's unaware of the issues that led to the protection of the Steens.

"This is an extraordinarily elitist view that's being perpetrated here," he said. "This isn't what Steens Mountain is about. It's about very divergent viewpoints coming together to solve a problem."

A Bend-based conservation group that long has pushed for protection of the Steens area doesn't share the concerns of Wilderness Watch.

"From the get-go, we felt it was a relatively benign activity compared to lots of things that were happening in the wilderness, especially livestock grazing," said Bill Marlett, executive director of the Oregon Natural Desert Association. "The expectation was that when the Steens was designated, the camp would continue its operation in the wilderness."

The BLM's Burns District is studying what impact the camp has on the wilderness and will issue a report later this month. Miles Brown, field manager for the district's Andrews Resource Area, will decide in July whether to issue the permit, after a 30-day public comment period.

The camp is scheduled for July 21 to 27 and again July 28 to Aug. 3. About 150 high-school distance runners usually attend each week.

"It's a controversial issue, and I have no idea how the field manager is going to react," said Mark Sherbourne, the agency's district supervisor for recreation and wilderness. "It's going to be based a lot on the comments we get."

One option will be to move the route for the main event — an arduous 28-mile run and hike with backpacks called "Big Day" — outside the wilderness. Another will be to keep the usual course but mandate measures to help mitigate the environmental impact.

If the BLM approves the permit, Wilderness Watch could appeal or file a lawsuit. But only a court order would prevent the camp from operating as usual this year, Sherbourne said.

Regardless of what happens this season, Yriarte said he worries that objections will lead to a "slow kill" of the camp over time.

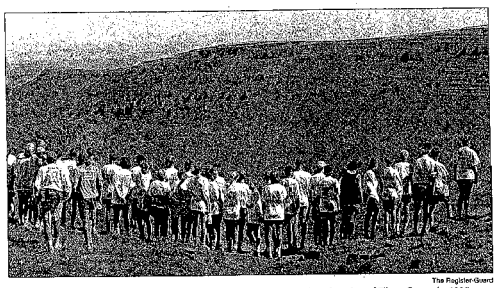
"I think if Wilderness Watch had their way they'd have us on a stair-stepper out in the sagebrush," he said. "We all know that it's the atmosphere and environment and beauty that allows for a really holistic experience."

And the Big Day event, Yriarte said, always occurs on a weekday, when fewer visitors are on the Steens. "Last year we saw a total of three people in those canyons," he said.

Eleanor Gordon, 17, a cross-country and long-distance runner at South Eugene High School, attended the past two summers. "There was a large emphasis on environmental awareness and teaching kids from cities, who are used to running on concrete, the importance of the environment," she said. "A lot of people hadn't had that experience before."

Students are taught to "leave no trace" in the wilderness and are discouraged from yelling out encouragements to each other during the Big Day.

"I think that the benefits of the camp on the kids outweighs the small impacts on the environment," Gordon said. "I think before (Wilderness Watch) has a valid complaint, they need to go observe the area and what we're doing."



The Register-Guard

Athletes participating in the Steens Mountain Running Camp stand at the edge of Kiger Gorge in 1995.

The camp was a major factor in the South Eugene girls' cross-country team winning the state championship last year, head coach John Gillespie said.

"It's not the training," Gillespie said. "It's the camaraderie, it's the chemistry and the bonding, what you learn about yourself. It's a lot more than just running a few miles."

A former assistant men's track and field coach at the University of Oregon, Gillespie has attended the camp more than a dozen times, including the past four years with groups of South Eugene students. He compared the experience to that of Outward Bound, the adventure-based wilderness school for at-risk youth.

"You can't have that camp without the Big Day," he said. "That's the wilderness experience that makes people different, because you are able to do more than you think you can."

Cliff Volpe, a Eugene resident who has attended the camp 15 times as a student, camp assistant and now assistant director, said it's not a typical sports camp that only emphasizes training and competition.

"More than anything, this camp is about being a good person and reaching your full potential as a human being," he said.

Kids are taught to respect the land and care for the natural environment, and they learn about the ecology, biology, geology, geography and history of Steens Mountain, Volpe said.

"The philosophy of the camp is that if you have your heart in the right place, and your mind and spirit are focused and balanced, then everything else, including being a good athlete and a good steward of the earth, will fall into place," he said.

Nickas said he's heard those arguments before and they hold no sway with him.

"It's wilderness 24 hours a day, 365 days a year. We don't make exceptions for incompatible activities just because they're of short duration," he said. "You can't teach the value of something, in my view, while you're violating those values at the same time. That just doesn't work."

Nonsense, Yriarte said.

"What better place to teach them about wilderness values than in the wilderness?" he said.

"The intent was to be the first cow-free, not the first kid-free, wilderness area."

The Register Guard, Eugene, Oregon, May 9, 2002

RON BELLAMY

Misguided meddling

IF YOU CONSIDER yourself an environmentalist, and you care deeply about issues such as old-growth timber, and the restoration of rivers and streams, and the preservation of wildlife and natural resources, then you should have a strong opinion about the Steens Mountain Running Camp's use of the newly declared high desert wilderness area in southeastern Oregon.

You should be more than just concerned.

You should be upset.

Heck, you should be sputtering mad.

No, not because the longtime running camp for high school distance runners wants to continue a dawn-to-dusk trek through the sage and gorges of the backcountry, two days a year, that's been its signature event.

You ought to be outraged at the environmental group, Wilderness Watch of Missoula, Mont., that wants to keep the young runners out of the wilderness.

It's stuff like this that makes environmentalists look like idiots.

That does more damage to their general cause than a chainsaw.

Because the issue isn't whether the runners can go where they've never gone before. Were that the case, then there are trails in multi-use areas in which their presence would not be intrusive.

But this is a camp that has been in existence for 27 years, having been founded by Harland Yriarte of Eugene, the director of athletics at Lane Community College. It's paid some dues, built some equity. It's touched lives, even changed some lives.

The high point of each camp session — there will be two this year, for about 150 runners each, between July 21 and Aug. 3 — is a rigorous dawn-to-dusk outing through the Big Indian and Blitzen gorges about 65 miles south of Burns, not to change the landscape but to measure the endurance of body and spirit.

The runners call it "Big Day," and it is the camp's only incursion — for a period of eight to 10 hours on each "Big Day" hike — into the new Steens Mountain Wilderness Area, the nation's first livestock-free wilderness area.

The creation of such a wilderness area is an important victory for the environmental movement. But with this race won, Wilderness Watch is tripping over the finish line.

Because the congressional debate over the area's wilderness designation contained strong support for the camp's continued use of the area. In other words, the lawmakers never intended to throw the kids out with the cows. There's even legislation being drafted that would grandfather the running camp.

But Wilderness Watch wants the federal Bureau of Land Management to not issue the special-use permit that would allow the hike. You have to figure that other threats to the environment are pretty well licked — oil refineries, pesticides, urban sprawl, snowmobiles — if we're spending time on this.

COULD YRIARTE stage a running camp someplace else? Perhaps. Or route the Big Day another way? Probably.

But he shouldn't have to do either. He grew up on Steens Mountain. He chose it for his running camp because of the impact that setting had on him. He's been taking kids into this wilderness, and respecting it, before it was officially a wilderness.

Yriarte has made that camp a unique, enduring success, evidenced by the many former participants who have contacted him lately, worried about its future.

As assistant director Cliff Volpe told the Steens Mountain Advisory Committee, the camp is "not just about becoming an endurance athlete, or how to run fast, or how to be competitive. It's about respecting the natural world we live in and the people around us, having self-confidence, determination, courage and integrity. ...

"Learning to be a good runner is secondary, learning to be a good person is primary."

The camp teaches the young runners about the sanctity of the wilderness through which they pass. Jeepers, a few of these kids from the cities might see this special backcountry and become, well, environmentalists.

Because to see that land, to be in the middle of it, is an experience they never forget.

Speaking of resources, a few words here about high school distance runners.

My wife coaches high school distance runners. For the record, she's never taken them to the Steens camp, nor is it on the agenda for the future; it's a very rustic tents-and-sleeping bags deal, and her idea of camping is a tent in the lobby of a Hilton.

High school distance runners are sensitive, caring, dedicated. They will surprise you by how thoughtful they are. They are also, occasionally, goofy, vexing and perplexing. They are great kids.

Any time invested in them by caring adults, whether at track practice or in a unique adventure like Steens, comes back positively to all of us, in so many ways.

They're our future, too.

Keep *them* out of the Steens Mountain Wilderness Area, for all of two days a year?

Give me a break.

The Register Guard, Eugene, Oregon

LETTERS
IN THE EDITOR'S MAILBAG

May 9, 2002

Support Steens runners

For the past two summers we have spent our family vacation camping at our favorite remote spot in Oregon, Steens Mountain. Both times we passed by the Steens Mountain Running Camp runners. What an impressive group of young people!

I was disappointed to learn that the Wilderness Watch group from out of state is trying to prevent the Bureau of Land Management from issuing a special-use permit to allow the students into the wilderness area (Register-Guard, May 6). This camp has been successfully running for 27 years! It is highly unlikely that many other groups are going to request similar permits, and if they do, BLM certainly has the judgment to deny inappropriate usage.

Wilderness Watch claims that the runners' presence spoils the wilderness experience for others. Give me a break! We admired this group of dedicated young runners. We were in awe of their stamina, and we should be supportive of an opportunity for them to experience this incredible place.

The program increases the runners' appreciation of the wilderness and builds up their camaraderie and self confidence. Watch groups such as this have an elitist agenda. To try and prevent a successful running camp from continuing is only the beginning. Certainly the two campgrounds at Steens Mountain are on their list as well. This is wrong.

LISA LILLES
Springfield

May 12, 2002

Camp respects land

The article "Watchdog group battles Steens camp for runners" (Register-Guard, May 6) was very disturbing. What are we saving this wilderness area for if not for our children?

The Steens Mountain Running Camp seems to be teaching the participants to respect the land as well as themselves and what they are able to do. The camp philosophy is sound, and the children attending are getting an experience they can hardly get anywhere else.

My question: How does Wilderness Watch have the right to object to what the Bureau of Land Management has decided is OK in this area? Our children need to experience places like this to learn about themselves and about the environment.

I say, let the youth have their running camp and teach them respect for the land — there are many adults who could use similar training.

The powers in charge of making the decision about the running camp's future should know there are two senior citizens who vote for the running camp and our children — our future.

ARTHUR and JEAN MORTON
Eugene

May 16, 2002

Camp offers key lessons

My son's name is Kiger — named after the Kiger Gorge on Steens Mountain. We named him Kiger for two reasons: First, in appreciation of the beauty of Steens Mountain, and second, in appreciation of a running camp.

I learned the most important lessons of my life at Steens Mountain Running Camp, first as a high school camper and later as a coach, teacher, husband and father. That's why I bring my team to Steens each year — to learn not just about running, but also about proper stewardship of the land, appreciation of the outdoors and, most importantly, the value of striving to be a better person.

Wilderness Watch is trying to keep high school students out of the Steens Mountain wilderness. This will prohibit campers from experiencing the event that is the heart and soul of this camp, the "Big Day." The Steens Mountain Act of 2000 was written to protect historic use on Steens Mountain, with the camp in mind. Wilderness Watch director George Nickas said, "If we allow one camp to do it, how can we tell others they can't without appearing arbitrary?" But who else will be asking? No other running camps have ever operated on Steens Mountain, so none would ever qualify under the historic use provision.

I want my son to come from Steens Running Camp and Steens Mountain having learned the same lessons as I have. I want him to understand and appreciate the special meaning of his unique name.

CHRIS JOHNSON
Florence

May 20, 2002

Teaching stewardship

I'm an environmentalist. I belong to several environmental organizations, I actively write letters and support conservation causes, and I started the Kids Saving Earth Club in a Eugene public school several years ago. Accordingly, I think that Wilderness Watch raises some good points in the recent article, "Watchdog group battles Steens camp for runners" (Register-Guard, May 6). I usually side with environmentalists, and in this case I'm not making an exception. That's why I support Steens Mountain Running Camp.

I attended the camp in 1999 as a 55-year-old mother, and although I'm not a runner, I went on the "Big Day" through what is now wilderness area, taking in beautiful canyons, waterfalls and aspen trees (campers go into this wilderness area only two days out of the year). I saw the minimal impact the camp had on the land, the wilderness education it provided to kids and the inspiration it fostered to respect the earth and all living things. I was inspired.

Kids today need all the help they can get on their way to becoming responsible, respectful adults. Steens camp was a turning point in my own son's life. Through inspirational and educational talks during camp, he developed a strong sense of self and a love for the earth. How many kids have an opportunity to learn first hand how to be stewards of our precious earth? It's this very kind of camp that will motivate kids to become environmentalists, and I can think of no better environmental cause to support.

ANDREA CALLAHAN
Eugene

May 13, 2002

Letters to the Editor

The Register-Guard

Runners respect Steens

I am a Eugene resident who has spent the past eight months studying in the Midwest, an area Harland Yriarte would certainly refer to as "Flatland America" (Register-Guard, May 6). I run in a gorge of concrete and steel, a stark contrast to the canyons and sagebrush of the Blitzen Gorge. As a former camper at the Steens Mountain Running Camp, I felt only dismay when I read the May 6 article regarding the controversy of the "Big Day."

As a backpacker, I was taught early on to "take only pictures, and leave only footprints." I knew my family was capable of adhering to that maxim, but I was pleasantly surprised on my first "Big Day" when I saw more than a hundred people respect it as well. Yriarte and other staff members made it abundantly clear that we needed to show consideration for the wilderness.

A piece of garbage was found along the path; the entire group had to stop and wait while someone picked it up. We were told to stick to the trail. We were taught to value our surroundings. Each year I hiked the trip, the underbrush remained thick, the trail increasingly overgrown. Even with a few hundred kids running through the gorges, the wilderness remained wild.

George Nickas, Wilderness Watch's director, condemned Steens' use "of the wilderness as a backdrop for its operation." Yes, that's true. Location is integral to the experience. It wouldn't be Oregon without our mountains, and it wouldn't be Steens without our "Big Day."

KATE STEPHENSON, Student
Northwestern University
Evanston, Ill.

Thomas Dyer
District Manager
Bureau of Land Management
Burns District Office
28910 Hwy 20 West
Hines, OR 97738

May 20, 2002

Dear Mr. Dyer,

I would like to express some concerns I have about a decision you will be making regarding the Steens Mountain Running Camp. For the last two years I have served on the board of directors of the Eugene Natural History Society. This group has been active in environmental education since 1937. We have strong ties to the University of Oregon, and over half of our board members have advanced degrees in science. Although I do not speak for the organization as a whole (because we have not formally submitted the issue to a vote at a board meeting) I have discussed the issue with several of my colleagues. My wife is also involved in environmental issues. She earned a Ph.D. in archaeology/ paleobotany and has taught for ten years.

Several years ago, Harland Yriarte invited my wife and I to speak at the Steens Mountain Running Camp. We will be speaking at both sessions this year; not about running, but about Native Peoples of the Steens, the plants they used, and the reverence with which they regarded the land. The reason we were asked to speak is because Mr. Yriarte has always felt that respect for the land must be an integral part of the camp experience.

My wife and I have previously discussed environmental concerns with Mr. Yriarte. We did not find him to be inflexible on any issue. We talked about ways of identifying and flagging rare or threatened plants, and reviewed procedures Mr. Yriarte has in place to reduce environmental stress during training runs. We feel that the environmental impact of the Steens camp has been negligible while its educational value (and it's public relations value to the environmental movement) has been substantial. Our concern is that if the Steens Running Camp is forced to change its format, including alterations to the "Big Day Run," the camp experience will be diminished, and local environmental groups like the Natural History Society, or the Oregon Natural Desert Association will lose a unique opportunity to work with a large group of energetic young adults. We value any opportunity to further public understanding of the complex natural systems. There are good reasons why environmental groups - that are active within the State of Oregon - support the Steens Mountain Running Camp. We encourage you to rule favorably in support of the continued use of the camp as it has been operating for the past 27 years, including its use of Blitzen Gorge.

Sincerely,

Peter Helzer
Dr. Margaret Helzer
84431 Hilltop Dr.
Pleasant Hill, OR. 97455

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September 22, 2000

Mr. Harland Yriarte
Camp Director
Steens Mountain Running Camp
P.O. Box 5453
Eugene, OR 97405

Dear Mr. Yriarte:

Thank you for the many letters regarding the Steens Mountain Running Camp. As an avid runner and nature enthusiast myself, I was extremely interested in your concerns.

Let me assure you that there is nothing in my legislation, the Steens Mountain Wilderness Act of 2000, which would negatively impact your camp. No one has ever asked us to include any provisions in the bill that would threaten its continued existence and I am unsure which portion of the legislation is causing such concern. The camp is currently operating under a special use permit from the Bureau of Land Management and to the best of my knowledge no one has proposed any changes to that permit either.

Again, thank you for your letters.

Sincerely,

Earl Blumenauer

Earl Blumenauer
Member of Congress

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RON WYDEN
OREGON

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United States Senate

WASHINGTON, DC 20510-3703

December 21, 2000

Mr. Harland Yriarte
Box 5453
Eugene, OR 97405

Dear Mr. Yriarte:

Thank you for contacting me regarding your support for the Steens Mountain Running Camp. I appreciate hearing from you, and I am glad we agree on this issue.

As you may know, the Oregon Congressional Delegation worked together over the past year to craft legislation protecting Steens Mountain. The President signed our bill in October, creating the "Steens Mountain Cooperative Management and Protection Area." The bill also created the Steens Mountain Wilderness Area, comprising most of the Donner und Blitzen Watershed and the high country south to Alvord Peak. As I understand, the running camp uses routes both inside and outside of the newly created wilderness area. The running camp provides a unique experience for young athletes, and I strongly support it.

In our discussions over the legislation, I wanted to accommodate the needs of the running camp and therefore negotiated the bill to ensure the camp would run in the same manner it has for several years. The bill specifically protects those "outfitters" - in this context the camp is an "outfitter" - who have historically operated on the mountain.

Again, thank you for taking the time to contact me about the running camp. I intend to watch closely as the new law takes effect, and stand ready to assist the camp should any difficulties arise. If I may ever be of further assistance on this or other matters, please do not hesitate to contact me.

Sincerely,

Ron Wyden

Ron Wyden
United States Senator

RW/rrr

Committees:

Budget
Commerce, Science & Transportation
Energy & Natural Resources
Environment & Public Works
Special Committee on Aging

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Mr. WALDEN. Bill? Welcome, and thank you for joining us today. We very much appreciate it.

STATEMENT OF BILL MARLETT, EXECUTIVE DIRECTOR, OREGON NATURAL DESERT ASSOCIATION

Mr. MARLETT. Thank you. It's great to be here Representatives Walden and Mike Simpson. Good to see you again. Appreciate the opportunity to speak on implementation of the Steens Mountain Cooperative Management and Protection Act of 2000. The path chosen for Steens was a novel course of action, one that attempts to balance competing interests; accommodate diverse stakeholders; and provide for direct citizen involvement; with a goal to serve, protect, and manage the long-term ecological integrity of Steens Mountain for future and present generations. While the overreaching goal of the Act is clear, the path in reaching our goal will be anything but smooth.

Today, I want to focus on three issues, I believe, that are impeding progress toward achieving that goal. The first is that Oregon's Delegation should not try to fix every problem—perceived or otherwise—that manifests, as we go through this arduous planning process. By way of example, when we agreed to the nation's first cow-free wilderness area on Steens Mountain, we did not fully appreciate, nor did the bill acknowledge, that it would take several years to achieve cow-free status in the newly formed wilderness area. And, while we could have raised a political fuss, we didn't. We decided, in the spirit of cooperation, we would let the process run its course. My point in raising this is to illustrate that whether the issue is access to private lands or ongoing livestock management, people need to exercise patience.

Representatives Walden and Simpson, I know that you and the rest of the Oregon Delegation did not intend that the Steens Act would solve all the problems on Steens Mountain, which is why you established the Steens Mountain Advisory Committee to assist BLM in preparing a detailed management plan that addressed the myriad issues.

The second issue relates directly the SMAC. Congress gave very explicit directions to BLM, to prepare a management plan with help of the SMAC. I believe the Committee is spending too much time—too much of its precious time—on issues secondary to completing the plan. I believe that in the short time left, the SMAC must focus its limited energy in completing the plan, and only when necessary, and as time permits, delve into the interim issues the BLM is having to contend with daily.

The third issue—and, in my opinion, the biggest disappointment of the Steens Act—is the total absence of promised funding for land and easement acquisition and juniper management. Just within the Steens Mountain wilderness, there are nearly 5000 acre of private inholdings that pose a threat to BLM's ability to manage the area as wilderness. Some of these landowners have expressed a willingness to sell their lands to BLM, but there's no money. I, along with the Steens-Alvord Coalition, firmly agree with Governor Kitzhaber, that potential development of private lands is a primary threat to the undeveloped integrity of the Steens Mountain landscape that people value so highly.

All stakeholders who were party to drafting the Steens legislation agreed that acquiring land and easements from willing sellers would be part of the long-term strategy to achieve the goal of the Steens Act. Oregon's Delegation agreed, and Congress authorized, $25 million for land acquisition, and $5 million for juniper management. To date, no funds have been appropriated for these purposes. Representative Walden, the integrity of the process created by the Steens Act, and our ability in achieving the goal of the Act, hinge in large part to honoring this promise you and the rest of the Oregon delegation made to all Oregonians 2 years ago. Your commitment to ongoing funding was as much a part of the consensus agreement we made as the land exchanges, making ranch operations whole, and designating wilderness. For myself and many others, this promise of future funding for land and easements acquisition and juniper management was the carrot that convinced us to support national legislation over a monument proclamation, which, as you know, carries no of commitment Federal dollars.

This is not to suggest there is no active role for Oregon's Delegation outside the appropriations process. First, Steens Act did not designate approximately 100,000 acres of WSA land within the management boundaries as wilderness. For political reasons, these wilderness designations were left on the table for another day, and it is our understanding Congress will revisit this issue when appropriate.

Second, Congress may wish to legislate additional land exchanges, as currently being proposed for George Stroemple and others, to consolidate public and private lands, secure new wilderness, or eliminating inholdings. ONDA strongly supports the current batch of land exchanges, and encourages you to pass legislation this year securing these lands. As you know, during the course of the original discussions on the Steens Act, several important land exchanges, including a Scharff and Hammond exchanges, were dropped for lack of time to reach consensus. To the extent any land exchange meets the objectives of the Act, in particular when Congress is creating new wilderness, Congress should act immediately to secure these lands. Of course, we will be vigilant to balance any legislative exchange, to ensure that the public's interest is protected.

Last, Congress should deal with any mistakes we made 2 years ago, and you should rightly make the boundary assessments, which were recently approved by the Steens Mountain Advisory Committee.

But Congress should not prematurely involve itself in management issues, in particular policy matters related to the Wilderness Act, that have not been fully debated, much less agreed too. The BLM has rules and regulations, along with a public process, that should be given a chance to work.

In short, Representative Walden, Congress should not attempt to fix problems with implementation of the Steens Act that may be more perception than reality, or before the management plan has been completed. Congressional fixes may be necessary, but should be viewed as actions of last resort. Let the SMAC and the BLM carry out their respective duties. Legislative tinkering, at this juncture, only sends a message that the Steens model is flawed. I be-

lieve it would be unwise for us to send that message. If you want to help us keep moving forward, let's complete the pending land exchanges and boundary judgments, and appropriate at least some of the money we were promised 18 months ago for juniper management and land and easement acquisition.

Representative Walden, thank you again for your leadership, time, and interest on this important issue. For the record, I'd also like to thank BLM district manager Tom Dyer and Miles Brown—area manager—along with the Burns district staff, who I think are doing a great job in a very difficult task. Thank you.

Mr. WALDEN. Thank you.

[The prepared statement of Mr. Marlett follows:]

Statement of Bill Marlett, Executive Director, Oregon Natural Desert Association

Representative Walden, thank you for the opportunity to speak on implementation of the Steens Mountain Cooperative Management and Protection Act of 2000.

The path chosen for Steens was a novel course of action, one that attempts to balance competing interests, accommodate diverse stakeholders, and provide for direct citizen involvement with the goal to "conserve, protect, and manage the long-term ecological integrity of Steens Mountain for future and present generations."

While the overarching goal of the Act is clear, the path in reaching our goal will be anything but smooth.

Today, I want to focus on three issues I believe are impeding progress towards achieving that goal:

The first is that Oregon's delegation should not try to fix every problem, perceived or otherwise, that manifests as we go through this arduous planning process. By way of example, when we agreed to the nation's first "cow-free" wilderness area on Steens Mountain, we did not fully appreciate, nor did the bill acknowledge, that it would take several years to achieve cow-free status in the newly-formed wilderness area. And while we could have raised a political fuss, we didn't. We decided, in the spirit of cooperation, we would let the process run its course.

My point in raising this is to illustrate that whether the issue is access to private lands or on-going livestock management, people need to exercise patience. Rep. Walden, I know that you and the rest of the delegation did not intend that the Steens Act would solve all the problems on Steens Mountain, which is why you established the Steens Mountain Advisory Committee (SMAC), to assist BLM in preparing a detailed management plan that addresses the myriad issues.

The second issue relates directly to the SMAC. Congress gave very explicit direction to BLM to prepare a management plan with the help of the SMAC. I believe the committee is spending too much of its precious time on issues secondary to completing the plan. I believe with the short time left, the SMAC must focus its limited energy in completing the plan, and only when necessary, and as time permits, delve into the interim issues BLM is having to contend with daily.

The third issue, and in my opinion, the biggest disappointment of the Steens Act, is the total absence of promised funding for land and easement acquisition, and juniper management. Just within the Steens Mountain Wilderness, there are nearly 5,000 acres of private inholdings that pose a threat to BLM's ability to manage the area as wilderness. Some of these landowners have expressed a willingness to sell their lands to BLM, but there is no money. I, along with the Steens–Alvord Coalition, firmly agree with Governor Kitzhaber, that potential development of private lands is a primary threat to the undeveloped integrity of the Steens Mountain landscape that people value so highly.

All stakeholders who were party to drafting the Steens legislation agreed that acquiring land and easements from willing sellers would be part of the long-term strategy to achieve the goal of the Steens Act. Oregon's delegation agreed and Congress authorized $25 million for land acquisition and $5 million for juniper management. To date, no funds have been appropriated for these purposes. Rep. Walden, the integrity of the process created by the Steens Act, and our ability in achieving the goal of the Act, hinge in large part on honoring this promise you and the rest of the Oregon delegation made to all Oregonians two years ago.

Your commitment to on-going funding was as much a part of the consensus agreement we made as the land exchanges, making ranch operations whole, and designating wilderness. For myself and many others, this promise of future funding for

land and easement acquisition and juniper management was the carrot that convinced us to support national legislation over a monument proclamation, which as you know, carries no commitment of federal dollars.

This is not to suggest there is no active role for Oregon's delegation outside the appropriations process:

1) First, the Steens Act did not designate approximately 100,000 acres of WSA lands within the management boundary as wilderness. For political reasons, these wilderness designations were left on the table for another day, and it is our understanding Congress will revisit this issue when appropriate.

2) Second, Congress may wish to legislate additional land exchanges, as currently being proposed for George Stroemple and others, to consolidate public and private lands, secure new wilderness, or eliminate in-holdings. ONDA strongly supports the current batch of land exchanges and encourages you to pass legislation this year securing these lands. As you know, during the course of the original discussions on the Steens Act, several important land exchanges, including the Scharff and Hammond exchanges, were dropped for lack of time to reach consensus. To the extent any land exchange meets the objectives of the Act, in particular where Congress is creating new wilderness, Congress should act immediately to secure these lands. Of course, we will be vigilant to balance any legislated exchange to ensure that the public's interest is protected.

3) Lastly, Congress should deal with any mistakes we made two years ago, and you should rightfully make the boundary corrections which were recently approved by the SMAC.

But Congress should not prematurely involve itself in management issues, in particular policy matters related to The Wilderness Act, that have not been fully debated, much less agreed to. The BLM has rules and regulations, along with a public process, that should be given a chance to work.

In short, Rep. Walden, Congress should not attempt to fix problems with implementation of the Steens Act that may be more perception than reality, or before the management plan has been completed. Congressional fixes may be necessary, but should be viewed as actions of last resort. Let the SMAC and BLM carry out their respective duties. Legislative tinkering at this juncture only sends the message that the Steens model is flawed. I believe it would be unwise for us to send that message.

If you want to help us keep moving forward, let's complete the pending land exchanges and boundary adjustments, and appropriate at least some of the money we were promised 18 months ago for juniper management and land and easement acquisition.

Representative Walden, thank you again for your leadership, time and interest on this important issue. For the record, I would also like to thank BLM District Manager, Tom Dyer, Area Manager, Miles Brown, along with Burns District BLM staff, who are doing a good job on a difficult task.

Mr. WALDEN. Cindy?

STATEMENT OF CINDY WITZEL, RECREATIONAL PERMIT HOLDER, FRENCHGLEN, OREGON

Ms. WITZEL. Hi. Thank you for coming down here to see us all. I'm Cindy Witzel. I'm co-owner, with my husband, John, of Steens Mountain Packers. I'm on the Steens Mountain Advisory Council, as a recreation permit representative. And I've been guiding backcountry trips, river trips, et cetera, for about 21 years—teaching people how to use wilderness and rivers and take care of those special places. And I'd like to start my testimony by elaborating a little bit on some things that are already in the congressional record, and in particular, the extensions to the congressional record. And, in there, there's a piece that talks about the commercial recreation permittees, and I'd like to list out who they were at the time of the Act.

Those included Oregon Llamas, Broken Trails, Steens Mountain Running Camp, High Desert Outfitters, Pro Hunting & Fishing Consultants, Steens Mountain Packers, Spot Country Outfitters, and Brett Jansen Guide Service. And I'm not sure, out of the eight,

which one has not renewed their permit at this time. Of those eight historic users that were defined in that legislation, their current and historic uses included cross-country, high-altitude running training; big-game hunting; bird hunting; fishing; multiple-day horse packing; trail riding; multiple-day llama packing; backpacking; day hiking; mountain biking; ATV touring; van and pick-up tours; snowmobiling; cross-country and backcountry skiing, with or without motorized supports; snowshoeing; and snow-Cat touring. And, by the way, those are not just the commercial uses, but also the private-user uses.

I'd like to talk a little bit about those uses and the uses that are consistent with the Wilderness Act. Walking, running, hiking, riding—Those are all nonmotorized uses that are all consistent with the Wilderness Act. Mountain biking, motor-vehicle tours, ATV tours, helicopter landings—Those are uses that are inconsistent with the Wilderness Act. Under section 115, the Steens Mountain Running Camp's use, Steens Mountain Packer's use, Oregon Llama's use—all of those uses are consistent with wilderness and the Wilderness Act, and certainly, Wilderness Act in the context of the Steens Mountain Act.

I would like to take exception to the BLM's position on their interpretation of "reasonable access to private inholdings." The Steens Mountain Act specifically says, under Title II, the Wilderness Act portion, that "reasonable access to private inholdings will be authorized under Section 112 at the CMPA, Title I." It does not say that reasonable access will be authorized under the Wilderness Act—or, wilderness regulations. And, I think, therein lies the crux of the interpretation.

I, also, would suggest a solution to the impasse which private landowners and the BLM are at, essentially, because we all receive letters asking for—if we have any need for access, to submit the request. They won't be receiving any requests for access, because nobody's going to be putting down how many times you're going to access your property. I would suggest that the BLM, perhaps, do a programmatic EA on access to private inholdings, if that's what they have to do. And historic access has been that we access properties when we need to, when—for whatever purpose we need, whatever time we need to. And, if they need to conduct some sort of public process, that would be it. I think it's completely unreasonable to subject a private landowner to public litigation for access to your private land, which is a right of that land.

I also believe that the Wilderness Act talks about "adequate access." The Steens Mountain Act talks about "reasonable access." They're not even similar terms. The wilderness regulations talk about "adequate access," and "reasonable access" does not appear anywhere. And I think that we need to allow the Steens Mountain Cooperative Management and Protection Area to take on its own identity and move forward in this cooperative and collaborative process, in certainly a new way than what we have, as stipulated in those things that are completely different than what we have here.

And, last, I'd like to elaborate, just a little bit, on some things that were said regarding special recreation permits, and those people that have been operating here without permits. In 1996, BLM

sent out a request to a long list of people that were operating here illegally, asking them to get permitted. BLM, then, did not follow through on that. But, those people did receive notices. In 1999, BLM established a moratorium on new commercial permits for recreation, and, at the time of the Act, there was still a moratorium on those commercial permits, and they had established—Oh, I'm sorry. I'm out of time.

Mr. WALDEN. Go ahead and finish.

Ms. WITZEL. Anyway, they had established the moratorium, so they can do a programmatic EA—so that they could do a recreation plan—and that never happened. And I would ask that every effort be made that, in this RMP, we have a recreation plan, so that we can have our authorizations for the Steens Mountain Running Camp, the Steens Mountain Packers—all of us—taken care of, and we don't have to go through this big ordeal every 5 years. Thank you.

[The prepared statement of Ms. Witzel follows:]

Statement of Cynthia K. Witzel, Co–Owner, Steens Mountain Packers, Special Recreation Permit Holder Representative on the Steens Mountain Advisory Council

Congressman Walden, Congressman Simpson, and members of the Committee, I truly appreciate the opportunity to speak to you today regarding the Steens Mountain Cooperative Management and Protection Area Act of 2000 (Public Law 106–399) and its ongoing implementation.

The passage of the Steens Act, as you well know, was the culmination of a tremendous amount of effort not only on your part, but by the myriad of different stake holders within the boundaries of the area. Those of us who live here, raise our families here, and make our livelihoods from the land, vacillated during the process on a daily basis as to whether we should gamble on a Clinton Monument, or seize the opportunity for collaborative legislation. After many soul searching meetings and sleepless nights, we believed that the language embodied in the legislation protected our deepest concerns with a designation including protection for: "the cultural, economic, ecological, and social health of the Steens Mountain area; historic and current recreation uses; reasonable access to private inholdings; not just protecting but promoting viable and sustainable grazing and recreation operations; and perhaps fundamentally most important that "nothing in this Act is intended to affect rights or interests in real property."

Following nearly two years of the BLM's implementation of the Steens Act, I am very disappointed. My frustration is not with the language of the Act itself for I still believe it addresses and provides solutions for the issues in front of us. My frustration is with the BLM. Whether the impetus for the BLM's actions comes from the local level, the state office, or the solicitors, the result is the same, the Act is not being interpreted as a whole. Pieces and parts of the language from the Act are used standing alone to make decisions which directly violate other provisions of the Act.

The examples of this, particularly with regard to recreation and private land access, are many. I am happy to elaborate on specific examples at your request. From the very beginning, the BLM interpreted the Act to more significantly restrict road right of ways or boundary setbacks within the CMPA than even within Wilderness. Special Recreation Permit (SRP) holders were told in the spring of 2001 that there would be many changes that recreation season for use in the Wilderness, but BLM would not tell us what those changes would be making for a very unstable business environment. In the fall of 2001, BLM asked all of the historic SRP holders to submit massive additional paperwork and maps in order to complete EA's on their operations prior to the start of their authorizations this summer. In the meantime, the BLM is issuing SRP's to entities that were not legal historic permit holders without completing any EA's on their operations. The DRAFT EA which has not yet been finalized for Steens Mountain Running Camp does not include adequate language regarding the Cooperative Management and Protection Area and does not analyze any of the CMPA components in the critical elements section. This means that BLM is still not analyzing the social, cultural, or economic health of the Steens Mountain area and is not promoting viable and sustainable recreation operations. The EA's for the other seven historic permit holders will follow Steens Mountain Running

Camps and will include much the same language. The historic recreation permit holders have virtually begged the BLM to complete a comprehensive programmatic EA and recreation plan on the entire recreation program to no avail. After numerous discussions over the last six months, BLM is not moving forward on including a programmatic recreation EA in the comprehensive Resource Management Plan required by the Act. Additionally, the SMAC has recommended by consensus that BLM implement a recreation monitoring and information gathering program, but BLM has disregarded the main thrust of the recommendation.

The solution to the recreation and Special Recreation Permit holder issue lies in the BLM reading the Act as a whole, acknowledging that the Wilderness was created on equal footing with the other purposes of the Act, and within the Cooperative Management and Protection Area. Continued Congressional oversight is a must as this new animal, the CMPA establishes its own identity.

I believe that it is premature to take the recreation issues before Congress for further resolution under new legislation. The process and elements of the Steens Act have not had time yet to work. If there is new legislation drafted to address these issues regarding SRP holders, it should include provisions for all of the historic special recreation permit holders as we are all under the same window of risk from those environmental entities who do not want any commercial activities to take place within Wilderness. Wilderness Watch (WW) has threatened all of the historic recreation permit holders permits with legal action. The Steens Mountain Running Camp EA is only the first of three EA's that BLM is completing as a result of WW's harassment. Perhaps a solution providing for different classes of special recreation permits such as Mr. Davies suggested can provide protection for the historic permittees while allowing new commercial recreation permits to be issued and meeting the purposes of the Act.

Reasonable access to private inholdings both within the CMPA and the Wilderness are guaranteed by the Act under Section 112(e)(1). The BLM is insisting upon authorizing this access through a NEPA process whether they do so through the CFR 2920 permit regulations or some other creative cooperative agreement solution. The landowners did not agree to go forward with the Steens Act only to have the access to their private lands open for years of appeals and litigation in a public process. These private lands were homesteaded through the homestead Acts and access is a right attributed to the properties. The Steens Act does not mandate that reasonable access be authorized through this process defined by the Wilderness regulations. In fact, the Steens Act Title II, Steens Mountain Wilderness Area, specifically says that, "The Secretary shall provide reasonable access to private lands within the boundaries of the Wilderness Area, as provided in section 112(d)" within the Title I CMPA section, not as provided by the Wilderness Act. The Wilderness regulations themselves do not refer at all to the term "reasonable access", nor does the Wilderness Act. The Steens Act however, is different, manages inholder access differently, and uses different terminology. Additionally, the Interior Board of Land Appeals (IBLA) has ruled recently in a wilderness access case that if the Act under which a Wilderness Area was created has special provisions which are inconsistent with the Wilderness Act, the Act which created the particular Wilderness Area at issue supersedes the Wilderness Act. IBLA goes on to say that it is not necessary to codify in regulation a specific provision of an Act that effects the activities within one or a few Wilderness Areas, and that those provisions also supersede Federal regulations. The tools for implementing the Steens Act within its legislative intent, and in the context of the law are within BLM's hands. All the agency has to do is read the Act in its entirety, and apply its provisions with all purposes on equal footing. While those of us here on the ground know that you have a full plate back in Washington, your continued Congressional oversight of the implementation of the Steens Act is imperative for its intent to come to fruition. Again, I believe that we should allow the CMPA's identity to become defined rather than wade into new legislation at this time which may only complicate the purposes and intent of the Steens Act. If new legislation is proposed, it should specifically say, "The Secretary shall allow access to non-federally owned land or interests in land to allow the owner of the land or interest in the land full use and enjoyment thereof."

Finally, when I stepped forward to serve on the Steens Mountain Advisory Council (SMAC), I believed that it was a way in which I could offer my vast knowledge of the Steens, the public, and recreation, both as a business and an activity, to the BLM in developing a comprehensive resource management plan. I envisioned this plan to be something that would define how the Steens would be managed, and clear up the gray areas at least for the duration of the plan. I have found it frustrating to find that what we will have in 2004 is not going to be a plan, certainly not a plan in the sense that people in the real world have to create a plan. This RMP will really be just a big, fat policy statement that can be changed with the

wind. There are certain things within the boundaries of the CMPA which really need a "Plan", not a policy statement, including recreation as a whole, public access, and juniper management. I have been frustrated by the spinning wheels within the SMAC when confronted with process or issues of whether or not we can participate in a particular issue. Specifically, there is conflict between the directives the Council is given by the Steens Act and the limitations imposed on it by its charter. FACA has raised some issues as well with conflict of interest clauses, an issue the Governor brought up in his recent letter to the SMAC, and other issues. Continued oversight is necessary to ensure the intent of the Steens Act and the legislatively created Council's mission are fulfilled.

In closing, I have been asked my opinion of the Steens Act, and whether or not it has been a good thing, on more than one occasion by those in other areas considering supporting this type of legislation in particular in the Owyhee's. I am guardedly optimistic about the Steens Act, but am unwilling to jump on the bandwagon and tell those asking my opinion to support legislation for Wilderness within their own backyard. I believe the Steens Act balances competing interests and provides a way for the environment and the economic, social, and cultural health of the area to be protected. However, only through continued vigilance on the part of the Congressional delegation will the BLM interpret the law in its entirety, and within its original legislative intent. The devil is in the details so if I were giving input on new legislation it would be this: say what you mean, don't sugar coat it, get specific, and if it doesn't fly, well, then it wasn't meant to. The Steens Act gets specific, it talks about historic and current recreation uses and operations a multitude of times. Nowhere in the Act does it say that a use is eliminated or cannot happen. Yet even this language is not specific enough for the agency to move forward and implement the Act as a whole at least not as of yet.

Thank you again for this opportunity and for your commitment to our community. I welcome your questions.

Mr. WALDEN. Thank you. I want to add something to what Harland said, and if you want, Mr. Yriarte, we can put those letters in the official record, as well. So, they're here. And I'd also seek permission for the Committee to submit, for the record, an e-mail from Jill Workman, dated August 24, 2000, which I'll read in part from, because it is specifically addressed to the issue of the running camp, at a time when the legislation was being considered and there were issues being raised about how the running camp might be affected, as well as other special-use—or, recreation-use permit holders.

But this one, specifically, was about the running camp, and I want to quote, because it's important. She says—and I won't read it all—but she says, "...As chair of the Steens-Alvord Coalition, I'm writing to let you know that the Coalition views the running camp as relatively benign. We do not take issue with its continued existence, nor do we intend to attempt to incorporate into the legislation any language that would limit or force the running camp to change its operation. We do not know which portion of the legislation is causing such concern to the camp's owner. It seems apparent that the potential legislation was discussed with campers, both last and this summer."—Some letters transpired—"As you may know, the running camp houses its campers in tents on private land. The campers spend the majority of their days running through the gorges of Steens Mountains, much of which is public land. I doubt that most visitors to the mountain realize the camp is there. The camp has a special-use permit from BLM, and we have not proposed any changes to that permit. I'm hopeful that addressing this matter now will keep the running camp from becoming an issue, as we attempt to move forward with consensus legislation. Please call..." And this is Jill Workman, chair of Steens-Alvord Coalition,

and I believe she was also a member—probably still is—of the Sierra Club.

I submit this for the record, Mr. Chairman, because I think it really speaks to the collaborative process that we had going on at that time, trying to resolve these issues as they came up, so we all knew where we were as we moved forward. And I want to publicly, actually, say some nice things about Bill Marlett, that may surprise him.

[Laughter.]

But, he's been very honorable to work with in this process, and when he says, "A deal's a deal," a deal's a deal. Now, he and I don't always agree, as you might have guessed, on legislative proposals. But, on this one, we did. And I want to speak to a couple of points you raised, Bill, because I think they're important, in terms of "a deal's a deal.".

In each of the last two Congresses, I have submitted letters of request to the appropriators for funding, to help further implement the Act. And, in fact, did so again prior to the deadline this year—to seek funding. Unfortunately, there's nobody on the Oregon Delegation in the House that sits on the Appropriations Committee, so we submit these letters; we advocate for them; and we'll continue to try and get funding—to continue to try and implement the Act. As far as the WSA's go—The flip side of the WSA's, as you and I had a rather spirited discussion, was that those that were left aside were there because we couldn't agree to put them in wilderness. But, beyond that, nor could we agree to release any WSA's that had been deemed by prior review not to be suitable for wilderness. And so, that sort of—Both those issues were set off the table, at some point. I think you and I have a different view on WSA's and release language, but I think, ultimately, that was the issue.

And let me make a comment, too, because this issue of the proposed land exchanges, and all, has come up a couple of times. The boundary adjustments, I think, we can probably reach an agreement on, and probably be able to move forward on. But it seems to me that there's a missing element in these exchanges that are being considered under some draft legislation, and that is: Public input in the process. And before those can move forward at all, there's got to be some—There's got to be more public vetting. And I think we also have to look very carefully at the land that's proposed for exchange with the forest service, because I think there's some community issues there, certainly in the Sisters area.

So, it would be my intent, down the road, to make sure there are public hearings, that maybe we can get the Resources Committee at, again. But at least some public venues for here and in central Oregon, so people can address those—much like we did when we did the Steens legislation.

I want to, next—I've got a couple of questions I'd like to ask, at this time, to Cindy Witzel. How is BLM's implementation actions and their response to Wilderness Watch's threat impacted your recreation operation? How is all that affecting you right now?

Ms. WITZEL. Well, I think there's a number of ways it's affected us. Originally, following the Act, in 2000 and the spring of 2001, BLM indicated to us that there were going to be substantial changes in our use in wilderness that season. And we asked them

what those changes were going to be, and they wouldn't pin themselves down as to what those changes were going to be. We actually didn't advertise until quite late in the season, in June, because we were uncertain that we'd even really be able to run our trips, and we felt we'd have too much liability to the public to do that. And we solidified a lease on some private land, as a result, and then went ahead and advertised our trips. But we really took a hit that season. And since that time, we've spent a great deal of time—Harland, myself, the other permit holders, Jerry Temple—going to meetings, trying to negotiate a plan of action with the BLM to address the NEPA process. We asked and asked the BLM to do programmatic EA's, rather than individual EA's. They declined. They wanted to do individual EA's. And so, it's really cost us a great deal of time, and put a great deal of instability into our businesses—all of ours.

Mr. WALDEN. I want to follow-up on a comment, Bill, that you made on the grazing on the cow-free wilderness, and I appreciate that the situation there is taking longer to phaseout. Can you tell me how that phase-out is going? Is there an agreement in place?

Mr. MARLETT. There's not a written agreement. There's more or less a verbal agreement, that it will proceed as quickly as possible. In part, it was based on the assumption, last year, of getting the monies appropriated for implementation of the fencing, and so on and so forth, which has since occurred. So, we're assuming that once those fences go up, that the cows go out. So, whether it's this year or next year, is kind of a moot point. It's just that—

Mr. WALDEN. —it's moving in the direction to satisfy the Act.

Mr. MARLETT. Correct.

Mr. WALDEN. OK. Let me ask your opinion of this question, that keeps coming up, about access to private property. How would you deal with this, in terms of allowing access to private property?

Mr. MARLETT. Well, this is why I complemented BLM, because I guess I wouldn't want have to deal with it, but—

[Laughter.]

Mr. WALDEN. Well, that's actually one of the problems, in both the Wilderness Act and a lot of the other Acts that we pass. We say "adequate," we say "reasonable," then we don't define what that means. So, we're to blame for this too.

Mr. MARLETT. Long-term, at least within the wilderness area—I mentioned there were 5000 acres, plus or minus private inholdings—At some point down the road, hopefully, we can have all of those private lands acquired, on a willing—by a willing-seller basis—and that issue goes away. In the meantime, BLM has to—They're stuck in a position of wanting to be able to tell someone who walks in their front door that, you know, someone's hiking through the wilderness area, and see someone, perhaps, driving a three-wheeler into their private access area—inholding. They need to be accountable. They need to tell someone who walks in the front door, that's, you know, from Seattle, and says, "Gee, I thought that was a wilderness area, but I saw a three-wheeler riding through there." They need to be able to say, "Well, yeah, that was Joe, and he's under permit, because he has private lands that he can reasonably access under this permit.".

So, you know, you have to balance between BLM's responsibility to be accountable to a wider public, coupled with the rights of the individual to access their inholding. And it's a balancing. And, so far, we've been working under the notion that, at least with the key stakeholders, that there's this element of trust and we will do the best we can to accommodate each other. And I think we've been doing a pretty good job. And I think for those who have private inholdings, I can empathize with how they feel, and I guess they just need to empathize a little bit with BLM's responsibility to a wider audience.

Mr. WALDEN. Let me shift gears to the juniper management issue, which is a real one, and we've all had discussions about this. What do you feel needs to be accomplished, and what about in those WSA's? What kind of mechanisms do you think ought to be allowed in there, to accomplish the juniper management?

Mr. MARLETT. That's been, kind of, an ongoing issue. We—the conservation community and the ranchers—agree that we need to deal with this issue, specifically, both in the wilderness and WSA's. We don't have any particular plan of action that we've agreed to. We just know that it has to be dealt with. You know, prescribed fire in some places. How do we go in and create the necessary fuel base to let fires carry, is kind of an ongoing question. Whether you can go in there with chainsaws and cut down the junipers, or—through some other means. We've toyed with ideas like using flamethrowers and things like that. I'm not sure that would be a nonmechanized vehicle.

Mr. WALDEN. You and President Bush have something in common now.

[Laughter.]

He told me, when I flew with him on Air Force 1, that that was where he was headed next—was out to the ranch. And he's got some fancy flamethrower he uses to take care of—They call them "cedars" down there, in Texas.

Mr. MARLETT. Maybe we could put him under contract.

Mr. WALDEN. Careful what kind of contract you describe here, too—to law enforcement.

Mr. MARLETT. Figuratively speaking. And it's something that we don't—Like I say, we don't have agreement on. But, we are committed to working together, to find a solution. In fact, we're—If we haven't already—submitting a grant proposal. It was a joint effort between Roaring Springs Ranch and ONDA. I mean, we want to find some way to make this work, in such a way that Stacy Davis gets up here next time and says, "I want more wilderness, because, heck, we can do what we need to do on juniper.".

Mr. WALDEN. What about this—Let me ask you—This whole issue of these special-recreation permit holders. It seems to me that when we had these discussions and put together this Act, it was our intent to preserve their historic ability to do what they're doing on the mountain. Wouldn't you agree?

Mr. MARLETT. Yes.

Mr. WALDEN. And how do we do that, in this context of Wilderness Watch coming in and, basically, I think, publicly saying they're going to sue Harland's effort, no matter what? Is there a way to do this?

Mr. MARLETT. Well, I'm not sure that we were the—Well, I'm not sure we were the perfect draftspeople, when we crafted this Act. There's only a certain level of prescription that you can write into a piece of legislation. We did the best we could, and I guess my gut feeling is that there's enough intent, both in writing and between the lines, that BLM could hold off the challenge, if need be. I do not want to take away anyone's right to challenge any decision the BLM or government agency makes. I mean, that's—It is a democracy, and we all have that right to challenge the BLM, if we don't like their decision. You know, the question more is: Can BLM craft a document that clearly reflects the intent of the legislation? That's what it boils down to.

Mr. WALDEN. Thank you. Mr. Chairman?

Mr. SIMPSON. Thank you. And thank you—all three of you—for your testimony. I really don't have any questions. I've just got some observations.

I always like to try and—The comment "willing seller, willing buyer"—I know we put that in language all the time. If we deny access to private inholders, I guarantee you're going to create a whole lot of willing sellers. Somehow, we need to make sure that willing sellers are truly willing sellers. And the idea of someone owning private property and not being able to access it—It's bizarre almost. And that means being able to access my property when I want to go there. That's why I bought it. That's why I own it. So, I find this whole debate about access kind of strange.

And I think what happens—and this concerns me, relative not only here, but what I'm working on, as I mentioned in my opening statement, in Idaho—is that we get people together, in a local area, and we decide "We've got an area. Yeah, we want to protect it." And we develop a plan. And I think that if you ask 99 percent of people around here, my own observation about whether this running camp ought to exist there, when this was done, they'd say, "Yeah. It's a good thing." Or, that Packers ought to exist, and those uses that were there ought to exist, yeah—that that's a good thing. And so, you get together with the people that are involved, and the people who have an interest, and the local people—whether it's environmentalists, ranchers, whatever—They come together and they reach an agreement. And we put it into words and draft legislation and pass it in Congress. And then, groups that were never a party to it—that are outside groups—come in and decide that they are going to interpret it, they're going to challenge every decision that's made, they're going to sue everybody. And I've got a real problem with that. And I suggest—And I agree with you, Bill. I don't want to take away people's constitutional rights to challenge decisions made by government, and so forth. But this management-by-lawsuit that we've got going on in this country, somehow has to end.

Right now, the forest service tells me, as an example, that they spend between 25 and 50 percent of their resources making a good decision, based on the science, the facts, everything else. And then, between 50 percent and 75 percent of their resources trying to make it bulletproof to lawsuits. And that, to me, is an enormous waste of resources, that could be used in proper management of our lands. I suspect the BLM would have those same types of figures—That they spend an inordinate amount of time trying to make deci-

sions that they make, in the public's interest, bulletproof from somebody that's going to sue them on one side or the other. They know whatever decision they make, they're going to get sued.

But, oftentimes, where local people and local groups could sit down work and work out these problems—and this Advisory Council is a good example—Then, all of a sudden you've got—What is it?—Wilderness Watch, who was not really involved in the decision of all this, now deciding that they are issuing these kind of reports that Harland talked about, and deciding that they are going to file lawsuits on some of these things. As I've talked to the environmentalists that we are working with in my area on trying to create a Boulders-White Cloud's wilderness area—They've actually said to me, "You know, one of our problems, from our point of view, is that we can create a decision here, that we did all agree with, and it will go to Congress, and we may have some of our national environmental groups come out opposed to it." And I've told them, "If that happens, I expect you to be at the witness table testifying in favor of it, even though your ties—your economic ties—to those national groups may make you think twice.".

As we come to an agreement where we can manage something—we can make a decision—then I want you in favor of it, not out here saying, "Well..." and backing off of it. And they've agreed that that's something that they have to do. And I'd suggest that, should some of these outside groups come in and try to challenge some of these recreational permits or whatever that's going on there, or some of these access issues, that if these people that are on this Advisory Council that are working on these issues—They need to stand together. If that means that the environmentalists on those groups disagree with them, they need to stand up and say so. And they need to be on the other side when they go to court, and say, "You're wrong. This is not what we agreed to." And I respect Congressman Walden's opinion—When you say, "A deal is a deal," I've found that to be true with you, and with many other people that I've talked to, and many other people in the environmental community. But they do have problems, sometimes, with their national groups.

So, if they challenge a suit, and you've decided, and this group's decided, that this running camp is something that was really contemplated in this legislation—maybe not written in the best way possible, but was contemplated that it had minimal use—diminutus impact, as was written, or said, in the statement that Congressman Walden read—and that was something that everybody agreed to—would expect you, and the other people that were involved in this from the start, to stand up and say so. And to say so to these national groups that come in—and say, "If you're going to file suit, you're going to have to file it not only against him, but you're going to file it against the BLM, and you're going to file it against us, too, because we're going to be on the other side of this issue.".

And that's how I think we can manage and maintain some local control of these decisions where we can actually reach some agreements and do some good management and create and save and protect some of this property that we all agree we need to do. I don't know if you have any response to that, but that's just, kind of, my

observation, rather than anything else. But I do appreciate all of you—your testimony, today. Thank you very much.

Mr. WALDEN. And I just going to say, Congressman Simpson, that I think when this got to the Congress, some of what we had agreed to here—We ran into some roadblocks with the national groups, but got over those at that point. And I think—I mean, correct me if I'm wrong here—But, I think the National Sierra Club—Didn't the Wilderness Society, the Nature Conservancy, all endorse the legislation?

Mr. MARLETT. That's correct.

Mr. WALDEN. Nationally. And Mr. Marlett helped with that end, for this to occur.

Mr. MARLETT. For the record, I just want to—And I'm not taking any position, or saying anything that should be construed as adversarial, by any stretch—But, in the heat of the discussions, when we were coming to an agreement, there were a lot of things—a lot of details—that were just, kind of, flying under the radar screen. And what we're seeing now is part of what happened back then, 2 years ago, that there wasn't a whole lot of discussion on a lot of issues—that it was more in the conceptual level up here—and now we're paying the price. And part of that is, you know, no one's fault at all. It's just that we were working in a very short time duration, trying to make a lot of decisions quickly, and, as a consequence, not a lot of discussion went into every single issue.

Mr. WALDEN. Although, I can remember some paragraphs that took weeks.

[Laughter.]

And some words—individual words.

Any other comments? Thank you very much. Mr. Yriarte, we're going to invite you back to testify in Washington, too, because we've never had a Basque testify with quite the flair that you've brought.

[Laughter.]

OK. We'll call up our final panel this afternoon. Mr. Stacy Davies, Manager, Oregon Springs Ranch; Mr. Fred Otley, a grazing permittee; and, Mr. Jerry Sutherland, from the Sierra Club.

Mr. WALDEN. Stacy, why don't we go ahead and start with you? Before I do, let me just say that—for all of you in the prior panels, too—Your prepared statements have been made part of the official record. You're welcome to work from those, or submit them, and address other issues, as well. So, welcome to each and every one of you. Thank you for coming over and being here.

Stacy, with that, I'll start with you.

STATEMENT OF STACY DAVIES, MANAGER, ROARING SPRINGS RANCH, GRAZING PERMITTEE, FRENCHGLEN, OREGON

Mr. DAVIES. Thank you very much, Congressman Walden and Congressman Simpson, for being here and inviting me to speak at this hearing. One of the things we struggle with on the ground is: How can we direct an agency to—How can we direct and agency to change their direction? There's litigation; there's legislation; there's advisory group efforts; and individual lobbying. And some of those are, obviously, more effective than others. And I get, you know, really cranky with the fear the agency has all the time with

possible litigation. I really appreciate this effort, through the legislative body, of giving them direction. That's very, very helpful.

I was just handed a letter from the Snowmobile Club, that they want me to read in—and I won't read my entire—my entire written testimony, as it would be redundant. And I would ask, maybe, that this could be submitted as part of the official record.

Mr. WALDEN. Sure. And, again, for people in the audience, there's 30 days to submit written testimony for the Committee, that will be accepted.

Mr. DAVIES. I wish I had a little more time. I could have read this and paraphrased it. So, I'm just going to read part of it.

"As you're aware, since the passage of Steens Mountain Cooperative Management and Protection Act, there's been a great deal of frustration among those historic recreational users of the mountain, whose rights to continue to recreate on the mountain were thought to have been assured. At public meetings and different forums on and off the mountain, we have seen several examples of BLM employee's selective use of portions of the language of the Act, not merely to impede, hinder, or delay recreational use, but to actually completely obstruct or prevent snowmobiling anywhere on the mountain, except on the main roads and private property. Many of us feel that this is inappropriate, unacceptable, and contrary to the intent and purpose of the Act itself.".

I'll stop at that point. And I totally agree with the things that were said there. And I like the way it was written—that it's broad recreation. Snowmobiling was stopped on the mountain. I see great concern as we move into summer and fall, for the hunters and fishermen, as they try to access some of the places they have in the past. The interpretation the Agency's taken on recreational access is not what we intended.

EA's should not be necessary for continued activities. An EA was not completed to stop grazing on the mountain. It was mandated by the Act. Historical and continued access to property was mandated by the Act. I see no reason an EA should be conducted on that activity. The cost of an EA—the cost of participating in the processes for an individual operator—Harland; Cindy; any of us, as ranchers—When an EA is conducted on our permit, we spend a great deal of time and effort and money in that process. And that hurts our economic sustainability. Some of these operations are small enough that the amount of time they spend—For example, Harland, and those who are with him, said, this morning, that copies for this hearing were 160 bucks. When you take the minimal—And the EA's—the e-mails and the phone calls and trips to D.C., and things that go on, surrounding an environmental assessment—cost of meetings with the Agency—those things add up the cost. And it needs to be taken into account.

Economics are very, very difficult for the agency to analyze. The Steens Act mandates they consider the economic sustainability of the operations—that they analyze the social impacts, the cultural impacts, as well as the ecological impacts, of their decisions. And we need to make sure that they do that. They've never done it in the past, and they need to begin to do it. That's one of the things that separates the Steens Act from anything else.

One way to accomplish that is programmatic EA's. They consider a use, in a broad scope, and I think they could do most of those through the EIS. Then, those costs and those difficulties would go away, to quite an extent.

One issue that has not come up is wildfire management on the mountain—the impact of wilderness designation of the ability of the local people to manage that fire. On Steens Mountain, there are good fires and bad fires. The local people are good people. They need to be able to make those decisions. The local are good people, and they are able to make a lot of good decisions, as long as we keep the state and national offices out of the way. I say that pretty bluntly, but I'm getting tired of it. We can never pin them down on—They always say, "No, we can't do this. No, we can't do that." Well, why can't you do that? And it's always a spin job. I liked Harland's definition of "spin." Bureaucrats are better at it than anyone. And so, we need to get a level where the local people can do the things they're meant to do, and they do a good job of it, and I commend them for it.

My vision, when I participating in the creation of the Act, was that we were creating an area that would have innovative, cooperative, proactive, positive management—collaborative management. We would work together—those of us with different interests—and we'd find solutions—solution oriented. As I look at the RMP that's being developed, and a lot of the actions that have taken place—It's the same old "take it, mandate it, force it" kind of a situation. And I hope that we can find a way to get past that, and get into the process of finding innovative, cooperative methods of managing for economic, social, ecological, and cultural boundaries. Thank you.

Mr. WALDEN. Thank you.

[The prepared statement of Mr. Davies follows:]

Statement of Stacy L. Davies, Manager, Roaring Springs Ranch, Grazing Permittee Representative on Steens Mountain Advisory Council

Congressman Walden and members of the Committee, thank you for the opportunity to testify before you this day regarding the Steens Mountain Cooperative Management and Protection Act of 2000(Public Law 106–399)

A great deal of effort and time was expended on creating the Steens Mountain Cooperative Management and Protection Area (CMPA). It is a noble and innovative Act that protects the Cultural, Economic, Ecological, and Social health of Steens Mountain Area for present and future generations. The "Steens Act" clearly protects people and their use equally with biological, geological, and ecological type values. It laid out a framework for the Bureau of Land Management to work cooperatively with landowners, permittees, and users of the mountain to achieve common goals. A process and committee were designed to assist the BLM with ongoing unique and cooperative management efforts in the future.

Implementation of the Act has been very disappointing on many fronts. Success has been achieved on other fronts. I will address six areas where solutions need to be found; in addition I will discuss 2 areas of success which could serve as a pattern for finding solutions to the difficult areas.

I will preface the problem areas with what I believe to be the root of the problem. The agency should have allowed the status quo to continue until the management plan or decision document for change was completed. Instead the agency took an extreme protection/preservationist position and stopped many activities until a decision document allows the use to resume.

Access to private property. Landowners have accessed their property at will since the first homesteads were taken up, over one hundred years ago. Within weeks of passage of the Act, November of 2000, landowners were verbally put on notice that they will be required to obtain a permit or lease to access their property. The permits would be issued for three-year terms after going through a full blown environmental analysis process. Each renewal would require a full environmental assess-

ment as well. Leases could be longer term but a yearly fee will be required. Number of trips per year and timing of trips could have heavy stipulations attached under either the permit or lease.

Historic and reasonable access is guaranteed under the Steens Act and the Wilderness Act. Economic stability is dependent on ones ability to access the property. The "Steens Act" specifically states: "Nothing in this Act shall affect any valid and existing right." (Section 4) Also, Section 122(d): "Relation to Property Rights and State and Local Law—- Nothing in this Act is intended to affect rights or interests in real property or supercede state law."

Specific language regarding private property access from Section 112(e)(1): "Reasonable Access—The secretary shall provide reasonable access to non-federally owned lands or interests in land within the boundaries of the Cooperative Management and Protection Area to provide the owner of the land or interest the reasonable use thereof."

Reasonable access for the reasonable use of ones land should not require NEPA analysis and the potential appeal and litigation that follows.

Currently the SMAC and landowners are working with the BLM to see if some sort of Cooperative Agreement for access can be written to satisfy all interests. If this cannot be accomplished we may need a definition of reasonable from congress.

I would strongly suggest the following language be used in any future wilderness or designation type legislation that contains Private land or access to private land. "The secretary shall allow access to non-federally owned land or interests in land to allow the owner of the land or interest full use and enjoyment thereof."

Section 112(c) of the Act specifically says that: "Any determination to permanently close an existing road in the CMPA or to restrict the access of motorized or mechanized vehicles on certain roads shall be made in consultation with the advisory council and the public." Many roads have since been closed and access restricted without consultation of the public or the advisory council. I think this is a blatant example of the extreme position the agency took at the beginning. I have seen the BLM come back to the middle on many issues and this particular issue will get full review as the transportation plan is developed. Although, reopening some of these roads may require congressional oversight.

Special Recreation Permit (SRP) operators are currently in great danger. The original eight SRP operations were to be protected and allowed to continue operating at historic levels and ensured sustainable operations.

The BLM with some pressure from outside groups is currently threatening the future of these operations with stipulations and harassment that significantly threatens their sustainability. Meanwhile, new operations are being issued permits with no NEPA documentation and limited operating plans.

For many years the agency has stood by while illegal SRP operations were being conducted. Increased scrutiny forced the BLM to issue permits to allow many of these operations to become legal. Those who operated legally for years continue to be penalized, while those who skirted the rules in the past are now being issued permits.

The original eight should be grandfathered in and given a Class A permit. Those who operated in the past illegally, could be permitted with a Class B permit after full environmental analysis and only if it is not at the expense of or in competition with the original eight. Completely new permittee's might be allowed a permit after full analysis and only if the permitted use is not at the expense or in competition with Class A and Class B permittee's. This classification system does not currently exist within agency regulations and should be analyzed in the upcoming Resource Management Plan.

Statements were made that grazing permittees and wildlife interests would prefer wilderness designation to Wilderness Study Area's. The point being made was that Wilderness Study Areas carried a non-degradation restriction that would be lifted with Wilderness designation that allows for management activities to occur. None of us believed it to the full extent of the statements, but we did feel and were assured that the Arizona guidelines would protect our ability to use mechanical means of maintaining our grazing operations in an economically sustainable manner.

Currently no machinery is allowed within the wilderness area until the BLM completes an environmental assessment allowing use of machinery.

As grazing permittees we were assured that our operations would not change significantly. We interpret the Act to say that economic sustainability is of equal importance to ecological protection. Economic sustainability, the natural landscape and rough roads limit the use of machinery to a minimum number of trips necessary. Further limits placed artificially through BLM regulation is contrary to our interpretation of the Act and could threaten economic sustainability of grazing operations. I will certainly speak loudly in opposition of future Wilderness designations

if the extreme preservationist interpretation is allowed to stand and grazing operators are negatively impacted.

There is clearly disagreement and lack of clear direction for the Steens Mountain Advisory Council. Conflicts between the Federal Advisory Committee Act, BLM regulations, the Steens Act, and the charter sent from the National office has caused a great deal of confusion within the meetings. Certain members of the committee appear to be trying to stall any progress the committee tries to make and the confusion between the before mentioned documents allows turmoil to prevail. In addition, many of the unique and new approaches that are discussed are immediately dismissed or even cut short by the BLM as the solution is inconsistent with one of their many policies or regulations.

Can the SMAC make recommendations to congressional members or are all recommendations to be made to the Secretary of Interior?

The agency is banned from discussing legislative issues and making recommendations to congressional members. Can the SMAC committee discuss legislative issues?

Many of the "unique and new approaches to the management of lands within the area" will stretch the comfort zone of BLM managers and solicitors. Can congressional members help the agency personnel find ways to accomplish the recommendations?

Section 132 covers the responsibilities of the council, specifically the council is to make recommendations to the Secretary regarding: (a)(2) states: "cooperative programs and incentives for seamless landscape management that meets human needs and maintains and improves the ecological and economic integrity of the CMPA." The BLM never analyzes human needs or economic integrity. We are finding the BLM is having great difficulty considering many of the mandates the Act requires them to consider.

New legislation is not presently necessary but continued oversight and assistance from congress is going to be essential for the full cooperative potential and innovative intent of the Act to be obtained.

General public recreational use is being limited on most public land on the mountain. As the recreating public comes to the mountain and is restricted on public lands more and more use is occurring on private lands.

Fragmentation of the landscape by forcing landowners to manage property along ownership boundaries rather than cooperation between landowners allowing landscape management was a critical purpose in drafting the legislation and one of the primary damages a monument declaration would have caused.

The greatest attraction of Steens Mountain has always been the unconfined recreational opportunities. The ability to drive a two-track road and have a family picnic in a lush mountain meadow. The seclusion of undeveloped camping spots hidden in aspen groves. The tradition of family deer camps in the same juniper patch around the same handmade fire ring.

This past winter, snowmobiles were not allowed to use the mountain as they have in the past. In fact use was only allowed on the loop road and on private land. As summer begins and the fishermen arrive will they only be allowed on private land? As fall approaches where will hunters be allowed to hunt? The many families that have traditions of camping or picnicking on the mountain; will there use be allowed?

The Act guarantees historical recreation will continue. Unfortunately, it does not allow motorized vehicles off road unless they are on a designated trail. What is the definition of a road? The current definition used by the agency disqualifies nearly every route on the mountain. What many would call a road is considered a way under agency definition. Therefore, it will be critical that numerous trails are designated for motorized vehicles in the transportation plan. I would suggest that trails may need to be 2000 feet wide along aspen groves to accommodate campers to pull off the road in an enjoyable camping area. An area for snowmobiling must be designated as a motorized trail. It may need to be several thousand acres. Congressional oversight on this issue is going to be necessary to avoid thousands of unhappy families who are left without a place to recreate.

Is it right to close the public lands to public recreation and expect the private landowners to continue to allow more and more use?

Funding for Juniper management and to fulfill section 114, 121, and 122 of the Act. The Steens Mountain Advisory Council and various other interested parties have repeatedly requested the appropriation of five million dollars to fulfill the authorization found in Section 702. More specifically; Cooperative Agreements, Non-development Easements, Conservation Easements and Acquisitions of property are essential elements of the compromises which were made to allow enact the "Steens Act". The SMAC in addition to non-official collaborators have agreed that the $5 million be divided equally between acquisitions, easements and agreements. I

would recommend that the appropriations language specifically reflect this agreement by saying: "$2.5 million be appropriated to fulfill sections 121 and 122 of Public Law 106–399 and $2.5 million be appropriated for section 114." $5 million was authorized for juniper management under section 501"). Requests have been made for a $1 million appropriation at this time.

This funding is critical for continued cooperation between various interest groups. The easement and cooperative agreement money is important to fund projects necessary for ecological, economic, social and cultural health.

These five items are what I feel are the highest priority problems needing resolution. Following are 2 of several examples of things I feel are successes.

Due to the delay of organizing the SMAC committee, many of the stakeholders and interested parties who were involved in the legislative process met with the BLM and compromised a transition agreement for grazing permits from use to nonuse allowing phase in of the livestock free wilderness area. In addition, support was gained for the projects necessary to allow sustainable grazing operations to continue on the remaining areas. Funding for the projects was slow to come but eventually did and the BLM is on track to finish the projects in the appropriate time frame.

Juniper control efforts have continued forward as previously planned. Several prescribed fires and numerous juniper cuts have been completed in the interim. Planning for new projects has also continued without interruption. Environmental community representatives and user group interests have continued communication and assisted the BLM when and where needed.

The success story I find of importance here is that multiple and varying interest groups which normally do not get along are collaboratively working together to accomplish a goal. Discussions in the random, informal meetings are solution oriented and positive. What is the difference between this collaborative group and the more formal SMAC? How can SMAC meetings become more solution oriented and positive?

In summary, it has been very disheartening to see how quickly people have lost sight of the vision and focused on details, and become focused reasons not to change rather than solutions to make it better. The bureaucracy, worry about process, requirements dictated by policy or regulation have stopped innovative thinking. Cooperative-landscape management is impossible if innovative thinking is not allowed. It has become obvious that the National Landscape Conservation System office in Washington D.C. cannot differentiate the Steens Mountain Cooperative Management and Protection Act of 2000 from the National Monument declarations made through the Antiquities Act. The State and National BLM offices will have to fully support the purposes and opportunities within the Steens Act or the vision of cooperative-landscape level management will have utterly failed. Solutions will need to be win-win, proactive, innovative, and inclusive. An attitude of "I can" will need to prevail rather than the too common attitude of "the policy or regulation won't allow it". Local control and local people making management decisions will be essential to success. I ask that the Congressional Subcommittee on National Parks, Recreation and Public Lands continue to give oversight and support to the BLM and Steens Mountain Advisory Committee in ensuring the purposes of the Steens Mountain Cooperative Management and Protection Act of 2000 are fulfilled.

Mr. WALDEN. Mr. Sutherland?

STATEMENT OF JERRY SUTHERLAND, SIERRA CLUB, PORTLAND, OREGON

Mr. SUTHERLAND. Thank you, Representatives Walden and Simpson. Thank you for this opportunity to discuss the management of Steens Mountain, on behalf of the Sierra Club and those environmental groups who cannot be here today, including Wilderness Watch. Representative Walden, your letters—your efforts—in getting the Steens Mountain Cooperative Management Protection Area designated are much appreciated by all of us, as are the efforts of the rest of Oregon's Delegations. And it's nice to see Lindsay back, to maybe, take some credit on that as well, for all of his hard work.

I would like to start by complementing Secretary Norton, for her selection and support of the Steens Mountain Advisory Council.

SMAC members have all worked long hours to represent their interest groups. The fact that they can put up with me for 2 days in a row speaks well for their temperament. BLM Director Clarke should be proud of the Burns district office. District manager Tom Dyer is obviously committed to making this process work, as is the SMAC's designated Federal official, Miles Brown. They have engaged all the interests in your efforts, to assure the Oregon's newest wilderness takes a place of honor in the national wilderness preservation system.

If you judge by the size of my files and the length of our minutes, the SMAC has covered a lot of ground in 8 months. But, as others have noted, we're falling behind in our primary task of helping BLM write the management plan for Steens. Some of this is to be expected, considering it takes a while for any group to become familiar with each other, establish procedures, and learn the laws and regulations that apply. We also are breaking new ground at every step with Steens. And I'm not quite sure "breaking ground" is a great analogy for an environmentalist, but I didn't have a better one, so I used it.

I do think that we could change some things that have slowed us down a bit, like micromanaging BLM. It is appropriate, at times, for the SMAC to help resolve contentious issues, when they threaten implementation of Steens and when we can do something about the issue of concern. Our deliberations, enabling the Roaring Springs Ranch exchange to proceed, is a good example. On the other hand, we cannot change laws and regulations. So, trying to accommodate all those in Harney County who claim to have been promised, verbally, things, during the Steens negotiations, is nonproductive. If we did this, we would also have to consider all those outside Harney County, who felt promises were broken. Trying to resolve these contrasting claims, with only verbal promises, would be a nightmare. At some point, we have to go—get out of this, and go on with implementation, as it was written in the legislation. In the future, if we can't work this out, then legislation might be necessary. But, for now, we need to go with what we've got in writing.

Conflict of interest, I think, has been more of a factor than imagined on the SMAC. SMAC members, with business interests on Steens, are understandably concerned about their own welfare and their way of life. This is understandable. I empathize with it, and I think they have handled that sort of stress far better than I would have. The problem is, in terms of how long it's taking us to get through this process, is that it makes it very difficult for us to talk about certain things, or to bring up certain ideas, to get even started with. The other part of it is that, if it doesn't go—If they feel too threatened by it—The next step is to go to—for congressional influence—to try to force the SMAC or the BLM into doing a certain thing. This may or may not be effective. The problem is that it slows the process down, because rather than buckling down and slugging it out—like we did on the Roaring Springs-Tabor Cabin issue—It gets deferred to further meetings, in the hope that there will be rescue coming in from outside.

We have recently spent time on new Steens legislation—another thing that slowed us down. While we need to be kept informed of such things, we cannot make legislative recommendations. We are

an advisory to an administration. So, doing all of this took up time in meetings. Having said all this, I think we're not terribly far behind. If we stay focused on the management plan, we will meet the deadline. I enjoyed being on the SMAC. I enjoyed working with my fellow members and learning from them. I hope the good folks of Harney County, and the rest of Oregon, will give the SMAC and the BLM a chance to do the job we were assigned. Thank you, again, Representatives Walden and Simpson, for holding this hearing. I, too, would like to have more of them in Frenchglen.

Mr. WALDEN. Thank you.

[The prepared statement of Mr. Sutherland follows:]

Statement of Jerry J. Sutherland, Member, High Desert Committee, Oregon Chapter, Sierra Club, Statewide Environmental Representative, Steens Mountain Advisory Council

Thank you for providing this opportunity to discuss implementation of the Steens Mountain Cooperative Management and Protection Act of 2000 (the Act), and the relationship of the Bureau of Land Management (BLM) and members of the Steens Mountain Advisory Council (SMAC). All those who participated in passage of this very special piece of legislation are to be commended, especially Representative Walden and his staff (at the time) Lindsay Slater who played significant roles.

Though I am a Sierra Club activist, it is my intention to speak also on behalf of those I represent on the SMAC who cannot be here today.

Since this Subcommittee has oversight over the Department of Interior, let me start by giving credit to Secretary of the Interior Gale Norton for her selection of SMAC members. Besides my being an obvious choice, I mean (seriously) to complement my fellow members, from whom I learn new things at each meeting. Every affected interest on Steens can feel confident that their concerns are being represented aggressively. The fact that my fellow SMAC members are able to put up with me for two days in a row speaks highly of their temperament.

Secretary Norton and BLM Director Kathleen Clarke can both be proud of the long hours and hard work the Burns BLM office has put in dealing with interim management issues and supporting the SMAC. The challenges they faced were many.

Prior to the SMAC's first meeting, the Burns BLM had to make the calls themselves. All sides were pressuring them to manage Steens based on their interpretation of the Act. Though my constituents disagreed with some decisions BLM made, we acknowledge their sincerity in attempting to fairly implement wilderness regulations and other immediate changes required by the Act.

For example, the first environmental assessment (EA) BLM wrote after the Act dealt with fencing, water developments, and other actions required to enable the cow free wilderness area. Matt Obradovich did a comprehensive job putting the EA together, but environmentalists differed drastically with ranchers on many of the proposed actions. Dave Blackstun, Matt's supervisor (who has since left Burns), wisely brought the parties together and, acting as mediator, BLM helped us put together a plan that worked for everyone. Cooperation was a key element of the Act, and we were motivated to live up to that.

Burns BLM staff contacted the Oregon state office, as well as the Arizona and California offices, to talk to those with experience implementing wilderness legislation on BLM lands. They made sure they were following appropriate regulations and established procedures. During this time, the Oregon state office discovered Burns had not done NEPA analysis on any of the Special Recreation Permits (SRP) on Steens. The EAs now being written on those who hold SRPs on Steens are required of anyone who wants to do business on BLM land, regardless of wilderness status.

When Cycle Oregon came to the Steens in September of 2001, Mark Sherbourne, the Burns BLM Recreation Supervisor, worked diligently with the organizers, environmental groups, and local communities to make sure the two thousand participants had a good time, while doing no harm to the mountain and surrounding ecosystem. I watched Mark and his crews leaving for home long after dark the night before the event. In addition, Mark was on site to watch over everything both days. BLM recognized this event was the first of its size to hit Steens and, considering the new Steens designation, reacted appropriately.

After the SMAC (finally) came together, our Designated Federal Official (DFO), Andrews Resource Area Field Manager Miles Brown, promptly left for Washington

DC. This was not for fear of dealing with us; he had prior commitments to BLM's national office he had to honor. His assistant, Joan Suther, did a great job of keeping things on track when Miles could not attend, but we are glad to have him back.

I can't say enough good things about the SMAC's support staff. Rhonda Karges is a master at organization and communication. Liz Appelman creates form out of chaos in her meeting minutes, and Patti Wilson keeps things interesting with her visual aides. Tom Dyer, the Burns District Manager, is obviously committed to making this process work and I want to publicly thank him and all the rest of these folks for their efforts.

It seems to me the SMAC has covered a lot of territory in the last nine months, at least based on the size of the files I lug around. However, some feel we have not progressed far enough in terms of fulfilling the Act's mandate of helping BLM implement the Steens management plan. I am going to discuss some factors I think contributed to this, hoping it will help us be more productive as we go forward.

It took some time to set up procedures and become familiar with the process. For us to act sensibly we needed time to become familiar with each other's concerns and have an understanding of various laws and regulations. The farther along we get, the less this will be a factor.

The thing that has slowed us down the most is the degree to which we have been trying to micromanage BLM. It is quite natural for each of us to want to use our position on the SMAC to influence the decisions BLM makes. At our first meeting, I came loaded for bear with concerns from various constituents on how BLM was handling interim management decisions. BLM and the SMAC facilitator, Dale White, informed me (very nicely) that the SMAC was mandated to focus on the big picture and NOT micromanage. I got the point, and was actually quite relieved. If we had held to this rule, we would be much farther along.

Unfortunately, in upcoming meetings it seemed we were doing nothing but micromanaging. BLM explained their apparent change in position by saying that the SMAC would only be asked to help with specific decisions if the BLM wanted it. This seems reasonable except that the issues BLM has chosen to engage the SMAC on have usually been those of concern to local interests, rather than those of my constituents and the rest of the public owners of Steens across Oregon and America.

For example, it appears that most everyone in Harney County was VERBALLY promised one thing or another by unnamed parties who were negotiating for them on the Act. The local snowmobile club members, a family reunion group, ranchers, outfitters, all have made presentations to the SMAC arguing that their use of Steens was guaranteed to continue unaffected by the Act.

I have sympathy for anyone who feels those representing them back in 2000 misled them. Some of my constituents can understand where these folks are coming from because they feel promises to them were broken also. We could start by talking about cherry-stemmed roads in wilderness and $5 million in cash bonuses to the ranchers participating in the land exchanges. How the heck are we supposed to deal with this? Whose promises do we honor and whose do we ignore?

If BLM were to make decisions based on all the verbal promises claimed by local users of Steens, they would have nothing to implement. The SMAC members could all stay home. Since everyone seems to have been promised nothing would change, the Steens Wilderness and Steens Mountain Cooperative Management Protection Area would just be names on a piece of paper in the Congressional Record of 2000, and the Act a collector's item. Those who have not already done so should get their copies autographed by their Representative as soon as possible.

The Steens/Alvord Coalition would have never gone along with the promises the SMAC has heard, and can hardly be expected to go along with BLM managing based on them now. From the beginning of the negotiations on Steens, we held to our policy of not going along with any language or exceptions that would weaken the Wilderness Act or BLM regulations enforcing them. We were—and are—determined to have the Steens Mountain Wilderness be an equal member of the National Wilderness Preservation System.

It is fine for the SMAC to be a used as a sounding board and public forum to some degree, but if we want to meet the deadline on the Steens management plan, we need to find a way to avoid spending so much time on things we can do nothing about. The SMAC does not have the authority to change laws and regulations. If we recommend BLM take action against what is in writing—existing laws and regulations—they have no choice but to ignore us. So to attempt to do so on our part is just a waste of precious time.

I think the best example of the SMAC exhibiting its cooperative capabilities was our deliberations regarding the Roaring Springs Ranch land exchange. We can all thank Skip Renchler for getting these original land exchanges done in a timely manner. But it wasn't easy, and BLM needed the SMAC's help.

Roaring Springs Ranch changed their mind about closing a water gap near Tabor Cabin in the Blitzen Wild and Scenic River. They were going to pull out of the exchange if the deal was not renegotiated. At the December meeting, the SMAC wrestled with this issue for a significant part of two days, eventually working out a solution that enabled the exchange to proceed.

I wish I could report this type of success on every deliberation. Unfortunately, we have had instances where, rather than hanging in there to negotiate a solution at the meeting, a SMAC member held out and then asked their Representative for help when they went home.

Involvement by all members of the Oregon delegation and Governor Kitzhaber is more than welcome as far as I am concerned. They all participated in getting the Act written and passed through Congress. Interference is different. It may be difficult distinguishing between the two, and I certainly am not accusing anyone of being inappropriate, but it is an issue that I hope each Oregon legislator will consider carefully when the occasion presents itself.

When a legislator contacts BLM, or sends a letter to the SMAC, saying they should do what a particular SMAC member wants, from where I sit this feels more like coercion than cooperation. It sends a message to the SMAC member in question that they don't have to negotiate with the rest of us like they did on Tabor Cabin; instead they can hold out for their way or no way, confident their Congressional advocate will save the day. If we are to repeat the success of Taber Cabin, we all have to be negotiating in good faith.

Conflicts of interest may also be more of an issue than anyone thought it would be. Four of the twelve members of the SMAC have direct financial interests on Steens. The Act intended this, and I am glad they are fellow members. These folks are the experts in their area of interest, and they know the history and issues of the area like the stains on their hats. In short, their input is invaluable to the SMAC and BLM.

However, since the first rumblings of a Steens National Monument local folks have feared for the survival of their businesses, and more importantly, their way of life. I applaud how well these particular SMAC members have dealt with these concerns (far better than I would have), but fear is a very difficult emotional base from which try to think objectively and constructively. As a result, some subjects are very difficult for us to broach, which could be impacting how efficient we are in getting things dealt with.

Draft legislation was recently brought before the SMAC, driven by a trade of U.S. Forest Service property for a Steens inholding. At this point my constituents have mixed feelings about this legislation, but the salient point here is that the SMAC deliberation on this matter was another distraction. It was important for the SMAC to be briefed on the draft language, but we are an administrative advisory council, not a legislative one. We could have been working on tasks that are clearly ours to perform instead of taking votes the BLM had to ignore.

The one section of this legislation that really needs to go forward involves boundary adjustments that everyone has agreed to (including the Tabor Cabin deal mentioned earlier). I sincerely hope the Oregon delegation will consider introducing this section of the bill on its own, adding to it whatever other items end up having the consolidated support of all interested parties.

Having said all this, I think we are not terribly far behind, at least according to the timeline laid out by the Steens management plan lead, Gary Foulkes, and mostly due to his drive and persistence. If we can eliminate some of the distractions, and stay more focused going forward, we will get the job done in time.

Breaking new ground is always more difficult than taking the path well worn, and the Steens Mountain Cooperative Management and Protection Act definitely breaks new ground. My hope is that the fine citizens of Harney County, Steens locals, the media, legislators, and everyone in Oregon who loves the Steens will have some patience, take a big breath, and give BLM and the SMAC a chance to do their jobs.

Thank you again for inviting me to testify. Regardless of anything I have said, I like my job on the SMAC. The pay could be better, but the benefits and the people I work with are great.

Summary of statement:

The BLM has worked hard to implement the Steens Mountain Cooperative Management and Protection Act. The Steens Mountain Advisory Council has not accomplished as much as it might due to several distractions it has had to deal with, but has covered a lot of ground and had some noteworthy successes.

Mr. WALDEN. Mr. Otley?

STATEMENT OF FRED OTLEY, GRAZING PERMITTEE, DIAMOND, OREGON

Mr. OTLEY. Thank you for the invitation to be here, as a backup. I appreciate it. I was hoping Hoyt would be here.

The Steens Act, thanks to all your hard work and untiring effort, Congressmen Walden, and the other Oregon representatives and senators, is indeed a precedent-setting Act that establishes a new type of special designation. One with its functional purpose—a directive purpose—that's different from any other Act that we've ever found. It does create a large wilderness, six wild and scenic rivers, a trout preserve, a mineral withdrawal area, and a wildlands juniper area. Economic interests—Private landowners were made a functional part of the Act. That's also unique and different, it's very important. Other areas of the west are watching this—I get phone calls—very, very closely, to see if this type of collaborative effort, you know, fits in their area—to get past some of the polarization that's occurred in the other areas of the west. I think Congressmen Simpson, you made a very good point on that. We cannot allow a handful of extremists to use strict interpretation of "wilderness" to destroy the balance in the legislation. We cannot allow the basic, ongoing, historical activities to spend thousands of dollars to protect their ongoing use. And that's what these environmental assessments, in my opinion, have opened us up for.

My testimony will probably run out of time and will emphasize the functional purposes of the Act—all of them. There's 13 different purposes. I think, four are directive—not directive. Four are, basically, establishment purposes. There's four that are process oriented, like the establishment of wilderness, scenic rivers, et cetera. The four process purposes are: Creation of the SMAC—the Advisory Council—nondevelopment easements, those kinds of things.

There are five remaining directive functional purposes, that tell us what to do and how to do it, throughout the Steens Mountain Management Act. And the first five are—The first one is: Maintain the cultural, economic, ecological, and social health of the mountain. Number 2—the second one—is Number 5: To provide for, and expand, cooperative management activities between public and private landowners. The third one is No. 10: To maintain and enhance cooperative and innovative management practices between public and private. The fourth—or, the fifth—No, the fourth is: To promote viable and sustainable grazing and recreational operations on private and public land. The fifth one—the last one—is: To conserve, protect, and manage, for healthy watersheds and the long-term ecological integrity of Steens Mountain.

I suggest these primary and functional directive purposes are balanced and specific to both ecologic, economic, and social interests. Underneath this umbrella of five directive purposes, is the purpose of the area—the cooperative area itself—and it is: To conserve, protect, and manage the long-term ecological integrity of Steens Mountain for future and present generations.

To further this purpose—These are very important—There are five objectives. (1) To maintain an enhance cooperative and innovative management projects, programs, and agreements between the tribal, public, and private interests; (2) To promote—to promote—grazing, recreation, historic, and other uses that are sustainable;

(3) To conserve, protect, and ensure traditional access to the Burns Paiute Tribe; (4) To ensure the conservation, protection, and improved management of the ecological, social, and economic environment; (5) To promote and foster cooperative communication and understanding, and to reduce conflict within the area.

Those are very important. And you move on down—Well, of those, the words "cooperative" was used six times, and "private or economic interests" are referenced nine times, in those purposes.

In the next section, Management of Federal Lands—The first purpose is: The Secretary shall manage all Federal lands in a manner that ensures the conservation, protection, and improved management of the ecological, social, and economic environment; and, (2)—very important one to us—Recognizes and allows current and historic recreational use. What could be more clear?

These are all of the directive functional purposes. There are no others. And, I guess, it kicks down to the Steens Mountain Running Camp, right off the bat. Why should Harland spend thousands of dollars protecting his use? I mean, this is built so strongly and so clearly, in the language there. The BLM, basically, should say—on all the recreational permits, and access—If they're going to do an EA, they shouldn't, as a context of the EA, say, "This will occur in this way, and will not be open to public purview. Here's the components of either the monitoring, to prevent impacts, or some major change in operations that will come out for an EA." But, the basic operations should not be subject to this.

I'm running out of time, so, I just believe that you've worked very hard. The snowmobile issue is a critical one. It ended without being subject to the RMP process. I think it was incorrect to do that, when the establishment of a trail—a snowmobile trail area—is consistent with the Act. Thank you very much.

Mr. WALDEN. Thank you, Fred.

[The prepared statement of Mr. Otley follows:]

Statement of Fred Otley, Otley Brothers Inc.

Thank you for the opportunity to testify before your Subcommittee and thank you for your untiring interest in issues so important to Harney County and rural areas throughout our nation.

The Steens Mountain Cooperative Management and Protection Act (the Steens Act) is a precedent setting Act that creates a new type of special designation and functional purpose that protects the environment while maintaining and even enhancing the local economy—a large wilderness, six wild and scenic rivers, a redband trout preserve, a mineral withdrawal area and a wildlands juniper area were created while protecting and enhancing historical and current uses of public land. Private landowner needs including economic interests were made part of the purpose and management process to ensure sustainability. Other areas of the west are all watching the implementation of the Steens Act as a new way of doing business in rural areas that have public land. We must be successful.

We cannot allow a handful of extremists to use a strict interpretation of the wilderness section to destroy the balance in the legislation. The short term notoriety gain of these individuals will move to the historical aspect of preventing other areas of west of going forward with wilderness legislation in future years. The collaborative process Congress created with the help of many different environmental and public interests created a management framework that establishes wilderness that works. Even if it takes Congressional intervention we must not allow a few individuals to move the Steens Mountain back to the conflict wilderness model of other areas that pits one interest against another.

My testimony will emphasize the functional purposes and objectives of the Steens Mountain Cooperative and Management and Protection Act relative to important issues. Four of the 13 purposes of the Steens Act are specific to making the designa-

tions of six wild and scenic rivers, the Redband Trout Reserve, the Steens Mountain Wilderness Area, the Wildlands Juniper Area and the Cooperative Management and Protection Area (CMPA). All of the special designations are within the CMPA boundary. Four of the 13 purposes are process purposes creating the Steens Mountain Advisory Committee, authorizing land exchanges, land purchases and non-development easements and authorizing uses consistent with the Act. The five remaining purposes are functional directive purposes.

The first directive purpose of the Act was to "(1) maintain the cultural, economic, ecological and social health of the Steens Mountain Area in Harney County, Oregon. The second functional directive purpose is number (5) to provide for and expand cooperative management activities between public and private landowners. The third directive is (10) to maintain and enhance cooperative and innovative management practices between the public and private land managers in the Cooperative Management and Protection Area. The fourth is (11) to promote viable and sustainable grazing and recreation operations on private and public lands. The fifth and last functional directive purpose is (12) to conserve, protect, and manage for healthy watersheds and the long-term ecological integrity of Steens Mountain. I suggest these primary and functional purposes are balanced and specific to include ecological, economic and social interests together.

Underneath the umbrella of the previous five directive purposes (Section 1) of the Steens Act is the purpose in Title I of the Steens Mountain Cooperative Management and Protection Area (Section 102) (a) Purpose—The purpose of the Cooperative Management and Protection Area is to conserve, protect, and manage the long-term ecological integrity of Steens Mountain for future and present generations. "To further the purpose specified in subsection (a), and consistent with such purpose," are five objectives as follows:

(1) to maintain and enhance cooperative and innovative management projects, programs and agreements between tribal, public and private interests in the CMPA;

(2) to promote grazing, recreation, historic, and other uses that are sustainable;

(3) to conserve, protect and to ensure traditional access to cultural, gathering, religious, and archaeological sites by the Burns Paiute Tribe on Federal lands and to promote cooperation with private landowners;

(4) to ensure the conservation, protection, and improved management of the ecological, social, and economic environment of the CMPA, including geological, biological, wildlife, riparian, and scenic resources; and

(5) to promote and foster cooperation, communication, and understanding and to reduce conflict between Steens Mountain users and interests.

Of the eleven directive purposes and objectives and the title of the Steens Act, the words cooperation or cooperative are used six times with private or economic interests directly included nine times. We know of no special designation that has cooperative management as the title and interwoven into the purposes except the Steens Act. It is indeed unique, broadly important and established a new way of doing business on public and private land. People as a functional part of a designation and management is a unique way of going forward.

In Subtitle B—Management of Federal lands (Section 111. Management Authorities and Purposes. (a)

(1) and (2)) the above directive purposes are reinforced "The Secretary shall manage all Federal lands included in the CMPA, etc, in a manner that (1) ensures the conservation, protection and improved management of the ecological, social and economic environment etc, and (2) recognizes and allows current and historic recreational use. What could be more clear? Inside and outside the wilderness existing activities should be allowed to continue as they have in the past unless specifically prohibited by the Steens Act. The assumption and baseline of the Bureau of Land Management, other agencies and the Court system should not assume things must be changed or new standards put in place, especially on an interim basis.

The first example or issue is a very important test of the integrity of the Steens Act and that is the Steens Mountain Running Camp. The 27 year old camp established and operated by Harland Yriarte operates in a environmental friendly manner with environmental and cultural education woven into its operation. Elected officials and others in the negotiation process promised the Camp was not going to be impacted over and over again. Now, radical outside interests are threatening to sue and end the camps operation inside the Steens Mountain Wilderness. Mr. Yriarte may have to spend thousands of dollars protecting his business interests and the heritage of over five thousand runners living in all parts of the United States of America. The seven other recreational permit holders may similarly be impacted.

I believe the Bureau of Land Management erred in putting the Steens Mountain Running Camp, the other recreation permits, landowner access to Wilderness

inholdings and motorized maintenance of existing grazing facilities and management in environmental assessments for NEPA compliance. The decision to open up these issues to NEPA will force part of these activities to go through NEPA three times before individual owners, managers or participants will have any confidence in the security and sustainability of their ongoing operations. The second time NEPA will be applied is at the Resource Management Plan level and the third time will be in the issuance of the permits following completion of the RMP. If NEPA was necessary at this time, and I do not think it is, then the environmental assessment should have been limited to monitoring of the activities relative to permanent physical impairment of the resource.

I go back to the directive purposes of the Steens Act including Section 111 that "recognizes and allows current and historical recreational use." Then why are the historical and current snowmobile use areas closed after the passage of the Act? BLM interpreted Section 112 (b) (1) "Prohibition.–The use of motorized or mechanized vehicles on Federal Lands included in the Cooperative Management and Protection Area—(A) is prohibited off road. They should have allowed snowmobile use to continue by adhering to the following section "(B) is limited to such roads and trails as may be designated for their use as part of the management plan." Section 111 allows the use to continue pending the development of the plan. The existing use area must be considered a over snow activity therefore not subject to Section 112 or become a designated snowmobile trail. Either way the use is legal under the Steens Act.

Fear of being sued should have not dictated interim management and public use. Where the State BLM Office or their Solicitor moved us to changing or ending ongoing activities, they caused a lot of conflict and problems with effective implementation and time lost by the Steens Mountain Advisory Committee helping BLM work on the RMP. Congressional intervention may be necessary to get back to the intent of the Steens Act.

The cooperative management emphasis of the Steens Act became reality because it is part of the heritage and culture of the area with 45 different private/public partnerships identified at the time of the Steens Act passing Congress. If we go forward with that cooperative spirit then the existing permit holders and landowners can greatly assist in the implementation of necessary changes and education of the public. When someone unknowingly violates the law or use requirements of the area, the educational information can be provided without the involvement of law enforcement officials and citations in the majority of violations.

At the same time I am critical and disagree with the decisions the Bureau of Land Management has made concerning opening up certain issues to NEPA at this time, I compliment the leadership and the majority of BLM staff at the local level. Public/private cooperative management efforts have continued including ecological/prescribed fire efforts. Local BLM managers and staff worked very hard and did a good job in completing very complex land exchanges and implementation project plans. Overall management efforts continue to be good and progressively implemented and not stalled out during the transition. I compliment Tom Dyer, Miles Brown, Jim Buchanan, Skip Renchler and others for their efforts.

Many positive aspects of the Steens Act are new and different from the old way of doing business. In some cases BLM does not know how to deal with certain parts of the Act because existing policy and structure does not facilitate or conform to these sections. Financial incentives, cooperative agreements with landowners, and non-development easements are several areas of confusion. The emphasis of land exchanges to avoid future wilderness conflicts also needs to go forward. I support funding of non-development easements at this time to begin and allow the SMAC, BLM, landowners and others work out the negotiation process and procedures to implement non-development easements. I support a number of boundary adjustment and proposed land exchanges although there is language in the proposed bill that would need to be changed. The legislation would also need to grandfather in the Steens Mountain Running Camp and the other recreation permits and make reasonable access to ones property unconditional for the full use and enjoyment for property owners. NEPA and permits concerning access should apply to major upgrades that substantially and visibly alter access routes.

In summary, outside parties threatening existing uses have shaken the support and implementation of the Steens Act. I worry that if we do not fix the above issues legislatively, the whole Steens process will be polarized and stalled before we can fully enlist the cooperative spirit in the Act. The directive purposes of the Steens Act are very specific and clear. Thank you for consideration of my comments.

Mr. WALDEN. I want to follow up on something you were saying just then, because this whole issue of access still sticks in my craw a bit. Because we also put language in there to say "Nothing in this Act is intended to affect rights or interests in real property or supersede State law." It would seem to me that—And, I'm not a lawyer. Usually when I say that, I get applause.

[Applause.]

It's OK. Lindsay is a lawyer, and a pretty good one.

[Laughter.]

But, I guess my point is that—kind of getting at your issue, too—We tried to write this to protect the historical uses. We tried to write it in a way, as clearly as we could, to protect real property rights, including access to that property. So, it's not really a question, Fred, but we tried to do our best, in that respect.

Mr. Sutherland, I noticed in your prepared testimony, you made a number of different comments. But one of them that really stuck out at me was—and I'm quoting now, from page 4—"Some of my constituents can understand where these folks are coming from, because they feel promises to them were broken also." Could you give me some examples of those promises, that they feel were broken?

Mr. SUTHERLAND. To wilderness activists—and I include myself, as one of those—Cherry stems are an anathema. And, most—Because everything was kept very tightly controlled, due to the speed of this process, the maps were not shown to very many people.

Mr. WALDEN. They were on the Web site, and they were in the newspaper.

Mr. SUTHERLAND. Not prior to the legislation.

Mr. WALDEN. Yes. During that whole process.

Mr. SUTHERLAND. My remembrance, and those who are concerned about it, remember that it was—Well, the cherry stems aren't mentioned in the legislation.

Mr. WALDEN. OK.

Mr. SUTHERLAND. The only way you find out they exist, is by going to the map and looking at the fact that the color of the cherry stems is the same as the boundary of the wilderness. There's nothing on the map that says, "These are cherry stems. You can drive into the wilderness, in these areas." So, even if the person knew those maps were there—which, I evidently didn't—the—You really have to work to figure out that they existed. So, a lot of people felt like that was a broken promise on their part.

Mr. WALDEN. But doesn't that presume that somebody promised there would be no cherry stems, and you had people in these discussions, didn't you?

Mr. SUTHERLAND. Throughout the Steens legislation, on the Coalition side of things, the instructions given to those who were negotiating, was that there—that we would be going by the Wilderness Act. There would be no new exceptions or exemptions in the wilderness regulations.

Mr. WALDEN. Except for the cow-free wilderness.

Mr. SUTHERLAND. Well, in the cow-free—Cows were grandfathered at Wayne Espinall's insistence, during the Steens—the Wilderness Act, as a nonconforming use. So, we don't have anything to say about that. I think, to put it in the same category as weakening wilderness regulations or values, is a different sort of

thing. But—That was a change that was made, but it was not a weakening of the Wilderness Act, which is the instruction our negotiators were always under.

Mr. WALDEN. Are there any other broken promises you could delineate?

Mr. SUTHERLAND. I think people who were on the outside of it, who—When you add up—When you try to figure out the $5 million that was paid to move the cows out of the wilderness, it's very difficult to figure out that money. If you put together the report, from the BLM Web site, and sit down and work over the legislation itself, where it's covered there, you could finally build an Excel spreadsheet that figures the whole thing out. But it was, again, very difficult for outsiders to know what was going on, and I think there are constituents of mine who feel like that $5 million was not in proper form.

Mr. WALDEN. So, if you had had your way, your negotiators would have opposed those payments and the cherry stems?

Mr. SUTHERLAND. I think a lot of the promises that people have claimed here, or from Harney County, are not supported by everybody that was negotiating for the locals. And I am not saying that everybody that I personally, or—

Mr. WALDEN. That wasn't my question. My question was: If you were the negotiator, representing the Sierra Club in those negotiations, would you have said "No" to the bill, based on those two points you've raised?

Mr. SUTHERLAND. I don't know about that. I would weigh lots of different things. But I would say that I would have made a much bigger—I would have certainly brought up the problems that I just mentioned.

Mr. WALDEN. OK. In your testimony, you mentioned the concerns you had with BLM "micromanaging" the Steens Cooperative Management Area. Do you believe completing environmental assessments for every pre-existing activity is also an example of micromanaging, by the BLM?

Mr. SUTHERLAND. I was referring to the SMAC micromanaging BLM's actions.

Mr. WALDEN. OK. But, is an EA, on every pre-existing activity, from your perspective, any kind of micromanometer of what's going on, on the mountain?

Mr. SUTHERLAND. I'm not—BLM needs to do what they feel they need to do. I'm not making a comment on that.

Mr. WALDEN. OK.

Mr. SUTHERLAND. But, personally, if you want to ask whether I think the EA's are needed, the answer is "Yes.".

Mr. WALDEN. OK. If Congress sees fit to do some technical corrections to the original Steens legislation, do you think we should run those proposed corrections past the SMAC, for input?

Mr. SUTHERLAND. If you're asking for legislative advice, no.

Mr. WALDEN. So, it's your opinion that the SMAC should be gagged from giving advice on any proposed changes that may require legislative approval?

Mr. SUTHERLAND. I think it's appropriate for the SMAC—for each member, as a representative of their constituents—to give feedback, to you or whoever else wants it. If you want one spot to

go, to get feedback, from a lot of different groups—That's what happened at our last meeting, in discussions about this legislation. We took no votes. We didn't make reservations. We just provided feedback. I think that is very appropriate.

Mr. WALDEN. So, if we have—As we work forward on various things that may come up—I want to make sure I heard you right. If we could run these past the Committee, to at least get feedback, that would be acceptable? But not a vote?

Mr. SUTHERLAND. Correct. And not as a substitute for talking to all the interested parties.

Mr. WALDEN. Oh, I understand that. But it's also a pretty good representative group. A question: As the Sierra Club spokesperson today—What is your view of Wilderness Watch's objection to the Running Camp's permit and activities on the mountain? Do you support the running camp continuing to operate, as it has been, on the mountain?

Mr. SUTHERLAND. The Sierra Club—not speaking for myself—But, the High Desert Committee of the Sierra Club, who has talked about this, feels that it is appropriate for Harland to make changes.

Mr. WALDEN. What kind of changes do they feel is appropriate?

Mr. SUTHERLAND. That's what we're doing—Well, that's what we need to be doing in the EA, and get it out there and start looking at what BLM has proposed.

Mr. WALDEN. Jill Workman was involved in the discussions of the original legislation. She chaired the Steens-Alvord Coalition. Was she representing the Sierra Club, as well, during those negotiations?

Mr. SUTHERLAND. Yes.

Mr. WALDEN. If you'd gotten the e-mail I referenced, earlier, from her, saying that the running camp is "benign"—Basically, as you read it, you're left with the impression—You can't imagine why anybody would question this, because we want it to continue. Am I missing something here?

[Laughter.]

Or, has there been a change?

Mr. SUTHERLAND. Well, with all due respect, I think there is something missing.

Mr. WALDEN. OK.

Mr. SUTHERLAND. And not just to you. When—The reason—The tone for that letter, and the tone of all the other letters that are being submitted, is that of: "We don't understand what's the problem. Why are you bringing it up to us?" That's the crux of the issue. No one understood the problem, because they were not given the correct information.

Mr. WALDEN. What information did they lack?

Mr. SUTHERLAND. The information that was given to—When I heard about the running camp, personally, by way of someone complaining about running into them at BLM, and then, somebody else I met—I checked into it. And the range of numbers that came from all the negotiators on our side, who had originally been involved, ranged from 15 to 30. And some of these e-mails said, "Gee, I know we're going to have to make some adjustments here, because most wilderness will only allow 12 people in a group. But, we've got up

to 30 in this group. How are we going to deal with that?" And the assumption was made that Harland would make some adjustments to deal with that. If anybody had known that there were 150 kids, plus 30 staff, for a total of 180, running in one line—in a mass—then that letter would not have been written.

Mr. WALDEN. I want to just shoot across the table here to the BLM. When Harland has a permit on file, does it specify how many—Can you come up and answer, for the record, please? Miles? Does the permit that Harlan has, have to specify how many runners there are?

Mr. BROWN. Yes. He submits a plan of operation that describes that.

Mr. WALDEN. How many years has he submitted that plan, and had it approved?

Mr. BROWN. He's got a 5-year permit now. That's what I'm familiar with. But he's been under—I don't know exactly how long he's been under permit, but he's been under permit since I've been here, for 6 years.

Mr. WALDEN. And are you in charge of that permit? You authorized that permit?

Mr. BROWN. Yes.

Mr. WALDEN. Do you have access to people—Do people come in and ask to see these sorts of permits?

Mr. BROWN. Not often, no.

Mr. WALDEN. Has anyone ever come in and asked to see Harland's permit?

Mr. BROWN. Not that I'm aware of. Other than Harland.

[Laughter.]

Mr. WALDEN. It's his permit. I guess the point I'm getting to—This is the public document, is it not?

Mr. BROWN. Yes, it is.

Mr. WALDEN. So, anybody that could have wanted to figure out how many runners were authorized, could have either (a) asked Harland, or (b) asked the BLM, if they didn't want to go to Harland; right?

Mr. BROWN. Yes.

Mr. WALDEN. And, to your knowledge, nobody's ever asked—come in and asked the BLM? To your knowledge?

Mr. BROWN. No. In fact, we tried to do a record search on that, to see if it ever came up, in a series of meetings. And the issue never came up, as to the numbers.

Mr. WALDEN. Has there ever been a formal complaint filed against Harland's operation?

Mr. BROWN. There hasn't been a formal complaint. The only thing that I'm aware of is: On the trail register, someone was surprised to see that many runners. At the head of the trail, there's a register where people sign in, and someone said, "Gee, I was surprised to see that many people." But that's the only concern I've ever seen in writing.

Mr. WALDEN. All right. Thank you. I appreciate that. I'm just trying to sort out how this permit system works. I've got to tell you, Mr. Sutherland, as I read Jill's e-mail, and as we went through crafting the legislation, I was sure left with the opinion that people

she was representing had no problem with this running camp. Her words are "benign.".

Mr. SUTHERLAND. I will answer by saying: The people I've talked to, including Jill, on our side of the table, said, "The issue was off the scope." That is, that one e-mail is about the only discussion on that, that ever occurred. It wasn't—Except for one person, who said that there was, at the end of the negotiations, a request to put Harland's camp specifically in the legislation, and that that was not allowed—that the negotiators said that Harland's camp needed to live up to whatever regulations everybody else did. Now, maybe Lindsay was the one that made that request. I don't know.

Mr. WALDEN. Yes, he was more involved in these discussions.

Mr. SUTHERLAND. But, I'll tell you that this was from Andy Kerr, who said that Harland's camp has specifically been asked, on behalf of someone, to be grandfathered into the legislation by name, and that that request was denied.

Mr. WALDEN. What I'm being told is that it wasn't denied, but it wasn't pursued because this e-mail kind of answered that. And, again, quoting from this e-mail of August 24th, Jill says, "I'm hopeful that addressing this matter now will keep the running camp from becoming an issue, as we attempt to move forward with consensus legislation. Please call me if you have any questions about the coalition's position on the running camp, or if you believe it would be helpful for a Coalition member to discuss this matter with the camp's owner, or a person receiving a letter from the camper. We appreciate your time and intention to working toward consensus legislation"—Et cetera, et cetera—"See you in September." So, now, irrespective of this letter, Sierra Club's position is that changes need to be made to the way Harland runs his camp? Would one of those changes be that they shouldn't run in the wilderness areas?

Mr. SUTHERLAND. Well, the only thing of concern is the wilderness.

Mr. WALDEN. Would one of the concerns be then—Would it be the position of the Sierra Club to oppose kids running in the wilderness area, as currently occurs under Harland's permit?

Mr. SUTHERLAND. I would say that—that—Yes. The way they run right now in the wilderness, is inappropriate for wilderness. It's an inappropriate activity for wilderness, and needs to be looked at.

Mr. WALDEN. So, is your organization, then, working at all or having any communication with Wilderness Watch, on their effort?

Mr. SUTHERLAND. No. There's no effort that I know of, on anybody's part. We're waiting for the EA to come out, to look at it. My understanding of Wilderness Watch's position is that they should not be in the wilderness. Now, that's just, you know, what I've heard.

Mr. WALDEN. So, you're not working with them or talking to them, or none of that?

Mr. SUTHERLAND. No. My—Our position is that the kids need to stay on the mountain. And it's the same position the Wilderness Watch has. The Wilderness Watch is not asking that Harland's running camp is off the mountain. They want them on the mountain. They want them to continue operating. The issue is: Whether

it's appropriate in the manner it already is running in the wilderness. And I, personally, believe that there are lots of options, to have the operation be just as exciting for the kids and to give them the same benefits they've always had, without violating the wilderness experience for other people who are up there now, for that experience.

Mr. WALDEN. How often—Do you know, now, how many kids go through, and how often?

Mr. SUTHERLAND. How many of Harland's kids?

Mr. WALDEN. Yeah. Kids in the running camp go through, and how often that occurs?

Mr. SUTHERLAND. He has two camps, plus the football camp. The running kids—The running camp part is, I think—Each of them—Each one is 2 weeks. And, I believe, it's 150 kids, with 30 staff.

Mr. WALDEN. And they go through the wilderness area one time, I believe.

Mr. SUTHERLAND. They go through the gorges—both gorges, as I understand it—Harland can correct me—on the same day.

Mr. WALDEN. Is that correct, Harland? Why don't you come up to the table, and we'll get this on the record.

Mr. YRIARTE.: I love you, Jerry.

[Laughter.]

Mr. WALDEN. I'm glad you can both dress in green shirts, too.

Mr. SUTHERLAND. Except the word that he would probably, somewhat, use to describe me, starts with "B," but it's not "Basque.".

Mr. YRIARTE. I didn't know what your middle initial was, Jerry.

Mr. WALDEN. All right. Let's start over here.

[Laughter.]

How many kids go through the camp? How important is it to get in the wilderness area? I read your testimony about lightening, and—You know, you even had a driver who was struck and killed, I understand.

Mr. YRIARTE. Yes. We have approximately 150 a week, for the 2 weeks. On a Tuesday, for about 8 to 10 hours, depending on what kind of shape somebody's in—and, if it happens to be me, maybe it's a little longer than that—But, yes, on every Tuesday, for each Tuesday, it's 150, plus about 30 staff. There's about 40 staff, total, in our camp, but people like, you know, Pete Reynolds, our cook, doesn't go on that day.

Mr. WALDEN. All right.

Mr. YRIARTE. So, how important is it to get in the wilderness? Yes. You've got to remember—We've been up there for 27 years. This will be 28. Approximately 1975 to current. We've had a lot of time. We've been through every canyon, every gorge, with a variety of different people—variety of different shapes. We get kids from Stanford up there and the University of Oregon. We've had semi-Olympians, and so forth. We have been able to—How would you say—find the best routes, during that 26 years. And what is the bottom line? Scenic and safe. And we go through Big Indian, right now—Takes about four—four or 5 hours. We don't camp. We leave no trace. As a matter-of-fact, we pick up everybody else's trash, that seems to be—that seems to be found there every once in awhile. It takes about another four to 6 hours to get up Blitzen, and then, out to the top and on the way home. But, it is defi-

nitely—We believe that you become what you surround yourself with. There's a reason that that's wilderness. Why isn't it wilderness down here, in the flatlands between Burns and Bend. If you want solitude, that's a great place to get it.

Laughter.]

So, did I answer your question?

Mr. WALDEN. We're going to take this one on the road, I think. [Laughter.]

Yes, you answered my question. I appreciate it.

Mr. OTLEY. May I say something here?

Mr. WALDEN. Yes. Go ahead. Thank you. Save us here.

Mr. OTLEY. Well, it's my understanding that uses are managed in each wilderness area somewhat differently, and there is no specific policy or regulation limiting the number of visitors, per say—and there's lots of different ways in the wilderness to do it. But, I'm not expert on wilderness. But, back to the legislation. Under Subtitle (b), Management of Federal Lands—and this is in the Cooperative Management and Protection Area, of which the wilderness is inside that boundary. It says, "Ensures the conservation, protection, and improved management of the ecological, social, and economic environment." Harland fits there. Number (2)—It's very, very, very specific—(2)—and this is the last one, under Management of Federal Lands—"Recognizes and allows current and historic recreational use." Subtitle B, Management of Federal Lands, Section 111, Management Authorities and Purposes of Management of Federal Lands, within the Cooperative Management in the Protectionary Boundary.

Mr. SUTHERLAND. If I may add, maybe, some clarifications?

Mr. WALDEN. Sure.

Mr. SUTHERLAND. I think—and this is, Representative Simpson—I think it's worthwhile to note that many of us would disagree—and Representative Walden—that any wilderness is not like another. The Wilderness Act established a national wilderness preservation system. It was key to that provision, that all wildernesses become part of one family, when they're enacted. Yes, there are exemptions, written into specific Acts. But the—In entirety, they are to be part of the whole. And so, immediately, when the wilderness legislation went into effect, the BLM needed to be legislating for that. And it comes with its own set of rules and regulations, separate from anything outside the wilderness. So, the discretionary aspect is much lower. Now, in terms of Harland's case—Yes, the number of visitors are not established, but there aren't any of them out there with more than 15 or 20 in a group. So, this is—This is truly a unique situation that we have to deal with. We should have dealt with it before the legislation passed.

Mr. WALDEN. But you see, Mr. Sutherland, we thought we had dealt with it before the legislation passed. We had an e-mail from Jill Workman, that says this is a benign activity. I can't help what she knew or didn't know at the time. I don't know. Beyond that, are you familiar with any other wilderness area in America that allows for-profit groups to run people through wilderness?

Mr. SUTHERLAND. For-profit is not the issue, but, yes, there are.

Mr. WALDEN. So, this isn't necessarily unique to Steens Mountain, then, is it? It already exists.

Mr. SUTHERLAND. The size is what's unique.

Mr. WALDEN. Well, what about the Western States 100 race, that's allowed nearly 400 runners and 1300 volunteers to go to the Granite Chief wilderness area, in California area, for the past 20 years?

Mr. SUTHERLAND. That group—When the Desert Protection Act, in California—No, I'm sorry. The California Wilderness Act—passed in 1984, that group had an environmental analysis done on them. That use was ended, per a discussion with the forestry person who dealt with that at the time. That was—He gave the parties 3 years to find an alternative route to go. They could not do so, so he engaged the restriction. The decision was appealed to the Regional Forester. The Regional Forester stated—supported—I think it's the Truckee office—in their decision. Eventually, it went to the national office, and, eventually, Chief Forest—The Chief Forester came down on the side of the Western States run. So, when I asked—So, that was all an administrative process. And, if we want to go through that here, that's what we're doing. So, I think it's appropriate.

Mr. WALDEN. But that's not the question. The question is: You were talking about these wildernesses that need to be the same. There needs to be this consistency. And yet, we have examples where bigger groups than what Harland's got, have gone through a process and are allowed to run in these wilderness.

Mr. SUTHERLAND. The procedures need to be the same. And I agree that the same procedure that was done with Western States need to be done here. And, if this EA comes out in favor of it, then, that's the proper process.

Mr. WALDEN. OK.

Mr. SUTHERLAND. The only thing that is specific in the legislation is Section 115. Special-use Permits. That's what we're talking about. "The Secretary may renew a special-recreation permit, applicable to the lands included in the wilderness area"—So, it's specific to wilderness—"to the extent that the Secretary determines that permit is consistent with the Wilderness Act. If renewal is not consistent with the Wilderness Act, the Secretary shall seek other opportunities for the permit holder through modifications of the permit, to realize historic permit use, to the extent that the use is consistent with the Wilderness Act and this Act." So, the only thing that's in the Act, that specifically addresses Harland, is a statement that we will allow it, if it meets the Wilderness Act. If it doesn't—

Mr. WALDEN. Do you think it's possible that, because of Jill Workman's e-mail, representing the Steens-Alvord Coalition, that any further discussion cease, on being specific about Harland, or any other recreation permit holder? Wouldn't you think that's a possibility that could occurred here?

Mr. SUTHERLAND. All I say is that Andy Kerr said that the request was made and he denied it. He didn't say it was "dropped." He said it was—That request was "denied.".

Mr. WALDEN. Request to do what?

Mr. SUTHERLAND. To grandfather Harland's case into the legislation, at which time he—The negotiators on our side said, "We will not allow that." We didn't see a problem with the camp, because

nobody knew of the numbers, but if there was, then he needed to meet up—meet up with the specifications of anybody else.

Mr. WALDEN. Harland? Do have any—It's your camp we're fighting over here.

Mr. YRIARTE. Actually, it's the kids' camp. Yeah. It seems like smart, intelligent men, who have great memories—who have all the faculties that you would think that people in this situation do—have access to BLM reports. Yes, I do give a report each and every year. As a matter of fact, I even break it down by gender, sex, et cetera, and give them a particular fee for the number of people that actually came through. In it, is the total, each and every year, that has been for the last so-many-years, since—I think 1982 was when I first got a permit. As far as the Andy Kerr thing—I don't know anything about that. Where that came from, I couldn't tell you. So, I don't know. It certainly wasn't me.

Mr. WALDEN. All right. I'm going to stop—I appreciate your—all of your comments, and turn it over to Mr. Simpson.

Mr. SIMPSON. Thank you, I think. I don't know. I listen to this and get a little p.o.'d. Pardon me. That's an Idaho term.

[Laughter.]

When I'm working on wilderness and stuff, Jerry, and a group sends an e-mail like this—as we're trying to work in this collaborative effort, that everybody agrees is a good idea, trying to work some of these things out, instead of mandating them—and then, after things are put into the legislative process and passed—Why should they ever believe anything that's ever worked out in the collaborative effort, when you, all of a sudden, come back and deny everything that's written in this letter? Or, at least, say, "Well, gee, we just didn't know about it." Let me ask you: Is Jill still working for you?

Mr. SUTHERLAND. Jill and I are—We're all volunteers. We don't work for anybody.

Mr. SIMPSON. But, does she still volunteer with you?

Mr. SUTHERLAND. Yes.

Mr. SIMPSON. Because, if she actually wrote this letter—this e-mail—and now your comment is—She says they gave, really, tacit approval to this—In fact, she comments in here that "Please call me, if you have any questions about the Coalition's position on the running camp, or if you believe it would helpful for a Coalition member to discuss this matter with the camp's owner, or person receiving a letter from a camper." Essentially, saying that "We're going to explain our position here. We don't have a problem with this." And then, all of a sudden—And she says this without knowing anything about the camp? How am I supposed to believe this?

Mr. SUTHERLAND. Well, I would suggest it was the burden of the proponents of the camp to give the information, not the burden of those who are writing the response. If I have agreed to something—If I have agreed to a contract that was based on false or lack of information, then I don't feel like I have the right to live up to that agreement, when that information is then found out to have been false, that it was based on.

Mr. SIMPSON. And we're sure that somebody gave them false information?

Mr. SUTHERLAND. Well, Harland didn't, because he wasn't involved. And that would have been very good for him to be involved in some of these discussions. Like I said, this isn't just Jill. Everyone I talked to, that was involved in these discussions on our side of the table, agreed—This wasn't just Jill—Everybody understood this camp to be a very small number of kids, and did not understand what the issue was, thus they were not exploring or getting into it any deeper than they did.

Mr. SIMPSON. I know I always agree to things when I don't understand what they are. Would it be better if these kids ran through there in bare feet? Would they do less damage to the wilderness?

Mr. SUTHERLAND. I don't think the issue here—There are both—In wilderness, you have to consider both biophysical and social impacts. And the camp is involved with both. Burns BLM office has photographs of a meadow at the top of Big Indian, before and after the kids went through last year, where there was a trail after they went through, that did not exist prior to them going through. The trail in the canyon is intermittent. It is not a well-established—I mean, he knows where it goes, and all the kids do, but it's not a well-established trail. They used flagging, as a result, to try to keep them on track. So, without a well-established trail, there obviously are some impacts being made, creating trails that weren't there at least 15 minutes earlier. So, there's some biophysical aspect to this.

But, in wilderness, you also have to consider the other users that are down there for the wilderness experience, expecting to have some peace and quiet, and a way to get away from the city. Last year, it was—One of the people I talked to said that the kids ran—were yelling while they ran by. It took them—One group took a half-hour. The other group took an hour to get by, depending on where they are on the trip. So, these hikers, or people, need to pull off the trail, for that half-hour to an hour, as the kids go by. If—These folks have traveled from a long distance away, to have an experience in the new wilderness, and part of that expectation, now, is that it's going to be quiet and serene, and away from the busy city life that they're trying to get away from—that people in Harney County take for granted—Then, to run into a group of kids of that size is a big impact to them. And we need to consider those folks. And that's a social impact, not a biophysical one.

Mr. SIMPSON. Is it more important to consider those people from that area, and the fact that they may have been disturbed in their 2-week wilderness experience for half-hour or an hour, or the fact that it has had an impact on these kids and what they do, and the fact that they live here, and so forth?

Mr. SUTHERLAND. That decision is part of what the EA addresses, and is the appropriate procedure under wilderness regulations.

Mr. SIMPSON. It's similar to the letter that I got from a lady who came from New York, who floated the middle fork of the Salmon River. She spent, I think, a week on it. She wrote me and said she'd never come back to Idaho, because during her float trip down the Salmon River, as they went around one bend on the Salmon River, she looked back up there, and she actually saw another boat. Destroyed her whole wilderness experience.

[Laughter.]

The arrogance of that kind of attitude is what destroys trying to solve any of these problems.

[Applause.]

You mentioned one of the things that needs to stop happening is people who disagree with some of the decisions being made seeking congressional intervention or influence. Is there a difference between seeking congressional influence, than seeking influence through the threat of lawsuits?

Mr. SUTHERLAND. Actually, I didn't say that there should not be congressional influence. I said that taking that process slows us down.

Mr. SIMPSON. Does the threat of a lawsuit slow you down?

Mr. SUTHERLAND. Not the SMAC. I was speaking of the SMAC's deliberations.

Mr. SIMPSON. Does the threat of a lawsuit slow the BLM down, in making a decision?

Mr. SUTHERLAND. It slows down the procedure of implementing the decision, after it's been made.

Mr. SIMPSON. Should every decision that a—

Mr. SUTHERLAND. Excuse me, but my discussion was about slowing down the procedure of getting done with the management plan, not individual EA's or implementation items.

Mr. SIMPSON. Should every decision that a Federal agency be judicable?

Mr. SUTHERLAND. I don't know.

Mr. SIMPSON. I guess where I'm going with this—I'm, as you might have guessed from my previous statement—I'm real sick and tired of management by lawsuits. We do too much of it. And I'm not just saying the environmentalists. I think both sides do too much of it. And, somehow, we've got to get to where we can manage collaboratively, where we can get together, where reasonable people can sit down and say, "This is an area we want to protect. And there are reasonable things that go on here." And come to decisions, and manage them. Without everybody from Missoula, Montana, or somewhere else deciding that they want to manage them for us. And I know that they're public lands, and I know that the public from the East Coast and every place else has a say in how they're managed. But, quite frankly, the people who care about the Steens Mountain live right here. And they're the ones that want to protect them, more than anybody.

Mr. SUTHERLAND. Well, I would disagree with you, to the respect that there's a lot of people across Oregon and the United States that care about the Steens. We were, many of us, involved in it, and we don't live here. But I understand why you're saying that, and your feelings.

Mr. SIMPSON. It's not because I'm here. I say the same thing in Washington.

Mr. SUTHERLAND. And I think that the Sierra Club—the High Desert Committee, including Jill and I—have both, over a long period of time, worked cooperatively with the people here. In the past, it's always been about grazing issues, because we didn't have wilderness. And we worked on cooperative—on working groups—all different things. Jill and I, just recently—but me, in the past—have offered to sit down with Harland and try to work this out. And I'm

still willing to do that. That would be our preferred way of handling this. But, unless the other party wants to come to the table and try to work things out, then, there's no place else for us to go. We haven't done anything yet. We're only talking speculatively about what might happen when this EA comes out. But it is not anyone's intention, that I know of, to enter into lawsuits.

Mr. SIMPSON. It—Harland, did you want to respond to that?

Mr. YRIARTE.: Cooperation—Cooperation only seems to be cooperation if it benefits the person who doesn't want you in the wilderness. And, as far as working it out, all the good land—Every canyon and every gorge up there that has scenic beauty, is now wilderness. Basically, if I sit down at the table with Jerry, the compromise is: I don't go into the wilderness. So, why would I want to sit down? Other than to just talk and chat and waste both our time?

Mr. SIMPSON. And it would seem to me—I have a hard time getting past what was written here. And, assuming—If I'm Harland, or if I'm any other group, and somebody writes a letter like this and says, "You know, we don't have any problem with this," I'm kind of saying, "You know, sounds good to me." Maybe if I don't have this type of letter, I'm saying, "I'm having nothing to do with this Steens wilderness stuff, and I'm going to fight it." But, because of this, I say, "Hey, you know, everybody's being reasonable." Now, it comes back, and we say, "No. I know. We're weren't told the truth.".

Tell me something: Do we have wilderness areas—I'm also, I guess, interested in this—How—What the intent of the Wilderness Act is, and so forth. You've created an area here that's a cow-free area. First one I understand, that's cow-free area and a wilderness area; is that right?

Mr. YRIARTE. And the first kid-free wilderness area.

[Laughter.]

Mr. SUTHERLAND. Technically, I think the cow-free area is coincident with the wilderness area, whatever technical mumbo-jumbo that means. But I think there is a distinction there. I think most of us think that the public paid a lot—paid enough for that. $5 million was a lot of money to spend, and that was the deal made.

Mr. SIMPSON. But it is the first, unique cow-free—

Mr. SUTHERLAND. Yes. And it was one of the things was attractive to us, as ranchers.

Mr. SIMPSON. So, it was different than what was contemplated in what—the '64 Wilderness Act, or what that year was?

Mr. SUTHERLAND. Oh, well, no. Howard Zanizer, and all the folks involved in the Wilderness Act, fought very—Part of the reason it took 8 years, was because they were always up against Chairman Aspinall, who insisted grazing continue. But, they weren't for grazing to continue. The went along with it, finally, to make it happen.

Mr. SIMPSON. But that's what the law was.

Mr. SUTHERLAND. Yes.

Mr. SIMPSON. I know I'm from Idaho, but I know backtracking when I see it. Do we have wilderness areas that have dams in them?

Mr. SUTHERLAND. I don't know.

Mr. SIMPSON. We do. Just for your purposes, in California. Do we have areas that have roads in them? Wilderness areas that have roads in them?

Mr. SUTHERLAND. Cherry stems? Yes.

Mr. SIMPSON. I mean, roads within the wilderness area? That are actually part of the wilderness boundary?

Mr. SUTHERLAND. I don't know. All I know is cherry stems.

Mr. SIMPSON. We do. Do we have wilderness areas that have buildings in them? Actual buildings? Man-made buildings, as a matter of fact?

Mr. SUTHERLAND. Yes.

Mr. SIMPSON. Do we have environmental organizations which actually seek permits to have large groups of—large is—have groups of individuals be able to use the wilderness area for educational purposes, on the value of wilderness?

Mr. SUTHERLAND. I don't know.

Mr. SIMPSON. We do. They testify before Congress, asking for the right to have those permits and most have been granted without any review at all. As I said earlier, Congress has exemptions to wilderness areas in almost every Wilderness Act it has passed.

Mr. SUTHERLAND. And, if Harland's was in there, we would have—We would honor it. And maybe that will be necessary—to have legislation to correct that.

Mr. SIMPSON. And you won't fight that legislation; is that correct?

Mr. SUTHERLAND. I'm not going to say that.

Mr. SIMPSON. Ah.

[Laughter.]

Thank you very much. I appreciate your testimony, and I—You know, as I sit here, and I look at what Congressman Walden and my Chief of Staff, Lindsay, and others tried to create here—and I think have done a great job—We are truly trying to develop a way that we can solve some problems, and I'm having a hard time believing that we are fighting over some of the things we're fighting over here. It just baffles me, and it makes me wonder if we're ever going to come to any resolution on this stuff. And I am just frustrated as hell—as heck. That's another Idaho term, excuse me.

[Laughter.]

It makes me wonder why I even want to get involved in wilderness in Idaho. I would just say "To heck with it," if I thought this was how was it going to end up. And it will also make me question, and make him sign in blood, if I ever get an e-mail saying they agree to something.

I appreciate your testimony. Thank you for being here today.

Mr. WALDEN. Thank you. I've just got to follow up—We've got to wrap this up, because we have to be airborne by 4:15, back out at the Roaring Springs strip.

But, what I'm told is that when the issue of including Harland's camps—specifically, when that legislation was raised, it was contentious. And that Andy, and others, opposed that. And rather than continuing that contentiousness, it was this e-mail that was supposedly to put the issue to rest. Now, I know you can't answer that. But one of the negotiators back here was in those meetings and tells me that's happened, and I trust Lindsay. I trust my eyes, al-

though they're not as good as they used to be. But, I guess what is extraordinary to me is—If somebody didn't know—If they were incompetent, and yet, put their name to this, that's not my fault, is it? It's an error and omission on her end, because she had the right to ask. You had the right to go ask. I had the right to go ask BLM, and get an answer. The bottom line is: If Harland's camp was that big of a problem, how come nobody knew about it?

Mr. DAVIES. I've got to say something.

[Laughter.]

I can't stand not to. Two reasons: No. 1, it's scaring me to death that we're having this debate, because another hotly contested issue is the aircraft. Aircraft are critical for wildlife and livestock management in the area, and we did not address it in the legislation either, for the same reason, either. We had an e-mail just like that.

Mr. WALDEN. From whom?

Mr. DAVIES. From Jill, unfortunately.

Mr. WALDEN. As chairman of the Steens-Alvord Coalition?

Mr. DAVIES. Yeah. And so, we did—And the contentiousness over whether to isolate the running camp, as an exception in the wilderness area—It was contentious only because we did not want to micromanage through legislation, and highlight individual items and things, legislatively. We did it with language that was encompassing and, we felt, clear-cut.

Mr. WALDEN. And you were in those discussions, weren't you?

Mr. DAVIES. Yes. And so, if we put Harland's running camp in there, then we had to put all eight of the original permittees in there. So, then that sets a precedent. So, then you list all the grazing permittees, and you list every individual activity, and the documents would be 5000 pages long.

Mr. WALDEN. So, these e-mails played a major role in your decisionmaking process?

Mr. DAVIES. We dealt with it in a—Yes, they did. Rather than go item by item by item, and putting exemptions in and making fickle legislative deals, we dealt with it with "historical use," "reasonable use"—that type of language. I'm not an attorney, and it's getting me in trouble, but I'm a reasonable person and I can read and understand the Webster dictionary. So, that's the reason that the language was used, instead of specific examples.

Mr. WALDEN. Well, maybe we ought to get on the record right now, the issue of the aircraft.

Mr. DAVIES. Well, I don't know if I want to.

[Laughter.]

Mr. WALDEN. All right. Let's not go there today. We may get a different answer.

Mr. DAVIES. But, I guess I bring it up as another example of items that were left out of the legislation as exemptions, as detailed information, and we dealt with, with broad scope information. And that's the whole context of that.

Mr. WALDEN. Let me move to an issue, and then I've got to wrap this up, but an issue that, hopefully, we can all agree on, and that is this issue of resolving some boundary questions. Would it be this panel's agreement that we might use a GPS system to come in and try and identify precisely where those boundaries are, Stacy?

Mr. DAVIES. Its primarily the livestock-free boundary, and actually, as Jerry—And there's some boundary adjustments on the table, currently, that—as a Coalition—that we have collaboratively agreed to. It's not a comprehensive list. So, I would suggest that we instruct the BLM to do that, especially in the livestock-free boundary—Use a GPS. I expect that net acreage to be zero change.

Mr. WALDEN. Right. But you just want to make sure it's accurate.

Mr. DAVIES. Well, the literal interpretation of the Act, and some of some other things that are going on, there's little areas of cow-free—or, livestock-free that are going to be grazed. And we don't want to build miles and miles of fence, in the future, for no reason. And so, it's an issue—It's a speculative issue, to a certain extent. But we need—there's a number of boundary adjustments that we know need to be made, and I think we ought to do it all at once. Just use a GPS and get an accurate line. I think the net acreage will probably end up being zero. We'll add and subtract as we go around. It's something that does need to be done.

Mr. WALDEN. Jerry, do you have problem with that concept?

Mr. SUTHERLAND. No. Everybody has been pretty much on the same page, as far as boundary adjustments.

Mr. WALDEN. Fred, do you have any comment on that?

Mr. OTLEY. No. Would you put that in writing, Jerry?

[Laughter.]

Mr. SUTHERLAND. No, and you can't have it.

Mr. WALDEN. All right. Let's stop fighting.

[Laughter.]

Is that something you think we can work out, from the BLM's perspective?

Mr. BROWN. Yeah.

Mr. WALDEN. I'm seeing nodding heads. OK. I've got to cut it off. I really appreciate all of the people who have testified today. I think it's been most enlightening, in every case. I want to invite all the people to stay for the barbecue, and I want to thank, again, the communities for providing that. I also want to especially recognize the contributions of the Burns Paiute Tribe, among others. We also invited them to testify today, but they chose not to, as did the County. But we do appreciate their role in crafting this legislation. We appreciate their representation here, and I want to thank everybody for attending.

Again, the public record will stay open for 30 days. All of you, and anyone else out there, has the opportunity to comment and your comments will be included in what is, obviously, a very important public record.

Again, I want to thank our Committee staff, and our other staff, and my colleagues in the Oregon Delegation, especially Senator Wyden and Senator Smith, and Congressman DeFazio, for their continuing interest and activity in this area. With that, Mr. Chairman, we are adjourned.

[Whereupon, at 3:45 p.m., the Subcommittee was adjourned.]

The following information was submitted for the record:

- Burns Paiute Tribe, Burns, Oregon, Statement submitted for the record

- Ekker, TinaMarie, Policy Director, Wilderness Watch, Missoula, Montana, Statement submitted for the record
- Finlayson, Stephen and Stephanie, Burns, Oregon, Letter submitted for the record
- Newspaper article "Running school unlikely to present any danger to Steens environment" submitted for the record
- Runnels, Pete, Burns, Oregon, Letter submitted for the record
- Workman, Jill M., Chair, Steens-Alvord Coalition, Statement submitted for the record by The Honorable Greg Walden

[The statement submitted for the record by the Burns Paiute Tribe, Burns, Oregon, follows:]

Statement of the Burns Paiute Tribe

By the creation of the Steens Mountain (Tse Tse Ede or "Cold, Cold Mountain") Wilderness Area, an area of traditional aboriginal use by the Burns Paiute Tribe, the people of the Burns Paiute Tribe choose neither to have abridged nor to abdicate any of the Traditional Practices of their people. Further, they do not choose to disavow any areas of sacred significance within or immediately adjacent to the area of the Steens Mountains by acceding to the demands of outside interest groups.

The area of Tse Tse Ede, while it has not been as accessible to Tribal members over the last 100 years as it was previous to white contact, Tse Tse Ede over the last 100 year has at least not been inundated by large numbers of non–Tribal peoples. This has allowed for some preservation of both the Traditional secular and sacred Values and Practices important to the lives of the Burns Paiute people and to the preservation of Tse Tse Ede from acts of desecration.

These concerns were well elaborated by addressing safeguards during the creation of H.R. 4828, most specifically:

"Sec 4: VALID EXISTING RIGHTS. Nothing in this Act shall effect any valid existing right."

"Sec 5: PROTECTION OF TRIBAL RIGHTS. Nothing in this Act shall be construed to diminish the rights of any Indian tribe. Nothing in this Act shall be construed to diminish tribal rights, including those of the Burns Paiute Tribe regarding access to Federal lands for tribal activities, including spiritual, cultural, and traditional food gathering activities."

"TITLE 1—STEENS MOUNTAIN COOPERATIVE MANAGEMENT AND PROTECTION AREA, Subtitle A—Designation and Purposes. Sec 102. PURPOSE AND OBJECTIVES OF COOPERATIVE MANAGEMENT AND PROTECTION AREA (b) OBJECTIVES (1) to maintain and enhance cooperative and innovative management projects, programs and agreements between tribal, public, and private interests in the Cooperative Management and Protection Area;"

"TITLE 1—STEENS MOUNTAIN COOPERATIVE MANAGEMENT AND PROTECTION AREA, Subtitle A—Designation and Purposes. Sec 102. PURPOSE AND OBJECTIVES OF COOPERATIVE MANAGEMENT AND PROTECTION AREA (b) OBJECTIVES (3) to conserve, protect and to ensure traditional access to cultural, gathering, religious, and archaeological sites by the Burns Paiute Tribe on Federal lands and to promote cooperation with private landowners;"

"TITLE 1—STEENS MOUNTAIN COOPERATIVE MANAGEMENT AND PROTECTION AREA, Subtitle A—Designation and Purposes. Sec 102. PURPOSE AND OBJECTIVES OF COOPERATIVE MANAGEMENT AND PROTECTION AREA (b) OBJECTIVES (5) to promote and foster cooperation, communication, and understanding and to reduce conflict between Steens Mountain users and interests."

"TITLE 1—STEENS MOUNTAIN COOPERATIVE MANAGEMENT AND PROTECTION AREA, Subtitle B—Management of Federal Lands. Sec 111 MANAGEMENT AUTHORITIES AND PURPOSES. (a) IN GENERAL.—The Secretary shall manage all Federal lands....in a manner that—(1) ensures the conservation, protection and improved management of the ecological, social and economic environment of the Cooperative Management and Protection area, including geological, biological, wildlife, riparian, and scenic resources, North American Indian tribal and cultural and archaeological resource sites, and additional cultural and historic sites; and (2) recognizes and allows current and historic recreational use."

"TITLE 1—STEENS MOUNTAIN COOPERATIVE MANAGEMENT AND PROTECTION AREA, Subtitle B—Management of Federal Lands. Sec 111 MANAGEMENT AUTHORITIES AND PURPOSES. (b) MANAGEMENT PLAN (3) provide for coordination with State, county, and private landowners and the Burns Paiute

Tribe; and (4) determine measurable and achievable management objectives, consistent with the management objectives in section 102, to ensure the ecological integrity of the area."

During the intervening months since the passage of H.R. 4828, a constant oversight and review of the work of both the Steens Mountain Advisory Committee (S.M.A.C.) and the Bureau of Land Management (BLM), has shown clearly that the Traditional Practices of the Burns Paiute Tribe and the Burns Paiute people individually are of less concern in the wording and intent of the Steens Wilderness Management Plan than the potential for litigation from "interested parties."

First, the Burns Paiute Tribe has brought forward numerous issues of concern that range from respect and acknowledgement of the Burns Paiute Tribal Values to those Traditional Tribal Practices vital for the continuation of their culture. Within the range of issues brought forward, the only issues not immediately challenged either by the S.M.A.C. or the BLM's interdisciplinary team charged with the creation of a management plan, are those small issues that could be described as politically expedient and appear at first blush to be politically correct (i.e., signage in Paiute within the Wilderness area), but in reality are politically and legally innocuous. All other issues brought forward by the Burns Paiute Tribe to the S.M.A.C. and the BLM have elicited argument without discussion or cooperation, comments of a derisive nature, or excuses that implementation of those issues would bring on potential future litigation. All issues of this nature are met with a less that cooperative tone: discussion of options or creative management while maintaining legal compliance is not considered.

The Burns Paiute Tribe asserts that this is neither within the letter nor the intent of the legislation. It is not within the charge or the intent of the S.M.A.C. and the BLM's charge to create a management plan specific to the Steens Wilderness. As examples and specificity were requested, example issues are elaborated upon below:

1. Lack of understanding and respect for Burns Paiute Tribal citizenship, sovereignty, and importance as a community within the larger Harney and Malheur Counties communities.

(a) Use of the generic "tribe", "tribes", "Native American groups" by the BLM in all documentation rather than "Burns Paiute Tribe" as is used in the legislation:

When questioned about the constant use of "tribes" and "native American concerns" in all recent public documents concerning the Steens Wilderness and the Steens/Andrews Resource Area, the BLM and the BLM members of the S.M.A.C. consistently harkens back to phrases quoting BLM generated "scientific reports" written by university scholars, which state several tribes as traditionally interested in the Steens area. If there is an issue of multiple aboriginal use and claims, the issue would be resolved between the various tribes of this area. The issue would not be a subject of debate amongst "expert scholars" nor should it ever be an issue created by Federal agencies in an attempt to set management policy. We can not find any documentation that this is an issue, nor have we been contacted by any other Tribe to state our claim of traditional use as not exclusive.

Regardless, the Burns Paiute Tribal people are not willing to accede to the BLM's insistence in all documentation and conversation concerning Tse Tse Ede to the terminologically generic "tribe" or "tribes" when discussing "Native American Interests". The constant reference by BLM staff to potential litigation at the questioning of this issue seems to be the common response to "uncomfortable" issues or those that are outside BLM standard practice.

The use of the terminology of the generic "tribes" is disrespectful to the Burns Paiute Tribal people, denying them regard as a sovereign nation of people. This generic "tribes" creates a nameless, faceless, cultureless, history-less group or groups and relegates the Burns Paiute Tribe to "special interest" status rather than a major stakeholder.

If the BLM and the S.M.A.C. does require legal precedence in understanding of aboriginal use areas of the Northern Paiute peoples (the ancestors of the Burns Paiute), they have only to refer to the 1951 Congressional hearings concerning land use already supplied to them.

(b) The importance of the Burns Paiute Tribe currently and as a major stakeholder in the

health of Tse Tse Ede.

"The Burns Paiute Tribe has a small reservation in Harney County, located near Burns. The tribe was established by Executive Order instead of by treaty and has no reserved treaty rights (Hanes 1999)" (Summary of the Analysis of the Management Situation, Andrews Management Unit/Steens Mountain Cooperative Management and Protective Area Resource Management Plan, April 2002, page 2–8) This is the totality of the importance that the BLM documents for the multiple millennia

of lives and history of the Burns Paiute Tribe, and their importance in the fabric of the current Harney and Malheur county areas.

Perhaps this BLM viewpoint is explained further by their statement "The area was first permanently settled in the 1870's." (Summary of the Analysis of the Management Situation, Andrews Management Unit/Steens Mountain Cooperative Management and Protective Area Resource Management Plan, April 2002, page 2–9). The Burns Paiute Tribe's multiple millennia of living in and maintaining a healthy ecosystem within this now fragile environment is wiped out in one sentence. Perhaps the BLM would be better served by the Paiute point of view: The multiple millennia of settlement, extensive land-use, and balanced ecological stability of the Steens area was disrupted by the ingress of non–Paiute foreign European–American agriculturists, miners, and trappers in the 1870's.

The Burns Paiute People are the descendents of the Northern Paiute, or Wadatika people. The Wadatika's homeland encompasses a territory from the Cascades east past what is now Boise, and from the Columbia south well into Nevada. Their traditional visiting territory extends well beyond those limits. The presumption by the BLM and other agencies that the Burns Paiute Tribes' sole interest and legal viability is restricted to the small reservation currently located adjacent to Burns Oregon is ludicrous. To relegate the Burns Paiute Tribe to inconsequentiality and "special interest groups" status based on the size of the current Reservation and numbers of souls who live on that Reservation is insulting.

2. Access to Tse Tse Ede for Traditional Practices

A great number of Traditional Practices are conducted at Tse Tse Ede: subsistence gathering, secular and sacred Traditional Practices to name a few. While a number of these Traditional Practices are singular or are participated in by small groups, numerous are also participated in by larger numbers of individuals and individuals of limited mobility due to advanced age. The Burns Paiute Tribe is not willing to leave out participating Tribal members due to an arbitrary numeric limit to group size in the wilderness. The Burns Paiute Tribe is not willing to leave at home to most valued members of their community from any Traditional Practice because those individuals are of limited mobility due to age solely to accommodate the limited interpretation of the Wilderness Act by environmental "evangelists". The Burns Paiute Tribe is not willing to alter, accommodate, or dismantle Traditional sacred practices and religion to accommodate the Wilderness Act and those individuals within the S.M.A.C. and BLM who represent a singular agenda and detrimental ethnocentric view.

(a) Native American People throughout the north and south American continents have a multi-millennial tradition of stable and ecologically sound "land use". The management planning of "Wilderness Areas" is almost always stated within Federal documents as a return of the land to its "pre-settlement" ecology. While Native American tribes deplore this phrase as a disavowal of their having been living on the land in question for multiple millennia prior to the influx of the Euro–American pioneers, the simple fact that the Wilderness Act wishes to return the land to the ecosystem of time when Native Americans "stewarded" the lands in itself is proof that our Traditional Practices, inclusive, are within the letter and the intent of the Wilderness Act.

(b) For both the BLM and members of the S.M.A.C. this issue of continuation of Traditional Practices is stated as a non-issue. Wilderness is stated to be exclusively non-motorized in any manner and for any purpose. Group limits must be maintained for fear that "a New Yorker looking for the wilderness experience" is not inconvenienced. For the Burns Paiute People to be able to continue with Traditional Practices, they all must be able to have access to Tse Tse Ede. This is not a matter of having "a wilderness experience", but the survival of a culture.

(c) There are numerous exceptions (a quick review of the literature shows 46 to date) to the strictest interpretation of the Wilderness Act (see Attachment 1). Most of these exceptions are for the purpose of access for maintenance of power lines, maintenance of electric facilities, maintenance of sanitary facilities, wild animal management, mining claims, etc. While the Burns Paiute Tribe acknowledges the importance of such exclusions from the Wilderness Act, they do not consider their right and need to continue Traditional Practices as less vital that the management of Big Horn Sheep and the maintenance of outhouses.

4. H.R. 4828 gives both the BLM and the S.M.A.C. Clear direction as to setting management designations for access:

"TITLE 1—STEENS MOUNTAIN COOPERATIVE MANAGEMENT AND PROTECTION AREA, Subtitle B—Management of Federal Lands. Sec 112 ROADS AND TRAVEL ACCESS (a) TRANSPORTATION PLAN—The management plan shall include, as an integral part, a comprehensive transportation plan for the Federal lands included in the Cooperative Management and Protection Area, which shall ad-

dress the maintenance, improvement, and closure of roads and trails as well as travel access."

"TITLE 1—STEENS MOUNTAIN COOPERATIVE MANAGEMENT AND PROTECTION AREA, Subtitle B—Management of Federal Lands. Sec 111 MANAGEMENT AUTHORITIES AND PURPOSES. (b) (1) (B) is limited to such roads and trails as may be designated for their use as part of the management plan."

The Federal Register also addresses this issue:

Federal Register Vol 65, No 241, Section 6301.5 Definitions: access means the physical ability of property owners and their successors in interest to have ingress to and egress from State or private in holdings, valid mining claims, or other valid occupancies.

Federal Register Vol 65, No 241, Section 6302.18 HOW MAY AMERICAN INDIANS USE WILDERNESS AREAS FOR TRADITIONAL RELIGOUS PURPOSES? In accordance with the American Indian Religious freedom Act (42 U.S.C. 1996), American Indians may use wilderness areas for traditional religious purposes, subject to the provisions of the Wilderness Act, the prohibitions in Sect 6302.20 and other applicable law.

Although mining is abhorred anywhere in and around Tse Tse Ede by the Burns Paiute Tribal people (especially egregious in an area of such secular and sacred regard), the Minerals Act is a prime example of allowable access within the Wilderness. When mentioned that mining is neither as vital as Traditional Practices and is infinitely more environmentally more damaging, the classic (for the BLM) refrain of "but the Materials Act precedes the other laws" is used as a "valid reason" to deny Traditional Practices. The Burns Paiute Tribe's multi millennial use and occupation of Tse Tse Ede surely precedes a law created a paltry 130 years ago. This time span of multiple millennia would also be "valid occupancy" as defined within the Federal Register (above)

5. The differing views of Cultural Heritage between the BLM and the Burns Paiute Tribe.

When assessing issues of importance to be addressed in the scoping for the management of the Steens Wilderness for the Steens/Andrews Resource Area, the BLM continues to utilize the most restrictive definitions of "Cultural Resources" and "Cultural Heritage" as those items of archaeological significance. The Burns Paiute Tribe can not and will not accept this definition: to accept this definition is to deny the continuum of rich and vibrant Tradition and Culture of the Burns Paiute people from the past, in the present, and into the future.

When a dominant culture puts its historic importance and sense of historic value on buildings and books, on monuments and markers, how is culture to protect the Traditional Values that are can not assessed under the same restrictive guidelines? When a Native American area of historic, social, cultural, religious, and ancestral value comes under imminent destruction, alteration, or (as in this case) change in availability is the Native American Culture in question to be held to the standards of a culture so divergent in value and assessment? The Burns Paiute Tribe were hopeful that the wording, so carefully crafted within this Bill, would allow the Values and the Traditions to be maintained without being held to the determination standards of buildings and monuments. Apparently we were mistaken.

Second, the charge given to the BLM within the legislation states clearly that the S.M.A.C.

"Wilderness Act (PL 88–577, 78 Stat. 890; U.S.C. 1 1 21, 1 1 31–1136) USE OF THE WILDERNESS AREAS, Sec. 4. (b) Except as otherwise provided in this chapter, each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character. Except as otherwise provided in this chapter, wilderness areas shall be devoted to the public purposes of recreational, scenic, scientific, educational, conservation, and historical use.

The Burns Paiute Tribe's question to the BLM, the S.M.A.C., and the Congressional Subcommittee: is there any group more vested in the conservation of Tse Tse Ede? More interested in the education of their children at Tse Tse Ede? Have a more valid claim to Historic use?

The people of the Burns Paiute Tribe choose neither to have abridged nor to abdicate any of the Traditional Practices of their people. The people of the Burns Paiute Tribe choose not to disavow any areas of sacred significance within or immediately adjacent to the area of the Steens Mountains.

ATTACHMENT 1:

WILDERNESS LAWS: PROHIBITED AND PERMITTED USES

WILDERNESS ACT PROVISIONS

Sec. 4(d)(1) allows "the use of aircraft or motorboats, where these uses have already become established," subject to "desirable" restrictions;

Sec. 4(d)(1) also allows "such measures... as may be necessary in the control of fire, insects, and diseases," subject to "desirable" conditions;

Sec. 4(d)(2) allows mineral prospecting conducted "in a manner compatible with the preservation of the wilderness environment";

Sec. 4(d)(3) provides for establishing and developing valid mineral rights, "subject, however, to such reasonable regulations governing ingress and egress as may be prescribed" consistent with using the land for mineral development, and with leases, permits, and licenses containing "such stipulations as may be prescribed ... for the protection of the wilderness character of the land consistent with the use of the land

Sec. 4(d)(4) allows the President to authorize water project development, including road construction and use;

Sec. 4(d)(4) also allows livestock grazing, "where established prior to the effective date of this Act... subject to such reasonable regulations as are deemed necessary"; and

Sec. 4(d)(6) allows commercial services "which are proper for realizing the recreational or other wilderness purposes of the areas.

Subsequently Enacted Provisions

Motorized Access–Land

P.L. 95–237, Endangered American Wilderness Act of 1978: Sec. 2(i) allows local government access for maintaining current and future watershed facilities in one area in Utah.

P.L. 95–249, Absaroka–Beartooth Wilderness Act: Sec. 4 preserves a right-of-way claim in one area being litigated at that time.

P.L. 95–495, Boundary Waters Canoe Area Wilderness Act: Sec. 4(e) allows snowmobile use in certain areas; Sec. 4(d) and Sec. 4(g) allow mechanized portages in certain areas; Sec. 4(h) allows continued motorized uses only; and Sec. 4(i) allows motorized access for emergencies and administrative purposes.

P.L. 96-487, Maska National Interest Lands Conservation Act of 1980: Sec. 703 (b) allows mechanized portage equipment in a specific area.

P.L. 96–560, Colorado Wilderness Act of 1980: Sec. 102(a)(17) allows motorized access for maintenance of water resource facilities in one area.

P.L. 98-425, California Wilderness Act of 1984: Sec. 101(a)(2) and (25) allow continued access for livestock facilities in two specific areas; Sec. 101(a)(6) allows motorized administrative use of a fire road between contiguous wilderness areas; and Sec. 101(a)(24) allows a right-of-way for construction.

P.L. 98–428, Utah Wilderness Act of 1984: Sec. 302(b) allows local government access for maintaining current and future watershed facilities in 9 of the 12 areas designated. P.L. 98–550, Wyoming Wilderness Act of 1984: Sec. 201(a)(11) allows motorized Federal access for bighorn sheep management in one designated area.

P.L. 101–628, Arizona Desert Wilderness Act of 1990: Sec. 101(a)(3) allows access for operating and maintaining a pipeline in one area; Sec. 101(a)(20) provides access and use of a powerline right-of-way in one area; and Sec. 101(k) allows continued use and maintenance of a particular road.

P.L. 102–301, Los Padres Condor Range and River Protection Act: Sec. 2(5) allows continued use of a road corridor in one area until a bypass is completed.

P.L. 103–77, Colorado Wilderness Act of 1993: Sec. 8(d) allows motorized access for use, operation, maintenance, repair, and replacement in all designated areas.

P.L. 103–433, California Desert Protection Act of 1994: Sec. 102(1) and (13) provide rightsof-way for military access across two designated areas; Sec. 103 (f) allows state motorized access for wildlife management; and Sec. 708 guarantees access to non-federal lands within all designated areas.

Motorized Access–Water

P.L. 93-429, Okefenokee National Wildlife Refuge Wilderness Act: Sec. 2(1) allows powered watercraft of 10 horsepower or less within the area.

P.L. 95–495, Boundary Waters Canoe Area Wilderness Act: Sec. 4(c) identifies horsepower limits and duration (some access is temporary) for motorboats in specific counties and or lakes within the area; and Sec. 4(f) limits motorboat use to historic levels, except for homeowners.

P.L. 98–430, Florida Wilderness Act of 1984: Sec. 1(4) allows continued motorboat use in one area.

Motorized Access–Ai

P.L. 95–237, Endangered American Wilderness Act of 1978: Sec. 2(i) allows helicopter access for sanitary facilities in one area in Utah.

P.L. 96–312, Central Idaho Wilderness Act of 1980: Sec. 7(a)(1) allows continued landing of aircraft within a designated area.

P.L. 98–428, Utah Wilderness Act of 1984: Sec. 302(b) allows helicopter access for sanitary facilities in 10 of the 12 designated areas.

Water Infrastructure

P.L. 95–237, Endangered American Wilderness Act of 1978: Sec. 2(e) protects rights for water diversion and use, including operations, maintenance, repair, and replacement in one area in Colorado.

P.L. 96–550, New Mexico Wilderness Act of 1980: Sec. 102(a)(9) retains existing management, rules, and regulations for a municipal watershed in one area.

P.L. 96–560, Colorado Wilderness Act of 1980: Sec. 102(a)(5) protects rights for water diversion and use, including operation, construction, maintenance, and repair in one area.

P.L. 98–425, California Wilderness Act of 1984: Sec. 101(a)(25) protects rights for water diversion and use, including construction, operation, maintenance, and repair in one area.

P.L. 98–550, Wyoming Wilderness Act of 1984: Sec. 201(c) protects rights for water diversion and use, including construction, operation, maintenance, and modification in four areas.

P.L. 101–628, Arizona Desert Wilderness Act of 1990: Sec. 101(1) protects flood control dam operations in one area; and Sec. 301(e) and Sec. 302 direct that the two areas abutting the Colorado River have no effect on upstream dams or on water management in the Upper Colorado River Basin, respectively.

P.L. 103–77, Colorado Wilderness Act of 1993: Sec. 2(a)(13) protects rights for water diversion and use, including construction, operation, use, maintenance, and repair in one area.

P.L. 103-433, California Desert Protection Act of 1994: Sec. 202 and Sec. 203 direct that the two areas abutting the Colorado River have no effect on upstream dams or on water management in the Upper Colorado River Basin, respectively.

Other Infrastructure and Activities

P.L. 95–237, Endangered American Wilderness Act of 1978: Sec. 2(c) and Sec. 2(d) allow fire prevention and watershed protection activities in two areas.

P.L. 96–312, Central Idaho Wilderness Act of 1980: Sec. 5(d)(1) allows prospecting and exploration for and development of cobalt within part of one area.

P.L. 96–550, New Mexico Wilderness Act of 1980: Sec. 102(a)(5) allows construction of additional fencing for livestock grazing in one area.

P.L. 97–384, Charles C. Deam Wilderness Act: Sec. 3 allows access to and maintenance of a cemetery in one area in Indiana.

P.L. 98–322, Vermont Wilderness Act of 1984: Sec. 104(c) allows maintenance of trails and associated facilities in all designated areas.

P.L. 98-406, Arizona Wilderness Act of 1984: Sec. 101(a)(13) allows installation and maintenance of hydrological, meteorological, and telecommunication equipment in one area.

P.L. 98-428, Utah Wilderness Act of 1984: Sec. 305 allows installation and maintenance of hydrological, meteorological, climatological, and communication equipment in 9 of 12 designated areas.

P.L. 100–668, Washington Park Wilderness Act of 1988: Sec. 102 allows the maintenance, repair, and replacement of an underground powerline through one area.

P.L. 101–195, Nevada Wilderness Act of 1990: Sec. 10 allows installation and maintenance of hydrological, meteorological, and climatological equipment in all designated areas.

P.L. 101–628, Arizona Desert Wilderness Act of 1990: Sec. 301(g) allows continued border enforcement activities within one designated area.

P.L. 101–633, Illinois Wilderness Act of 1990: Sec. 9 allows access to and maintenance of a cemetery in one area.

P.L. 102–301, Los Padres Condor Range and River Protection Act: Sec. 3(b) allows fire prevention and watershed protection activities in one area.

P.L. 103-433, California Desert Protection Act of 1994: Sec. 103(g) allows motorized law enforcement activities within all designated areas; and Sec. 705(a) provides for Native American access for cultural and religious purposes.

[The statement submitted for the record by TinaMarie Ekker, Policy Director, Wilderness Watch, Missoula, Montana, follows:]

Statement of TinaMarie Ekker, Policy Director, Wilderness Watch

Wilderness Watch appreciates this opportunity to provide written testimony into the hearing record regarding management of the Steens Mountain Wilderness in Oregon.

Wilderness Watch is a national conservation organization focused on the stewardship of areas within the National Wilderness Preservation System and Wild and Scenic Rivers System. We strive to monitor the stewardship of every wilderness and wild river in the system. Our purpose is to ensure that the wilderness character of these special places is protected and preserved.

When Congress designated the Steens Mountain Wilderness in October 2000 making it part of the National Wilderness Preservation System (NWPS) it gave a new charge to the stewards of the area. That charge or mandate is clearly spelled out in the Wilderness Act: "...each agency administering any area designated as wilderness shall be responsible for preserving the wilderness character of the area and shall so administer such area for such other purposes for which it may have been established as also to preserve its wilderness character." (Wilderness Act, Section 4(b)). Wilderness character includes among many other things both measurable and immeasurable, the absence of roads, commercial enterprise, motor vehicles and human-built structures and installations. In being designated as Wilderness, Steens became part of an extraordinary system of national preserves, "where the earth and its community of life are untrammeled by man, where man is a visitor who does not remain...an area retaining its primeval character and influence...which is protected and managed so as to preserve its natural conditions" and which "has outstanding opportunities for solitude..." (Wilderness Act, Section 2(c)).

As part of the National Wilderness Preservation System what happens in the Steens affects more than just this one area. It affects the quality and integrity of the entire system. If activities are allowed to occur that degrade wilderness qualities in the Steens Mountain Wilderness, those same activities are likely to soon begin occurring elsewhere, resulting in eventual degradation of the system overall, and essentially the disappearance of wilderness in America as we have known it up until now.

We are deeply concerned about several management issues that have emerged regarding the implementation of the Steens Mountain Cooperative Management and Protection Act (P.L. 106–399). These issues include BLM's failure to regulate the use of motor vehicles within the Wilderness by grazing permittees and private landowners, and the agencies failure to regulate activities of certain commercial operations inside the Wilderness. I will address each of these concerns individually.

Motor Vehicle Use by Grazing Permittees

The Steens Mountain Act allows grazing to continue on some Federal lands in the area. Within the wilderness, the Act directs that grazing shall be managed according to what are commonly referred to as the Congressional Grazing Guidelines (Appendices A and B of House Report 101–405 of the 101st Congress). These guidelines do not allow for routine and unlimited use of motor vehicles by permittees in wilderness. The grazing guidelines state:

Where practical alternatives do not exist, maintenance or other activities may be accomplished through the occasional use of motorized equipment" The use of motorized equipment should be expressly authorized in the grazing permits for the area involved. The use of motorized equipment should be based on a rule of practical necessity and reasonableness. For example, motorized equipment need not be allowed for the placement of small quantities of salt or other activities where such activities can reasonably and practically be accomplished on horseback or foot. On the other hand, it may be appropriate to permit the occasional use of motorized equipment to haul large quantities of salt to distribution points. Moreover, under the rule of reasonableness, occasional use of motorized equipment should be permitted where practical alternatives are not available and such use would not have a significant adverse impact on the natural environment.

BLM is currently working on an environmental assessment (EA) to evaluate the motorized access needs of grazing permittees. As part of this assessment the BLM has requested information from the permittees regarding their past use of motor vehicles in the area. There is concern that the number of annual motor vehicle trips being reported by the permittees are highly inflated and cannot be verified by agency staff. Our worry is that future permitted motorized use should not be based on past use without an independent evaluation of whether other reasonable alter-

natives are available. Now that the area is designated wilderness, the Congressional Grazing Guidelines should be stringently applied to protect the area's wilderness character while also accommodating valid access needs of the grazing permittees.

While access permits are in the preparation process, we are dismayed that the BLM is currently allowing the grazing permittees to drive motor vehicles inside the wilderness whenever they wish. I confirmed that this is happening in a conversation with Miles Brown, Area Manager for the Steens Mountain Wilderness. When I asked how many motorized trips had been conducted so far this year by grazing permittees, he said that BLM doesn't know. He said he knows some permittees have been driving into the wilderness to drop of salt blocks. The Congressional Grazing Guidelines specifically discourage motorized access for this activity. We feel this is indicative of the way BLM is failing to meet its legislative mandate to preserve wilderness character while still allowing for reasonable grazing management practices.

Commercial Activities

Both the Wilderness Act and the Steens Mountain Act allow commercial services in wilderness. Both Acts restrict such services to allow only those that are compatible with wilderness. The Wilderness Act stipulates that commercial services may only be allowed "to the extent necessary" for realizing a wilderness purpose.

To operate in the Steens Mountain Wilderness an outfitter or guide must obtain a special use permit from the BLM. These permits describe terms and conditions that the outfitter must adhere to while conducting their commercial operation. The agency must apply the NEPA process during its review of all applications for special use permits.

Wilderness Watch is concerned that BLM has been allowing some commercial entities to operate within the Steens Mountain Wilderness with no NEPA review and therefore without a valid special use permit. Furthermore, we are concerned that BLM is allowing some commercial operators to conduct activities that are incompatible with wilderness.

For example, BLM has allowed one outfitter to drive motor vehicles through the Wilderness for purposes of transporting gear to set up their commercial base camp on a private inholding that they've leased since the Wilderness was designated in October 2000. Allowing a commercial outfitter to drive a motor vehicle in the wilderness violates Section 115 of the Steens Mountain Act. This section stipulates that BLM can only issue a special use permit for a commercial service if the activities associated with that commercial operation are consistent with the Wilderness Act. Driving in wilderness as part of a commercial outfitting operation is clearly inconsistent with the intent of the Wilderness Act.

Similarly, Wilderness Watch is also concerned that BLM continues to allow the Steens Mountain Running Camp to operate inside the wilderness. Wilderness Watch does not object to the camp's operating on public lands in the Steens region provided BLM completes the necessary environmental analyses and incorporates appropriate safeguards into the permit'something BLM has thus far failed to do. But Wilderness Watch does believe that the running camp's operation violates well-established principles of Wilderness stewardship and BLM regulations.

The camp claims that it has a right to continue its commercial operation inside the wilderness because it is a "historic use." The Steens Mountain Wilderness is part of the larger Cooperative Management and Protection Area (CMPA). One of the general objectives of the CMPA is to "promote grazing, recreation, historic, and other uses that are sustainable." However, this general objective does not imply that all past historic uses can occur in an unregulated manner anywhere and everywhere throughout the CMPA. If the Act had intended that, then even snowmobiling might be allowed in the Steens Mountain Wilderness! This general objective referring to "historic use" in the CMPA does not override the clear legislative stipulations in Title II that govern management of the wilderness.

Ever since the Wilderness Act of 1964 established our national Wilderness system, the type of event proposed by the running camp, which includes running groups of 150–180 clients and staff through the Wilderness at one time, has been prohibited by managing agencies. Management plans for Wilderness nearly always place a limit on the number of people in any one group and the limit is usually 15 or less. Not a single plan approaches anything near the 180 people per group that the running camp desires. Moreover, these limits apply to everyone: church groups, girl scouts, boy scouts, family groups, school groups, Sierra Club outings and all other users. The issue really comes down to whether the running camp should be exempt from 40 years of Wilderness stewardship principles and the rules that apply to all other Americans who wish to visit Wilderness. Wilderness Watch does not believe it should. Instead, we believe that the rules that have been in place for nearly

40 years and that apply to all other visitors should also apply to the private running camp.

Motorized Access to Inholdings

Within the Steens Mountain Wilderness, as in many other wildernesses, are several parcels of private land that are completely surrounded by the wilderness. Both Title II of the Steens Act and the Wilderness Act provide for non-motorized access to inholdings. Neither Act, however, requires motorized access. Title II states that "reasonable access" shall be allowed in order to provide the owner of the land or interest in land reasonable use of their property. This reasonable access for reasonable use principle governs access to those inholdings in the Steens Mountain Wilderness which do not have a legal right of access such as an easement or a right-of-way. It falls to the BLM to make an independent determination of what constitutes reasonable access for a particular inholder if they apply for a special use permit requesting motorized access.

At the present time none of the inholders have applied for a special use permit for access although there is rumor that some may be threatening to drive in without a permit. Wilderness Watch verified through BLM that last year a realtor was driving whenever he wished inside the wilderness to show clients one of the inholdings that is for sale. To our knowledge BLM did nothing to regulate this use or to take action that would safeguard the Wilderness. Again, this demonstrates an unwillingness on the part of the agency to meet its legal mandate to preserve the Wilderness character of the Steens Mountain Wilderness.

Wilderness inholdings are situated in remote locations. Many have never had road or even trail access. The managing agencies commonly deny requests for motorized access when other means of access are available such as foot, horseback, or aircraft. For example, in a recent court decision the Forest Service was upheld in its denial of motorized access to an inholding located nine miles within the Absaroka–Beartooth Wilderness in Montana. The judge ruled that for such remotely situated wilderness property foot or horseback access was reasonable.

The Wilderness Act clearly articulates that motor vehicles, roads, and mechanized equipment are incompatible with an area's wilderness character, which is why such things are prohibited in wilderness with only very narrow exceptions. Section 112 of the Steens Mountain Act addresses roads and general use of motor vehicles. It states that the use of motorized or mechanized vehicles on Federal lands included in the Cooperative Management and Protection Area (which includes the wilderness) are not prohibited if the Secretary determines that such use—

> "...is appropriate for the construction or maintenance of agricultural facilities, fish and wildlife management, or ecological restoration projects, except in areas designated as wilderness..."

Clearly, in the Steens Mountain Act Congress did not intend to allow routine or unlimited use of motor vehicles inside the wilderness, regardless of whether some people were accustomed to using motor vehicles in the past. Wilderness designation created a new purpose for the area, and regular use of motor vehicles is incompatible with the purpose of preserving wilderness character.

It is our understanding that BLM has notified all inholders that each landowner has the opportunity to apply for a special use permit for mechanized access to his or her property. If any of the inholders choose to apply for such a permit BLM is then required to analyze the proposal using the process required by the National Environmental Policy Act and agency regulations. Utilizing that process while incorporating the special protections and restrictions imposed by the Steens Mountain Wilderness will allow the agency to make a case by case determination on the appropriate type and amount of access for each private inholding. Until permits are requested and the agency completes the required analysis and makes a determination on the request there is no legal authority to allow for motor vehicle use by private parties in the Steens Mountain Wilderness. That BLM is currently allowing private landowners and / or their representatives to drive through the Steens Mountain Wilderness is an abrogation of the agency's Wilderness stewardship responsibilities and the legal requirements imposed by Congress.

Conclusion

The Steens Mountain area is a local, regional and national treasure that can provide myriad benefits to present and future generations of American citizens. As part of the National Wilderness Preservation System, the Steens Mountain Wilderness must be administered—first and foremost—to preserve its Wilderness character. The issues facing the Steens Mountain Wilderness are not unique to this particular wilderness. The same types of issues are being dealt with throughout the National Wilderness Preservation System by all four wilderness managing agencies. If exten-

sive motorized incursions and incompatible commercial uses are allowed at Steens Mountain it will undermine the integrity of our wilderness system and hamper the efforts of wilderness managers elsewhere to protect wilderness from degradation related to incompatible uses. Conversely, management decisions at Steens that protect the wilderness resource can enhance wilderness stewardship everywhere. We look forward to continuing to work with BLM officials and interested Members of Congress toward improving the stewardship of the Steens Mountain Wilderness.

[A letter submitted for the record by Stephen and Stephanie Finlayson, Burns, Oregon, follows:]

Steve & Stephanie Finlayson
610 Valley View Drive
Burns, OR 97720

Congressman Greg Walden
House Resources Committee

June 6, 2002

Re: Steens Mountain Act implementation

Dear Congressman Walden:

As you are aware, since the passage of the Steens Mountain Cooperative Management and Protection Act, there has been a great deal of frustration among those historic recreational users of the mountain whose rights to continue to recreate on the mountain were thought to have been assured. At public meetings in different forums (on and off the mountain) we have seen several examples of BLM employee's selective use of portions of the language of the act not merely to impede, hinder or delay recreational use, but to actually completely obstruct or prevent snowmobiling anywhere on the mountain except on the main roads and private property. Many of us feel that is inappropriate, unacceptable, and contrary to the intent and purpose of the act itself.

A good illustration of the effect of agency action is the fact that many of us who have snowmobiled on the mountain every year for the past 10 or 15 years were not able to go this past snow season due to the purported BLM closure of the mountain to snowmobiling, except for main roads. It is apparent that if the intent of the Act is to be upheld, if historic public recreational use of the Steens is in fact going to be allowed to continue in a meaningful way as the Act specifically says it is, the agency needs to be shaped up or straightened out.

In short, Congressman Walden, we need your and your committee's help.

Thank you for your efforts on behalf of common sense, and government of, by and for the people.

Sincerely,

Stephen and Stephanie Finlayson

[A newspaper article submitted for the record follows:]

Page A6 — HERALD AND NEWS, Klamath Falls, Oregon Monday, May 20, 2002

Running school unlikely to present any danger to Steens environment

By Tom Harris
Guest Columnist

The May 6 article about Wilderness Watch registering opposition to Steens Mountain Running Camp examines but one side of the argument.

To fully understand the playing field, one must know that the mountain had been proposed, rather forcefully, for either monument or a national conservation area by the then Secretary of the Interior Bruce Babbitt. The public, particularly the local citizenry, opposed such designations as exercising too much control, too many limitations — in short, too great a change. Indeed, even those who wanted more protection applauded the cooperative nature of the mountain planning between landowners and the Bureau of Land Management. Certainly, that was a value we wanted to maintain.

First, a subcommittee of the south Eastern Oregon Resource Area Council tried to mitigate differences to consensus for a recommended alternative to a monument or a national conservation area, and named as its choice a cooperative management area, but could not agree on wilderness acreage numbers and failed to render a consensus decision. Babbitt and Gov. John Kitzhaber fielded yet another committee with the same cross section of members and it, too, failed. Were both committee action failures? Actually, both committees agreed, in a majority, that the third choice was more probable and appropriate.

The idea of a cooperative management and protection area was chosen as a vehicle, and was quickly shepherded into legislation by willing players, somewhat diminished in number at this phase, and concerned legislators. They did a great job, considering the time constraints, limited number of players and contentious subject matter.

Some claimed not enough wilderness was included, others claimed too much, and certainly some was ordained by a stroke of the pen, since these acres had never been recommended. No matter at this point. Those acres are wilderness now, and we will either have to live with it, or be happy for it, depending on our dispositions.

The author

Tom Harris chair for the Steens Mountain Advisory Council. He is also on the Bureau of Land Management's Southeast Oregon Resource Area Council, the Multi-County Recreation Committee and belongs to motorized advocacy organizations. He lives in Keno.

The act also called for the formation of the Steens Mountain Advisory Council. This body is charged with deliberating over many facets of a management plan and within certain guidelines, making recommendations to the BLM based on consensus or majority.

This act, like most legislation made rapidly, is not perfect, and needs a little adjustment or tweaking to facilitate an acceptable and agreeable transition.

No matter how hard you try, or how adept you are at the process, some things fall through the cracks. I think that is another reason for the advisory council. Some corrective legislation will undoubtedly be considered, although that is outside of the authority of the council to recommend. The subject matter embodied in the legislative proposals is certainly discussed, as it may be germane to the success of the Steens Mountain Cooperative Management and Protection Act.

This brings us to the Steens Mountain Running Camp, which is but one of the arguable points needing some conclusion. This 27-year effort is sponsored by Harlan Yriarte, athletic director at Lane College and a landowner on Steens Mountain. His Basque family heritage boasts a long history on Steens Mountain.

In this land of too many people and too little ethic, teaching environmental responsibility is usually accomplished by champions of this effort represented by a host of different organizations from Audubon and Sierra Club to Rocky Mountain Elk Foundation and a number of motorized advocacy organizations such as National Off Highway Vehicle Conservation Council, "Tread Lightly!", Pacific North West 4 Wheel Drive Association, and teachers, but not necessarily, school systems. That is why it is so important that we nurture and provide opportunity for teachers who provide an answer to this shortcoming.

Yriarte is one of those teachers who espouse a reverence for the land that somehow sticks to the psyche of his students and acquaintances. Supporters from over the years — and they are many — applaud his teaching and his values.

The detractors claim that continuing the running camp in what is now wilderness may be setting a dangerous new precedent. Teaching environmental awareness in a wilderness: pretty scary, alright. Somehow, I doubt that a harmful precedent would be set since most precedents are gauged by their contribution and success.

Since everything we endeavor to accomplish will be subject to monitoring, is there a danger? Yriarte's runners haven't damaged the mountain; their visibility is fleeting as they run the canyons, and their ecological sensitivity rather enduring. Swapping a bit of solitude for a touch of tolerance might be in step with reality, here particularly, since it turns on the environmental light bulb.

All of us involved with the Steens Mountain process have been challenged and encouraged to engage in innovative planning for the management and protection act. I remain convinced that we can achieve planning success through application of cooperative management without sacrificing resource protection. I will not believe that, since 1964, we have not learned enough to manage and protect resources without continued and excessive wilderness designation as our only alternative.

[A letter submitted for the record by Pete Runnels, Burns, Oregon, follows:]

June 8, 2002

To: Congressman Walden and fellow colleagues,

Re: Field hearing at Frenchglen, Oregon regarding Steen's Mt. Protective Management Act.

Dear Sirs,

First let me thank you for all you have done for our county and cause. Unfortunately, I fear it is a never ending worry for us with the radical environmentalists that want control of everything. I also fear the judicial system that allows injunctions and other means for the environmental community to 'get their way' while destroying the way of life and means of support for our families and communities. I feel that 'temporary injunctions' are always victories for them and never allow things to go back to normal.

The Steen's Mt. Protective Management Act that was put into place and heralded as an Oregon solution is now under attack by a Montana based organization. I feel they need to keep their worries in Montana and leave us the hell alone. Have they cleaned up all of their silver mine areas? They shoud go worry about that along with everything else they have in Montana.

They were succesful in getting cattle off of a majority of the mountain. Not something I agree with but I do understand compromise. Now they are going after the running camp. Two days a year these kids go through these areas. Are the environmentalists aware of what a heard of elk do just going through and grazing an area for a couple of days? I don't see any common sense with these people. And what's next? You and I as individuals will not be allowed to go up on the mountain probably.

Another fear I have is the local Bureau of Land Management. I have been told by a pretty reliable source that they have told the running camp to go on this year, but plan on doing away with it after that. We can not live with this attitude from our local BLM. They have now become a roll over and die management group regarding any Steen's Mt. issues. This is also a worry.

I personnaly have family history on the mountain as my grandfather was a Basque sheepherder in the 1930's. My wife and I have also cooked for the

running camp for 9 years. What this camp does for the youth of Oregon and our country is unequivacal to any lesson that can be taught in flatland America. This camp builds character and identity for these kids which in turn has produced some outstanding citizens. They always take away knowledge that they experience first hand regarding the enviroment.

I would like to close with this. The environmentalist community is large and powerful and well funded by actors and top dollar executives that have never stood on any of these places that they attack. They are known to recruit people for signatures on petitions that have no knowledge of what they are signing. They are also known to bring in bus loads of people for rallies that are recruited just for exposure. Theyare known for mass mailings of a form letter because they 'believe' what someone has told them. We are a small community with small numbers and can never fight back with the dollars and numbers they have. I hope and pray that these known practices by the environmental community are taken into consideration.

In closing, I hope these heartfelt words are taken seriously to the right people and places. Thank you for your time.

Pete Runnels

Pete Runnels

677 S. Kearney
Burns, Oregon 97720
(541) 573-5390

[A statement submitted for the record by Jill M. Workman, Chair, Steens-Alvord Coalition, follows:]

Statement of Jill M. Workman, Chair, Steens-Alvord Coalition

I understand that you have received inquiries from your colleagues regarding the Steens Mountain legislation's impact on the running camp that takes place on Steens Mountain each summer. As chair of the Steens–Alvord Coalition, I am writing to let you know that the coalition views the running camp as relatively benign. We do not take issue with its continued existence nor do we intend to attempt to incorporate into the legislation any language that would limit or force the running camp to change its operation. We do not know which portion of the legislation is causing such concern to the camp's owner.

It seems apparent that the potential legislation was discussed with the campers both last and this summer. Last year the Southeast Oregon RAC received numerous letters from campers asking us (I represent environmental interests on the RAC) to not close the camp, to keep the Steens Mountain Road open and to continue to allow people to recreate on the mountain—we had not considered closing the camp, the Steens Mountain Road or the mountain to recreation use. This summer's pack of letter's (Harlan, the camp's owner/operator, had about 60 with him at the Steens Mountain Forum in Bend two weeks ago) were destined for the representatives and senators for the states where the campers live.

As you may know, this running camp houses its campers in tents on private land and the campers spend the majority of their days running through the gorges of Steens Mountain, much of which is public land. I doubt that most visitors to the mountain realize that the camp is there. The camp has a special use permit from BLM and we have not purposed any changes to that permit.

I am hopeful that addressing this matter now will keep the running camp from becoming an issue as we attempt to move forward with consensus legislation. Please

call me if you have any questions about the coalition's position on the running camp or if you believe it would be helpful for a coalition member to discuss this matter with the camp's owner or a person receiving a letter from a camper.

We appreciate your time and attention to working towards consensus legislation for Steens Mountain and Alvord Basin, and we hope to meet with you during our visit to Washington, DC the first week of September.

Have a great day!

○